

**The Mi'kmaq Nation and the Embodiment of Political Ideologies:
Ni'kmaq, Protocol and Treaty Negotiations of the Eighteenth Century**

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of Master
of Arts in Atlantic Canada Studies at Saint Mary's University

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TABLE OF CONTENTS

Abstract	p. i
Acknowledgments	p. ii
Introduction	p. 1
Chapter 1: Cultural and Social Determinants Contributing to Mi'kmaq Political Relationships and Ideologies	p. 8
Chapter 2: Mi'kmaq Political Alliances and Structures: A Consensus of Protocol and Collective Identity	p. 44
Chapter 3: The Ni'kmaq of the 18th Century	p. 85
Chapter 4: Mi'kmaq and British Treaty Negotiations: Beyond the Written Word....	p.143
Conclusion	p.190
Appendix a: Leadership Chart	p.197
Appendix b: Map of Communities	p.198
Appendix c: Mi'kmaq Districts	p.199
Bibliography:	p.200

ABSTRACT

During the eighteenth century, the Mi'kmaq Nation entered into a series of peace and friendship treaties with the British which established a political and legal relationship between themselves and the British crown. Mi'kmaq leaders entered into the treaties for specific reasons; however, no written Mi'kmaq record exists which clearly outlines the Mi'kmaq leadership's intention when they negotiated the treaties. This thesis analyzes the political processes and logic behind Mi'kmaq leaders' desire to enter into the treaties, and the various aspects of Mi'kmaq society, including cultural and social norms which perpetuated political structures, leadership and political ideologies. The political leaders, their families and social relationships are identified, demonstrating the political role in which Ni'kmaq (kin-relations) played in the political environment of the eighteenth century. The negotiations which led up to the signing of the treaties are also presented, providing further evidence that Mi'kmaq cultural and social norms supported political ideologies, structures and actions of leaders and shaped the treaty making process they undertook with the British.

The Mi'kmaq Nation and the Embodiment of Political Ideologies: Ni'kmaq, Protocol and Treaty Negotiations of the 18th Century

Rosalie Francis,
August 25th, 2003

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INTRODUCTION

The Mi'kmaq nation are the indigenous people who reside in various communities found throughout present-day Atlantic Canada. Prior to European contact the Mi'kmaq nation existed in a society that possessed its own social structures, language, spirituality, culture and political ideologies. With the arrival of the eighteenth century, contact between European and the Mi'kmaq increased dramatically resulting in various effects on Mi'kmaq society. Such contact eventually led to the establishment of political relationships between Mi'kmaq leaders with both French leaders and British. It is the intention of this thesis to demonstrate that during the eighteenth century Mi'kmaq cultural norms and social relationships were foundational to the functioning of the Mi'kmaq political world and that leaders undertook their political actions during this time period based on such cultural ideologies.

Within this thesis "Mi'kmaq nation" will be the term utilized when referencing the Mi'kmaq people, in a collective sense. The Mi'kmaq nation existed in various communities located throughout present-day Atlantic Canada which were geographically separated from one another. However, the Mi'kmaq people did not perceive themselves as communities or individuals independent from each other. Rather, they identified themselves as a component of a larger collective identity known as "Mi'kmaq". Such collectiveness was reinforced through language, culture, social relations, geographics and spiritual beliefs. Benedict Anderson suggests that nations are not naturally occurring "empirical identities", but rather are "imagined" communities that are conceived through

the minds of the members of a group.¹ If we are to define nation according to such ideas, then the Mi'kmaq of the eighteenth century were indeed a group of people who would have perceived themselves as a "nation". No doubt, during the eighteenth century such a "nation concept" may have been seen as "*Awitkatultik*" - meaning many families living in one house.² In order to present the eighteenth-century Mi'kmaq in a manner which reflects the way they saw themselves as a larger cohesive, collective group, the term nation will be utilized in this document when presenting the Mi'kmaq people.

The Mi'kmaq people lived in a society that maintained many, if not all, of the same societal elements as European society, but the physical and intellectual form in which these elements existed in the Mi'kmaq world varied considerably from those of the European one. This included distinctive forms of government, religion, educational understandings and social norms, all of which had developed from collective understandings that the Mi'kmaq had acquired through their historical relationships with the land that they occupied and with each other. Mi'kmaq society identified itself as a collective people, who lived throughout Mi'kma'ki in winter and summer villages, and who saw themselves connected to each other through kin, language, values and leadership. Mi'kmaq society possessed its own religious beliefs, education and knowledge techniques, social values,

¹ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, (London: Verso, 1991) p.6, quoted in Elizabeth Guerrier, "From "Bare Subsistence" to "Moderate Livelihood": Limitations on Mi'kmaq Rights to Resources in *R. v. Marshall*," *Papers of the Algonquian Conference*, 32, (2001), pp.231-48.

² James (Sakej) Youngblood Henderson, "First Nations Legal Inheritances in Canada: The Mi'kmaq Model," *The Manitoba Law Journal*, Vol.23, No.1 (1996), p.12.

social hierarchy and political structures. All of these elements of Mi'kmaq society were not understood as being disunited in structure, but rather were seen as a part of a larger Mi'kmaq collective understanding of themselves and the world they lived in. This understanding has often been referred to as the "world view"³, which is a term that is commonly used to characterize the nature of indigenous holistic spiritual understandings, including those held by the Mi'kmaq people. World view in the Mi'kmaq world was a spiritual and social ideology that recognized each and every element of Mi'kmaq society as possessing a relationship with other elements of the natural and spiritual world. One aspect of the natural and spiritual world could affect many other aspects of Mi'kmaq society, and thus world view encompassed all understandings of Mi'kmaq society holistically.

Because Mi'kmaq society was ideologically and physically distinct from the societal construct which existed in the European world, historical documents written by Europeans during this early time period of contact often do not describe many of the important aspects of Mi'kmaq society. Mi'kmaq society did not maintain its various educational, spiritual and political understandings in the same structure and form as those of European society, which resulted in Europeans failing to acknowledge the actual extent to which these structures existed. Today, we know that Mi'kmaq society possessed many of these societal structures, but the historical records that have survived do not necessarily provide the details that we are seeking, as their disregard for that not European resulted in

³ Harald Prins, *The Mi'kmaq: Resistance, Accommodation and Cultural Survival* (Fort Worth, Texas: Harcourt Brace Publishers, 1996), p.36.

a lack of description of these important elements. Also problematic in the existing historical sources regarding the Mi'kmaq is that many of these sources were written by European traders, colonizers and/or priests who came to Mi'kma'ki for specific reasons, such as religious conversion, trade and/or land conquest. Because of this, many of the sources often focus on those issues and do not necessarily provide descriptions of those elements of Mi'kmaq society which we today are seeking to understand. Further, such individuals perceived the Mi'kmaq world from their own European perspectives, leading to sources which often carry with them the intellectual burden of European ideologies and norms.

Although full descriptive details on Mi'kmaq political structures, ideologies and processes were not provided within the historical documentation, some basic information was, such as the recognition that Mi'kmaq political structures, in their very essence, consisted of Mi'kmaq *Sakamaq* (Chiefs) as leaders, and as well as various councils and elders. Although these descriptions are foundational to understanding Mi'kmaq political structures, even more important are the Mi'kmaq political gatherings that occurred among Mi'kmaq leaders and between them and the British and French. These political encounters are mentioned within the historical records, but much of the description focuses on those elements which the British or French saw as important, resulting in very little detail being provided on the Mi'kmaq.

The most significant political initiative which the Mi'kmaq undertook in the eighteenth century was that of the treaty agreements they entered into with the British crown. These treaties, also known as the Covenant Chain of Treaties, served to define the

co-existence of the Mi'kmaq and British through a written understanding of their political and legal relationship. Copies of the original treaties are provided within the historical documentation, but what the record fails to provide is detailed information regarding Mi'kmaq leaders and the internal political process which they conducted with each other prior to signing the treaties. The identity of leaders and the manner in which they may have conducted their leadership role within internal political discussions are key issues of importance, as they could provide us with further insight into the meaning of the treaty making process, as the Mi'kmaq perceived it. This lack of information regarding the Mi'kmaq internal political process has left us largely dependent on the written text of the treaties as the primary mechanism for understanding Mi'kmaq treaty intentions. However, because the terms of the treaties were negotiated by Mi'kmaq leaders in the Mi'kmaq language and then translated and written in English, there remains uncertainty as to what extent the written texts reflect the intentions of Mi'kmaq leaders who negotiated their terms.

The importance of these historical documents is significant, as the legal obligations of the parties and the treaty meanings are still being deciphered today in the 21st century. The Mi'kmaq have pursued the recognition of the Covenant Chain of Treaties in Provincial courtrooms throughout the Atlantic Region and as well as before the Supreme Court of Canada. Although they have been successful in these legal endeavors, the judicial decisions that have come down have been narrow in scope and do not provide a comprehensive understanding of the treaty obligations that were agreed to. Judges themselves recognize the weakness of their legal system in resolving treaty issues, urging

the parties to resolve such issues jointly through negotiations outside of the courtroom. However, although negotiation provides the Mi'kmaq with the ability to resolve outstanding treaty issues through dialogue, it too requires an interpretation of the treaties by the parties that could be greatly assisted by further details regarding the Mi'kmaq leaders' political intentions when they signed the treaties in the eighteenth century.

The one manner in which we can find a more detailed understanding of the political world of Mi'kmaq leaders is to consider the cultural and social structure of the Mi'kmaq during the eighteenth century. The Mi'kmaq perceived themselves and the world around them from a holistic approach, whereby aspects of society were not perceived in isolated boxes, but rather existed within various relationships of cause and effect. Political aspects of the Mi'kmaq world were also included within this holistic, world view understanding whereby political structures and beliefs were not acknowledged and understood by a separate set of rules, but rather found their basis within the same set of rules and understandings that governed the cultural and social aspects of Mi'kmaq society. Mi'kmaq cultural, spiritual and social aspects would have been those factors which perpetuated the Mi'kmaq political understanding, for the very nature of holistic ideology would have demanded the inclusion of such ideologies.

In consideration of these ideas, this thesis seeks to uncover further understandings of the Mi'kmaq political environment of the eighteenth century by looking to those aspects of Mi'kmaq society which legitimized political actions, structures and ideologies. Chapter One identifies the social structure of Mi'kmaq society that existed in the eighteenth century and analyzes the various cultural and social elements which contributed to political

structures and ideologies. Chapter Two considers the political structure which leaders conducted themselves by and the protocol and ceremony that accompanied such. Chapter Three uncovers the identity of the various leaders who were involved in the negotiation of the Covenant Chain of Treaties and the social and political relationships which they undertook at this time. Finally, Chapter Four presents the actual treaties that were signed and interprets them in consideration of the negotiations that accompanied them. By considering the cultural, social and political framework in which the treaties were negotiated in, we will arrive at a deeper appreciation for why leaders negotiated the treaties in the manner in which they did and what meanings these documents conveyed to the Mi'kmaq nation.

Chapter 1

Cultural and Social Determinants Contributing to Mi'kmaq

Political Relationships and Ideologies

The Maritime Provinces form an area that was largely known to the Mi'kmaq people as Mi'kma'ki, and for hundreds of years was the homeland of their nation and as well as that of their aboriginal neighbors, the Wulstukwiuk. The Mi'kmaq nation was an aboriginal group whom anthropologists have classified as belonging to the "Algonkian-speaking" hunting and gathering people,¹ and whose ancestors came to North America across the frozen Bering Strait some 20,000 years ago.² There is evidence that the actual occupation of Nova Scotia by these aboriginal people began at least 10,600 years ago, as the ice began to melt and some groups began to move further east into present day Nova Scotia and the maritime provinces.³ It is from this migration that it is believed that the present day Mi'kmaq came from, although Mi'kmaq oral tradition asserts that the Mi'kmaq have been here since time immemorial.⁴

Mi'kmaq society can be described as that which historically found its identity and

¹ Olive Dickason, "Amerindians Between French and English in Nova Scotia, 1713-1763," *American Indian Culture and Research Journal*, vol.10, no.4 (1986), p.31.

² Prins, *The Mi'kmaq: Resistance, Accommodation and Cultural Survival*, p.23.

³ Ibid.

⁴ Henderson, "First Nations Legal Inheritances," p.11.

structure through the land it occupied, primarily due to reliance of Mi'kmaq daily activities and subsistence patterns revolving around the natural environment and its resources. This pattern of livelihood has been commonly referred to as that of the "seasonal round",⁵ whereby the Mi'kmaq utilized the various natural resources available around them for their livelihood, and based on the abundance and availability of these resources, undertook specific patterns of occupation throughout their territory. It is asserted that possibly as much as 90% of the subsistence resources acquired by the Mi'kmaq came from the sea,⁶ so it is not surprising that for most of the year Mi'kmaq settlements were located near the shores of various bays, rivers and lakes. Here, the Mi'kmaq fished and hunted daily by subsisting on the abundant marine resources, and only when the various fish runs and migrations would cease, would the Mi'kmaq change their residence. This change of residence occurred primarily during the harsh winter months of February and March, when Mi'kmaq would settle further inland within the interior, and survived by hunting beaver, moose and bear.⁷ With the coming of spring, the Mi'kmaq would once again move back to the coastal areas, repeating this migratory pattern of settlement based on their relationship with the land.

The societal structure of Mi'kmaq society consisted of local villages which were

⁵ William Wicken, "Encounters with Tall Sails and Tall Tales: Mi'kmaq Society, 1500-1760," Ph.D. Dissertation, McGill University, (1994), p.63.

⁶ Bernard Hoffman, "The Historical Ethnography of the Micmac of the Sixteenth and Seventeenth Centuries," Ph.D. Dissertation, University of California, (1955), p.151.

⁷ David Burley, "Proto-Historic Ecological Effects of the Fur Trade on Micmac Culture," *Ethnohistory*, Vol.28, No.3 (Summer 1981), p.204.

defined as summer or winter, as they changed their structure during these time periods. During the winter, Mi'kmaq lived in small groups of one to three families, as obtaining resources during the harsh winter was a difficult task, ultimately affecting the survival of a large Mi'kmaq group. With the arrival of the warmer weather, Mi'kmaq winter villages came together at the coasts and gathered into large summer villages, when the availability and abundance of resources easily provided sustenance to a much larger population. Prior to contact with Europeans, population figures for the Mi'kmaq have been suggested by some to have been in the range of 3000 to 6000 individuals,⁸ although others scholars assert that it is likely the Mi'kmaq numbered at least 12,000 individuals.⁹ After the arrival of Europeans, European diseases became epidemic within Mi'kmaq society, resulting in reduced population numbers by the seventeenth century. Nonetheless, we do know that by time of the arrival of the eighteenth century the Mi'kmaq had survived numerous disease epidemics, as their population numbers by this time ranged in the vicinity of at least 2000 individuals.¹⁰

Mi'kmaq political leadership included the position of the *Sakamow* (chief), who was the primary leader for the various villages. Each winter or summer village had its

⁸ Hoffman, "Historical Ethnography of the Micmac," p.229.

⁹ Ralph Pastore, "The Sixteenth Century: Aboriginal Peoples and European Contact," in *The Atlantic Region to Confederation*, ed. Buckner and Reid, (Toronto: University of Toronto Press, 1994), p.35.

¹⁰ Geoffrey Plank, *An Unsettled Conquest: The British Campaign Against the Peoples of Acadia*, (Philadelphia: University of Pennsylvania Press, 2001), p.23.

own *Sakamow*¹¹ and social organization within each village consisted of various extended families connected to each other through various kin relations. Extended families often took their basic form in the nuclear family but could also include elder parents, widows, orphans, or extended relations of cousins. It is within these family constructs that the *Sakamow* was found and at most times occupied the position of an elder male family head. *Sakamaq* also found their political power within their immediate and extended family, as described by the Jesuit Missionary Pierre Biard:

*There is a sagamore, who is the eldest son of some powerful family, and consequently its chief and leader. All the young people of the family are at his table and in his retinue; ...Nevertheless they continue to live under the authority of the Sagamore, and very often in his company; as also do several others who have no relations, or those of who their own free will place themselves under his protection and guidance.*¹²

The *Sakamow* made no decisions by himself alone, but based them on support and discussion with other elders within the village and or spiritual leaders. Further, these decisions were not dictated to the other members of the village, but rather were arrived at through dialogue and consensus.¹³ It thus becomes apparent that the Mi'kmaq world involved social patterns and ideologies whose foundations were culturally and socially distinct from those within European society.

¹¹ Wicken, "Encounters with Tall Sails and Tall Tales," p.131.

¹² *The Jesuit Relations and Allied Documents: Travels and Explorations of the Jesuit Missionaries in New France, 1610-1791*, ed. Reuben Gold Thwaites, (73 vols.; Cleveland: Burrows Brothers, 1896-1901), Vol.III, p.87.

¹³ Chrestien Le Clercq, *New Relation of Gaspesia, With the Customs and Religion of the Gaspesian Indians*, ed. William Ganong, (Toronto: The Champlain Society, 1910), pp.234-35.

It has been suggested that the Mi'kmaq may have first come into contact with European populations as early as the fifteenth century, when various fishermen and traders came to Mi'kma'ki in the pursuit of the exploitation of natural resources.¹⁴ Mi'kmaq and Wulstukwiuk peoples participated in a trade economy with the British and the French, from which Mi'kmaq undertook a reciprocal trade relationship with both groups for much of the seventeenth century and well into the eighteenth century. From this time period of initial contact and through to the eighteenth century, Mi'kmaq continued to live their lives primarily in the same manner as they had done prior to contact, and only undertook the necessary adjustments within their traditional society that were required to accommodate to the demands of trade and utilize European trade items. European technologies initially accepted by the Mi'kmaq included the utilization of metal, copper pots and guns, all of which assumed a key role within Mi'kmaq society during the seventeenth century through the displacement of traditional weapons and tools.¹⁵ European spiritual ideologies had also penetrated the Mi'kmaq world by the eighteenth century, as the introduction of the Catholic religion in the seventeenth century allowed missionaries to assume a role within Mi'kmaq society, which through the passage of time, equaled that held by Mi'kmaq spiritual leaders.¹⁶

For the Mi'kmaq people, the arrival of the eighteenth century was a time period

¹⁴ Hoffman, "The Historical Ethnography of the Micmac," p.7.

¹⁵ Calvin Martin, "The Four Lives of a Micmac Copper Pot," *Ethnohistory*, Vol.22, Issue2 (Spring, 1975), p.113.

¹⁶ L.F.S. Upton, *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867*, (Vancouver: University of British Columbia Press, 1979), p.22.

that saw their society face many new challenges, prompted by the continued interest in Mi'kma'ki by both the British and French crowns. By the beginning of the eighteenth century, the trade relationships that the Mi'kmaq had maintained with the French and the English had also broadened in scope to encompass political relationships. Although the seventeenth century saw both French and English intentions for Acadia and the Mi'kmaq involving the economic venture of the fur trade, by the end of the seventeenth century their interest also included title and land. The French had first asserted colonial title to Acadia in 1603, and during the seventeenth century the Mi'kmaq - French trade relationship began also to involve military alliances.¹⁷ For the Mi'kmaq this alliance was assisted by the history of their fur trade relationship and by their relationship with French missionaries. The political and military relationship between the Mi'kmaq and the French continued through the eighteenth century until at least 1758, when the French stronghold of Louisbourg fell to the British and French title within Acadia was surrendered.¹⁸ This was a significant event to the both the French and the Mi'kmaq as it marked the end of French title to lands in Mi'kma'ki, and this event ultimately was the beginning of the deterioration of the Mi'kmaq - French political relationship.

With regards to the British, the Mi'kmaq never considered their political relationship with this colonial entity as that of an ally, but rather recognized the British as a group with which they had to contend in order to prevent the loss of their lands through British settlement. The Mi'kmaq - British political relationship during the eighteenth

¹⁷ Wicken, "Encounters with Tall Sails and Tall Tales," p.385.

¹⁸ Plank, *An Unsettled Conquest*, p.158.

century was frequently defined by conflict and war, which primarily occurred between 1722-1725, the 1740's¹⁹ and also again from 1753 through to 1758.²⁰ Mi'kmaq participation in these conflicts was as an ally of the French crown, which was a role which they undertook for various reasons, including the fact that Mi'kmaq were concerned with continued British pursuit of land settlement on Mi'kmaq territory.²¹ These conflicts subsided at various times, when Mi'kmaq and British entered into a tangible, written understanding of their relationship through the negotiation of the "Covenant Chain of Treaties"²² These treaty agreements were signed and ratified from 1725 through to 1761, and it is within this treaty negotiation process that Mi'kmaq political relationships with the British ultimately found their roots, as these peace and friendship treaties became the cornerstone of political understandings between the British and the Mi'kmaq people.

By the beginning of the eighteenth century various aspects of European society had become integrated into the Mi'kmaq experience, but in a broader collective context, Mi'kmaq society continued to be culturally, socially and physically distinct from the-

¹⁹ Ibid, p.70.

²⁰ Wicken, "Encounters with Tall Sails and Tall Tales," p.427.

²¹ National Archives of Canada, MG18, E29, "Speeches of the Indians", (1720), in " R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.6, doc.93". It is within this document where Mi'kmaq leaders speak to the concern of the displacement of their lands to British settlement. The evidence books for *The Queen vs. Donald Marshall Jr.* and *The Queen vs. Stephen Marshall Jr* have been used as compilations of archival sources.

²² Donald Marshall Sr., Alexander Denny , and Simon Marshall, "The Covenant Chain,"in *Drumbeat: Anger and Renewal in Indian Country*, ed. Boyce Richardson, (Toronto: Summerhill Press and the Assembly of First Nations, 1989,) p. 77.

populations of the British and French. Catholicism had existed within Mi'kmaq society since the seventeenth century, and it is known that Catholic missionaries undertook to strengthen their religious pursuits within Mi'kmaq society through the establishment of Catholic missions. Two of the primary missions established at this time included the Maligoueches mission and the Shubenacadie Mass- house mission, established respectively in 1715 and 1722.²³ Many Mi'kmaq had also become baptized by this time also, but this did not imply that they surrendered their spiritual world view beliefs. Rather, it has been suggested that because spiritual world view beliefs were about the Mi'kmaq world in its entirety, Catholicism did not yet penetrate into all spheres of Mi'kmaq private life and thus spiritual ideologies continued to exist.²⁴ Further, Mi'kmaq involvement with missionaries and Catholicism was not concerned only with subscription to the Catholic religion, but rather was also about Mi'kmaq political and social alliances with the French.²⁵ Mi'kmaq cultural norms dictated that social and political alliances were demonstrated through ceremonies and ideas of reciprocity and respect. For Mi'kmaq, baptism demonstrated such ideas. Thus, although Mi'kmaq had adopted some aspects of European society, the various cultural and social norms which maintained Mi'kmaq society and as well as their collective identity still existed.

Mi'kmaq Spiritual and Social Ideologies

²³ Wicken, "Encounters with Tall Sails and Tall Tales," p.331-33.

²⁴ Ibid, p.356.

²⁵ Prins, *The Mi'kmaq: Resistance, Accommodation, and Cultural Survival*, p.83.

Mi'kmaq spiritual world view was a key ideology that continued to be central to the Mi'kmaq people and perpetuated all aspects of their society. "World view" ideology involved the understanding that for the Mi'kmaq, they were only one part of the natural and spiritual world around them and that their actions had the ability to affect the natural order of the world around them, and that they too could be affected by events and actions from that of the natural and spiritual world.²⁶

*Mi'kmaq wisdom teaches that relationships found within nature are inherently circular, interconnected, and all inclusive, including those with and between human beings. Spiritual life is everywhere, everything in the universe has a spirit and is alive.*²⁷

Because of the holistic and interconnected nature of world view ideology, it thus should come as no surprise that the Mi'kmaq approached their daily activities and relationships based on this understanding. Interdependence was a key component of Mi'kmaq society, and individual actions were always perceived as supporting the collective Mi'kmaq as a whole. Mi'kmaq hunters who brought game back to the village did not hoard their kill, but rather shared with all members of the village, as to provide for others within the community ensured one's social status within the community, the survival of the community and one's own support by the community in the future.²⁸ This idea of

²⁶ Murdena Marshall speaks to the Mi'kmaq world view ideology in "Values, Customs and Traditions of the Mi'kmaq Nation," *The Mi'kmaq Anthology*, ed. Lesley Choyce and Rita Joe, (Lawrencetown Beach: Pottersfield Press, 1997,) p. 53.

²⁷ Suzanne Berneshawi, "Resource Management and the Mi'kmaq Nation," *Canadian Journal of Native Studies*, Vol.17, Issue1 (1997), p.121.

²⁸ Wicken, "Encounters with Tall Sails and Tall Tales," p.156.

generosity and reciprocity was still a common practice within the eighteenth century, as described by De La Varenne, a French resident of Louisbourg, when he wrote to a friend in 1756:

*They will sooner part with all they have, in the shape of a gift, than with anything in that of payment. Honour and goods being all in common amongst them, all the numerous vices, which are founded upon those two motives, are not to be found in them.*²⁹

Thus, it is apparent that for the Mi'kmaq, the provision of goods to others was not dependent on obligation, but instead involved the existence of personal characteristics of individuals perceived as key to the ideal Mi'kmaq character.

These ideas of generosity and reciprocity that occurred in a social and cultural setting were significant to the political understandings and relationships of the Mi'kmaq as well. These ideological understandings were key within political actions of the Mi'kmaq, and were incorporated within some of the foundational political ideologies. Their political application came to be visible in leadership characteristics, political ideologies, and protocols. Generosity was a trait that had always been expected by all individuals within Mi'kmaq society, primarily because of its importance in the role of interdependence and social cohesion, and these social interactions also supported what was expected of leadership.³⁰ Mi'kmaq leaders were expected to provide for the members within their community first and themselves last, and to demonstrate this attribute a leader would often

²⁹ Ken Donovan, "A Letter From Louisbourg," in *Acadiensis*, 10, 1 (1980), p.116.

³⁰ Virginia Miller, "Social and Political Complexity on the East Coast: The Micmac Case," in *The Evolution of Maritime Cultures on the Northeast and the Northwest Coasts of America*, ed. Ronald Nash, (Vancouver: Simon Fraser University, 1983), p.46.

be the most poorly dressed individual.³¹ It was a common understanding that orphans and widows would receive support from Mi'kmaq leaders whose responsibilities included their welfare. At a minimum, leaders would be expected to place children and orphans with the best of the hunters, so as to ensure that their livelihood would not be overlooked.³²

Generosity was perceived as such an important aspect of Mi'kmaq leadership that for any Mi'kmaq to be viewed as stingy (*medousaouek*), was considered disgraceful, ultimately affecting one's social status.³³ In this manner Mi'kmaq society, through its social and cultural norms, was reinforcing the characteristic requirements of political leaders. Further, because the very basis of Mi'kmaq society was the bestowal of political power upon a leader by his village, kin and family, not to be characterized by generosity was to destroy one's own political power and status.

Mi'kmaq political leaders were also expected to apply this generosity trait and reciprocal ideology to their political relationships with other nations, which could signify alliance and respect. This reciprocal concept was demonstrated through the ceremony of gift giving, a common political protocol that continued to be undertaken by Mi'kmaq leaders in the eighteenth century.³⁴ At this time, the Mi'kmaq - French alliance had the exchange of gifts as a key component. In the nature of reciprocal understandings the

³¹ LeClercq, *New Relation of Gaspesia*, p.236.

³² Patricia Nietfeld, "Determinants of Aboriginal Micmac Political Structure," PhD. Dissertation, University of New Mexico, (1981), p.432.

³³ LeClercq, *New Relation of Gaspesia*, p.246.

³⁴ Olive Dickason, *Louisbourg and the Indians: A Study in Imperial Race Relations, 1713-1760*, (Ottawa: Parks Canada, History and Archaeology, 1976), p.33.

French provided numerous European goods such as shot, gunpowder and foodstuffs, while the Mi'kmaq provided back to the French their alliance at time of conflict and also their permission for the French to live within Mi'kmaq territory.³⁵ This idea of reciprocity within political relations was also applied to Mi'kmaq -British political relations, but the British failure to recognize the importance of Mi'kmaq protocol and reciprocity contributed to the development of a strained political relationship.³⁶ Political ceremonies did not only involve the exchange of gifts, but also involved speeches, feasts, wampum readings, mnemonic devices and the smoking of the pipe.³⁷ One reason for political meetings to involve such ceremony was that for the Mi'kmaq, political relationships were interconnected with other factors within Mi'kmaq society, such as oral tradition. For the Mi'kmaq, the continued understanding of a collective history was not necessarily written down, but rather was ingrained in the memories of all present within these ceremonies, and these memories were expected to be passed on to the next generation in the form of Mi'kmaq history. Thus, to ensure that political relationships and understandings were remembered for the critical events that they were, their elaborateness and detail would create memories whose details represented specific political meanings that would not be quickly forgotten.

³⁵ Archives Nationales, (France), Archives des colonies, C11B v.5, 340 -341r, "Counseil de Marine, novembre, 1721," in "Donald Marshall Jr., Defence Document Books, vol. 2, no.59".

³⁶ Dickason, *Louisbourg and the Indians*, p.88.

³⁷ William Wicken, *Mi'kmaq Treaties on Trial: History, Land and Donald Marshall Jr.*, (Toronto: University of Toronto Press, 2002), p.93.

In cultural and social settings, Mi'kmaq society reinforced the importance of political ceremony through ceremonial activities which took place here. Social events such as feasts and gatherings provided an opportunity for Mi'kmaq to demonstrate the importance of protocol and diplomacy and helped to reinforce political ideologies. Such events included marriages, seasonal celebrations, rites of passage, funerals, a young man's first kill, and many others.³⁸ These ceremonies were commonly referred to as feasts and are described by a missionary in the following passage:

*A nation can hardly be found which has feasts more in vogue than have the Indians of New France, and especially our Gaspesians, who take much more account of the affection and sincerity of a truly hearty friendship in the little they give or receive from their friends than in the quantity or quality of the viands.*³⁹

Such feasts were not quick activities, but rather were lengthy, prolonged ceremonies that could last for days and could be quite large.⁴⁰ During these ceremonies specific protocol was followed, depending on the particular event for which the feast was held. If a feast was held for an individual's successful hunt, then he would often not participate in the eating of the food, and commonly hosts of feasts did not eat unless invited to do so by their guests.⁴¹ Hosts were also required to provide speeches, present gifts or provide the oration of genealogies; all of which reasserted specific understandings of individual responsibilities within such ceremonies. Through these ceremonies Mi'kmaq were

³⁸ Nietfeld, "Determinants of Aboriginal Micmac Political Structure," p.427.

³⁹ LeClercq, *New Relation of Gaspesia*, p.288.

⁴⁰ Nietfeld, "Determinants of Aboriginal Micmac Political Structure," p.429.

⁴¹ LeClercq, *New Relation of Gaspesia*, p.219.

participating in social processes that allowed them to demonstrate the importance of ceremony in a social and cultural setting, and at the same time also reinforced a key element of their political process. Further, these ceremonies could also have political meanings though the formation and renewal of various alliances, which would be reconfirmed to not only political leaders but also to society as a whole.

A key ideology that political leaders utilized in their decision - making was that of consensus, a concept central to the Mi'kmaq way of life.⁴² Daily social relationships emphasized the importance of consensual decision making and group cohesion. As discussed earlier, sharing and generosity were key to social cohesion, but also essential was the minimization of social conflict. Early descriptions of Mi'kmaq society show various descriptions of Mi'kmaq in individual conflict with one another, but stress how these conflicts did not last for long and were quickly resolved.⁴³ In fact, Mi'kmaq social relations are often described as those where: "all lived in good friendship and understanding."⁴⁴ To maintain such social cohesion and resolve problems, Mi'kmaq utilized specific social skills, including temperance, patience and humility. Mi'kmaq did not hesitate to admit when problems arose as a result of their own fault and would often take the necessary steps to make amends to those they offended.⁴⁵ Consensus was a

⁴² Henderson, "First Nations Legal Inheritances," p.10.

⁴³ *Jesuit Relations*, Vol.III, p.95.

⁴⁴ Nicolas Denys, *The Description and Natural History of the Coasts of North America*, ed. William Ganong, (Toronto: The Champlain Society, 1908), p. 415.

⁴⁵ Hoffman, "The Historical Ethnography of the Micmac," p.599, quoted from LeClercq, p.245.

political goal of the Mi'kmaq that was described as that where: "they resolve upon peace, truce, war or nothing at all."⁴⁶ To reach such unanimous decisions real diplomatic skills would have been required by leaders. For Mi'kmaq this consensual process often involved "vigorous discussion" and involved arriving at agreement with leaders representing various villages and geographical areas.⁴⁷ To emerge with a consensual decision and support would have required all of those skills, such as wisdom, temperance, patience and humility. Accordingly, those characteristics so necessary in leadership were perpetuated within the social and cultural construct of Mi'kmaq society, as problem solving in a social setting provided opportunities for such skills to be gained and learned through the cultural understanding of their society.

It is apparent that for the Mi'kmaq, the spiritual world view and its application within Mi'kmaq social and cultural understandings was a significant consideration for political ideologies and processes as well. Mi'kmaq perceived social and cultural activities, such as ceremonies, protocol and world view ideologies, as applying also to their political relationships and social norms, and to leadership traits. Reciprocity and interdependence were central in all of these respects.

Demographics:

During the eighteenth century, the Mi'kmaq nation continued to live within

⁴⁶ *Jesuit Relations*, Vol.III, p.91.

⁴⁷ Henderson, "First Nations Legal Inheritances," p.12.

traditional summer and winter villages, which were located throughout Mi'kma'ki.⁴⁸ During the warmer weather, primarily from April until January, Mi'kmaq lived near the coastal areas and only moved to the interior areas during the colder months of February and March. At the end of the seventeenth century a description of some the Mi'kmaq villages located in Acadia was provided in the 1688 census, but the descriptions were limited to those located near French settlements.⁴⁹ Further censuses were undertaken in 1690, 1708, 1722, 1735, and 1737, and all of these descriptions, when read together, contribute to providing a more detailed description of Mi'kmaq village locations and populations.⁵⁰ Within the 1708 census, seven main villages are listed: Port Royal, Cape Sable, La H'eve, Muuscadaboet, Minas, Cap Breton and Chignecto.⁵¹ These communities cover a very broad area, and when looking at other census documents, we know that each of these villages encompassed smaller villages, although the 1708 census did not distinguish what those other villages were. Nonetheless, we know that by 1735, there were also four other primary summer Mi'kmaq villages: Chebenacadie, Lac Brador, Antigoniche and Pictou. Interestingly, Muscadaboet was listed as a primary village in 1708, but was not included in 1735. Instead we see the emergence of Chebenacadie,

⁴⁸ Wicken, *Mi'kmaq Treaties on Trial*, pp.38-39.

⁴⁹ Wicken, "Encounters with Tall Sails and Tall Tales," p.94.

⁵⁰ Ibid, p.95.; see also AN AC G1 466, doc.72, "Recensement des sauvages de l'isle Royale et antigoniche, 1735," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.128".

⁵¹ Chicago, Newberry Library, William Ayers Collection, 1708 Census, "Recensement general fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'acadie." in "R. v. Donald Marshall Jr., Defence Document Books, vol. 2, doc.32".

which may have begun to replace Muscadaboet as the primary summer village for this broad area. This may be primarily due to the fact that a Catholic mission was established in Chebenacadie in 1722, which became one of the primary gathering places for Mi'kmaq during this time period. This is not to suggest that it was the mission that established the Chebenacadie summer village, but rather the establishment of a mission here encouraged the growth of the area as a Mi'kmaq village.⁵²

We also know that each of these broader areas also had smaller winter villages, so that Cap Sable would have included Pubnico and Ministiguech within its scope and La Heve would have included the village of Mirligueche. Chebenacadie would have also included Minas and Muscadobeot areas within its census figures also. That the smaller villages had a specific relationship with the larger summer villages noted in their geographic area is especially evident from the 1722 census. Individuals who are noted as resident in smaller villages in 1708 are also noted as resident or political leaders for some of the larger summer villages in 1722.⁵³ What is also of particular significance with all of these communities is that all of the summer villages were primarily located on or in close proximity to the major river systems or on the coast. For example, Laheve, Mirligueche and Port Rossignal were all located near the River La Have and also on the coast of Nova Scotia and this situation also applied to Chebenacadie, Minas and Pizquit, and as well as most of the other villages.⁵⁴ Of course, being located close to the river and the coastal

⁵² Wicken, "Encounters with Tall Sails and Tall Tales," p.332.

⁵³ Ibid, pp.105 -106.

⁵⁴ Ibid, Appendix, Map5 & Map 7.

areas would be expected for the Mi'kmaq, as it is estimated that possibly as much as 90% of their resources came from marine resources.⁵⁵ This location of communities, while primarily based on the seasonal subsistence cycle which was central to Mi'kmaq livelihood, was also significant to the ease of political communication between various summer and winter villages and also between Mi'kmaq and neighboring Aboriginal groups. Each Mi'kmaq village's close proximity to various sources of water, such as rivers, lakes or coastal areas, allowed it quick and easy access to traveling routes between communities. During the eighteenth century, water was the primary means of travel, and routes inland were seen as secondary to those located on bodies of water. The importance of river systems for Mi'kmaq travel and communication is seen in the following description:

*They have much ingenuity in drawing upon bark a kind of map which marks exactly all the rivers and streams of a country of which they wish to make a representation. They mark all the places thereon exactly and so well that they make use of them successfully, and an Indian who possesses one makes long voyages without going astray.*⁵⁶

Further, Mi'kmaq travel within these river and coastal routes did not only extend throughout Nova Scotia but also into the Gulf of Saint Lawrence, the Saint Lawrence River, and into Maine.⁵⁷

In 1753 Judge Charles Morris commented on the settlement of Nova Scotia and suggested approaches that the British government could undertake regarding the Mi'kmaq

⁵⁵ Hoffman, "The Historical Ethnography of the Micmac," p.151.

⁵⁶ LeClercq, *New Relation of Gaspesia*, p.136.

⁵⁷ Nietfeld, "Determinants of Aboriginal Micmac Political Structure," p.425.

and the Acadians. Within his comments Judge Morris described in great detail the routes that the Mi'kmaq undertook when traveling from one area to the other, which showed the principal rivers that made up what he referred to as the "Indian Route" and that this route was their "communication from one side of the country to the other. From his description it becomes obvious that river travel from one community to another was for the Mi'kmaq an easy task, which would have facilitated political alliance and communication, as every community could be quickly accessed by water. Morris recognized this travel and communication element of Mi'kmaq society as central and he suggested that if a fort was built at the river Shubenacadie, then it would be key to stopping their communication and travel with each other and with British settlements.⁵⁸ This suggestion was probably correct, as William Wicken has shown that at this time six of the large Mi'kmaq communities in Nova Scotia were either on or east of the Shubenacadie River, and consisted of 87% of the Mi'kmaq population in Nova Scotia.⁵⁹

For the Mi'kmaq, their political stratification determined that where the smaller winter villages were connected politically to the larger summer villages and included delegated political representation. Further, summer villages were also connected together through the national political council, which in Mi'kmaq society today is commonly

⁵⁸ Judge Charles Morris, "Documents sur L'Acadie." *Collections de Documents Inédits publiés par le Canada-Français*, Vol.III, (Quebec City, 1889), pp.97-101. "R. v. Stephen Frederick Marshall et al, Crown Document Books, vol.3, doc.61".

⁵⁹ Wicken, *Mi'kmaq Treaties on Trial*, p.31.

referred to as the Santé Mawio'mi (Mi'kmaq Grand Council).⁶⁰ All of these communities were interdependent politically and would have required a communication process with each other that could be undertaken quickly and easily, especially considering that Mi'kmaq political action was a collective process and not usually undertaken by individual communities. Joseph de Monbeton de Brouillan, dit Saint-Ovide, Governor of Louisbourg from 1717-1739, speaking to the assembling of different villages and tribes for preparation of war in 1721, commented that in preparation for war the young warriors "will be advised by canoe of the time and the place."⁶¹ Clearly, collective political strategies were dependent on expedited communication, which was supported by the location of communities.

For the Mi'kmaq, the utilization of water as a key component of travel and inter-communication between villages and tribes was further facilitated by the birchbark canoe, their primary traditional form of travel. The birchbark canoe was a light and fast form of travel, and was greatly admired by many early explorers because of its speed and construction. Mi'kmaq could easily outdistance European vessels, as it is estimated that these canoes could travel about 30 to 40 leagues a day.⁶² It has been suggested that traditionally Mi'kmaq society was one which lacked specialization in production, as all

⁶⁰ Leslie Jane MacMillan, "Mi'kmawey Mawio'mi: Changing Roles of the Mi'kmaq Grand Council From the Early Seventeenth Century to the Present," MA Thesis, Dalhousie University, (1996), p.32.

⁶¹ AN AC C11B v.5, 340r-341r, "Conseil de marine, novembre, 1721." in "R. v. Donald Marshall Jr., Defence Document Books, vol.2, doc.59".

⁶² Emmanuel Metallic, "The Micmac Birchbark Canoe," in *Gaspésie*, Vol.29, Issue 3 - 4 (September-December, 1991), p.58.

family members participated collectively within the gathering of fish and game.⁶³

However, it is apparent that this assertion did not apply to the specialization of goods, as Mi'kmaq constructed many specific types of canoes, each of whose structure was distinctly developed for use in a specific manner. Within the seventeenth century there are various descriptions of the different types of canoes utilized by the Mi'kmaq, which included not only the birchbark canoe, but also a dug out structure and a moose skin canoe.⁶⁴ Early descriptions from the late eighteenth century point to the existence of not only one birchbark canoe, but four different types - the hunting canoe, the big river canoe, the open water canoe, and the war canoe.⁶⁵ The war canoe would have been utilized primarily for political alliances as its speed would have been essential in the need for fast inter-communication between tribes - thus the name war canoe.

How integral the canoe was to Mi'kmaq society is apparent when one considers its meaning in the Mi'kmaq language. It is suggested by Emmanuel Metallic, a Mi'kmaq language consultant, that the canoe is one of the few "intimate possessions" that a Mi'kmaq could own, as its Mi'kmaq translation is a dependent noun which can only occur in a possessive form - thus *k'tul* means your canoe, *n'tul* - my canoe, and so on.⁶⁶ This is extremely significant when one considers the fact that Mi'kmaq society was a collective society and individual ownership of goods was not a significant factor in social structure.

⁶³ Miller, "Social and Political Complexity," p.49.

⁶⁴ Metallic, "The Micmac Birchbark Canoe," p.58.

⁶⁵ Nietfeld, "Determinants of Aboriginal Micmac Political Structure," p.423.

⁶⁶ Metallic, "The Micmac Birchbark Canoe," p.57.

This unique role that the canoe played within Mi'kmaq society is further understood when we consider the Mi'kmaq words *jimet*, which means to paddle, and *epit*, which means to sit. Consequently, the Mi'kmaq word for man is *jimm* and the Mi'kmaq word for woman is *e'pit*.⁶⁷ For Mi'kmaq, the relationship that exists between these two words denotes that the man paddles and the woman sits, thus demonstrating that the canoe was a tangible aspect of Mi'kmaq society which defined distinct gender based roles for Mi'kmaq women and men.

Clearly, the canoe possessed a unique role within Mi'kmaq society, a role which reinforced various understandings of the necessities of Mi'kmaq daily life. Such understandings included the distinction between men's and women's roles and also the significance of travel by canoe. The highly specialized construction of the canoe is further evidence of its importance within Mi'kmaq society, and because of its specialization, the inter-village communication demands of the Mi'kmaq political structure would have easily been met and supported. Further, although Mi'kmaq chose their settlement patterns based on marine resource accessibility, the locations of these villages on or around sources of water further contributed to the communication demands that were necessary for the Mi'kmaq people, who were separated geographically, but were connected culturally, socially and politically.

Mi'kmaq Family

Prior to contact with European society, Mi'kmaq political life found its basis in the

⁶⁷ Ibid.

basic family structure and by the arrival of the eighteenth century this phenomenon was still the norm.⁶⁸ Mi'kmaq leadership was still being maintained by the eldest male heads of families and was still passed on through inheritance. How we know this is by reviewing the identity of the leaders during this time period as mentioned in various historical documents, including the Mi'kmaq-British treaties. All the Mi'kmaq leaders of this era were males. We also know that they were not young individuals, as every one of the leaders was over the age of 40, with the majority in their late 50's and early 60's. By reviewing the 1708 census and the 1726 treaty, we also know that each of these chiefs was the head of a specific family grouping, or the son of a specific leader.⁶⁹ For example in 1708, Thomas Albassou was a 38- year- old father and husband in Port Royal and in 1722 we know that Thomas Albason was 52 years old and the Chief of Port Royal.⁷⁰ In 1726 the Treaty was signed by Baptiste Thomas, Chief of Port Royal, who may have been a relative, as the 1708 census lists no Thomas family in the Port Royal region, and at this time Mi'kmaq would often take their father's first name as their own surname and drop the last name.⁷¹ We also know that the 1726 treaty was signed by Chief Philip Eargimot

⁶⁸ Miller, "Social and Political Complexity," p. 43.

⁶⁹ Chicago, Newberry Library, William Ayers Collection, 1708 Census, "Recensement general fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'acadie.," in "R. v. Donald Marshall Jr., Defence Document Books, vol.2, doc.32".

⁷⁰ Ibid.

⁷¹ Nova Scotia Archives Record Management, "Mi'kmaq Holdings Resource Guide, Genealogy Resources." Online. Available: <http://www.gov.ns.ca/nsarm/virtual/mikmaq/advice/asp>, 23 June, 2003

on behalf of the Chignecto area, and at this time he would have been 56 years old.⁷² The records show that a Michael Eargimot signed the 1726 Treaty also, and upon analysis of the 1707 census it is clear that Michael was Phillip's son and would have been 22 years old. This accompaniment of father and son to political ceremonies would have been expected as it supported the continued practice of hereditary leadership. Further, we know that Chief Joseph Algiman signed the treaty on behalf of Chignecto, and due to the slight change in the spelling of the last name, this may have very well been Philip's son, as in the 1708 census Joseph Algimou is listed as the 1 year old son of Philip.⁷³ Joseph Algiman would have been 54 years old in 1761, the characteristic age of a Mi'kmaq leader, and political leadership would have been passed down through his family to him by 1761. Therefore, we can conclude that the characteristics of a Mi'kmaq leader during the eighteenth century was still that of an elder male, still involved hereditary leadership and still utilized the family as the basis for political power.

An aspect of Mi'kmaq society that primarily occurred within a social and cultural setting, but which always had a political connotation, was that of the oration of speeches that told of individual leaders' genealogies. During political meetings, various feasts and social gatherings, it was common protocol for Mi'kmaq leaders or hosts to begin their gatherings with such speeches:

They have thus developed into a custom the recital of their genealogies, both in

⁷² Wicken, *Mi'kmaq Treaties on Trial*, pp. 24, 25.

⁷³ "Account of the Indians in Acadie," 1760, in *Collections of the Massachusetts Historical Society*, V.10, (1809), pp.115-6, "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol. 9, doc.173".

*the speeches they make at marriages and at funerals. This is in order to keep alive the memory, and to preserve by tradition from father to son, the history of their ancestors, and the example of their fine actions and of their greatest qualities, something which would otherwise be lost to them, and would deprive them of a knowledge of their relationships which they preserve by this means, and it serves to transmit their alliances to posterity. On these matters they are very inquisitive, especially those descended from the ancient chiefs; this they sometimes claim for more than twenty generations, something which makes them more honored by all the others.*⁷⁴

Through the recital of their various genealogies, Mi'kmaq leaders and Mi'kmaq society through participation in such events, were supporting Mi'kmaq political understanding in two specific ways. First, critical information was being provided to all in the form of oral history and the importance of family genealogy with respect to political status and leadership was reasserted as a collective understanding. Secondly, the speeches provided an opportunity for leaders to demonstrate their oratory skills, as such ability was a necessary component to political ceremonies. Thus, cultural and social events were utilized as not only a primary component to social interaction and identity, but also reinforced the political ideologies of Mi'kmaq society.

Mi'kmaq social constructs involved the nuclear family as the basic social structure, but this structure could also take the form of an extended family and include orphans, widows, married children and their spouses and as well as elderly parents or young single individuals.⁷⁵ We know that individuals such as orphans and widows, were included within the extended family, as it was the Chief's responsibility to provide for them.

⁷⁴ Denys, *The Description and Natural History*, p.410.

⁷⁵ Nietfeld, "Determinants of Aboriginal Micmac Political Structure," pp.410 - 411.

Further, in the 1708 census, Mi'kmaq orphans and widows made up a large proportion of the population, 17.7%, and because family was the source of political power, such individuals would have been included within the family structure of their kin so as to increase alliance and political power.⁷⁶

With regards to political alliances, Mi'kmaq leaders had the ability to increase their political power through the growth and elaboration of the extended family, which they continued to undertake within the eighteenth century. As a manner of facilitating extended family growth, Mi'kmaq villages often included individuals within their populations who may not have been directly related to any specific family. Through the inclusion of such individuals within the village, an alliance would have been fostered between the village and family where they resided and the village from where they came.

Another feature of alliances through the extended family which also strengthened political power was the practice of bilocal residence patterns.⁷⁷ Frank Speck has suggested that such residence patterns were patrilocal in nature,⁷⁸ but other scholars have suggested that Mi'kmaq society was not rigid on this residence rule, and that Mi'kmaq supported the bilocal residence pattern, although there was a tendency for such patterns to

⁷⁶ Chicago, Newberry Library, William Ayers Collection, 1708 Census, "Recensement general fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'acadie." in "R. v. Donald Marshall Jr., Defence Document Books, vol. 2, doc.32," quoted in Wicken, "Encounters With Tall Sails and Tall Tales," p.117.

⁷⁷ Nietfeld, "Determinants of Aboriginal Micmac Political Structure," p.410.

⁷⁸ Frank Speck, "The Family Hunting Band as the Basis of Algonkian Social Organization," *American Anthropologist*, Vol.17, (1915), p.303.

be patrilocal in nature.⁷⁹ Records from the eighteenth century of Mi'kmaq marriages support the idea of bilocal residency and show that Mi'kmaq couples could reside in either the woman or the man's community.⁸⁰ As mentioned previously, extended families in Mi'kmaq society could consist of a variety of individuals, such as married children and their spouses, elderly parents, orphans, and others. Because such extended families included family members from both the women's and the men's side of the family, this meant the formation of a bilateral extended family.⁸¹ For the Mi'kmaq, this bilocal extended family pattern allowed family growth through the inclusion of as many relatives as possible, thus creating strength in the political power of the family and extending alliances as far as possible. The recognition that the family structure was an integral component of political structures and political power encouraged the maintenance of specific social and cultural understandings which served to strengthen the family entity.

Marriage

In considering the role of culture, society and family and the ways in which they contributed to political structures within Mi'kmaq society, one significant aspect that cannot be overlooked is that of marriage and all that it involved. From historical sources

⁷⁹ Nietfeld, "Determinants of Aboriginal Micmac Political Structure," p.410.

⁸⁰ Although the original French documents are found at Nova Scotia Archives Record Management, RG-1, v.26, "Register of Baptisms, Marriages and Burials, 1702-1728 and 1722-1755," these documents were provided to the author by Dr. William Wicken, York University, from his own personal, translated notes.

⁸¹ Miller, "The Evolution of the Maritime Cultures," p.42.

we know that marriage for the Mi'kmaq involved a process of courtship for all couples considering marriage, which has often been referred to as a "brideservice".⁸² Early scholars describe this event in some detail, suggesting that before such a process could begin, the young man first had to gain the permission of the girl's father. If the father felt that the young man was an acceptable suitor, then he provided his permission for such a relationship to take place, at which time it was up to the young man to win the heart of his daughter. If the daughter did not share the young man's love interest, then the relationship would not proceed, as the Mi'kmaq did not force unwanted marriages on their children.⁸³ If the girl was agreeable to marriage, then the young man would be expected to stay at the girl's home for a year, although this time period could vary, and this saw both young people residing in the same wigwam, although no sexual interaction was permitted to occur:

*..the father, the mother, the daughter, and the suitor all slept in the same wigwam, the daughter near the mother, and the suitor on the other side, always with the fire between them. The other women and the children also slept there. There never occurred the least disorder...*⁸⁴

During this pre-marital trial period, the young man would be expected to provide gifts to the father as a form of compensation for the loss of his daughter. Further, during his stay the young man also had to demonstrate his ability to provide for the young woman. This process of the groom being scrutinized is somewhat appropriate when one considers the

⁸² Prins, *The Mi'kmaq: Resistance, Accommodation and Cultural Survival*, p.32.

⁸³ Le Clercq, *New Relation of Gaspesia*, pp.259-260.

⁸⁴ Denys, *Description and Natural History*, p.407.

importance of family and its members for Mi'kmaq society and political power. If a family was expected to allow their daughter to leave their home, thus possibly decreasing the power of the family, they would have to be assured that such a move was the appropriate action and that would be beneficial to them in the long run.

After the pre-marital time period had elapsed, the marriage ceremony would be performed, whereby all relatives from both individuals' families were invited to attend the ceremony and a feast would be held to welcome the couple into their new families. After the marriage ceremony it appears that it was a preferred practice for the woman to go and reside within the young man's village, although residence could also remain within the woman's residence. The Saint-Jean-Baptiste registers from Port Royal are revealing on eighteenth-century Mi'kmaq marriages, as they contain the names of Mi'kmaq marriages that occurred at Annapolis Royal from 1722 to 1755.⁸⁵ From these documents and the 1708 census, William Wicken has developed a chart outlining the various marriages that occurred, which villages individuals came from and also where couples resided after they were married.⁸⁶ He infers that for the Mi'kmaq, bilocal residence patterns continued to be practiced at this time, as seven of the ten men retained the residency of their birth after marriage and six of nine women who were married also retained their residence after marriage.⁸⁷ This bilocal residence pattern allowed the Mi'kmaq to extend their families

⁸⁵ NSARM, RG-1, v.26, "Register of Baptisms, Marriages, and Burials, 1702-1728 and 1722-1755," Translated notes of Dr. William Wicken.

⁸⁶ Wicken, "Encounters with Tall Sails and Tall Tales," p.127.

⁸⁷ Ibid, p.126.

and likewise their political alliances, beyond that of their immediate family and by allowing matrilineal and patrilineal residency patterns, this allowed Mi'kmaq to utilize such alliances to the fullest extent possible.

As a mechanism that indirectly supported the broad development of political alliances, Mi'kmaq society was one which maintained various cultural norms, including the prohibition of marriage between close relatives.⁸⁸ Marriage was not allowed between, “brother to sister, by nephew to niece, or cousin to cousin, that is to say so far as the second degree.”⁸⁹ Because only relatives beyond second cousin were permitted to be married, this ensured that mates had to be chosen from outside of the nuclear family. This undertaking increased the likelihood of a mate belonging to a different family or village, thus increasing the extended family and political alliances. The implications of all this with regards to the political structures was that by the 1700s Mi'kmaq were still continuing to undertake social and cultural practices which supported the strength of Mi'kmaq entities, such as the family, which were critical to the maintenance of traditional political structures.

With regard to the issue of marriage in Mi'kmaq society, it is also apparent that residence was significant to political structures in other tangible ways which supported the bilocal residence patterns. One such consideration involved those marriages that occurred between different individuals from various regional areas, villages, or even different aboriginal groups. For example, we know that in 1726 an individual from the Miramichi

⁸⁸ Nietfeld, “Determinants of Aboriginal Micmac Political Structure,” p.414.

⁸⁹ Denys, *The Description and Natural History*, p.410.

area by the name of Noel Sunnepas married Marie Anne Tanniketch, daughter of Etienne Tanniketch of the village of LaHave. We also know that Francois Doucett of Port Royal married Marie Pisnet of Cape Sable in 1726, and that Pierre Ceiller of Port Royal married Francoise Myus of La Have in 1735.⁹⁰ What each of these marriages would have meant to the Mi'kmaq, beyond that of marital partnership, was that through the marital ties of two individuals from different villages, a social relationship would have been developed between two families which would have fostered the development of a political alliance between the two groups, as families formed the basis of political power. Although from the records available we know that marriage between members of villages located geographically close together was the norm, occasionally marriages did occur between villages geographically distant from each other and as well between different tribes.

We know that marriages themselves did not only strengthen the political ties indirectly, but also that marriages occurred which clearly had a stronger element of political relationship. For example, historical documents show that an individual by the name of René Nectabs of Cape Sable signed the 1726 Treaty with Cape Sable delegates Chief Paul Tecumart and Chief Jean Baptiste. Two months later during the month of August, he married Catherine Andigin, also of Cape Sable, but surprisingly the official witnesses who signed their wedding documents included Chief Baptiste Thomas, the Chief

⁹⁰ Chicago, Newberry Library, William Ayers Collection, 1708 Census, "Recensement general fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'acadie." in "R. v. Donald Marshall Jr., Defence Document Books, vol. 2, doc.32," and Wicken, "Encounters with Tall Sails and Tall Tales," p.127.

of Port Royal, who also signed the 1726 Treaty.⁹¹ For a Chief to attend a marriage as a witness spoke to personal relationships that must have existed between himself and those individuals being married, which is further supported by the fact that the groom had attended and signed an important political document with this Chief only two months before. Also in 1726, Pierre Chegoueo of Cape Sable signed the 1726 Treaty, and ten days later he married Margeurite, the daughter of the Chief of Cape Sable, who had also signed the 1726 Treaty.⁹² Marriage was a social occurrence that clearly could have political overtones at specific times, and also served as a social and cultural activity that provided opportunity to cement those political ties.

Within Mi'kmaq social structure, certain cultural norms existed that supported marriage and consequently also political structures. These cultural norms were noted by European missionaries and were perceived as unacceptable, for they spoke to ideas that were not embraced within European society nor the Catholic religion. Such norms were specifically the practice of divorce and polygamy, two concepts that affected the structure of marriage in a negative manner within European society, but which strengthened political entities within the Mi'kmaq world. Historical documents speak to the practice of divorce that occurred within Mi'kmaq society, if in fact the situation arose that prompted such action. The factors which could prompt such action are described in the following:

..If a young married woman has no children by her husband at the end of two or three years, he can divorce her, and turn her out to take another. He is not held

⁹¹ NSARM, RG-1, v.26, "Register of Baptisms, Marriages, and Burials, 1702-1728 and 1722-1755," Translated notes of Dr. William Wicken.

⁹² Wicken, *Mi'kmaq Treaties on Trial*, p.45.

*to service as in the case of the first; he simply makes presents of robes, skins or wampum.*⁹³

Further, Father Chrestien LeClerc provides the following statement from a Mi'kmaq man:

*Dost thou not see, that thou hast no sense? My wife does not get on with me, and I do not get on with her. She will agree well with such a one, who does not agree with his own wife? Why dost thou wish that we four be unhappy for the rest of our days?*⁹⁴

Obviously, for the Mi'kmaq divorce could be initiated if the couple were not fond of each other or in most cases, if children were not born within so many years. These practices were socially unacceptable for Europeans for religious reasons, but for Mi'kmaq they were implemented as a manner in which to maintain the family unit, the key component in Mi'kmaq society. For the Mi'kmaq to do otherwise would be to support ideas which would see the continuation of small family units with no room for growth, consequently hindering family alliances and Mi'kmaq political manifestations.

Polygamy was another norm within Mi'kmaq society which was perceived as a detrimental activity by Europeans and the Catholic church. It appears that Mi'kmaq social structures allowed the practice of polygamy, but it was not a common practice and monogamy continued to be the principal form of relationship undertaken by Mi'kmaq. Again, it appears that polygamy, like divorce, only occurred within the necessity of certain situations, which included the death of a woman's husband.⁹⁵ Polygamy appeared

⁹³ Denys, *Description and Natural History*, p.410.

⁹⁴ Le Clercq, *New Relation of Gaspesia*, p.262.

⁹⁵ Hoffman, "The Historical Ethnography of the Micmac," 299.

to be primarily concerned with the idea of the providing and protection of a widow and her children, and it also appears that such practice was not common. Due to the growing influence of missionaries and the Catholic religion, by the eighteenth century it was rarely practiced, and primarily by only Chiefs.⁹⁶ Nonetheless, it is apparent that such acceptance of polygamy within Mi'kmaq society would have supported the growth of an extended family, especially considering that this practice was mostly undertaken by leaders. The implications for political growth and stability are obvious, as such marriages would have increased the size of the extended family, thus securing a leaders political power.

During the eighteenth century Mi'kmaq political structures and ideologies continued to be upheld by Mi'kmaq society and continued to find their legitimacy in the cultural and social beliefs of Mi'kmaq society. These understandings were aboriginally based, and minimally affected by the ideologies of European society. Mi'kmaq spiritual world view was a key component of Mi'kmaq spiritual and cultural ideologies and due to its holistic outlook, it played a key role in the foundational beliefs of Mi'kmaq cultural and social norms. Further, because this world view was based on the principle that all life, both natural and spiritual, was interdependent and connected through various relationships of cause and effect, Mi'kmaq political structures and ideologies consequently were not exempt from such arrangements. Such world view approaches with regards to political understandings took their shape in the form of the interdependence and social cohesion evident within the political structures and relationships of leaders. These ideologies shaped the forming of political leaders who had to approach their political relationships

⁹⁶ Wicken, "Encounters with Tall Sails and Tall Tales," p.123.

cognizant of their interdependent reciprocal nature and by demonstrating generosity and diplomacy. Mi'kmaq society as a whole reinforced such understandings through daily social interactions, demonstrating the importance of protocols and diplomacy, and reinforcing a collective understanding of such ideas. Mi'kmaq society understood that what was acceptable within their social interactions also became applicable to their political relationships too.

The demographic structure of Mi'kmaq villages also supported Mi'kmaq political structures and provides us with further understanding of the collectiveness of such structures. Mi'kmaq villages were located on or near bodies of water and as well were geographically apart from one another, as their pattern of resource exploitation demanded such demographics. However, because Mi'kmaq political structures were linked together, collective action would have been seen as necessary to their political identity, and so Mi'kmaq society developed and supported the mechanisms to facilitate inter-group communication easily and quickly. Further, we also know that such communication between groups must have been essential to inter-village political relationships, as their one primary area of product specialization was apparent in the development of their canoes, which was the primary means of inter-village communication. Thus we know that individual village political action was not the norm, as if this were the case the Mi'kmaq would not have placed so much emphasis on communication and travel. Further, we also know that dialogue and consensus must have also been a significant factor within political understandings, as those factors which would have necessitated and supported such understandings were all present within Mi'kmaq society, and includes such things as

ceremony, diplomacy skills and easy communication between groups.

Finally, marriage and family were entities which were key to the functioning and sustain ability of the overall Mi'kmaq political structure. Because family was the basic political structure, Mi'kmaq took necessary steps to ensure the growth of the family through adherence to those cultural and social norms which reinforced its role, growth and viability. Marriage was also a phenomenon that played an inter- related role, as marriages between different groups of individuals, either from different families or different villages, provided the mechanism in which Mi'kmaq could further political alliances and connections.

Through analysis of the cultural and social factors which existed in Mi'kmaq society during the eighteenth century we are now provided with an overview of Mi'kmaq political structures whose fundamental principles came from collective social and cultural understandings, and, whose existence was reinforced within various aspects of the Mi'kmaq community framework. It is through this analytical review of the cultural and social reconfiguration of Mi'kmaq society that we can now understand the forms of political structures and understandings, beyond what is described in historical records. Such an enhanced understanding is still based on historical documentation, but through the correlation of cultural and social norms with political actions, we now have a coherent understanding of not only the political structures, but also the political ideologies which would have caused the Mi'kmaq to undertake political relationships in the manner they did.

Chapter 2

Mi'kmaq Political Alliances and Structures: A Consensus of Protocol and Collective Identity

As the beginning of the eighteenth century dawned, Mi'kmaq society was in the midst of experiencing the latter years of the infamous fur trade that had encompassed much of Mi'kma'ki, and as well as other areas of the land we now know as North America. For over two centuries Mi'kmaq had participated in this economic venture with various Basque, French and eventually New England traders, all the while continuing to remain separate and distinct within their traditional village structures. Certainly, Mi'kmaq society experienced real change, as elements of European technology were accepted by the Mi'kmaq. But more importantly during this time period, Mi'kmaq did not abandon all that was traditional, but rather adjusted and accommodated their society out of the necessity of trade.

Although Mi'kmaq had allowed various aspects of European society to penetrate their own communities through the introduction of trade goods, they did not allow such accommodations to compromise their own Mi'kmaq political structures and ideologies. In the eighteenth century, Mi'kmaq society continued to maintain their Mi'kmaq polity, whereby leadership positions continued to be held by *Sakamaq* (chiefs). Such leaders did not demonstrate their political power through individual authority and “coerced obedience”, but rather continued to maintain it through kinship, example, and “voluntary

support.”¹ It was described by an early missionary as leadership where; “The most prominent chief is followed by several young huntersBut in fact , all his power and authority are based only on the goodwill of those in his nation, who execute his orders just so long as it pleases them.”² *Sakamaq* (chiefs) found their political power within the family/kin members of their village and also those of the extended community, as apparent in the following description:

*There is the Sagamore, who is the eldest son of some powerful family, and consequently its chief and leader. All the young people of the family are at his table and in his retinue;... The young people flatter him, hunt, and serve their apprenticeship under him, not being allowed to have anything before they are married, for then only can they have a dog and a bag that is, have something of their own, and do for themselves. Nevertheless, they continue to live under the authority of the Sagamore, and very often in his company; as also do several others who place themselves under his protection and guidance, being themselves weak and without a following.*³

From analyzing early sources of the seventeenth and eighteenth centuries, there is certainty that considerations of political leadership also included the idea of genealogy and inheritance. The norm in Mi'kmaq society was that leadership roles were passed on through the hereditary succession of father to son; “The Captains among them take their rank by inheritance...provided always that the son of a sagamos imitates the virtues of his

¹ Wicken, “Encounters with Tall Sails and Tall Tales,” p.133.

² LeClercq, *New Relation of Gaspesia*, p 234.

³ *Jesuit Relations*, Biard in Thwaites, Vol.III, (1896), pp.100-101, quoted in Miller, “Social and Political Complexity,” p.42.

father.”⁴ For the eighteenth century, we know that this “imitation” was still the norm, as when one looks at the various treaty negotiations that occurred between the British and the Mi’kmaq it was common to find that many of the chiefs signing the treaty often had their sons with them who were also signatories.⁵ This ceremony would have been considered a critical experience for those individuals being prepared to assume leadership roles in the future as it would have allowed a first-hand understanding of their political responsibilities. At the same time, the involvement of other Mi’kmaq at such an important political ceremony would have also reinforced the collective memory of the Mi’kmaq, as their history consisted of oral tradition where future treaty understandings would have been passed on through the spoken word. This concept of inherited leadership was a practice that continued well into the 20th century. The anthropologist Frank Speck found in 1915 that the Grand Chief Denys could trace his family’s leadership roles as far back as the early 1700s.⁶

We also know that leadership for the Mi’kmaq did not revolve solely around the idea of kinship and inheritance, but also included the consideration of the personal characteristics of an individual. These characteristics were regarded as essential to leadership roles for the principle of inherited leadership could be disregarded if specific

⁴ Marc Lescarbot, *History of New France*, Vol.III, (Toronto: Champlain Society, 1914), p.265.

⁵ Wicken, *Mi’kmaq Treaties on Trial*, p.42.

⁶ Frank Speck, “The Eastern Algonkian Wabanaki Confederacy,” *American Anthropologist*, vol.17, (1915), p.506.

leadership characteristics did not exist.⁷ Leadership qualities that were seen as essential included such traits as superior intelligence, oration skills, excellent hunting skills, generosity, age, courage and military ability.⁸ Early descriptions of these characteristics are found throughout the historical record, as they were documented by missionaries and explorers alike. One such description tells of an individual who challenged an older chief for his leadership role. As a manner of showing their followers who was the most capable leader, both men went hunting to see who would be the most successful provider. The chief, with his superior hunting ability, easily out-hunted the younger individual, and as a result the elder chief's leadership role remained intact and supported by his people.⁹

By the eighteenth century, all of these qualities were still considered essential to the leadership role but the ability to understand or speak French also became somewhat of a consideration. Mi'kmaq had been trading with the French for over a century, and as well had been sharing their territory with them and as well with the Acadians. The ability to speak French thus became seen as an added leadership characteristic, as the ability to speak French assisted with the facilitating of relationships between the Mi'kmaq and the French traders and the missionaries as well.¹⁰ This is not to assert that fluency in the French language ever became equivalent to that of fluency in the Mi'kmaq language, but

⁷ Hoffman, "The Historical Ethnography of the Micmac," p.516.

⁸ Miller, "Social and Political Complexity on the East Coast," p.47.

⁹ Hoffman, "The Historical Ethnography of the Micmac," p.513.

¹⁰ Wicken, *Mi'kmaq Treaties on Trial*, pp.95-98; Prins, *The Mi'kmaq: Resistance, Accommodation and Cultural Survival*, pp.55-56, p.94.

rather that contact with Europeans had begun to affect Mi'kmaq criteria of leadership by the eighteenth century.

Other individuals also existed within each village who, although not holding the role of chief, still assumed a position that was perceived as just as important. These were the *saya* or *buoin* and the Mi'kmaq elders. *Buoins* were those individuals who held spiritual ability and who could heal the sick, communicate with the spirit world or see events of the future.¹¹ These *buoins* held great influence in the community and this situation is evident in the comments of Nicolas Denys:

*These medicine-men were lazy old fellows who would no longer go hunting, and who received from others everything they needed. If there were any fine robes, or other rarity in a wigwam, that was for Monsieur the medicine-man. When animals were killed, all the best parts were sent to him. When they had cured three or four persons, they never lacked anything more.*¹²

Some *buoins* were also political leaders in their own right, such as Chief Membertou, and this spiritual leadership trait also added to their prestige as political leaders.¹³

In the eighteenth century, Mi'kmaq society still maintained the traditional village structure, which consisted of the various kin-related families, both extended and nuclear. As mentioned previously in Chapter One, these villages changed with the seasons, as Mi'kmaq had always followed a seasonal, resource based, subsistence pattern, which in turn affected the political structure. In the colder months of the year, Mi'kmaq society

¹¹ Wicken, "Encounters with Tall Sails and Tall Tales," p.128.

¹² Denys, *Description and Natural History*, pp.417- 418.

¹³ McMillan, "Mi'kmawey Mawio'mi: Changing Roles of the Mi'kmaq Grand Council," p.45.

consisted of smaller hunting groups, commonly referred to as the “winter village”.¹⁴ The village ranged in size from one to three families and could have a population anywhere from eight to fifty people. The smaller number of people within a hunting group was directly related to the minimal resources required to sustain the population of a winter village, which correlated directly with the harshness of the winter environment. The colder and harsher the environment, the smaller the population of the winter group. The political structure of the winter village consisted of a *Sakamow* (chief) as the leader, and his sons, daughters and/or extended families whom made up the winter village in its entirety. The *Sakamow* (chief) of the village had specific jurisdiction over the winter hunting area and the winter hunting group, but with the arrival of warm weather the pattern of occupancy changed. During the onset of the warmer weather, winter villages came together in one area to form what has been commonly called the “summer village”.¹⁵ These summer villages have been recorded as having a population as large as three hundred people.¹⁶ The “summer village” political leadership was also occupied by a *Sakamow* (chief), and most certainly one of the winter village chiefs was also the summer village chief. How we are certain of this fact is from the information listed in the various census records that exist from the early 1700s and as well as the *Mi’kmaq* and British treaties. In 1722, the Abbe Gaulin’s census listed Jacques Necoute as the Chief of Minas, but in the 1726 Treaty Pierre Amquaret is listed as the Chief of Minas and Jacques Necoute is listed as one of

¹⁴ Nietfeld, “Determinants of Aboriginal Micmac Political Structure,” p.401.

¹⁵ Wicken, *Mi’kmaq Treaties on Trial*, p.35.

¹⁶ Nietfeld, “Determinants of Aboriginal Micmac Political Structure,” p.400.

many Mi'kmaq individuals who were present at the treaty signing and also signed the Treaty with Chief Amquaret. In 1763, we also look to another census, known as the Deschamps census, which lists two separate winter hunting groups living in the area of Windsor. These winter groups were the Amquaret family and the Necoute family, both of which saw the male elder head of the family as the chief for each.¹⁷ Thus, it becomes apparent that during the Treaty signing, one of the winter chiefs, Amquaret, was also the chief for the larger summer village that signed the Treaty on behalf of Minas. Necoute, also holding the status of a winter village chief, was in attendance as well and signed the treaty, for Mi'kmaq cultural and political understandings would have still expected a winter village chief to attend specific ceremonies, such as the treaty signing. Further, we also know that it is likely that this summer village leadership would have been delegated to Necoute by all of the local winter hunting group chiefs, as no other specific leaders came forth from these areas to denounce the authority of Amquaret in his signing of the treaty; which would have been expected had he not had their delegated authority.¹⁸

This type of leadership change from winter to summer would have required some type of political diplomacy, so as to avoid disputes and power struggles. How this diplomacy may have occurred, we cannot be certain, but we do know that these decisions were not made by one individual. Rather, they involved the extended families, local winter village chiefs and a council of elders.¹⁹ The council of elders existed in each summer

¹⁷ Wicken, *Mi'kmaq Treaties on Trial*, p.41.

¹⁸ Ibid, p.42.

¹⁹ Hoffman, "The Historical Ethnography of the Micmac," p.516.

village and was made up of the elder members of families; also probably included were spiritual leaders, such as buoins. This council would have provided advice to all decisions of the summer village, in consultation with the chiefs and buoins, where the summer village chief would have presided over such discussions.²⁰ Decision making in such instances would not have been by majority rule, but rather was a consensual decision, and once decided would have been binding.²¹ The council of elders, although those not necessarily chiefs, would have been perceived by Mi'kmaq society as having a status similar to that of a Sakamow (chief), as the Mi'kmaq saw age and elders as critical components of their knowledge base. An example of this was shared with Samuel Holland in 1767, when he met a group of Mi'kmaq who told him: "they were waiting to meet an old man more than 120 years of age who they say is the eldest of the tribe upon whose counsel they set great value."²² Thus, in 1726, it would have been the summer village council of elders who would have participated within the consensual decision making supporting Pierre Amquaret as their delegated leader who was to represent the summer village of Minas in the Treaty signing of 1726.

By the arrival of the eighteenth century, Mi'kmaq had established relationships with the Acadian population, various French traders, missionaries and as well as various British colonial officials. These individuals often left written documentation concerning their encounters with Mi'kmaq society, and although some are only specific to short

²⁰ Ibid.

²¹ Ibid.

²² Wicken, "Encounters with Tall Sails and Tall Tales," p.133.

periods of time, others are written by individuals who lived with the Mi'kmaq for extended periods. It is from these sources that we first raise the question of the existence of a Mi'kmaq political structure beyond the local summer and winter village construct, one that today is commonly known as a “national” political structure.

From some of the earliest European sources, we have various references to large gatherings of Mi'kmaq Chiefs from throughout Mi'kma'ki . One such documented source provides a glimpse into such gatherings early in the seventeenth century:

It is principally in Summer that they pay visits and hold their State Councils; I mean that several Sagamores come together and consult among themselves about peace and war, treaties of friendship and treaties for the common good. It is only these Sagamores who have a voice in the discussion and who make the speeches, unless there be come old and renowned Autmoins [shamans]...²³

Another discusses the importance of the councils in time of conflict:

These barbarians having assembled during the winter of last year, 1661, some of them proposed in their Councils to go and wage war against the Esquimaux....When, therefore, some proposed in the councils and feasts a hostile expedition, they were listened to by one party, and opposed by another.²⁴

It is obvious from these statements that Mi'kmaq society was operating within some type of larger political structure during the seventeenth century, where we can surmise that summer village leaders must have been connected to the larger councils at some level. With regards to the eighteenth century, again the various surviving documents show that the practice of large gatherings of “State Councils” appears still to have been the norm. Records of the correspondence of Joseph de Saint-Ovide, Governor of

²³ *Jesuit Relations*, Biard in Thwaites, 1896, Vol.III, pp.89-91.

²⁴ *Ibid*, pp. 221-23.

Louisbourg from 1717-1739,²⁵ outline his own political relationship with the Mi'kmaq during the eighteenth century. It is during this time period that the French and the British were vying for control of present day Nova Scotia and of the Maritime region as a whole. France, which had an existing relationship with the Mi'kmaq based on trade, religion and political relationships, was attempting to secure the Mi'kmaq as an ally against the British. Under the terms of the Treaty of Utrecht, signed between France and Great Britain in 1713, mainland Nova Scotia became the asserted territory of the British, with Cape Breton (Ile Royale) remaining with the French.²⁶ Governor Saint-Ovide continued to maintain the French-Mi'kmaq relationship on behalf of the French, by attending the annual meetings of Mi'kmaq leaders, held primarily at Antigonish and in Cape Breton. Through analysis of Saint-Ovide's correspondence we find that these gatherings were largely held in the summer and consisted of the Chiefs and elders maintaining the lead role in decision making.²⁷ We also know that these councils were quite large, numbering as much as 200 people or more and consisting of leadership from communities throughout Mi'kma'ki, including the Abenaki.²⁸ An example of the significance of these large gatherings is obvious in the following description:

²⁵ Wicken, *Mi'kmaq Treaties on Trial*, p.51.

²⁶ John Reid, *Six Crucial Decades: Times of Change in the History of the Maritimes*, (Halifax: Nimbus Publishing, 1987), pp.29-30.

²⁷ AN, AC C11B, v.10,67r -78r, "Saint-Ovide au ministre, 3 novembre 1728," in "R. v. Donald Marshall Jr., Defence Document Books, vol.3, doc.70".

²⁸ AN, AC C11B, v.12, 254r-261v, "Saint-Ovide au ministre, 14 novembre 1732," in "R. v. Donald Marshall Jr., Defence Document Books, vol.3, doc.73."

A great alarm was excited here in 1779 by a large gathering of Indians from Miramichi to Cape Breton, probably a grand council of the whole Micmac tribe. In that year some Indians of the former place having plundered the inhabitants in the American interest, a British man of -war seized sixteen of them, of whom twelve were carried to quebec as hostages and afterwards brought to Halifax. This is what led to this grand gathering. For several days they were assembled to the number of several hundred, and the design of the meeting was believed to be, to consult on the question of joining in the war against the English. The settlers were much alarmed, but the Indians dispersed quietly...But every year, usually in the month of September they assembled in large numbers, from Prince Edward Island, Antigonish and other places, their usual place of rendezvous being either Frasers point or Middle River Pt. A person brought up at the latter place, has told me that he has counted one hundred canoes at one time drawn up on the shore, and it was said that sometimes they would number one hundred and fifty.²⁹

There can be no doubt that there clearly existed some form of political body for the Mi'kmaq nation that went beyond the geographical boundaries of local and summer villages.

Mi'kmaq oral tradition maintains that such gatherings were examples of the political gatherings of the *Santé Mawio'mi* or the Mi'kmaq Grand Council, and assert that this political body was founded some six hundred years ago as a “defensive measure in response to the invasion of Mi'kmaq territory by the Haudenosaunee.”³⁰ The *Santé Mawio'mi*, or Mi'kmaq Grand Council was a broad political structure that represented all Mi'kmaq throughout Mi'kma'ki and consisted of the *K'ji Saqamaw wjit Mi'kmaq*, also known as the Grand Chief, who served as it's leader. The Grand Chief was also assisted by the *K'ji Keptin* (Grand Captain) and the *Putus*, both of whom maintained specific

²⁹ Robert Patterson, *A History of the County of Pictou Nova Scotia*, (1877,) pp.106,188, quoted in Hoffman, “The Historical Ethnography of the Micmac,” p.549.

³⁰ Marshall, Denny and Marshall, “The Covenant Chain,” pp.75-6.

duties. The *K'ji Keptin* was second in command to the Grand Chief and his duties usually included that of war and conflict. The *Putus* was considered the keeper of the wampum,³¹ and it was his responsibility to safeguard the wampum and to also orate necessary information on genealogies and major events.³² All three of these positions would have been unanimously supported by the district chiefs, who represented the interests of the local chiefs from within the specific districts of Mi'kma'ki.

One of the earliest European references to the existence of a Mi'kmaq Grand Chief was by Marc Lescarbot, who stated in the early seventeenth century, "one *sakamow*, Membertou, whose village was located adjacent to the French settlement at Port Royal, was the *sakamow* of all the Mi'kmaq from Gaspé to Cap Sable."³³ Other references tell of a great warrior, who was also a *buoin* or medicine man and possessed great intelligence. It appears that Membertou resided in the Port Royal area, where we know that there was also a local Mi'kmaq chief, most likely a summer village chief.³⁴ With both chiefs residing in the same area, there would have had to be a clear understanding of each other's jurisdiction and role for political diplomacy to have existed smoothly. From the written documents analyzed there is no evidence of any type of conflict or power struggle between the Grand Chief and the local chief of the Port Royal area. This seemingly stable

³¹ This is a form of Indigenous communication that provides information to the receiver.

³² McMillan, "Mi'kmawey Mawio'mi: Changing Roles of the Mi'kmaq Grand Council," p.32.

³³ Wicken, "Encounters with Tall Sails and Tall Tales," p.137.

³⁴ Nietfeld, "Determinants of Aboriginal Micmac Political Structure," p.421.

political co-existence reinforces the idea that a structured understanding of political jurisdiction and leadership must have existed between local leadership and broader “Grand Council” leaders, which supports the characteristics of a broad Grand Council political structure.

At the beginning of the twentieth century, Frank Speck, a noted scholar in the field of indigenous people, recorded Mi’kmaq oral history which spoke to the existence of a Grand Council as far back as at least the eighteenth century:

*In Cape Breton Island the old Micmac regime is in complete sway among the Indians. Here resides the Grand Chief John Denys in whose family the life chieftancy of the tribe is an inheritance. He is the great grandson of Chief Tomah Denys, who fought to aid the French in the battle of Quebec in 1749. After the war he settled in Cape Breton with his band and transferred the capital of the tribe to the Island.*³⁵

Janet Chute, in her academic work on Frank Speck, points to flaws in this argument: “This is a somewhat problematic statement in light of the fact that while John Denys Sr. had been chief from 1868 to 1881, his immediate predecessor had been a Thoma, who had held office from 1834 to 1852.”³⁶ This inconsistency, however, is easily understood when one considers the environment of the time period. Mi’kmaq during the seventeenth and eighteenth centuries had continued to use their Mi’kmaq names, but often included a European name as a first name or a surname when baptized into the Catholic religion.³⁷

³⁵ Speck, “The Eastern Algonkian Wabanaki Confederacy,” p.506.

³⁶ Janet Chute, “Frank Speck’s Contribution to the Understanding of Mi’kmaq Land Use, Leadership, and Land Management,” *Ethnohistory*, Vol.46, No.3 (1999), p.494.

³⁷ NSARM, “Mi’kmaq Holdings Resource Guide, Genealogy Resources.” Online. Available: <http://www.gov.ns.ca/nsarm/virtual/mikmaq/advice/asp>. June, 2003.

Often, later generations would use their parent's first name as a last name, which easily could have made Chief Tomah of 1834 to be the grandson of Chief Tomah Denys of the 1758 time period. Thus, oral history, although dependent on the memory of past generations, often provides a broader understanding of past events when combined with written documentation, and in this specific instance upholds the recognition of the existence of a Grand Chief and council in the eighteenth century.

The Grand Council divided the territory of Mi'kma'ki into seven political districts, *Sakamowti*. Each had its own ecological, specific name. These seven districts were *Kespukwitk*, meaning Last Flow, *Sipeknekatik*, Wild Potato Area, *Esgigeoag*, Skin Dressers Territory, *Piktuk aq Epekwitk*, the Explosive Place and Lying In The Water, *Unamaki*, Foggy Land, and *Gespegoag*, Last Land. Oral tradition states that this last territory was called the Last Land because it was the last acquired territory of Mi'kma'ki, as it was surrendered by the *Kwedeche* during conflicts with them.³⁸ These seven districts were documented by Father Pacifique and Silas Rand during the 19th century, although Pierre Biard alluded to the existence of a district system early in the seventeenth century: "These Sagamies divide up the country and are nearly always arranged according to bays or rivers."³⁹

Because districts encompassed such a large territory, numerous summer villages could be found in each specific district. As discussed previously, summer villages found

³⁸ McMillan, "Mi'kmawey Mawio'mi: Changing Roles of the Mi'kmaq Grand Council," p.32.

³⁹ Nietfeld, "Determinants of Aboriginal Micmac Political Structure," p.420.

their leadership in the form of councils of elders and local chiefs, but the districts themselves also possessed another level of political leadership, commonly referred to as the district chief. District chiefs presided over all of the local chiefs of summer villages, and it appears that in fact one local chief was often the district chief.⁴⁰ The district chiefs duties included “directing the local chiefs in planning their seasonal movements and ensuring that district affairs functioned smoothly.”⁴¹ The district chiefs also met several times a year, where they held their councils and at which time discussions of war and peace were often central.

Some scholars insist that these elements of “Grand Council” political structures, such as the district system, did not exist prior to contact:

*...Regional councils and informal groupings of neighbouring local bands probably existed aboriginally, but the presence of formal geographical districts prior to contact is debatable. Similarly there does not appear to have been permanent political leadership beyond the local level in the seventeenth century, even though in more recent times each district was headed by a district chief, who held a loose hegemony over local chiefs, and there was a “grand chief” of the whole tribe.*⁴²

Further, there is also the argument that if the Grand Council structure existed, it only developed as a response to “external pressure, exhibited most prominently in the collection of allies for intertribal wars.”⁴³ Most specifically, it is suggested that this would have occurred after the period of contact and during the colonization of North America by the

⁴⁰ Miller, “Social and Political Complexity,” p.44.

⁴¹ Ibid.

⁴² Nietfeld, “Determinants of Aboriginal Micmac Political Structure,” p.471.

⁴³ Ibid, p.458.

British and the French. However, Sarah Brennan in her own research points out that, “this view is suspect because it contradicts contemporary Mi’kmaq scholars , and appears to be based on an acceptance of a more European definition of political structure and power.”⁴⁴ Mi’kmaq oral tradition asserts that the Grand Council was formed specifically from the same pressures of conflict, but that the conflict that forced its development was that which occurred with the Iroquois.⁴⁵ Frank Speck has also provided his thoughts on the aboriginality of the Grand Council, which he argues developed into a formal stratified structure through the involvement of the Mi’kmaq with the Wabanaki Confederacy. Here, he argues that the Mi’kmaq gained further knowledge into the conflicts occurring throughout the eastern coast, and thus responded through the development of a more formal Mi’kmaq political structure.⁴⁶ Regardless of the positions put forth, there is a recognizable theme obvious in all of the arguments: that some type of conflict was the impetus for the formation of the Mi’kmaq Santé Mawio’mi.

In considering the idea of the Grand Council, districts and their development, we can also turn our attention to seventeenth- and eighteenth- century censuses, which present the various Mi’kmaq settlements that existed during this time period. William Wicken provides an overview of these data, which shows that within each district there

⁴⁴ Sarah Brennan, “Revisiting the ‘Proverbial Tin Cup’: A Study of Political Resistance of the Mi’kmaq of Nova Scotia 1900-1969,” MA Thesis, Saint Mary’s University, (2000), p.57.

⁴⁵ Marshall, Denny and Marshall, “The Covenant Chain,” p.75.

⁴⁶ Chute, “Frank Speck’s Contribution to the Understanding of Mi’kmaq Land Use,” pp.494 - 95.

contained large Mi'kmaq populations ranging from eleven people upwards to 184 people, with the majority of these village populations in the range of fifty to 100 people. The data correlates with the existence of summer villages, which in itself is characteristic of a broader political structure, beyond the local winter village. Thus, we can ascertain that this social construct is consistent with the characteristics of districts and supports their existence.

With respect to the existence of specific districts, we have further documented evidence that strengthens the case for their existence, as indicated by Le Clercq during the seventeenth century:

That it has always been the custom of all our Gaspesians to wear some particular figures, which are somewhat like coats of arms, to distinguish them from the other Indians, in accordance with the different place where they ordinarily live.⁴⁷

He further brings attention to the common use of these symbols within specific areas when he refers to the Restigouche Indians who “do not wear the cross, but the figure of a salmon.”⁴⁸ This use of symbols denoting specific areas appears to have been common throughout Mi'kma'ki, as it has been found that the Mi'kmaq of the Canso area utilized the symbol of a moose, while those of the Miramichi area utilized the sign of a sturgeon for one area and that of a bow and arrow for another area.⁴⁹ This use of “geographic symbols” shows Mi'kmaq society existed within some type of geographical boundaries

⁴⁷ Hoffman, “The Historical Ethnography of the Micmac,” pp.477-78.

⁴⁸ LeClercq, *New Relation of Gaspesia*, pp.192-93.

⁴⁹ Wicken, *Mi'kmaq Treaties on Trial*, pp.53 - 4.

which encompassed much, if not all, of the Mi'kmaq Nation, yet at the same time allowed them to remain distinct at some level.

Another issue that requires some consideration is the role that the Grand Council would have played within the Mi'kmaq and British treaty negotiations that occurred within the eighteenth century. Within the 1726 Treaty there are signatures of fifty Mi'kmaq men who came from all over the Maritimes and who signed the treaty on behalf of their people. Some of these people were chiefs representing specific areas, such as La Have or Shubenacadie, while others were sons of chiefs and Mi'kmaq individuals from the community.⁵⁰ Some of the areas clearly had more than one individual sign as the chief for a specific area and yet even more distinct is the fact that five Mi'kmaq men signed with a totem. Out of those five signatures who signed with a totem only one was a Chief, that being Chief Jean Baptist Pon of Shubenacadie. The other individuals who also signed with a totem included his two sons and two other representatives from the community of Chignecto.⁵¹ Most noteworthy is the fact that the Shubenacadie chief who signed using a totem, used an eight pointed star, while both of his sons drew a beaver.⁵² This use of totems obviously points to a distinction between certain Mi'kmaq leaders and individuals, and must signify something other than family lines, or else Chief Jean Baptist Pon would not have signed using a distinct totem from that of his sons. Whether these specific

⁵⁰ Ibid, p.41.

⁵¹ Ibid, p.53, and Public Records Office, (Great Britain), Colonial Office, 217 v.5, "Articles of Peace and Agreement," pp.3-5, in "R. v. Donald Marshall Jr., Defence Document Books, vol.3, doc.64".

⁵² Ibid.

totems signify the Grand Council structure, we have no way of known for sure. However, such totems demonstrate that some type of distinguishable political rank existed in those individuals who signed the 1726 treaty, supporting the.

Essential to any examination of Mi'kmaq political structures of the eighteenth century is the understanding of the purpose and process involved in the pursuit of political relationships within Mi'kmaq society. One such aspect foundational to the Mi'kmaq political environment involved the ceremony and protocol that was necessary for the maintenance of political structures and political relationships. During the eighteenth century Mi'kmaq society existed in the context of political relationships; not only with indigenous neighbors, such as the Wulstukwiuk, the Passamaquoddy, Penobscot and Abenaki, but also with the French, the British and the English of New England. Prior to the arrival of Europeans, Mi'kmaq leadership would usually meet in large councils in order to deliberate on issues of war and peace.⁵³ With the arrival of the eighteenth century, we know that this was still the common practice as the historical record speaks to regular meetings that were undertaken by the chiefs, and most specifically occurred during the summer or autumn.⁵⁴ Many of these meetings involved the French and at times involved Saint-Ovide, governor of Ile Royale, who met with the Mi'kmaq at a regular meeting site in Antigonish. Upon review of the correspondence between Saint-Ovide and France, we find various descriptions of the meetings and what was involved and expected by both of

⁵³ Hoffman, "The Historical Ethnography of the Micmac," p.507.

⁵⁴ AN AC C11B v.9:64r-70v, "Saint-Ovide au ministre, novembre 1727," in "R. v. Donald Marshall Jr., Defence Document Books, vol.3, doc.68".

the parties. Much of the correspondence describes the provision of European goods to the Mi'kmaq leaders, in the form of presents, which was a standard practice, and appears to have been expected annually by the Mi'kmaq leaders as a part of their political relationship with the French:

M. Saint-Ovide remarked that two canoes of Indians from Miramichi and the Baie des Chaleurs totalling 14 people with two chiefs were arrived and asked of him their presents from the year before, he gave them 4 barrels of powder and six quintals of balls and sent them on their way....The King annually sends presents worth 2000 livres and this year he had sent them 3460 because of the costliness of the goods.⁵⁵

This exchange of presents, in a European perspective, was perceived as secondary to the actual purpose of the meeting, that being a political goal such as war or peace. However, it was seen as essential to the Mi'kmaq. This was not necessarily due to the obvious tangible use that these goods provided, but rather because of the intangible significance of the giving of presents. Mi'kmaq political relationships involved a level of diplomacy that historically had involved the provision of gifts to other leaders. In these gift sharing ceremonies, both receiver and sender were showing their respect to each other, and this gift giving ceremony was reciprocal in nature - that being if you received a gift then you also provided one of equal value.⁵⁶

When they visit each other it is the duty of the host to welcome and to Banquet his guests, as many days as he can, the guests making him some presents; but it is

⁵⁵ AN AC C11B v.5:340-341r, "Novembre, 1721, Conseil de Marine," in "R. v. Donald Marshall Jr., Defence Document Books, vol.2, doc.59".

⁵⁶ Nietfeld, "Determinants of Aboriginal Micmac Political Structure," p.426.

*with the expectation that the host will reciprocate.*⁵⁷

The importance of which gift giving assumed in Mi'kmaq political society is seen in the following summary:

*Gifts were fundamental to Indian diplomacy. They took the place of words and Indians used them as contracts to dispatch their affairs. In the metaphorical language of the wigwam, they dried up tears, appeased anger, opened doors of foreign countries and brought the dead back to life. Ambassadors came laden with gifts, each one having a special significance.*⁵⁸

For the Mi'kmaq, not providing gifts or presents, as a sign of your political allegiance and friendship could be seen as the highest form of insult and often led to war and conflict. This exact situation was said to have occurred when the Mi'kmaq Chief, Messamoet, journeyed to visit the neighboring tribe of the "Almouchiquois". While there, he provided presents and trade goods, but nothing was reciprocated from their leaders; which he perceived as a sign of disrespect. This event led to a major conflict in 1607, whereby Grand Chief Membertou and others went to avenge the death of one of their chiefs.⁵⁹

The French recognized the importance of this gift giving early on in their relationship with the Mi'kmaq and quickly accommodated to this indigenous political protocol in order to ensure the allegiance and friendship of the Mi'kmaq. Correspondence from eighteenth-century Louisbourg commented, "If the English, at first, instead of

⁵⁷ *Jesuit Relations*, Biard in Thwaites, 1896, vol.III, p. 89.

⁵⁸ Dickason, *Louisbourg and The Indians*, p.33.

⁵⁹ Alvin H. Morrison, "Membertou's Raid on The Chouacoet "Almouchiquois" - The Micmac Sack of Saco in 1607," in *Papers of the Sixth Algonquian Conference*, Ed. William Cowan, translation, Thomas H. Goetz, (Ottawa: National Museum of Canada, 1975), pp.150-51.

seeking to exterminate or oppress them by dint of power, the sense of which drove them for refuge into our party, had behaved with more tenderness to them, and conciliated their affection by humoring them properly, and distributing them a few presents, they might easily have made useful and valuable subject of them.⁶⁰ Thus, it is not surprising that almost every meeting between the Mi'kmaq leaders and Saint-Ovide, governor of Louisbourg, included gift-giving, as the French understood the requirements of Mi'kmaq political relationships.

This phenomenon of gift-giving was characteristic of political relationships within Mi'kmaq society primarily because the exchange spoke to more than just achieving political ambitions. For the Mi'kmaq, political relationships were seen as opportunities whereby ceremony re-asserted information which was known, or which needed to be understood by all collectively as a memory. This information would have often taken the form of alliances or peace with other tribes, and specifically in the eighteenth century, would have included the understandings and obligations outlined within the treaties. William Wicken characterizes the importance of ceremony for the Mi'kmaq as that where, “treaty understandings underlined the importance of inter-community meetings which, either intentionally or not, ensured a common understanding of treaty relationship.” In societies which are dependent on oral tradition as the primary means of providing critical information to their people, the use of political relationships which were elaborate and involved ceremony would have been perceived as vital and necessary to their history. Thus, such ceremonies spoke to, “constitutions which were not written down, but

⁶⁰ Donovan, “A Letter From Louisbourg,” p. 118.

enfolded in their language and rituals.”⁶¹

Other customs practiced by the Mi’kmaq that were associated with political relationships included the understanding of delegated authority, which the Mi’kmaq continued to practice during the eighteenth century and most specifically during the treaty negotiation process. As presented earlier, Mi’kmaq political relationships with the French often involved missionaries and also annual meetings with the leadership from Louisbourg. At these meetings, a part of the political protocol was the distribution of presents, sometimes feasts, and always the discussion of the Mi’kmaq relationship with the British.⁶² Anxious to ensure Mi’kmaq-French alliance, Saint-Ovide would question the Mi’kmaq on their various political positions, but the Mi’kmaq would not necessarily offer the answers until they had undertaken discussions and consultation amongst themselves. It was at these times that we assume that the Mi’kmaq leaders discussed the issue and carefully chose what information they would provide to the French. Saint-Ovide speaks to this within his correspondence and states that after such discussions, the Mi’kmaq would reply to him by appointing “one individual to speak on behalf of all.”⁶³ This idea of delegated authority was a common practice for the Mi’kmaq, and as well was a political exercise of that of their indigenous neighbors; the Wulstukwiuk, Penobscot, Passamaquoddy and Abenaki. In 1717, the Governor of Massachusetts met with the leaders of the Kennebec

⁶¹ Henderson, “First Nations Legal Inheritance,” p.10.

⁶²AC C11B 186r “Saint-Ovide au ministre, novembre 1720-09-05,” in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.6, doc. 96”.

⁶³Ibid.

and Penobscot Indians as a process for obtaining treaty agreements with them. Although there were at least eight leaders representing their respective nations in these negotiations, only one individual spoke on their behalf and stated that: “he was appointed to speak in the name of the rest.”⁶⁴ In this case, the first day’s discussions did not result in agreement between the two groups. The next day when discussions resumed, Chief Wiwurna was replaced as the delegated speaker and Chief Querebennit was instead appointed to represent the leaders interests. It is apparent that delegation for aboriginal people was a process that was consensual in nature, and if a delegated speaker did not conform with the collective political goals, representation could quickly be changed in the interest of all.

This practice of delegated authority is also described in historical documents regarding the treaty negotiations that occurred between the Mi’kmaq and the British during the eighteenth century. Jean Baptiste Cope, who was the Mi’kmaq Chief of Shubenacadie, signed the Treaty of 1752 with the British, wherein he asserted that:

*he was Chief of that part of the Nation that lived in these parts of the province and had about forty men under him. He was then ask’d why no more of them came in with him? Who replyd That they had empowered them to treat in behalf of them all.*⁶⁵

Also central to the process of delegated authority were the discussions that took place

⁶⁴ Proceedings of the Arrowsic Conference, *George Town on Arrowsick Island Aug.9th, 1717...A Conference of his Excellency the Governour, with the Sachems and Chief Men of the Eastern Indians*, (Boston, Governours Printer, 1717), p. 4, “R. v. Donald Marshall Jr., Defence Document Books, vol.2, doc.50”.

⁶⁵ P.T. Hopson, *Selections From the Public Documents of the Province of Nova Scotia*, ed. Thomas Akins, 1869, 671, quoted in Ruth Whitehead, *The Old Man Told Us*, (Halifax: Nimbus Publishing, 1991), p.123

within inter-village councils, whereby leaders concluded on what the mandate was to be for their delegated representative: that is, what were the issues that an individual representative could be mandated to speak to and what would be the position that he would be expected to put forth. This process of developing a position to maintain within their political relationships usually involved all of the Mi'kmaq leaders, whereby all would have been expected to express their opinions, and consensus would have been the aim of the discussion.⁶⁶ For leadership not to arrive at unanimous support would have contributed to the likelihood of social tension that would have threatened the collectiveness of the nation. Subsequently, in order to ensure that the decision arrived at was understood and accepted by all of the people, leaders would have discussed the most important issues within their local villages also. In 1726 two Mi'kmaq men were tried for piracy in Boston, Massachusetts. At their trial they stated that they had known about the peace being established between the Mi'kmaq and the British in regards to the Treaty of 1726, but because Mi'kmaq prisoners were not returned, they reasoned that peace could not have been reached.⁶⁷ This statement demonstrates how inter-village political positions were meant to be understood by all and included certain responsibilities that were expected to be upheld by the parties as a whole. In this instance, such responsibilities would have included the returning of Mi'kmaq prisoners.

The political leadership also used their various gatherings as a mechanism to

⁶⁶ Wicken, *Mi'kmaq Treaties on Trial*, p.44.

⁶⁷ William Wicken, "26 August 1726: A Case Study in Mi'kmaq New-England Relations in the Early 18th Century," *Acadiensis*, Vol. 23, No.1 (Autumn, 1993), p. 19.

reaffirm the treaty relationship and collective understandings to all Mi'kmaq. One specific gathering held during the summer was Saint Anne's Day, which was held at Catholic missions in the summer, although such summer gatherings were commonplace prior to the establishment of Catholic missions.⁶⁸ One such gathering occurred at present day Chapel Island in 1750, whereby it was described as: "the Chiefs, assisted by the captains, holds a court in one of the larger tents for the settlement of any disputes that may have arisen. The treaties made in the early days with other tribes, and the laws which govern their own, are exhibited."⁶⁹

Within these ceremonies political protocol also demanded speeches which often included the oration of genealogies, as for the Mi'kmaq this was a form of oral tradition which reasserted who everyone was; including leaders whose claims to political roles were often hereditary:

They have thus developed into a custom the recital of their genealogies, both in the speeches they make at marriages, and also at funerals. This is in order to keep alive the memory, and to preserve by tradition from father to son, the history of their ancestors, and the example of their fine action and of their greatest quantities, something which otherwise would be lost to them, and would deprive them of knowledge of their relationships, which they preserve by this means; and it serves to transmit their alliances to posterity. On these matters they are very inquisitive, especially those descended from ancient chiefs; that they sometimes

⁶⁸ McMillan, "Mi'kmawey Mawio'mi: Changing Roles of the Mi'kmaq Grand Council," p.74.

⁶⁹ C. W. Vernon, *Cape Breton Canada at the Beginning of the Twentieth Century: A Treatise of National Resources and Development*, (Toronto: Nation Publishing Co., 1903), p.98, quoted in William Wicken, "Heard it From our Grandfathers; Mi'kmaq Treaty Tradition and the Syllboy Case of 1928," in *University of New Brunswick Law Journal*, Vol.44, (1995), p.152.

*claim for more than twenty generations.*⁷⁰

It is clear that for the Mi'kmaq their political ideologies were encapsulated within the ceremonies that accompanied all political relationships, as these ideologies were not necessarily found in a written form. However, the Mi'kmaq did possess a tangible article which was used as a form of a written political understanding, and that was the wampum belt, which they referred to in the Mi'kmaq language as *L'napskun*.⁷¹ Wampum was utilized by the Mi'kmaq as a form of communication between village to village or tribe to tribe. Father Chrestien LeClerc commented on the use of wampum late in the seventeenth century when he stated that the Mi'kmaq, "send ambassadors with collars of wampum to take up the hatchet against enemies of the nation."⁷² Mi'kmaq Wampum belts were made of tiny beads strung together in patterns which denoted various figures that carried a specific message. These messages could signify war, peace or other critical information, and were sent by messengers to various tribes as a form of communication. Often, a wampum belt was what signified to the other tribes the authenticity of the message being sent and as well as the authenticity of the messengers themselves.⁷³ Once a wampum belt was delivered to its recipient, the messenger would read the belt - that is the

⁷⁰ Nietfeld; "Determinants of Aboriginal Micmac Political Structure," p.429, Denys, *Description and Natural History*, p.410.

⁷¹ Speck, "The Eastern Algonkian Wabanaki Confederacy," p.507.

⁷² LeClerc, *New Relation of Gaspesia*, p.

⁷³ Willard Walker, "A Chronological Account of the Wabanaki Confederacy," in *Political Organization of Native North Americans*, ed. Ernest L. Schusky, (Washington, D.C.: University Press of America, 1980), p.46.

message contained within it - and thus the message would be conveyed to all that was present to hear.⁷⁴

During the eighteenth century we know that Mi'kmaq political protocol was still utilizing the wampum belt as a form of communication with their allies, as it was used in the process of delegation of representation for the Wabanaki signatories who signed Dummer's Treaty in 1725. Four Penobscot Chiefs signed this Treaty and when they were asked by Dummer whether they were mandated to represent the Mi'kmaq, Maliseet and Abenaki, they replied that, "the Penobscot Tribe sent belts to those tribes, & they sent their Belts to the Penobscot Tribe for a confirmation of their Agreeing to what shall be Concluded, which Belts are lodged with our Chiefs which is equivalent to a Writing or Articles under their hands."⁷⁵ Of course, these words would have been spoken either in Penobscot or French, and then translated to English, so we have to be cognizant that some of the intended meaning may have been lost in the translation. Nonetheless, the essence of the speaker's message is clear: that the exchange of the wampum belts signified acceptance of their representation.

Thus, Mi'kmaq political structures based their ideological foundation on the idea of ceremonies. Such ceremonies were often dualistic in their intent whereby the importance of political protocol was primary and the political goals could almost be seen as secondary in nature. Of course, this is not to assert that Mi'kmaq did not undertake political relationships with a political goal in mind, for clearly during the eighteenth

⁷⁴ Speck, "The Eastern Algonkian Wabanaki Confederacy," p.19.

⁷⁵ Wicken, *Mi'kmaq Treaties on Trial*, p.91.

century Mi'kmaq pursued many of their political relationships with an intent of gaining tangible opportunities for their people. The environment of Mi'kma'ki at the beginning of the seventeenth century was filled with uncertainty, as the French and the British were battling for title to the area, and in fact colonial title of Nova Scotia switched hands between the French and the British many times. The Mi'kmaq were not idle players within this conflict, and in fact their political shrewdness allowed them to play one colonial power off against the other in an effort to gain profitable deals in their trading and presents. An example of this is obvious in the following correspondence from Saint Ovide to France in 1721:

He has learned from the Governor of Port Royal (Annapolis Royal) has tried to attract the Mickmack Indians with large quantities of Presents and that some young men have taken them, he (Saint-Ovide) wrote to M. Gaulin to make an assembly of all chiefs at Antigoniche where they met on the 27 of July last, he assembled them the next day in his tent, complained of what they had allowed to occur, that some of their young men had received presents from the english, they assured him they had paid for what they had given. They represented to him at the same time that it was impossible for them to feed their families with three pounds of powder and of shot they were receiving, that they would die of starvation during the winter and that they pressed him to remedy this, failing which they would be forced against their inclinations to search elsewhere to find the means to survive, he (Saint-Ovide) tried to turn them away from such thoughts and promised to write (to the King) on their behalf, in the meantime he has assisted them as he did, giving several among them last spring a little food, powder and shot, they appeared to him to be satisfied with their discussions.⁷⁶

The Mi'kmaq also used the same strategy with the British, but their political relationship with them was characteristically strained, as the British did not desire to accommodate to the Mi'kmaq forms of political diplomacy; that being the provision of gifts and the

⁷⁶ AN AC C11B v.5, 340-341r, "Novembre, 1721, Conseil de la marine," "R. v. Donald Marshall Jr., Defence Document Books, vol.2, doc.59".

recognition of the Mi'kmaq as equals. On one occasion in 1754, the missionary, Jean-Louis Le Loutre wrote to the British Lieutenant Governor, Charles Lawrence, that he had brought two Mi'kmaq leaders into Halifax to meet with British officials to discuss the issue of peace. When Le Loutre and the two leaders met the British Captain Hamilton on the side of a river, the Captain did not descend from his wagon to greet the Mi'kmaq leaders, nor did he give them an opportunity to discuss issues, even though the meeting was pre-arranged.⁷⁷ For the Mi'kmaq, this type of encounter ran contrary to their understanding of alliance and protocol, and such occurrences were contributing factors which caused the Mi'kmaq to consider their relationship with the English as one of necessity, not necessarily of desire. This "necessity" involved the recognition by Mi'kmaq leaders that the British colonials were continuing to encroach on their lands without Mi'kmaq consent, thus forcing the Mi'kmaq to consider making efforts to arrive at understandings with them which might assist them in the safeguarding of their land and their livelihood.⁷⁸

Wabanaki Confederacy

The colonial conflict that was ongoing between the French and the English in Nova Scotia during the eighteenth century was characteristic of life throughout the present day

⁷⁷ NSARM, RG-1, v.187,88-89, "Nova Scotia Council Minutes, 9 September, 1754," "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, doc.147."

⁷⁸ "Lettres des sauvages a Monsieur le général Philipps, 2 October, 1720," *Collections de manuscrits...relatifs à la Nouvelle-France*, (Québec: A. Côté et Cie., 1884), pp. 46-7, "R. v. Donald Marshal Jr., Defence Document Books, vol.2, doc.56."

Maritime provinces and the New England states. Mi'kmaq understood that they were not the only aboriginal peoples having to reckon with the actions of colonial peoples, and they communicated regularly with the Wulstukwiuk, Penobscot, Abenaki, and others.

Traditionally, Mi'kmaq had undertaken various trade relations with their aboriginal neighbors, with whom they also shared a political alliance and a common enemy: the Iroquois. In 1603, Jacques Cartier documented that the "Esteschemins, Algoumequins, and Mountaineers" all feared the Iroquois, against whom they jointly went to war.⁷⁹ In 1632 Acadia fell under the control of the French, who saw conflict between the various aboriginal peoples as a deterrent to their own profit making within the fur trade. In an effort to ensure a positive trading environment, the French utilized a missionary by the name of Father Druiliettes, to mediate a peace between the aboriginal groups. This peace was established in 1640, but throughout the 1600's, fueled by the fur trade, conflict continued between the Mohawk and those Indigenous groups allied with the French.⁸⁰ The alliance that developed during this time period was demonstrated in 1666, when the Grand Chief Noel Tecouerimat died and the inauguration of his successor was attended by chiefs of the Algonquin, Montagnais, Abenaki, Mi'kmaq, Huron, Nippising, and Etechemin.⁸¹

In 1700, the Algonquian-Iroquois conflict was minimized by the signing of "the

⁷⁹ Andrea Bear, "The Concept of Unity Among Indian Tribes of Maine, New Hampshire and New Brunswick: An Ethnohistory," B.A. Thesis, Colby College, (1966), p.95.

⁸⁰ Ibid, p.97.

⁸¹ Walker, "A Chronological Account of the Wabanaki Confederacy," p.46.

Submission of the Eastern Indians to the Mohawk, although oral tradition of the Algonkian tribes argued that it was the submission of the Iroquois.⁸² It is suggested that at this time period two formal political structures emerged; those being the Caughnewaga Confederacy and the Wabanaki Confederacy, in both of which Mi'kmaq assumed a political role. With regards to the Caughnewaga Confederacy, Frank Speck has suggested that its formation came about when the Mohawk wanted the Wabanaki to join them in their league, and when they refused, the compromise reached was the formation of the Caughnewaga council.⁸³ Here, Speck asserts that four Wabanaki tribes- Penobscot, Passamaquoddy, Wulstukwiuk and Mi'kmaq - were represented in whole as the eastern member and at the meetings which were held every three years, wampum belts signified their pledge of alliance to each other. The Mi'kmaq, Penobscot and Maliseet referred to the Caughnewaga Council as *Buduswagan*.⁸⁴ However, in 1721, correspondence sent from a group referenced as the "Eastern Indians" to Governor Samuel Shute, lists members of this political alliance which included more Wabanaki tribes than just the Penobscot, Mi'kmaq, Wulstukwiuk and Passamaquoddy. This demonstrates that it is very likely that this correspondence was probably a collective political response of the Caughnewaga Council; however more Wabanaki tribes appear to have been affiliated in

⁸² Ibid, p.48.

⁸³ Speck, "The Eastern Algonkian Wabanaki Confederacy," p.493.

⁸⁴ Walker, "A Chronological Account of the Wabanaki Confederacy," p.49.

some manner, or they would not have been included in the 1721 correspondence.⁸⁵ Actual documented evidence of the Mi'kmaq alliance with the Caughnewaga Council is scarce at best, as most of their meetings would have been signified within wampum belts.

Nonetheless, Mi'kmaq oral tradition in 1915 still recalled the alliance with Caughnewaga, and they continued to maintain this allied relationship until at least 1872.⁸⁶

It is from this Caughnewaga Council of Fire that many scholars have suggested that we owe the emergence and structure of the Wabanaki Confederacy, primarily because of the similarities in structure and protocol, although this is not certain.⁸⁷ It is thought that the Wabanaki Confederacy itself consisted of four individual tribes - the Penobscot, the Passamaquoddy, the Wulstukwiuk and the Mi'kmaq - whereby the Mi'kmaq played the role of the younger brother; however, it appears that from the 1721 letter to Governor Shute, other Wabanaki tribes may have also been affiliated in some manner. The four tribes sat in a rectangle council during their meetings, at which time the wampum belts were brought out and hung on a loop of moose hide. Protocol and ceremony was the essence of these meetings, which opened first with smoking the pipe of peace, and the alliance of the four tribes was signified in one of the primary wampum belts:

This was somewhat of a broader belt with a dark background, denoting former or potential hostility among the tribes, lightened on the margins with white borders denoting the bonds of friendship that now surround them.... The four white

⁸⁵ "Eastern Indians Letter to the Governour," 27, July 1721, reprinted in *Collections of the Massachusetts Historical Society*, 2nd series, Vol. VIII (Boston 1819), p.259-263, in "R. v. Donald Marshall Jr., Defence Document Books, vol.2, doc.57".

⁸⁶ Speck, "The Eastern Algonkian Wabanaki Confederacy," p.506.

⁸⁷ Walker, "A Chronological Account of the Wabanaki Confederacy," p.50.

*triangles are tribal wigwams, the Penobscot, the Passamaquoddy, Wulstukwiuk and Micmac. In the center is the pipe which is the symbol of the peace ceremony by which the allies are joined.*⁸⁸

This smoking of the pipe was also a significant aspect of Mi'kmaq political protocol that is often described in many of the historical documents. One such description portrayed the power that was yielded from such ceremony by Mi'kmaq leaders as that where, "they have some glimmering perceptions of the Laws of the Nation, is evident from the use to which they put the calumet."⁸⁹ Again, we find a ceremony within Mi'kmaq political society that was dualistic in nature. One role was the enjoyment of smoking tobacco and the other role was the significance such actions meant for the peaceful relationships of its participants.

Rightfully or not, it has been suggested that the Mi'kmaq's official position within the confederacy was not equal to that of the other three nations and that "they stood apart from the other Wabanaki nations of the Confederacy."⁹⁰ Further, Frank Speck suggests that the Mi'kmaq possessed more formal ties with the Mohawk Caughnewaga Confederacy, which in 1915, Mi'kmaq oral tradition still confirmed.⁹¹ Clearly, the Mi'kmaq did participate in some type of political relationship with the Wabanaki Confederacy during the eighteenth century as in 1727, an Abenaki Chief was said to accompany the Mi'kmaq Council, when it met with the governor of Ile Royale, Saint-

⁸⁸ Speck, "The Eastern Algonkian Wabanaki Confederacy," p.501.

⁸⁹ Donovan, "A Letter From Louisbourg," p.122.

⁹⁰ Bear, "The Concept of Unity among Indian Tribes of Maine," p.105.

⁹¹ Walker, "A Chronological Account of the Wabanaki Confederacy," p.51.

Ovide. We also know that in 1726, Francois Xavier, a Penobscot negotiator of the 1726 treaty, came to Annapolis Royal in May, one month prior to the June ratification of the 1726 treaty, where he would have likely discussed the signing of the Treaty of 1725.⁹² Further, the Penobscot Wampum Records describe many of the processes involved in the Wabanaki Confederacy, and within these descriptions it is clear that the Mi'kmaq were a member.⁹³

During this time period Mi'kmaq, Wulstukwiuk, Abenaki, Passamaquoddy and Penobscot actively participated together in various conflicts with the British throughout various areas of the eastern coast of the Atlantic region. During the 1720's, aboriginal people throughout the northeastern coast were involved in conflicts with the British government as well as its settlers. For the Mi'kmaq, such conflicts occurred between themselves and New England fishermen in Canso, and as for the Penobscot, Passamaquoddy and Kennebec aboriginal groups, they too were experiencing warfare with New England settlers throughout their territories in Maine.⁹⁴ At many of the conflicts of this time period, including the one in Canso, Mi'kmaq and Abenaki forces fought side by side and it has been suggested that this common experience would have strengthened their alliance as it existed in the political commitment of the Wabanaki confederacy.⁹⁵ The ongoing conflicts between settlers and the aboriginal people and the further settling of

⁹² Wicken, *Mi'kmaq Treaties on Trial*, p.94.

⁹³ Walker, "The Wabanaki Confederacy," p.122.

⁹⁴ Plank, *An Unsettled Conquest*, 2001, p.78.

⁹⁵ Ibid, p.78.

aboriginal lands by the settlers came to the attention of the Wabanaki Confederacy in 1767, whereby they held a specific council to discuss the issue.⁹⁶ Mi'kmaq were in attendance of this meeting, which according to British authorities was described as follows: "there a great number of Indians of different tribes now assembled on Penobscot River; that they are determined to maintain their right to 12 rivers which they claim..."⁹⁷ It is not surprising that the Mi'kmaq would have been in attendance, as they would have recognized the land acquisition of the British as a serious threat to themselves and all aboriginal groups, as they had just experienced the illegitimate establishment of Halifax in 1749. Further, their own political relations with the French would have begun to deteriorate also, as Louisbourg would have seen its last French regime end in 1758, thus affecting the favorable relationship the Mi'kmaq had held with them.⁹⁸

With the outbreak of the American Revolution in 1775, both the British and the English desired to have the various Wabanaki tribes as their allies, and both sides took steps to encourage this relationship. In 1775, the government of the 13 Colonies sent correspondence to the various Indian tribes encouraging them to assist their "brothers". One of the responses which they received back was from the Mi'kmaq and Wulstukwiuk, who stated that they would support the Americans and "we shall have nothing to do with

⁹⁶ Walker, "A Chronological Account of the Wabanaki Confederacy," p.56.

⁹⁷ Ibid, p.56.

⁹⁸ Plank, *An Unsettled Conquest*, p.158.

Old England.”⁹⁹ However, when a delegation of leaders, including Mi’kmaq, met John Allan of the revolutionary government, in January of the following year, they asked him: “How comes it, that Old England & new should Quarrel & come to blows? The Father & Son to fight is terrible - Old France & Canada did not do so, we cannot think of fighting ourselves till we know who is right & who is wrong.”¹⁰⁰ Clearly, Mi’kmaq had concerns regarding the role which they would assume within this conflict. Nonetheless, Mi’kmaq leaders entered into a political agreement with the revolutionary government on July 19, 1776. The 1776 Watertown Treaty was signed by a delegation of Mi’kmaq, although within the treaty discussions, the Wulstukwiuk leader St. Bear stated that they did not have the authority to bind their constituencies without consultation.¹⁰¹ Of course, the Mi’kmaq had also made an alliance with “Old England” in the treaties of 1726, 1752 and 1760-1761, which pre-dated the American Revolution. Nonetheless, Mi’kmaq warriors did actively participate with their fellow Wabanaki tribes in conflicts between the Americans and the British throughout this time period.¹⁰² What is most notable though, is the fact that even though Mi’kmaq did support the revolutionary cause, they were also astute to realize that they did not necessarily want to dissolve their treaty relationship with

⁹⁹ Harald Prins, “Two George Washington Medals: Missing Links Between The United States and the Wabanaki Confederacy,” *Maine Historical Society Quarterly*, Vol.28, No.4 (Spring, 1989), p.229.

¹⁰⁰ George Washington, *The Writings of George Washington*, ed. John C. Fitzpatrick, 39 vols. (Washington D.C.: 1931-44,) pp.170-171, quoted in Upton, *Micmacs and Colonists*, p.72.

¹⁰¹ Walker, “A Chronological Account of the Wabanaki Confederacy,” p.61.

¹⁰² Ibid, p.63.

the British either. It appears that they may have been reminded of this treaty relationship at a meeting that was held in September of 1778, on the River St. John. Here, Mi'kmaq and Wulstukwiuk leaders met with the British representative, Michael Francklin. Aided by Catholic missionaries, Francklin was successful in having the Mi'kmaq and Wulstukwiuk leadership return: "the presents which they had received from the rebel General Washington."¹⁰³ These presents included War Captain medals, which had been provided to them by John Allan, on behalf of the revolutionary government. These medals still exist today, and are held by Mi'kmaq in Indian Island, New Brunswick. Thus, it appears from this point forward, the Mi'kmaq played the "wait and see" role, and their lack of consistent, collective, political commitment to the revolutionaries may have also been affected by the lack of provisions not being supplied to themselves. Mi'kmaq and Maliseet who participated in the conflicts in Maine at the end of the 1770's complained about the lack of supplies and goods that failed to arrive from the Americans, until finally they were forced to abandon Machias and return home to their villages .¹⁰⁴

As the eighteenth century came to a close, the active participation of Mi'kmaq collectively within the Wabanaki Confederacy became greatly reduced, as historical descriptions of meetings of the Wabanaki Confederacy during the beginning of the nineteenth century do not document Mi'kmaq as participating; specifically at the 1816 Chief raising ceremony in Old Town, nor at a special 1838 leadership inauguration. Why

¹⁰³ Prins, "Two George Washington Medals: Missing Links Between The United States and the Wabanaki Confederacy," p.231, Walker, "A Chronological Account of the Wabanaki Confederacy," p.65.

¹⁰⁴ Prins, "Two George Washington Medals," p.231.

this disappearance of the Mi'kmaq from this broad political structure took place, we can only surmise, but no doubt the changing landscape of the collective Mi'kmaq experience caused by the loss of their lands in the nineteenth century may have been a factor.

When considering the political structures that enveloped Mi'kmaq within the eighteenth century, we see that the political leadership were within an environment unlike that which they had ever experienced before and which involved a dichotomy of new political players. Mi'kmaq political relationships historically involved a level of process and ceremony that involved more than just political realizations but also supported the social structures and collective identity of the Mi'kmaq. Consensus was a key component of political decision making, both at the local level and the broader nation level, and this pursuit becomes logical when considering the interdependence that enveloped Mi'kmaq society and the need to secure that interdependence. Extensive political ceremonies and process were a necessary component to political structures, as these ceremonies set the stage for collective understandings of Mi'kmaq political relationships. Through the expression of these ceremonies, in which wampum belts assumed a key role, specific information was communicated to all Mi'kmaq present, who then assumed a responsibility to pass on such critical information to others through oral tradition.

Both France and Britain saw these political expectations of the Mi'kmaq as ideas which were totally foreign to their own political philosophies, and as such they differed in their approach to political relationships with the Mi'kmaq. The French were assisted in establishing a mutual political relationship with the Mi'kmaq through their joint involvement in the fur trade of the seventeenth century. Also key in assisting their

political relationship was the involvement of Catholic missionaries, who facilitated the relations between the two groups through the common denominator of the Catholic religion. France recognized early on that Mi'kmaq political relations could only be established on Mi'kmaq terms and the French accommodated to Mi'kmaq expectations of protocol and ceremony. This involved the supplying of gifts, the orations of speeches, and the French acceptance of the Mi'kmaq as equals; even though if the truth be known, this was not the collective ideology of the French, but rather an accepted necessity to establishing good political relations with the Mi'kmaq.

For the British, they did not see it essential to accommodate to the Mi'kmaq protocol as a component of establishing political relations. Their position involved colonial domination of the Mi'kmaq as subjects, and when Mi'kmaq resistance was demonstrated, the British relied on active warfare and proclamation of bounty. As the eighteenth century progressed, the British came to a realization that the Mi'kmaq would not be so easily dismissed within their own lands, and thus pursued a political co-existence through the treaty relationships signed throughout this time period.

Mi'kmaq collective political ideologies were under pressure within the eighteenth century, primarily due to the fact that their collective identity went beyond geographical boundaries of their own making, and thus were susceptible to the intangible geographic boundaries that were being created by the British and the French. Nonetheless, Mi'kmaq continued to actively pursue collective political pursuits beyond their own territories, as found within the auspices of the Wabanaki Confederacy and the Caughnewaga Confederacy, and they utilized these alliances to strengthen their own position within their

lands, and as well as the position of their aboriginal comrades. Local villages were connected to the broader Mi'kmaq political structure through kin, language, culture and leadership and because of this interconnection and collective identity, Mi'kmaq society remained politically cohesive and intact, if not a little bruised and battered. The Treaty documents that were signed by Mi'kmaq leaders during this time period are the living testimony of the political cohesiveness of the Mi'kmaq nation; for these various agreements that Mi'kmaq leaders entered into bound the entire Mi'kmaq nation into a political relationship with the British.

Chapter 3

The Ni'kmaq of the 18th Century: Kin-Relations and Political Ties

When considering the history of the Mi'kmaq people during the eighteenth century, scholarly writings have attempted to further their understanding through extensive research, which has often involved the gathering of primary and secondary sources documenting the occurrences of this time period. Such sources which exist today include colonial government documents, individually owned materials (such as journals, letters and diaries), and various agreements which were agreed to by various parties, such as treaties. From such documents scholars have furthered their understanding on many aspects of Mi'kmaq life during this time period, including Mi'kmaq cultural understandings, Mi'kmaq relationships, (both political and social), and Mi'kmaq aboriginal and treaty rights issues. However, with regards to the personal aspects of Mi'kmaq society, such as political relationships among the Mi'kmaq or personal relationships between individuals and families, very little has been provided by way of consideration. This situation is somewhat understandable if one considers the fact that few sources, by way of written documents, exist from this time period, thus providing minimal insight by way of personal and political Mi'kmaq life within the eighteenth century. However, few scholars, except a few noteworthy individuals, have taken the time to consider those pieces of personal and political information that do exist within the sources.

The neglect of consideration of those Mi'kmaq personalities who lived during this

critical time period, has obscured a piece of Mi'kmaq history which has left a significant gap in the historical writings . The historical sources which provide details as to the personal characteristics of Mi'kmaq leaders and their communities, although minimal in quantity, do provide an important dimension in understanding Mi'kmaq history. This is primarily because personal information can provide insight into other aspects of Mi'kmaq society, such as political ambitions and processes, which we currently know so little about. Mi'kmaq society's existence at this time period was entrenched within the various personal and political relationships which existed between communities and individuals. Mi'kmaq society - culturally, socially and politically - did not exist without consideration of the family and the various personal relationships that stemmed from the family. *Ni'kmaq* - my kin relations, was the core of Mi'kmaq society and dictated the daily decision making that occurred on issues of marriage, conflict, alliances, and agreements, to name but a few. To understand Mi'kmaq political, cultural and social life of this time period is to understand the workings of the Mi'kmaq family.

As previously asserted, Mi'kmaq society of the eighteenth century was one which functioned by way of various social relationships between immediate and extended family members and these relationships crossed the geographical boundaries of communities to involve all types of personal relationships, including those of a political nature. As a manner in which to investigate the Mi'kmaq communities which existed during the eighteenth century and which were involved within the treaty negotiations with the British, an analysis of the various Mi'kmaq leaders and their families and friends will be approached. Personal relationships among various Mi'kmaq leaders and their extended

families will be identified, which may contribute to identifying who the Mi'kmaq political leaders were and why the Mi'kmaq Nation approached their political relationships as they did. The communities themselves and the personal identities of the political leaders and families that are living throughout Mi'kma'ki will be presented, demonstrating the social ties that reinforced Mi'kmaq political relationships. Through such an analysis the personal identities of Mi'kmaq leaders, communities and those *Ni'kmaq* who made up each community will be arrived at, which will provide a more thorough understanding of how Mi'kmaq leaders arrived at their daily political decisions and the important role played by their personal relationships.

Mi'kmaq Communities of the 18th Century

At the beginning of the eighteenth century, the Mi'kmaq people existed in a society whereby their daily life involved personal encounters with Europeans which had evolved to such an extent that the familiarity between the two groups was personal in nature. This situation had come about primarily through the trade relationships that had been developing between the two groups since the beginning of the seventeenth century. Although some trade had been occurring prior, it was at this time whereby the fur trade itself began to become more structured and involved the establishment of various fur trading posts.¹ The fur trade itself had existed for over a hundred years, and its effects on Mi'kmaq society have often been debated by many academic scholars. On one side has been the position that the effects of the fur trade transformed Mi'kmaq society to the point

¹ Wicken, "Encounters with Tall Sails and Tall Tales," p.274.

whereby religion, material culture and other forms of Mi'kmaq culture were drastically affected through the introduction of European trade goods and European society.² On the other side of the debate lies the argument that although the fur trade did change many aspects of Mi'kmaq society, such as through the introduction of European disease, yet because Mi'kmaq communities had always traditionally lived in communities near the coastal areas, their location allowed an accommodation to the demands of the fur trade in a less disruptive manner than previously thought.³

Such findings bring us to consider the Mi'kmaq communities that existed throughout Mi'kma'ki during the eighteenth century and what we know about their location and characteristics. During the early part of the seventeenth-century, the explorer Samuel Champlain documented some of the Mi'kmaq communities which existed at this time within two maps that he drew of Mi'kma'ki in 1607 and 1612. However, when utilizing such maps, we must be careful not to consider them as a thorough reflection of all Mi'kmaq communities which may have existed, as Samuel Champlain only resided in Acadia for a short period during the early 1600's, and as such did not travel extensively throughout the whole of Mi'kma'ki documenting all Mi'kmaq communities.⁴ Further, Champlain did not possess a thorough and extensive understanding of Mi'kmaq society, thus those communities which are documented within his maps should be viewed as

² Calvin Martin, "The European Impact on the Culture of a Northeastern Algonquian Tribe, An Ecological Interpretation," *William and Mary Quarterly*, (1974), pp.3-26.

³ Wicken, "Encounters with Tall Sails and Tall Tales," p.181.

⁴ Ibid, p.93.

containing incomplete demographic information relating only to communities with which he was familiar.

The same can be said of other sources which documented the Mi'kmaq communities throughout the seventeenth and eighteenth centuries. The various censuses were undertaken by various individuals within varying circumstances. Some were missionaries, others were colonial officials, and some were European traders.⁵ All of the information which each group would have documented is a critical source in understanding the demographics of the Mi'kmaq communities of this time period, but no document alone provides a complete picture. Rather, each complements evidence from other sources. Further, because Mi'kmaq society possessed and acquired critical historical information through oral record keeping, any surviving Mi'kmaq oral tradition is important. Nonetheless, Mi'kmaq oral tradition has had to endure hundreds of years of colonization, which has contributed to its fragmentation. Because of such occurrences, those written sources of the seventeenth and eighteenth centuries, which provide information on the Mi'kmaq communities are critical documents, despite any difficulties which they may present as evidence.

Within the seventeenth century, Samuel de Champlain's maps of 1607 and 1612 describe a number of Mi'kmaq communities, primarily within the present day Shelburne area, Pubnico, Saint Mary's Bay area, Port Royal, Minas, La Have, Saint Margaret's Bay,

⁵ This would include the 1688 census taken by Sieur de Gargas, a French official, and the 1708, 1722 and 1735 census, all taken by French missionaries.

River Sainte-Marie, and Cobequit.⁶ Unfortunately, very little information is provided on communities east of Antigonish.

Other sources from the seventeenth century also provide certain details on the Mi'kmaq communities, but not until 1688 do we find a census that actually lists population figures.⁷ The 1688 census was undertaken by Sieur de Gargas, a French official. He included some of the Mi'kmaq communities within his overall census of non-Mi'kmaq settlements. From this census we are able to ascertain that Mi'kmaq communities in the later territory of Nova Scotia existed at Port Royal, (located about a half-mile from the fort), Minas, Chignecto, Cape Breton, St. Peter's (Cape Breton), Canceau, (including both Canso and Chedabouctou), Chibouctou - near the site of Halifax, La Have, Merliguech (near the site of Lunenburg), Port Rochelois (in the area of Shelburne), and Cape Sable. A map identifying these communities is provided within the Appendix. Gargas also listed Mi'kmaq, Wulstukwiuk and Passamaquoddy communities found in present day New Brunswick, including three on the St. John River, one at the later site of St. Stephen, and others.⁸ When considering the population figures provided by the Gargas census it appears that the communities of Minas, Cape Breton, St.Peters-Cape Breton, La Have and Chedabouctou may have been some of the primary Mi'kmaq settlements, as they are listed

⁶ Wicken, "Encounters with Tall Sails and Tall Tales," p.93, and H.P.Biggar, ed., *The Works of Samuel de Champlain*, vol.1 (Toronto: University of Toronto Press, 1922), plate LXIV.

⁷ M. Gargas, "General Census of the Country of Acadie, 1687-88," William I. Morse, ed., *Acadiensis Nova*, vol.I, (London: Bernard Quaritch Ltd., 1935), pp.144-55, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.5, doc.46".

⁸ Ibid, pp.148-49.

as having between 48 and 77 people each.

In 1690 an English census was undertaken by New England fishermen, which also provides insight regarding Mi'kmaq communities, including the fact that the Cape Sable area is listed as having two Mi'kmaq Communities - at Pubnico and Port la Tour, also known as Ministeguech.⁹ However, only at the beginning of the eighteenth century were censuses undertaken specifically of Mi'kmaq communities and their inhabitants.

The first source is the 1708 census, undertaken by French missionaries.¹⁰ It lists seven Mi'kmaq communities, as well as Wulstukwiuk and Passamaquoddy communities. Particularly significant is that within the later area of Nova Scotia - *K'mit'kinaq*, it lists communities found throughout the western coast all the way to Cape Breton, although the information for Cape Breton is not separated into communities, but listed as one community of Cape Breton. Again, the communities specified are those which were included in documentation of the seventeenth century, such as Port Royal, Cape Sable, La Have, Minas, Chignecto, but also included is the community of Musquodoboit, inhabited by a significant number of families. Within the census Musquodoboit's population is listed as numbering 161 and the only Mi'kmaq community listed as having a larger population is that of Cape Breton, whose numbers are listed at 196. Also significant about this census is the fact that individual families are listed, including first and last names,

⁹ Wicken, "Encounters with Tall Sails and Tall Tales," p.94.

¹⁰ Chicago, Newberry Library, William Ayers Collection, 1708 Census, "Recensement general fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'acadie," p. 95, in "R. v. Donald Marshall Jr., Defence Document Books, vol. 2, doc.32".

wives, children and widows, with their ages. This evidence is important as it offers personal information regarding those individuals whose lives would become involved in a tumultuous time period of conflict, peace, and treaty negotiations.

In 1721 another census was undertaken by Antoine Gaulin, a French missionary who lived with the Mi'kmaq in Nova Scotia for 26 years.¹¹ Gaulin documented the Mi'kmaq communities of Annapolis, Antigonish, Beaubassin, Minas, La Have, Cape Sable, Cape Breton, Pictou, River St. Mary, Shubenacadie, and Chignecto.¹² Such information confirms the continued existence of Mi'kmaq communities previously mentioned in earlier censuses, such as La Have, Minas and Cape Sable, but it also provides information on lesser-known communities such as Pictou and Shubenacadie. Not mentioned within Gaulin's censuses is the community of Musquodoboit, which appeared to be a significant community in the 1708 census, and which is located within a few miles of Shubenacadie. After 1708, Musquodoboit is rarely listed within any of the key censuses or treaties of the eighteenth century as a Mi'kmaq community, but Shubenacadie is consistently mentioned and is also one of the communities signing the 1726 Treaty. It is probable that after 1708, Musquodoboit may have been less frequented as a key Mi'kmaq village and instead Shubenacadie may have become utilized more prominently for the Mi'kmaq families in this area. Indeed, many of the individuals listed within the 1708 census as inhabitants of the Musquodoboit community re-appear in 1721

¹¹ Wicken, "Encounters with Tall Sails and Tall Tales," p.325.

¹²AN, (France),AC C11B, v.6,77r, "Recensement des sauvages 1722," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.102".

and 1726 as Shubenacadie community members. Jean Baptist Fils debon, is a 26 year old Mi'kmaq man living in Musquodoboit in 1708 but in 1726 he is listed as the Chief of Shubenacadie and signs the 1726 Treaty on behalf of his community. In 1722 the Chief of Shubenacadie is listed as Joseph Bomgabouidetché and within the 1708 Census, Joseph Bemgabouides is listed as a 48 year old man living in Musquodoboit. Although the spelling of the last name differs slightly, this is most likely the same individual, as the spelling of Mi'kmaq names was never consistent when documented by Europeans. Spelling of Mi'kmaq names was dependent on various factors, such as whether the Mi'kmaq name was being written in the English or the French language, and how those individuals interpreted the sound of the Mi'kmaq name.

The Treaty of 1760 also provides further evidence of the strong relationship between Shubenacadie and Musquodoboit, as the Chief of Shubenacadie, Claude-Renée, signed the treaty on behalf of Shubenacadie and Musquodoboit.¹³ What also may have contributed to the prominence of the Shubenacadie community at this time is the fact that a Catholic mission was established here in 1722, contributing to the increased use of the area by Mi'kmaq. Nonetheless, those Mi'kmaq communities that are listed within the Gaulin census reflected the reality at this time, their population numbers ranging from 43 individuals at Port Royal to 157 individuals at La Have.¹⁴ Other censuses undertaken in

¹³ NSARM, MG-1, v.258, "March 10, 1760, Nova Scotia Council Minutes," pp.137- 40," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, doc.110".

¹⁴ AN, AC C11B, v.6,77r, "Recensement des sauvages 1722," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.102".

1735 and 1737, also provide us with information concerning the Mi'kmaq communities, although their information is limited to the number of men and the name of specific communities, which is generally consistent with those communities already listed previously.¹⁵

Not only censuses provide information regarding Mi'kmaq communities but also the treaties that were signed by the Mi'kmaq with the British. The 1726 Mi'kmaq - British treaty was entered into by seven Mi'kmaq communities located in *Kmit'kinaq* and *Unama'ki* along with Mi'kmaq and Wulstukwiuk and Passamaquoddy communities from present day New Brunswick and Maine.¹⁶ Each of the Mi'kmaq communities listed in the treaty had been previously mentioned in earlier censuses. They included Cape Sable, Shubenacadie, Minas, Chignecto, Annapolis Royal, Cape Breton and La Have. In later Mi'kmaq - British treaties, many of these Mi'kmaq are again represented. The Treaty of 1752 was only signed by the community of Shubenacadie, although other communities such as La Have also showed an interest in signing.¹⁷ Other communities which signed the earlier treaty of 1726 did not sign this particular treaty, not because they

¹⁵ AN, AC, C11D, v.9,76r, "Recensement fait des sauvages portant les armes en 1735," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.126".

¹⁶ "Ratifications of Treaty of 1726, Indian Signatures," Public Records Office, (Great Britain), Colonial Office 217, vol.38, pp.100-09, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.114".

¹⁷ NSARM, RG-1, v.186, "November 22, 1752, Nova Scotia Council Minutes," pp.250- 4, in "R. v. Donald Marshall Jr., Defence Document Books, vol.4, doc.96; and NSARM, RG-1, v.186, "April 2,1753, Nova Scotia Council Minutes," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol. 8, doc".

were non-existent or insignificant, but rather for other reasons discussed in greater detail in Chapter 4.

In 1760 and 1761 the Mi'kmaq were once again involved in treaty negotiations with the British. In the treaties of those years, many of the same communities appear again. However, Minas and Port Royal are not identified specifically as communities, as they had been in 1726. Included additionally as signatories in 1760-61 were the communities of Pictou, Richibuctou and Malogomich. On the face of it, this could mean that some communities did not exist any more or did not wish to enter the treaty process. However, this is made doubtful when we consider the fact that Paul Laurent, Chief of La Have, Michael Augustine, Chief Of Richibucto and Claude Renee, Chief Of Shubenacadie, were those Chiefs who entered into the February 10, 1760 Treaty signing.¹⁸ All of these leaders were from Mi'kmaq communities that were from farthest points apart within the territory of Mi'kma'ki. La Have was located on the southern part of Mi'kma'ki, Shubenacadie within the central part, and Richibuctou within western Mi'kma'ki (modern New Brunswick). Because they represented communities geographically distant from each other and because this was a major time of war and conflict, as suggested by William Wicken: "It is probable that these three had been delegated by several villages to negotiate a peace."¹⁹

By the 1760s we know that many of the Mi'kmaq communities which existed at

¹⁸ NSARM, RG-1, v.188, "February 11, 1760, Nova Scotia Council Minutes," pp.119 - 23, in "R. v. Donald Marshall Jr., Defence Document Books, vol.4, doc.107."

¹⁹ Wicken, *Mi'kmaq Treaties on Trial*, p.201.

the beginning of the eighteenth century were still in existence. This is confirmed by historical documents written by British and New England officials.²⁰ Such writings included a list of various names of Mi'kmaq and Maliseet Chiefs and the communities they represent, such as Miramichi, Pohomoosh, Tabagomkik, Shediak, Chignecto, Pictou, P.E.I., Cape Breton, Shubenacadie, Minas, Richibuctou, Keshpugowitk and Nalkitgoniash. Included within the document, *Indians In Acadie*, is a note by the author, Dr. Stiles, that suggests that Paul Laurent, Chief of La Have may have been missed on the list, as one community is listed twice, and no community or leader is listed for La Have.²¹ Nonetheless, this source, as well as the treaties themselves and the various censuses, provides us with further evidence of continuity in the Mi'kmaq communities which existed at the beginning of the eighteenth century.

La Have

During the eighteenth century, and probably for hundreds of years prior, a significant component of the geographical framework of Mi'kmaq society was the Mi'kmaq community of La Have, which was situated on the south-eastern coast of Mi'kma'ki within the district of *Kespukwitk*.²² La Have was a primary Mi'kmaq summer village, consisting of a number of winter hunting groups from the area that came together

²⁰ Stiles, "1760-05-01, Indians in Acadie," in *Collections of The Massachusetts Historical Society*, v.10., (New York: Johnson Reprint Corporation,) pp.115-6, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, doc.173".

²¹ Ibid, p.116.

²² Wicken, "Encounters with Tall Sails and Tall Tales," Map 7.

during the summer months. The European written record notes the existence of La Have early in the seventeenth century, which was a time period when Europeans still knew very little about the internal workings of Mi'kmaq society or the Mi'kmaq communities themselves. It was also during the mid-1600's that the Mi'kmaq community members of La Have began to experience increased contact with Europeans, primarily the Acadian population, although Mi'kmaq here had been experiencing intermittent trade relations with Europeans by this time. In 1632 France had made serious attempts to establish a community in La Have, which resulted in the establishment of fourteen or so families.²³ La Have, like many other Mi'kmaq communities, saw the emergence of various Acadian villages in close proximity to their own, which led to some occurrences of inter-marriage between the two groups.²⁴ One of the earliest written sources that provides us with information regarding the Mi'kmaq inhabitants of La Have is found in the 1688 Gargas census. This census was a general census that documented the various non-Mi'kmaq communities within Acadie at this time and which also included some of the Mi'kmaq communities.²⁵ Within this census, La Have is listed as having a Mi'kmaq population of 48 individuals - 10 men, 10 women and 28 children. Although we cannot be sure, we can

²³ L.F.S. Upton, *Micmacs and Colonists, Indian-White Relations in the Maritimes, 1713-1867*, (Vancouver: University of British Columbia Press, 1979,) p.25.

²⁴ William Wicken, "Re-Examining Mi'kmaq -Acadian Relations, 1635-1755," in *Habitants et marchands, Twenty Years Later: Reading the History of Seventeenth and Eighteenth-Century Canada*, ed. Sylvie Dépatie, Catherine Desbarats, (Montreal and Kingston: McGill -Queen's University Press, 1998,) p.102.

²⁵ M.. Gargas, "General Census of the Country of Acadie, 1687-88," p.149, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.5, doc.46".

assume that this could have meant that there were close to 10 families within the community at the time - correlating the number of men and women - although it is quite possible that some of these men and women may have been elders and/or widows living within an extended family. The identity of the 48 Mi'kmaq people is not known precisely, but through analysis of other key documents we can draw certain inferences.

The 1708 census, undertaken by Abbé Gaulin provides critical personal details on various individuals, such as age and sex. One of the communities he documented was La Have, where he identified a total population of 127 Mi'kmaq individuals. The social framework of the community of La Have now consisted of 22 families, although we cannot be certain that every family was included within his statistics.²⁶ Family structure centered on the nuclear family - a man and a woman and their children - although the existence of 19 orphans and widows would have seen their inclusion within the structure of many of these families as a component of kin-relations - *Ni'kmaq*, and the Mi'kmaq extended family. By 1708 many of the Mi'kmaq elders listed as residing in La Have were probably among the 48 individuals listed as residing here in 1688. It is also more than likely that many of their last names may have been Mieusse, Eptemec, Meyoujantes, or Ziziguesche, Iguesche, and Eziguesche, as these names appear frequently in the 1708 census.²⁷

²⁶ Chicago, Newberry Library, William Ayers Collection, 1708 Census, "Recensement general fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'Acadie," pp. 5-7, in "R. v. Donald Marshall Jr., Defence Document Books, vol. 2, doc.32".

²⁷ Ibid.

Although we do not know the identity of the political leadership during the late seventeenth century, we do know that in 1722 the Chief of La Have is listed as Chief Claude Couachinouil. Within the 1708 census there is a 22 year old orphan listed as Claude Fils D'Eouachinouitte and ²⁸ there is a strong possibility that this is Claude Couachinouil, as the last name may be spelled differently, but the pronunciation is quite similar. If this is in fact the same individual, then Chief Claude Couachinouil would have been 36 years old in 1722.

Although we do not much more about Chief Couachinouil, we do know that by 1722 the community of La Have now had a population of around 157 individuals and around 27 families.²⁹ We also know that the Mi'kmaq at La Have, like other coastal Mi'kmaq communities, were experiencing conflict with the British and New England fishermen. This is confirmed by Peter Capon, a British merchant who sailed out from Annapolis Royal in 1715, under direction from the Lieutenant Governor of Nova Scotia, Thomas Caulfeild, to "inquire into recent seizures of New England fishing vessels by the Micmac."³⁰ When Capon arrived at La Have, sometime in late August of that year, some Mi'kmaq boarded his ship, the *Caulfeild*, and told him that: "they had already returned all the Vessels and Hostages they had taken."³¹ Whether Chief Couachinouil was one of the

²⁸ Ibid, p.7.

²⁹ AN, (France),AC, C11B,v.6,77r, "Recensement des sauvages 1722," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.102".

³⁰ John Reid, "Mission to the Micmac," *Beaver (Canada)*, Vol.70, No.5, (1990), p.15.

³¹ Ibid, p.18.

Mi'kmaq to which Capon may have spoken at La Have is unknown, but evidence suggests that there must have been Mi'kmaq political leadership present, as it was during this time that Capon asked the La Have Mi'kmaq to pre-arrange a meeting between himself and leadership in the area for his return voyage in the fall. This meeting was successfully arranged, and the Mi'kmaq of La Have met with Capon, as did other Mi'kmaq leaders from Merliguech in early October.³²

We also know that during this time period Chief Couachinouil and elders of his community were involved in discussions alongside of their fellow Mi'kmaq leaders, with the Maliseet and the Abenaki. Discussions would have involved the growing presence of the British and French within their lands and the New England fishermen who were fishing in Mi'kmaq waters. A meeting held in July, 1720, was described by Sainte-Ovide, whereby he describes the various Chiefs assembled in Antigonish. Saint-Ovide questioned an elder from La Have about the Chief's meetings and discussions, but the elder did not reveal any information to him.³³ This would have been expected, as at this time France and Britain were in continuous conflict over Mi'kmaq lands, and Mi'kmaq leaders would have been hesitant to reveal their internal discussions to a non-Mi'kmaq leader.

By 1726, we know that La Have was politically represented by a Mi'kmaq individual by the name of Chief Antoine Egigish, who signed the Treaty of that year with

³² Ibid, p.20.

³³ AN, (France), AC C11b, v.5, 340r-341r, "Conseil de Marine Novembre 1721," in "R. v. Donald Marshall Jr., Defence Document Books, vol.2, doc.59".

the British on behalf of his community.³⁴ We know that at this time Antoine would have been 68 years old and married to Barb, a 40 year old woman. We also know that they had resided in La Have at least as far back as 1708, when their family was documented within the 1708 Census. Antoine had been listed as Antoine Ziziguesche, and he had three sons, Francois - age 22, Claude - age 12 and Guillaume - age 1. Chief Antoine also had three daughters - Margueritte - age 15, Marie - age 9, Cecille - age 6.³⁵ In 1722 his children would have been grown adults and most likely had their own spouses and children. It would have been these particular personal, kin-relations which would have made up the La Have community in 1726 and which would have delegated Chief Gigigish to sign the 1726 treaty on behalf of La Have..

Antoine Gigigish's son Claude also appears to have continued the political leadership role that his father held in the 1720's, as Claude appears to be a Chief of La Have about 1752. Claude may have assumed the role of Chief from his father sometime during the 1730's or 1740's, but we cannot be sure as we have no information as to how long Antoine Gigigish was chief of La Have, nor how long Claude himself was chief. By the arrival of the 1750's Claude Gigigish would have been around 56 years old, an age which would have been deemed appropriate for the role of Mi'kmaq political leader. It is during the 1750's when the Chief of Shubenacadie, Jean-Baptiste Cope, signed the 1752

³⁴ PRO,(GB),CO, 217, v.5, "1726 -06-04, Articles of Peace," pp.3-5, in "R. v. Donald Marshall Jr., Defence Document Books, vol.3, doc.64".

³⁵ Chicago, Newberry Library, William Ayers Collection, 1708 Census, "Recensement general fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'acadie,"p.14, in "R. v. Donald Marshall Jr., Defence Document Books, vol. 2, doc.32".

Treaty with the British, although other Mi'kmaq leaders did not follow his actions and ratify the treaty.³⁶ However, the Chief of La Have, Claude Gigigish, appeared before the Nova Scotia Council in April of 1753, at which time he declared his community's intent to enter into a peace treaty and he signed some preliminary documentation with Governor Peregrine Hopson to demonstrate this intent.³⁷ Claude is referenced here as calling himself the "Governor of La Have", which can be interpreted to mean Chief, as two days later Hopson wrote to the Board of Trade that: "Another Chief of the Mickmack Indians has been here to make peace. I have signed some preliminaries with him and the Peace is to be concluded as soon as some of his tribe can be got together to ratify it."³⁸ It is possible that Chief Claude Gigigish's appearance may have been prompted by a close political relationship between himself and Chief Jean Baptiste Cope of Shubenacadie as he was one of the first Mi'kmaq Chiefs to appear before the Nova Scotia Council wishing to sign the 1752 Treaty. It was also during 1753 that Claude and Cope went together to Chignecto to meet with other Mi'kmaq leaders to discuss those communities entering the 1752 Treaty.³⁹

³⁶ NSARM, RG-1, v.186, "April 2, 1753, Nova Scotia Council Minutes,"in "R. v. Stephen Frederick Marshall et al, Crown Document Books, vol.2, doc.42".

³⁷ NSARM, RG-1, v.186:363, "April 12, 1753, Nova Scotia Council Minutes,"in "R. v. Stephen Frederick Marshall et al, Crown Document Books, vol.2, doc.43".

³⁸ CO, 217/14 "Hopson to Board of Trade, April 14, 1753", p. 38. in "R. v. Stephen Frederick Marshall et al, Crown Document Books, vol.2, doc.44".

³⁹ NSARM, RG-1, v.186, "May 16, 1753, Nova Scotia Council Minutes," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.144".

Another key Mi'kmaq family that was from La Have and most likely lived in the adjoining Mi'kmaq community of Mirliguesche was the Meuse family, who in later years saw their family members become political leaders also. The 1708 census lists the family of Philippe Mieusse as La Have residents in 1708, and as well as another family by the name of Memguese. Philippe Meuse is listed as a 48 year old man, who is married to a 38 year old woman by the name of Marie.⁴⁰ Philippe was the son of the Sieur d'Entremont, a French nobleman who had emigrated from France in 1651, and his son Philippe (D'Azit) married a Mi'kmaq women in 1678.⁴¹ Within the census they are identified as being Mi'kmaq people and are also listed as having 6 children, although it is suggested that they may have had as many as nine. Phillipe's sons were Mathieu, Maurice, Jacques, Pierre, Francois, and Philippe and he also had three daughters.⁴²

In 1726 Phillipe's 54 year old son Mathieu was not a resident of La Have, but rather lived at the Mi'kmaq community of Cape Sable, along with his wife Madelaine, also known as Marie Magdelaine. Mathieu must have held a certain status in the community of Cape Sable though, for he is one of the many Mi'kmaq signatories who signed the Treaty of 1726 with Chief Jean Baptist of Cape Sable, as his signature is found underneath the

⁴⁰ Chicago, Newberry Library, William Ayers Collection, 1708 Census, "Recensement general fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'acadie," p.15, in "R. v. Donald Marshall Jr., Defence Document Books, vol. 2, doc.32".

⁴¹ Wicken, "26 August 1726: A Case Study in Mi'kmaq-New England Relations," p.11.

⁴² Wicken, *Mi'kmaq Treaties on Trial*, p.47.

Chiefs.⁴³ The very fact that Mathieu was from the community of La Have, where he continued to have a considerable number of family members, but was also included in the signing of the treaty with the Cape Sable Mi'kmaq members, tells us that he held a special role which may have contributed to the political discussions that would have occurred between the leaders of both communities before signing the Treaty of 1726.

Another of Philippe's sons, Maurice, was also not a resident of La Have, as the 1708 census shows him to be a 26 year old resident of Musquodoboit.⁴⁴ His wife was Margeurite, a 27 year old woman and in 1708 they had two children, 5 year old Margeurite and 1 year old Marie Joseph.⁴⁵ It is quite possible that his wife may have been from this area, which may have led to their residency here, rather than his own community of La Have.

Other members of Philippe's family also were involved in various occurrences surrounding the 1726 Treaty, most specifically his sons, James, Philippe and Francois and his grandsons as well. In August of 1726, two months after the 1726 Treaty was signed, James Meuse, his brother Phillipe Meuse, Jean Baptiste Guedry, and Guedry's 14 year old son seized control of a New England fishing boat. However, within hours of the initial seizure of the boat, it was regained by its crew and all four individuals were taken captive,

⁴³ PRO, (GB) CO 217, v.4, "Treaty of 1726, Indian Signatures," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.113".

⁴⁴ Wicken, *Mi'kmaq Treaties on Trial*, p.47.

⁴⁵ Chicago, Newberry Library, William Ayers Collection, 1708 Census, "Recensement general fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'Acadie," p.18, in "R. v. Donald Marshall Jr., Defence Document Books, vol. 2, doc.32".

as well as John Missel, another Mi'kmaq man involved within the seizure of the boat.⁴⁶ All five individuals were taken to Massachusetts, where they were tried for piracy, found guilty and were hanged to their deaths on November 2nd.⁴⁷ This incident would have appeared to be contrary to the expectations of the personal relationship between Britain and the Mi'kmaq, considering that the 1726 Treaty had just been ratified and was intended to ensure peace and friendship between the two groups. However, upon further analysis, the actions of Philippe Meuse's children, James and Philippe, and as well as their brother-in-law, appear to be consistent with Mi'kmaq political protocol of the time period. Prior to the signing of the Treaty of 1726, on July 28th, 1723 a New England fishing boat kidnaped seven Mi'kmaq individuals, one of whom was Francis Meuse, brother to James and Philippe, and also eight year old Paul Guedry, son of Jean Baptist Guedry and Madelaine Meuse.⁴⁸ Madelaine Meuse was the daughter of Phillipe D'azit and sister to James, Philippe, and Francois. This would have made Jean Baptist Guedry the brother-in-law of Philip and James Meuse.⁴⁹ Even though the Treaty was signed in June of that year, which both Philippe and James agreed that they knew was being negotiated, the very fact that the hostages of their brother and nephew had not been returned by the British caused them to doubt that peace had been established. Therefore, they endeavored to take

⁴⁶ Wicken, "August 26, 1726: A Case Study in Mi'kmaq - New England Relations," p.6.

⁴⁷ Ibid, p.7.

⁴⁸ Ibid, p.18.

⁴⁹ Ibid, p.13.

the necessary steps to regain their loved ones into their communities, which in this instance was to seize a fishing vessel and to take hostages.

In August of 1735 Philippe Meuse's daughter, 38 year old daughter Francoise, married 48 year old Peter Ceiller of Annapolis Royal. Francoise was the widow of René Grand Claude and Peter Ceiller was the widower of Louise Innocent of Port Royal.⁵⁰ There is also a Francoise Grand Claude married to Sanson Amquaret who have their child, 1 month old baby girl, Agathe, baptized in 1734 and their newborn son Simon baptized in 1730. Although Francoise's parents are unknown, there is a possibility that she is related to Francoise Myus Grand Claude Ceiller, as she is from Annapolis Royal, the same place that René Grand Claude and Francoise were from. Close personal friendships must have existed to some degree between Francoise and Samson as the godfather of their baby Simon is Pierre Salier (Peter Ceiller), the widower who becomes Francoise Myus's husband in 1735.

The Meuse family continued to play a significant leadership role within La Have, as they appear with other Mi'kmaq leaders involved in various political meetings and discussions from the 1750's and as well as the 1760's. In 1755, various documents refer to some of the Mi'kmaq leaders in the Gaspereau area and the various meetings and discussions that are taking place between themselves and British officials.⁵¹ Thomas

⁵⁰ NSARM, RG 1-26, "Register of Baptisms, Marriages and Burials at Annapolis Royal, 1702-1728," Translated notes of Dr. William Wicken.

⁵¹ Webster, John Clarence ed., Alice Webster, trans., *Thomas Pichon, the spy of Beausejour: An Account of his Career in Europe and America*, (Halifax: Special Publication, The Public Archives of Nova Scotia, 1937,) pp.81-97, in "R v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.148".

Pichon provides various details of the Mi'kmaq leaders and their meetings to Captain Hussey at Fort Lawrence. He reports to him in written correspondence and includes details on the Mi'kmaq communities and how many men inhabit each. He also provides details to some of the leadership found in the area, including a chief by the name of Antoine Muis, who is the son of Jacques, a chief also. Unfortunately, it appears that Pichon is unable to provide details as to what community Antoine Muis represents.⁵² However, we do know that it is quite probable that this Antoine Muis may be from the Muise family of La Have and Philippe (D'Azit) Meuse as the 1708 census lists the Meuse name only within the La Have area. The only other Meuse is Maurice, who is in the Musquodoboit area in 1708, but he is also one of Philippe Meuse's older sons. We also know Jacques (James) Muise was one of Philippe's sons who was hanged in Boston in 1726⁵³. At that time Jacques was a 38 year old man, and although we do not know definitively, it is more than likely that Jacques had a wife and children. It is possible then, that one of his children may have been Antoine, who would have been a middle aged Mi'kmaq man by the time of the 1750's.

Even though we know little else about the identity of Antoine Muis, we do know that the Muises political legacy within the La Have area continued well into the 1760's. In 1761 Mi'kmaq leaders throughout Mi'kma'ki were in the midst of the negotiation of the Treaties of 1760- 61 and their ratification by each of their communities. Among the

⁵² Ibid, p.82.

⁵³ Wicken, "August 26, 1726: A Case Study in Mi'kmaq - New England Relations," p.11.

ratifications was that of the community of La Have, on November 9th of 1761 by Francis Muis, Chief of La Have. By 1763, we know that Francis Muis was still a Chief of La Have area as he and four other Mi'kmaq, went to the Nova Scotia Council and requested their assistance in providing a priest for the community of La Have.⁵⁴ We also know that Francis Muis must have been a very well-respected man, as in 1812 British correspondence indicated such. A priest by the name of Jean Mandé Sigogne, wrote to Sir John C. Sherbrooke, a senior British government official, and spoke of an elder Mi'kmaq man by the name of Jacque Muice, who was the son of Francis. Sigogne stated that Jacques had in his possession documents, possibly the 1761 treaty, which Sigogne requests that Jacques provide and he refers to these documents as: "His Father's Credential Letters".⁵⁵ He further states that he has "heard the best Character of that old chief Francis Muice both for morals and religion, from everybody that knew him, ...His Family, however poor, is respected amongst the Indians."⁵⁶ If Francis was the son of Jacques, then he would have been the grandson of Philippe (D'Azit) Meuse and would have carried on the political leadership role which his family demonstrate through the eighteenth century.

The 1760's also saw political leadership being carried out for those by an individual by the name of Paul Laurent. Paul Laurent was involved in the occurrences surrounding

⁵⁴ NSARM, RG-1, v.188, "August 22, 1763, Nova Scotia Council Minutes," pp. 406 - 07, in "R. v. Donald Marshall Jr., Defence Document Books, vol.6, doc.152".

⁵⁵ NSARM, RG-1, v.430, doc.21, "Sigogne to Sherbrooke, 1812 -05-09," p.2., in "R. v. Donald Marshall Jr., Defence Document Books, vol.8, doc.212".

⁵⁶ Ibid.

Anthony Casteel, an English prisoner of the Mi'kmaq who was captured in 1753 and lived to tell about his experience. It appears that Paul Laurent offered to pay Casteel's ransom so that he could scalp him and avenge his father's death, who was hung in Boston.⁵⁷ However, this did not occur as Casteel was saved by a French officer. By 1755, we know that Paul Laurent was involved in the negotiation for peace with the British, and although he did not appear to be a chief at this time, he was traveling with Chief Alkimou of Chignecto in 1755. On the 12th of February 1755, Paul Laurent appeared before the Nova Scotia Council and provided them with an outline of demands that the Mi'kmaq required with respect to the negotiation of a peace treaty. Laurent also stated that he had been traveling with Chief Algamono, who had sent Laurent here before the council with the Mi'kmaq demands, as Chief Alkamono had fallen sick in Cobequid.⁵⁸ Prior to this, during the month of January it appears that Paul Laurent had been with Chief Alkimou and had been in discussions with the British commander of Fort Lawrence, Captain Hussey. Hussey told Paul Laurent and Chief Alkimou that they would be greeted well if they went to Halifax to make peace, which probably assisted with the trip they undertook in February.⁵⁹ It is also thought that Paul Laurent was involved in the battle at Fort Beausejour in July, 1755, with a group of Mi'kmaq who fought on the side of the

⁵⁷ Micheline Johnson, "Paul Laurent," *Dictionary of Canadian Biography*, Vol. III, (Toronto: University of Toronto Press, 1969,) p.358

⁵⁸ NSARM, RG-1, v.188, "February 12, 1755, Nova Scotia Council Minutes," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.149".

⁵⁹ Webster, *Thomas Pichon*, p.85, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.148".

Acadians and French.⁶⁰

By 1760 we know that Paul Laurent was now a Chief of the La Have Mi'kmaq as he and Chief Michael Augustine appeared before the Nova Scotia Legislature on February 29, 1760 in order to negotiate a peace treaty. It appears that prior to their arrival, Chief Laurent and Augustine may have been involved in discussions with other Mi'kmaq chiefs on the issue of negotiating a treaty of peace, as they stated that: "they were come purposely to conclude a Treaty of Peace on behalf of their tribes and that the other Chiefs would be here in a short time in order also to conclude the peace on behalf of their tribes."⁶¹

On March 10th, 1760 Chief Paul Laurent signed the agreements of the 1760 Treaty on behalf of La Have, along with the Chief of Shubenacadie, Claud Renée, and the Chief of Richibuctou, Michael Augustine. After this time, there is little mention of him, although in 1766 he is listed as being provided various supplies for use by him and his tribe.⁶² Although we do not know the identities of the leaders that participated in the Governor's Farm Ceremony that was held on June 25th, 1761, it is quite possible that Paul

⁶⁰ Johnson, *Dictionary of Canadian Biography*, v. III, p.358.

⁶¹ NSARM, RG-1, v.188, "February 29, 1760, Nova Scotia Council Minutes," pp.135-6, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, doc.169".

⁶² PRO, (GB), CO 217, v.44, "Estimate of Sundry Merchandize wanted for Presents for the Indians," 28r -28v, in "R. v. Donald Marshall Jr., Defence Document Books, vol. 6, doc.173".

Laurent may have been one of the leaders there.⁶³ However, we also know that Francis Muis was the Chief of La Have during this time period, and in fact he signed a ratification of the Treaty of 1760 on November 9th, 1761.⁶⁴ From such information it would appear that at certain times in the past La Have may have had more than one chief as its leader. The logic behind such an occurrence is understandable when you consider the geographic region of La Have. We know that the area of La Have was home to a number of smaller, perhaps winter, Mi'kmaq communities, such as Mirliguesche and another on the La Have River itself.⁶⁵ We also know that the Meuse family, such as Philippe D'Azit Meuse first moved to the Mirliguesche Mi'kmaq community about 1678, after which time his family continued to identify with this area and provide leadership.⁶⁶ Further, when Antoine Egigish signed the treaty of 1726, he signed on behalf of the community of La Have, which include the smaller surrounding communities. The 1708 census itself documents the residents of La Have, not Mirliguesche separately, and Philippe Meuse and his children and Antoine Egigish and his children are both included. Therefore, Chief Paul Laurent may have been the delegated Chief of the larger summer village of La Have, but nonetheless, the smaller communities which were connected also maintained leadership

⁶³ PRO, (GB), CO 217, v.18, 277r-283r, "June 25, 1761, Governor's Farm Ceremony," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, doc.184".

⁶⁴ NSARM, RG-1, v.188, "November 9, 1761, Nova Scotia Council Minutes," p.288, in "R. v. Donald Marshall Jr., Defence Document Books, vol.5, doc.134".

⁶⁵ Wicken, "Encounters with Tall Sails and Tall Tales," p.101.

⁶⁶ Wicken, "August 26, 1726: A Case Study in Mi'kmaq- New England Relations," p.11.

positions as well.

Port Royal

In 1607 French explorer Samuel Champlain documented the Port Royal area as the location of two Mi'kmaq communities - one very near the Port Royal Fort itself and another at Cap Sainte-Marie.⁶⁷ By the late seventeenth century this area was further noted by M. de Gargas, a French official, as the location of two Mi'kmaq communities, with a total population of 36 people.⁶⁸ However by 1708 we know that Port Royal's population now consisted of 16 families, with a total population of one hundred and two individuals.⁶⁹

The Port Royal area was undergoing changes during the early eighteenth century, as in 1710 the British took control of Port Royal and by 1713 they had assumed colonial title to all of mainland Mi'kma'ki, while *Unama'ki* (Cape Breton), and Prince Edward Island remained within the French colonial claim.⁷⁰ Nonetheless, Mi'kmaq communities continued to exist in this area, although some of the Mi'kmaq families may have moved to other areas, primarily Cape Breton, as this was where the French colonial presence

⁶⁷ Wicken, "Encounters with Tall Sails and Tall Tales," p.99.

⁶⁸ M. Gargas, "General Census of the Country of Acadie, 1687-88," p.148, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.5, doc.46".

⁶⁹ Chicago, Newberry Library, William Ayers Collection, 1708 Census, "Recensement general fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'Acadie," pp.10-12, in "R. v. Donald Marshall Jr., Defence Document Books, vol. 2, doc.32".

⁷⁰ Plank, *An Unsettled Conquest*, p.40.

continued.⁷¹

The 1722 census identifies the political leadership of Port Royal as held by a Chief Thomas Albason.⁷² Thomas Albason is identified in the 1708 census as a resident of Port Royal in 1708, although the spelling of his last name is Albassou.⁷³ At that time he was 38 years old and married to a 30 year old by the name of Catherine. This would have made Chief Thomas Albason 52 years old in 1722, when he is recorded as being the Chief of Port Royal, an age at which most Mi'kmaq leaders were perceived as suitable for leadership roles. In 1708 Chief Albason had three children, 1 year old Pierre, 12 year old Anne and 9 year old Marie. By 1722 his family had probably grown through the addition of other children, as well as possible marriages of his two daughters. This extended family would have contributed to the political role of Chief which he assumed. Unfortunately, we know little else about Chief Albason, as the written records which have been reviewed lack any other details about this individual, or his family.

Port Royal Mi'kmaq, like the other Mi'kmaq communities, were involved in the negotiation of the 1726 Treaty. On June 4th of 1726 the Mi'kmaq of Port Royal, or Annapolis Royal, were brought into the terms of the treaty by their Chief, Baptiste

⁷¹ Ibid.

⁷² AN (France) AC, C11B, v.6, 77r, "Recensement des sauvages 1722," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.102".

⁷³ Chicago, Newberry Library, William Ayers Collection, 1708 Census, "Recensement general fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'acadie," p.11, in "R. v. Donald Marshall Jr., Defence Document Books, vol. 2, doc.32"

Thomas or Thoma.⁷⁴ Chief Thomas signed the treaty with other delegates from his community, such as 37 year old René Grand Claude, and as well as René's brother, Claude Grand Claude and his other brother Francois Grand Claude. These individuals were all the children of Grand Claude and Marie Medechek of Port Royal. Although the Grand Claudes are not identified as holding political positions, they no doubt held a certain status within the Port Royal Mi'kmaq community, as their signatures are on the treaty. Also, the signature of a Joseph le Grand appears next to their signatures on the Treaty, but this individual signs with a totem, a symbol or drawing which denoted a specific meaning. We do know that the Grand Claudes did have another brother by the name of Joseph, who also identified himself with a specific totem, perhaps due to his unique status.

Other individuals who signed the treaty also included Peres Nimchqielt, who appears to be Pierre Nemcharett. Pierre is the 16 year old son of widow Marie Nemcharett in 1708. The 1708 census also lists his brother as 21 year old Pierre Sellier, who marries Francoise Myus of La Have, daughter of Philippe (D'azit) Meuse in 1735, when they are both widows. Francoise Myus is also the widow of René Grand Claude, and was most likely still married to him when he signed the Treaty of 1726. However, Francoise may have been René's second wife as he is listed as being married to Marie in 1708, at which time they have a 1 year old daughter named Cecille.⁷⁵

On August 24th 1726, two months after he signed the 1726 Treaty, Chief Baptiste

⁷⁴ PRO, (GB), CO, 217, v.38, pp.100-9, "Ratifications of Treaty of 1726, Indian Signatures,"in "R. V. Stephen Frederick Marshall et al, Defence Document Books, vol. 7, doc.114".

⁷⁵ Ibid.

Thomas attended the wedding of 25 year old René Nectabs of Cape Sable and 19 year old Catherine Andigin.⁷⁶ Catherine Andigin may have been Catherine Anogimes, as listed in the 1708 census. Rene Nectabs had also signed the 1726 Treaty, along with other Cape Sable Mi'kmaq. Chief Baptiste Thomas is listed as a witness to this marriage, as well as two individuals by the name of Pierre Charet of Port Royal, and also Francois Germain.⁷⁷ It is quite possible that this is the same Pierre Charet that signed the treaty, and we also know that Francois Germain signed the 1726 treaty.

By the 1730's it appears that the position of Chief of Port Royal is now held by an individual by the name of Jean Baptiste, whose name appears in the registers of deaths of the St. Jean Baptiste parish, where he is listed as the Chief and the husband of Agnes. She dies on April 30, 1734 at the age of 50.⁷⁸ Three weeks earlier Agnes and Pierre Salier stand as godparents for Sanson Quouaret and Francoise Grand Claude's newborn son Simon.⁷⁹ This demonstrates personal ties between Chief Baptiste's wife Agathe and possibly the Amquaret's of Minas and the Grand Claude's of La Have, although Samson and Francoise reside in Annapolis Royal. However, there is little else mentioned of this political leader or his family.

⁷⁶ NSARM, RG-1, v.26, "Registers of Baptisms, Marriages and Burials at Annapolis Royal," Translated notes of Dr. William Wicken.

⁷⁷ This reference of two individuals by the name of Pierre Charet may be Pierre Sellier and Pierre Nemcharet, both sons of widow Marie Nemcharet of Port Royal.(1708 Census).

⁷⁸ Ibid.

⁷⁹ NSARM, RG-1, v.26, "Registers of Baptisms, Marriages and Burials at Annapolis Royal," Translated notes of Dr. William Wicken.

By 1753, there was a Mi'kmaq Chief in Halifax, by the name of Baptiste Thomas, who was meeting with British officials, and stated that he was one of two Chiefs of the Cape Sable Mi'kmaq.⁸⁰ Whether this is the same Chief Baptiste Thomas of Port Royal who signs the 1726 treaty, we have no way of knowing. The identity of Baptiste Thomas is further complicated by the fact that a Baptiste Thomas is married to Marie Meuse, and in 1733 they are at a parish in Annapolis Royal to have their one year old daughter baptized on April 5th, 1733.⁸¹ Marie Meuse may have been the 26 year old daughter of Maurice Meuse, and granddaughter of Philippe (D'azit) Meuse. Whether or not this is the same Chief Baptiste Thomas who signed the 1726 Treaty we cannot be sure, as the documents do not list him as a chief at this time. If this is the Baptiste Thomas who is the Chief of the Cape Sable Mi'kmaq in 1753, again we cannot be sure. However Marie Meuse would have been the niece of Francoise Myus, who is the widow of René Grand Claude and married Pierre Ceiller. Further, when considering all of the Baptist Thomas's whom are mentioned, even if they are not the same man, they were at the very least, individuals who probably descended from the same family and carried on political leadership roles within the Thomas family.

Clearly, close personal friendships and relationships supported the actions of the Mi'kmaq political leaders of Port Royal, which they demonstrated in their social relationships with each other which helped to reinforce their political ambitions as well.

⁸⁰ NSARM, RG-1, v.187, "November 16, 1753, Nova Scotia Council Minutes," in "R. v. Stephen Frederick Marshall et al, Crown Document Books, vol.3, doc.60".

⁸¹ Ibid.

This did not only occur within the communities which they resided, but also extended to neighboring Mi'kmaq communities.

Cape Sable

Various eighteenth-century sources suggest that the Cape Sable Mi'kmaq community, also referred to as the Eastern Coast, consisted of three communities which were located in the southern area of Mi'kma'ki. One community was located near Pubnico, at Eel Brook, another was located in the vicinity of Ministiguish or Port La Tour, and a third was located near Port Rossignol.⁸² In 1688 the Gargas census refers to the existence of two Mi'kmaq communities here: one at Cape Sable and another at Port Rochelois, between Shelburne and Cape Negro.⁸³ Later in the eighteenth century a reference to the Mi'kmaq name of Pubniceau community appears to be Oukmaknan.⁸⁴ The total population at this time was about 12 families with a total population of 45 people. These numbers suggests two smaller winter encampments, however we do not at what time of the year such a census was taken.⁸⁵ By 1722 , the population of Cape Sable had grown to consist of 19 families with a total population of 94 individuals.

It is at this time when Cape Sable leadership are also making efforts to discuss

⁸² Wicken, "Encounters with Tall Sails and Tall Tales," p.100.

⁸³ Gargas, "General Census of the Country Of Acadie, 1687-88," p.160.

⁸⁴ AN, (France), AC C11D, 10, "Sur L'Acadie, 1748," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.131".

⁸⁵ Ibid.

political issues with the British, and in 1715 Peter Capon, a British Official, encountered various Mi'kmaq in the southern part of Mi'kma'ki, Kespukwitek. One such incident involved Capon encountering a group of Mi'kmaq near Port Rossignall, at Pubnico River, who told him that their Chiefs wished to meet with him in the spring.⁸⁶ This is most likely the Cape Sable Mi'kmaq, and the idea of meeting in the spring would have been more appropriate as that would have been the time of year when all of the smaller winter hunting groups would come together for the abundant fish runs. The identity of the Chiefs which the Mi'kmaq are referring to is unknown, but may have included Jean Ball/ Baptist Medesgnal, who Abbé Gaulin referred to as the Chief of the Cape Sable Mi'kmaq in 1722.⁸⁷ We also know that it is at this time when Cape Sable leaders were traveling with other Mi'kmaq leaders to meet with the Abenaki and Maliseet Chiefs to discuss the issue of the British presence.⁸⁸

In 1726, the Cape Sable Mi'kmaq leaders traveled to Halifax in June of that year in order to ratify the treaty with the British. Such actions were the result of various internal discussions which would have likely occurred previously with various members of their own community, and as well with fellow Mi'kmaq leaders throughout Mi'kma'ki. Chief Jean/John Baptiste and Chief Paul Tecumart signed the Treaty of 1726 on behalf of Cape

⁸⁶ "A Journal of a Voyage to Cape Britton, 1715-08-17 to 1715-11-06," Massachusetts Archives, v.38A, pp.11-15, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.6, no.88".

⁸⁷ AN, (France) AC, C11B, v.6, 77r, "Recensement des sauvages 1722," "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.102."

⁸⁸ AN, (France) AC, C11B, v.5, 340r-341r, "Conseil de Marine November 1721," in "R. v. Donald Marshall Jr., Defence Document Books, vol.2, doc.59."

Sable, along with their fellow Mi'kmaq Chiefs.⁸⁹ Also included in the treaty ratification representing Cape Sable were various individuals and elders, who although not Chiefs, certainly held a status that demanded their presence at such an important event. They included 26 year old Rene Nectabs, son of Louis Nectabot, who married Catherine Andigin and who had Chief Baptiste Thomas of Port Royal at his wedding ceremony as a witness later that year. The 54 year old Mathew Muse, who was the son of Philippe Muse, and originally from La Have. Philippe Tecumart was the 26 year old son of Chief Paul Tecumart, and also present was Philippe's 32 year old brother Anthoine. The Chegau brothers attended: 33 year old Etienne, 41 year old Jacques, and 27 year old Pierre, all the sons of Germain Chegoueo. Finally the Pisnett family also signed the treaty with 68 -year- old Pierre Pisnett in attendance as well as his 25 year old son Jean.⁹⁰ Such individuals were connected to each other during the treaty making process by the collective political desire of their community, as well as that of their nation. However, they were also connected socially and personally in matters which went beyond political aspirations.

On March 25th, 1726, three months before the signing of the treaty of 1726, Francois Medosett, the 17 year old son of Germain Doucett and Francoise of Port Royal married Marie Pisnett, the 19 year old daughter of Pierre and Anne Pisnett of Cape

⁸⁹ PRO, (GB), CO 217, v.4, "Treaty of 1726, Indian Signatures," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.113."

⁹⁰ "Recensement genal fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'acadie...", p.13, in "R. v. Donald Marshall Jr., Defence Document Books, vol.2, no.32"; "Ratification of Treaty of 1726," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.114".

Sable.⁹¹ Such a social event probably included the attendance of family members from both Mi'kmaq communities of Port Royal and Cape Sable. This would have provided an opportunity for those family and friends in attendance to discuss various issues, including the idea of establishing peace with the British crown. Pierre Pisnett, the 68 year old father of the bride probably specifically utilized this opportunity to discuss such issues, as he and his son Jean both attended the signing on June 1726.

The Chequay family would have also been involved in many of the discussions regarding the treaty, which extended to other families and communities through their kin-relations. Etienne, Pierre and Joseph Chequay all signed the 1726 Treaty on June 4th. However one of the brothers, Etienne, did not reside in Cape Sable in 1726, but rather was a resident of Port Royal. This may have been because his wife was from Port Royal, although beyond the first name Anne, little else is known about her. However, because his immediate family was from Cape Sable, and he himself lived in Port Royal, this would have provided opportunities to discuss the issue of peace negotiations with the British in a family- to- family manner.

Such social connections also extended from the Chequay family to the Pisnett family as well. On June 18, 1726, two weeks after the signing of the 1726 Treaty, Etienne Chequay and his wife Anne had their 2 year old daughter baptized at the St. Jean Parish. The child's godmother was Marie Pisnett, Pierre Pisnett's daughter, and they

⁹¹ NSARM, RG-1, 26, "Register of Baptisms, Marriages, and Burials at Annapolis Royal 1702 -1728," Translated notes of Dr. William Wicken.

named their daughter Marie Magdelaine, probably after her godmother.⁹²

Pierre Pisnett and his wife were most likely in attendance at this baptismal ceremony, as on the same day they had their two year old son, Francois Pisnett baptized also. The godfather for 2 year old Francois was Francois Doucett, the husband of their daughter Marie Pisnett. They also named their child after his godfather, their son-in-law.⁹³

A week later on June 25, 1726, the 27 year old brother of Etienne Chequay, Pierre, who had also signed the 1726 treaty, married 17 year old Marguerite Baptiste. Margeurite was the daughter of Magdelaine and Chief Jean Baptiste who also signed the 1726 treaty on behalf of Cape Sable.⁹⁴

Chief Jean Baptiste also demonstrated the close alliance between his political aspirations and his social aspirations during the baptism of his 1 year old daughter, Marie. She was baptized on April 12th, 1727 and her godfather was Jean Kouaret (Quarett). Jean Quarett appears as one of the signatories to the 1726 treaty as well, where he represented the community of Minas.

By 1753, the Cape Sable leadership appeared to be still maintained by two Chiefs, one whose name was Baptiste Thomas.⁹⁵ As previously mentioned, the Chief of Port Royal in the time period of the 1720's and perhaps even the 1730's, was also an individual

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ NSARM, RG-1, v.187, "November 16, 1753, Nova Scotia Council Minutes," in "R. v. Stephen Frederick Marshall et al, Crown Document Books, vol.3, doc.60".

by the name of Baptiste Thomas. This brings forth the idea that the Chief of Cape Sable in 1753, may very well be the son of the Port Royal Chief, or even perhaps the same individual. As already shown through the inter-relationships of the Cheguay, Pisnett and Baptist family, close personal kin relationships existed between the two communities which easily could have resulted in a change of residency for the Port Royal Chief Baptist Thomas or one of his relatives.

In the 1760's we again see a new Mi'kmaq leader representing the community of La Have by the name of Michael Agoumartin or Algoumatimpk. He is referred to by one of his community members, Francis Shagwaough, who is being issued a pass from the British in 1760.⁹⁶ Chief Agoumartin is also included in a list of Chiefs of Acadie as representing Cape Sable during this time period.

By 1771 Chief Francis Alexis was the political leader for Cape Sable, at which time it appears that his community is experiencing the pressures of the loss of their lands by British settlers. It is at this time that he goes to Halifax and is issued a license which shows that he and his community have the right to "fish, hunt and improve their lands" surrounding the area of Eel Creek.⁹⁷ This situation would only get worse as years went by as Mi'kmaq would be pushed away from the prime fishing area by non-Mi'kmaq settlers.⁹⁸

Without a doubt, the community of Cape Sable was the epitome of the Mi'kmaq

⁹⁶ NSARM, RG-1, v.165, "April, 24, 1760, Lawrence to Francis Shagwaough, and others," in "R. v. Donald Marshall Jr., Defence Document Books, vol.4, doc.112".

⁹⁷ NSARM, RG 1, v.168, p.155, "June 22, 1771, Campbell to Alexis," in "R. v. Donald Marshall Jr., Defence Document Books, vol.7, doc.195".

⁹⁸ Wicken, "Encounters with Tall Sails and Tall Tales," p.99.

social and political reality of the eighteenth century. Social relationships embedded their daily lives, such as births, deaths, marriages, and crossed all realms of their existence, which contributed to their political realizations through the idea of kin-relations, *Ni'kmaq*.

Minas

At the end of the seventeenth century, the leadership of Minas, and community members were involved with the conflicts that were occurring throughout present day New Brunswick and Maine. During the month of June, in 1697, the Mi'kmaq Chief of Minas and some of his warriors headed to Wulstukwiuk territory at the St. John River and Pentagoet to provide military support. Prior to their departure some of the Chiefs meet together to pick war captains for the conflict, and they departed on the 11th of June.⁹⁹ This political relationship between the Mi'kmaq leaders and the Wulstukwiuk and the Abenaki would have contributed to an understanding by Mi'kmaq leadership that colonial settlement could mean the loss of aboriginal lands. This position is demonstrated in one of the earliest documented instances of Mi'kmaq leadership explicitly stating Mi'kmaq sovereignty over their lands. Such a position was undertaken by the Chief of Minas, Peter Nunquadden, in 1720. During the month of August, a New England Captain, John Alden was in the area of Minas and encountered Chief Nunquadden and 11 other Mi'kmaq from

⁹⁹ "Journal of Events in Acadia 1696-10 to 1697-10," John Clarence Webster, ed., *Acadia at the End of the Seventeenth Century: Letters, Journals and Memoirs of Joseph Robineau de Villebon*, (Saint John: New Brunswick Museum, 1934,) pp.104-5, in "R. v. Donald Marshall Jr., Defence Document Books, vol. 1, doc.17".

the Minas area. John Alden reported that the Chief told him:

came to him and demanded fifty livres for liberty to trade saying this country was theirs, and every English Trader should pay tribute to them to which payment the Deponent agreed being under necessity a few dayes after the said Chief told the Deponent that if any person came there with Orders from General Philipps that he would make them prisonerr and destroy what he had neither should any Orders of that Government be observed or minded there...¹⁰⁰

This incident was not an isolated action of the Chief of Minas, as later that same year in October, a letter from the Chief of Minas was sent to Governor Richard Philipps. In this letter the Chief asserted Mi'kmaq title to their lands and Mi'kmaq independence from the English and the French:

we believe that this land that God gave to us, on which we could be counted even before the trees were born, does not appear to us to be disputed by anyone; meanwhile we see that you want to keep us from the places that you inhabit, and the threats that you make to us to reduce (us) to your servitude, this you should never hope for. We are masters and dependents of no-one. We want to have our country free.¹⁰¹

The Chief went on to discuss the recent incident with Captain Alden and his crew as a necessary action which had been brought about because of the English's continued unauthorized presence in their lands:

You ask the reason why we have taken those of your nation, we say to you that it is you who are the cause; that it is you who have caused the seizure of Canso and

¹⁰⁰ PRO, (GB), CO, 217, v.4, no.18(xii), "September 14, 1720, Memorial of John Alden," in "R. v. Donald Marshall Jr., Defence Document Books, vol.2, doc.55".

¹⁰¹"October 20, 1720, Lettre des Sauvages à Monsieur le General Philipps," p.47, *Collection de manuscrits contenant Lettres, Mémoires et autres documents historiques relatifs à la Nouvelle-France recueillis aux Archives de la Province de Québec ou copiées à l'étranger*, v.3, (Québec: Imprimerie Côté, 1884), in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.6, no.98".

*Alen, for before you came into our country all were in peace there, but since you have arrived, all is at war by your threats to chase us from our possessions that our Fathers left to us, of all which we have no understanding: that those of your Nation have never had any authority from us to be free in our country as you would wish.*¹⁰²

Clearly the Minas leadership did not welcome the British presence in their lands and saw the necessity of asserting their position as a mechanism to protecting themselves.

This ill-feeling towards the British was also demonstrated in a speech which the Mi'kmaq leaders made to Governor Saint-Ovide sometime that same year. Again, they expressed their concerns over the growing British assertion of authority on Mi'kmaq lands, stemming from the Treaty of Utrecht. It is apparent that the Chiefs cannot understand how the English can claim Mi'kmaq lands as their own when they state; " But learn from us that we were born on this earth that you march with feet, before even the trees that you see beginning to grow and leave the earth, It is ours and nothing can ever force us to abandon it."¹⁰³ Although we do not have any information on the names of the Mi'kmaq leaders who expressed such opinions, there can be no doubt that Peter Nunquadden must have been present.

In 1722 we know that the Chief of Minas was Jacques Necoute and that his community consisted of around 8 or so families.¹⁰⁴ Jacques Necoute was around 57 years old at this time and had at least 6 or more children. Chief Necoute signed the 1726 treaty

¹⁰² Ibid.

¹⁰³ NAC, MG18, E29, "1720, Speeches of the Indians...", in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.6, no.93".

¹⁰⁴ AN, (France), AC C11B v.6, 77r, "Recensement des sauvages 1722," in "R. V. Stephen Frederick Marshall et al, Defence Document Books, vol. 7, doc.102".

with the other individuals from Minas, such as Jean Amquaret and Antoine Amquaret, however he is not listed as the Chief. Instead, Pierre Amquaret is listed as the chief who signed the Treaty on behalf of his people. However, this did not necessarily mean that Jacques Necoute was not a Chief at this time, but rather that two chiefs probably existed for the area of Minas. Various censuses from this area show that Minas was a larger summer village made up of two smaller hunting groups - those of the Amquaret family and the Necoute family. Both communities would have had leaders for their respective communities, but during the Treaty signing ceremony it is more than likely that Chief Pierre Amquaret was delegated to sign the treaty on behalf of his community as he was more than likely the leader of the summer community of Minas.¹⁰⁵ Nonetheless, because Jacques Necoute was also a respected Mi'kmaq leader, it is no surprise that he is in attendance as well.

We also know that on June 4, 1726, documents which discussed the various Mi'kmaq Signatures to the Treaty identified an individual by the name of John Qillette as the Chief for Minas.¹⁰⁶ This is most likely Jean Amquaret, possibly the 48 year old brother of Chief Pierre Amquaret.¹⁰⁷ His name also appears as a signatory to the 1726 Treaty, but he is not listed as a chief either. However, it is quite possible that a mistake was made in

¹⁰⁵ Wicken, *Mi'kmaq Treaties on Trial*, pp.41- 42.

¹⁰⁶ PRO, (GB),CO 217, v.4, "Treaty of 1726, Indian Signatures," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, no.113".

¹⁰⁷ Chicago, Newberry Library, William Ayers Collection, "Recensement genal fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'acadie...", p.17, "R. v. Donald Marshall Jr., Defence Document Books, vol.2, no.32".

identifying him as the Chief, or in fact he too was a respected leader, as he had his own family in 1708, and by 1726 had aged to the point that each of his children too had their own families. Such circumstances would contribute to his reputation as a political leader for his individual community in the same manner that Jacques Necoute was seen as the political leader for his smaller community. Further, we also know that Jean Amquaret did in fact have social relationships with political leaders from other communities, as he is identified as the godfather for Cape Sable Chief Jean Baptist's daughter Marie, who was baptized in April, 1727.¹⁰⁸ Thus, it is more than likely that Jean's brother Pierre was the Chief of the larger Minas village, in the context of broader leadership roles beyond the local community, but that Jacques Necoute and Jean Amquaret were leaders within another context as well.

Although we do not know who the leadership was for Minas during the 1740's we do know that it was more than likely an Amquaret or a Necoute, as by the time of the 1760's it is these same families whom were still providing political leadership to this community. In 1760 included in a list of Indian Chiefs is the name Batelemy Aunqualett, who is listed as the Chief of Minas.¹⁰⁹ This is most likely Barth Amquaret, who we know in 1763 was a member of the Amquaret hunting group in the Minas area. He was married with two sons, one of whom was also named Barth Amquaret Jun. Therefore, it is more than likely that Barth is the son of Pierre or Jean Amquaret who were Chiefs themselves in

¹⁰⁸ NSARM, RG-1,v.26, "Register of Baptisms, Marriages and Burials at Annapolis Royal, 1702-1728," Translated notes of Dr. William Wicken.

¹⁰⁹ "Indians in Acadie, A.D.1760," p.116, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, doc.173".

the 1720's and 1730's.

In 1763, we know that the Amquaret hunting group of the Minas area is now being provided leadership by a new individual by the name of Joseph Bernard. He is identified as the Captain of the group, and is only one of two Bernards listed in this community, with the remainder being Amquarets and two Argonmatins. Why Bernard appears to be providing leadership instead of the Amquarets, we can only guess. However, there is a strong possibility that these individuals identified as Bernards may each have married one of the Amquaret women, as both Pierre and Jean Amquaret had young daughters in 1708. Also, the Deschamps census does not identify the names of women, but we are able to identify Joseph Bernard as a married individual with two children and a wife.¹¹⁰

The Necoute community had also continued the tradition of Mi'kmaq leadership being passed from father to son, as the Chief for this group was Joseph Nocout (Necoute) who was with a village of at least 9 extended families of 42 people. Many of those individual identified were the sons of former Chief Jacques Necoute, such as Rene, Claude, and Jacques. Others identified, such as Charles, Lewis and Philippe, were probably the sons of Jean and Pierre.¹¹¹ Although we cannot identify who the father of Chief Joseph Necoute was, we know that he had to be the son of either Pierre, Jean or Jacques, as they were the primary male family heads in the 1720's and 30's.

¹¹⁰ NSARM, MG-1, v.258, "December 20, 1763, List Of Indians," p.20, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.11 ,doc.219".

¹¹¹ Ibid, p.21.

Shubenacadie

In 1708 the community of Shubenacadie was not identified as a community in itself by European census, such as Minas and Cape Sable were , but rather was one Mi'kmaq community included within the broader identity of the community of Musquodoboit. However, within a short span of time Musquodoboit itself is no longer being identified as the key community, but instead Shubenacadie is being referred to by European sources as the larger inclusive community of this area.¹¹² Why the sudden change?

In the eighteenth century Musquodoboit and Shubenacadie maintained a community to community relationship that saw their overall populations move back and forth as the eighteenth century progressed, to the point that by the end of the century, Shubenacadie was being utilized as the broader community. How we are sure of this is by looking at the 1708 Census, which included Mi'kmaq from Shubenacadie in the families identified as a part of the Musquodoboit community. For example, Joe Bomgabouidetché is listed as a 48 year old Mi'kmaq man in the Musquodoboit community in 1708 and by 1722 Joseph Bomgabouidetché is listed as the Chief of Shubenacadie.¹¹³ Again, in 1760, Claud Renée is identified as the Chief representing both of the communities of Shubenacadie and Musquodoboit, demonstrating the inclusive political relationship that

¹¹² Musquodoboit only appears in the 1708 Census as the broader community. After such time Censuses from 1722, 1737, & the 1726 treaty, and 1760&61 ratifications identify Shubenacadie.

¹¹³ "Recensement genal fait au mois de Novembre mil sept cent huit de tous les Sauvages de l'Acadie..." p.19, in "R. v. Donald Marshall Jr., Defence Document Books, vol.2, no.32"; "Recensement des sauvages1722," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.102".

these communities maintained throughout the eighteenth- century.¹¹⁴ By the end of the eighteenth century we know that this relationship between the families of the two communities continued, as Francis Coop is identified as a 50-year-old man living in Musquodoboit Harbor, and we know that the Cope family was a primary political family within the community of Shubenacadie in the 1750's.¹¹⁵

Although this information demonstrates that the communities of Shubenacadie and Musquodoboit maintained the same political leadership for their overall community, it does not entail the continued use of Shubenacadie as the community used as identifying both Musquodoboit and Shubenacadie areas and those who inhabit them. However, this is clarified somewhat when we consider the fact that Shubenacadie was utilized as a key area by all Mi'kmaq during the eighteenth century, which increased significantly after the 1720's. In 1722 a Catholic mission was established here, which increased the utilization of this area as a primary gathering area.¹¹⁶ It was referenced as being utilized by various Mi'kmaq leaders during the summer, primarily on Pentecost Sunday during the month of June:

Opposite the church at Cobequit is the Chibenakadie river which discharges into the Cobequit river and from there into the Baye Francoise, 12 leagues from the river is the Indian mission, there is a french church there served by Mr. Le Loutre. Four or 500 Indians gather there at All Saint's Day and at Pentecost, in

¹¹⁴ "Indians in Acadie, A.D.1760," p.116, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, doc.173".

¹¹⁵ Wicken, "Encounters with Tall Sails and Tall Tales," p.106.

¹¹⁶ Ibid, p.332.

*the other times, they come there by bands.*¹¹⁷

Further, we also know that the Shubenacadie River was utilized as a primary waterway for travel by the Mi'kmaq traveling from one end of Mi'kma'ki to the other. The British recognized this and in 1753 Judge Charles Morris described the Mi'kmaq route by canoe which utilized the Shubenacadie River as the most significant waterway in the area when he stated:

*This was always the Indian Route, when they passed from Cobequid to Gebnecto.....It is very evident that if a fort was built upon the Subenacoada below where the two rivers join it would cut off their communication both with the sea coast and with the English settlements.*¹¹⁸

However, this did not mean that the community of Musquodoboit did not continue to exist during this time period, as by the beginning of the nineteenth century we know that a Mi'kmaq community of Musquodoboit still existed.¹¹⁹ Nonetheless, it is apparent that Shubenacadie was a significant Mi'kmaq community during the eighteenth century due to its various uses and its key location.

The 1726 was ratified on behalf of the Shubenacadie Community by Chief Jean Baptist Fils de bon.¹²⁰ We know that Jean Baptiste Fils de bon would have been a 44 year

¹¹⁷ AN, (France), AC C11D,10, "Sur L'Acadie, 1748," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, no.131".

¹¹⁸ Judge Charles Morris, "Remarks Concerning the Settlement of Nova Scotia, Documents sur l'Acadie, 1753," in *Collections de Documents Inédits publié par le Canada-Francais*, II (Quebec City, 1889), p.100, "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, no.161".

¹¹⁹ Wicken, "Encounters with Tall Sails and Tall Tales," p.106.

¹²⁰ PRO, (GB), CO, 217, v.5, "June 4, 1726, Annapolis Royal Ratification," pp.3-5, in "R. v. Donald Marshall Jr., Defence Document Books, vol.3, no.64".

old man and was married to a Gabriella. In 1708 they had two children, but by 1726 it is most likely that their family would have grown considerably. It is also probable that he had a brother by the name of Pierre Fils de Bon, who is listed in the 1708 Census as one year younger than Jean. However, we also know that a Tomas Outine is also listed as a Chief of Shubenacadie who ratified the 1726 Treaty with Chief Jean Baptist Fils de Bon, although Tomas Outine is not identified as a chief within the Treaty itself, but nonetheless he is referenced as one in accompanying documents.¹²¹ It is most probable that Tomas Outine may have been the leader for Musquodoboit, and Jean Baptist Fils de Bon was the delegated Chief to represent the community in the overall treaty signing ceremony.

By 1752 the community of Shubenacadie leadership was being maintained by an individual known as Chief Jean Baptiste Cope, also known as Major Cope who was around 54 years of age.¹²² Chief Cope was from the community of Port Royal and was the son of Paul and Cecille Cope. He also had three younger sisters, Marie, Margeurite, and Thereze, and may have had other siblings as well.¹²³ In 1752 Chief Cope signed the 1752 Peace & Friendship Treaty with the British crown, which was not entered into by the other Mi'kmaq Communities, as had occurred with the Treaty of 1726. This for a number of reasons, including the fact that the French government and as well various French officials

¹²¹ PRO, (GB), CO 217, v.4, "June 4, 1726, Treaty of 1726, Indian Signatures," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.113".

¹²² "Treaty with the Eastern Indians, 1752-10-13 to 1752-10-21," *Collections of the Maine Historical Society*, (Portland: 1856), v.4, pp.168-84, "R. v. Donald Marshall Jr., Defence Document Books, vol.4, doc. 95".

¹²³ "Recensement genal fait, 1708 -11," p.10, "R. v. Donald Marshall Jr., Defence Document Books, vol.2, doc.32".

did not think particularly highly of Chief Cope and made great efforts to convince other Mi'kmaq that he was not to be trusted. They referred to him in 1753 as, "that the one known as Cope the evil Micmac who has always had an uncertain and suspicious air where both Nations are concerned."¹²⁴ This dislike of Cope was further assisted by the fact that Abbe Le Loutre, who had maintained the Shubenacadie Mass House Mission, attempted to convince the Mi'kmaq on the mainland of Nova Scotia to move to Beausejour around 1750, as the British government wanted Le Loutre out of Nova Scotia. However it is suggested that Chief Cope may have convinced many of his tribe not to follow Le Loutre and instead they continued to maintain their community within the Musquodoboit area.¹²⁵ Nonetheless Chief Cope did in fact sign the 1752 Treaty along with Andrew Hadley Martin, Gabriel Martin and Francis Jeremiah.¹²⁶ Although we do not know where the other individuals were from, the name Martin was common to the Restigouche Mi'kmaq, and in fact a Gabriel Martin is listed as a resident there in 1766.

At the time Cope signed the treaty he also promised the British that he would make efforts to bring the other Mi'kmaq communities to Halifax to ratify the treaty of

¹²⁴ AN, (France), AC, C11B, v.33, "mai 12, 1753, Prevost to Minister," p.159. "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, no.144".

¹²⁵ Patterson, Stephen, "Indian-White Relations in Nova Scotia, 1749-1761," *Acadiensis Reader*, Volume One, 3rd ed., ed. Buckner, Campbell and Frank, (Fredericton: Acadiensis Press, 1998,) p.91.

¹²⁶ "Treaty or Articles of Peace and Friendship renewed, 1753," (Halifax: Council's Printer, 1754,) in "R. v. Donald Marshall Jr., Defence Document Books, vol. 3, doc. 97".

1752.¹²⁷ We know that he in fact did make efforts to undertake this as on April 12, 1753, the Chief of La Have Claude Gigigish arrived in Halifax to make peace the same as Chief Jean Baptiste Cope.¹²⁸ Further, on May 16th of that same year, Joseph Cope, the son of Chief Jean Baptiste Cope arrived in Halifax and stated that his father and Claude Gigigish were gone to Chignecto to discuss them and Cape Breton Chiefs entering into a peace agreement with the British. However, on April 15th it appears that Mi'kmaq women and children were massacred in the Canso area, which contributed to the Mi'kmaq taking up arms against the British and ending the negotiation of peace until 1760.¹²⁹

By 1760, Shubenacadie leaders were once again primary figures in the negotiation of Peace with the British, primarily within the treaty process of 1760 and 1761. On March 10th, 1760, three chiefs arrived in Halifax to make a peace treaty with the British. These individuals were Chief Paul Laurent of La Have, Chief Michael Augustine of Richibuctou, and Chief Claud Renée of Shubenacadie and Musquodoboit.¹³⁰ Similar discussions had already been concluded the month before by Chiefs of the Wulstukwiuk and Passamaquoddy, and it is more than likely that Laurent, Augustine and Renée's arrival in Halifax was based on these occurrences, which had probably been discussed in a council

¹²⁷ NSARM, RG-1, v.186, "April 2, 1753, Nova Scotia Council Minutes," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.138".

¹²⁸ NSARM, RG-1, v.186, "April 12, 1753, Nova Scotia Council Minutes," in "R. v. Stephen Frederick Marshall Evidence Books, vol.8, doc.139".

¹²⁹ AN, (France), AC, C11B, v.33, "mai 12, 1753, Prevost to Minister," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.144".

¹³⁰ NSARM, RG-1, v.188, "March 10, 1760, Nova Scotia Council Minutes," in "R. v. Donald Marshall Jr., Defence Document Books, vol.4, doc.110".

by Mi'kmaq Chiefs and elders prior. It is thus no surprise that the three chiefs who arrived to negotiate the peace all came from various Mi'kmaq districts, so as to represent the entirety of the Mi'kmaq Nation.

Chignecto

The Mi'kmaq community of Chignecto was provided political leadership during the beginning of the seventeenth century by Chief Joseph Pidoujacktek, who in 1722 was a 64 year old man providing leadership to 86 people within 14 families.¹³¹ However, in the 1726 Treaty there is a different Chief representing the community of Chignecto, Philippe Argimeau, whose last name would be characteristic of leadership for this area well into the end of the century. Philippe Argimeau was 56 years old in 1726, the characteristic age of a Mi'kmaq leader, and was married to Anne. He also had two brothers, Francois and Anthoine, both whom had their own families within the Chignecto community. Philippe and Anne had at least 7 children, 5 boys and two girls, all of whom were adults in 1726. Like other Mi'kmaq Chiefs, Philippe brought two of his sons to the treaty signing ceremony in 1726, and both 19 year old Joseph and 22 year old Michael signed the treaty with their father.¹³² This would have been the primary manner in which future leaders would have the ability to acquire the leadership skills of political diplomacy and to also

¹³¹ AN (France)AC, C11B,v.6,77r, "Recensement des sauvages 1722," in "R. v. Stephen Marshall et al, Defence Document Books, vol.7, doc.102".

¹³² "Recensement genal fait...1708-11"; "R. v. Donald Marshall Jr., Defence Document Books, vol.2, doc.32"; PRO, CO, 217,v.5 "Annapolis Royal Ratification," pp.3-5, "R. v. Donald Marshall Jr., Defence Document Books, vol. 3, doc.64".

gain the historical knowledge of their relationship with the British that would have to be passed on to their children and kin. In fact this event was most significant for the youngest of Philippe's sons, Joseph, as he would be utilizing what he remembered from his experiences of June 4th, 1726 when in 1761, at the age of 54, he would be the Chief of Chignecto and would be ratifying the treaty with the British, as his father had done.¹³³ It was most likely also Joseph Argimeau who is referred to in 1755 as the Chief of Chignecto who is traveling with Paul Laurent to Fort Lawrence and then to Halifax to negotiate peace with the British.¹³⁴

We also know that the Chief of Chignecto in 1722, Joseph Pidoujactek, maintained political leadership within his family as in 1749, 27 years later the Chief of Chignecto is identified as being Jean(Joannes)Pedousaghtigh.¹³⁵ He appeared in Halifax with Chiefs from the Passamaquoddy, Penobscot, Norridgewalk and Wulstukwiuk when they ratified the 1726 treaty. At one section of the treaty articles it refers to each tribe, and instead of the Mi'kmaq it states the Cape Sables, which may be a reference to the Mi'kmaq Nation.¹³⁶ Nonetheless, we know that Joannes Pedousaghtigh is the 48 year old

¹³³ "Indians in Acadie, 1760-05-01," *Collections of the Massachusetts Historical Society*, v.10, (1809), pp.115-6, "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol. 9, no. 173".

¹³⁴ NSARM, RG-1, v.187, "February 12, 1755, Summary of Discussions with Paul Laurent," pp.178-180, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.149".

¹³⁵ NSARM, RG-1, v.186, "August 14, 1749, Nova Scotia Council Minutes," p.13, "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.132".

¹³⁶ "Articles of Agreement(Chebucto), 1749-08-15 to 1749-09-04," *Indian Treaties and Surrenders*, (Ottawa: Queen's Printer, 1891,) v.2, pp.200-1, "R. v. Stephen

son of Chief Joseph Pidoujactek.

Antigonish and Unamaki

Although there were many Mi'kmaq communities located in the areas of Antigonish and Unamaki during the eighteenth century, it is difficult to reconstruct those individuals who inhabited these areas as they are not documented by European sources as well as the previous communities discussed were. For example, in the 1708 Census there are no separate communities listed for Cape Breton or the Antigonish area, and what is provided is very limited. This is also apparent in the census of 1722. Further, after the Treaty of Utrecht many of the sources which provide information on these areas originated from the government at Louisbourg, but what they fail to do is to provide personal details, such as the names of the various Mi'kmaq leaders. Therefore, although information will be provided on these areas, it is quite limited and warrants further research as it is quite possible that further sources do exist on these areas, but that they have yet to be uncovered.

In 1720, it is reported that over 100 Mi'kmaq met near Antigonish, at the Fronsac Passage, with Saint-Ovide, governor of Louisbourg, where they discussed utilizing Antigonish as their principal village.¹³⁷ Later French correspondence also made reference to various meetings of the Mi'kmaq Chiefs in Antigonish, a location which appears to

Frederick Marshall et al, Defence Document Books, vol.8, doc.133".

¹³⁷ AN, (France) AC, C11B, v.5, 129r-129v, "Saint-Ovide au ministre, 1720-09-05," in "R. v. Donald Marshall Jr., Defence Document Books, vol.2, doc.54".

have been utilized as a key area where the French would distribute presents to the Mi'kmaq during the eighteenth century. One of the earliest references to the names of leadership for this area is found in the 1722 census, which lists the Chief of Cape Breton as Jean Michaux, Antigonish Chief as Jean Chebcoureg and Pictou as Chief Charles Isadsighinaua.¹³⁸ At that time the Mi'kmaq population of Cape Breton was documented at one hundred and seven people, and ninety three people at Antigonish, both considerably large population numbers.¹³⁹ The only communities of this time period with population numbers within that range was Shubenacadie and La Have, demonstrating the size of the communities which must have been located here. Personal details with regards to these individuals are lacking, but we do know that Jean Chebacoureg was a 42 year old man who was married to an individual by the name of Marianne.

Within the 1726 treaty there are individuals who are identified as signing the treaty on behalf of their community, but it does not specify who the chief is. For example there is a Joseph Chigaguisht identified as representing Cape Breton and it is quite possible that he is the Chief, as his name is set apart in much the same manner as the other chiefs.¹⁴⁰ Joseph Chigaquisht is listed in the 1708 census as a 15 year old son of Pierre Chabacouedes, which would make Joseph 33 years old at the time of the signing of the 1726 Treaty.

¹³⁸ AN, (France) AC, C11B, v.6, 77r, "Recensement des sauvages 1722," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, no.102".

¹³⁹ Ibid.

¹⁴⁰ Those who are listed as chiefs have their name set in between the words Chief and the area that they are representing. In this instance, the word Chief is missing.

Although we do not know the identity of the Mi'kmaq leadership for Cape Breton or Antigonish in 1749, we do have sources which tell us what their political opinions were with regards to the increasing British presence. On September 23rd, 1749, the Chiefs of Cape Breton and Antigonish area sent a letter to Governor Cornwallis, which outlined their concern with the encroachment of British settlers on their lands, the loss of their sovereignty and the establishment of Halifax.:

The place where you are, the place where you live, the place where you are building a fortification, the place where you want to establish yourself, the place of which you want to make yourself the absolute master, this place belongs to me. Me, the Indian, I come out of this earth like (a blade) of grass. I have been born there the son [and] from father to son. This place is my land, I swear it. It is god who has given me this land to be my homeland forever. I reveal first to you what my heart thinks of you because it is not possible that the works that you have undertaken at Kchibouktouk [Halifax] do not give me a great deal to think about. My King and your King together distribute these lands, and it is because of that they are presently at peace, but for me I can make neither alliance or peace with you. Show me where I could an Indian, withdraw to. As for you, you hunt me down. Show me where you want me to take refuge. You have taken over almost all of this land, so that the only resource [refuge] left to me is at Kchibouctouk. Yet you begrudge me even this peice [of land], and you even want to chase me from it. That is what makes me know [realize] that you have sworn [to yourself] to not cease to make war on us and to never enter into an alliance with us. You are proud of your great numbers. I, who is in very small number, can only count on the God which knows what this is all about. A mere crawling worm knows enough to defend itself when it is attacked. Certainly then, an Indian who is worth a bit more than a mere worm, for all the more reason, must I know how to defend myself well when I am attacked. I am going very soon to go and see you, yes, I shall certainly see you soon."¹⁴¹

This letter demonstrates how the Cape Breton and Antigonish Chiefs were fully aware of the manner in which the Mi'kmaq peoples existence had suffered since the arrival of the

¹⁴¹ PRO (GB), CO 217, v.9, 116r-116v, "1749-09-23, Mi'kmaq of Cape Breton and Antigonish to Cornwallis", pp.17-9, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, no.134".

British, and it comes as no surprise that at the time it was written the area of Unamaki was still under the colonial title of the French. Such factors contributed to the political alliances between the Mi'kmaq leaders and the French and provides insight as to those Mi'kmaq political opinions being held and why the 1752 Treaty, which was signed by Chief Jean Baptiste Cope of Shubenacadie, was not necessarily an action that was being embraced by all Mi'kmaq.

By 1759 we know that there were three new Chiefs representing Antigonish, Cape Breton and the Pictou area. They are John Newit for Pictou, Rene La Morne for Antigonish and Jeannot Piquidawalwet for Cape Breton. Chief Piquidawalwet is mentioned as the Chief still in 1761, as at that time he ratifies the 1726 treaty for the Mi'kmaq of Cape Breton and Pictou areas.¹⁴² He may have been specifically from the community of Merliguech, as it is referenced and we know that this is one of the Mi'kmaq communities that existed in Cape Breton on the Bras d'or Lakes, in 1735.¹⁴³ Considering such information, it is more than likely that Chief Piquidawalwet was in Halifax on June 25th, 1761 at the Governor's Farms Ceremony, for although the names of all the Chiefs are not provided, we do know that Chiefs from the Cape Breton area were in attendance.¹⁴⁴

We also know that by 1766 Chief Jean Pegidawaw Oulaut was still the Chief of the

¹⁴² NSARM, RG-1, v.188, "October 12, 1761, Pictou and Malagomich Treaty," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, no.189".

¹⁴³ Wicken, *Mi'kmaq Treaties on Trial*, p.109.

¹⁴⁴ PRO, (GB), CO 217, v.18, 277r-283r, "June 25, 1761, Governor's Farm Ceremony," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol. 9, doc.184".

Cape Breton Mi'kmaq as he was representing about two hundred people. It is at this time that he is being issued passes for safe travel.¹⁴⁵

During the eighteenth century, the Mi'kmaq Nation consisted of various winter and summer villages that were primarily located near the coastal areas and were geographically found throughout all of the Mi'kmaq districts found in Mi'kma'ki. Each winter and summer community had its' own leadership, which did not function as an independent body, but rather exercised its decision making through social relationships of friendship and marriage with others and as well with those in other communities in Mi'kma'ki and other Nations. This phenomenon of Mi'kmaq social relationships can be characterized as the Ni'kmaq, (kin-relations) which began at the basic level of the smaller winter community and extended to the larger, summer community and which contributed to the political leadership of the Mi'kmaq Nation as a whole. Such ramifications meant that the Mi'kmaq political body of the eighteenth century found its political cohesiveness not through force or coercion, but rather through a collective will of people and leadership that was based on Mi'kmaq cultural ideologies.

Previous historical writings that have considered the Mi'kmaq-British-French political relationships from this time period have generally presented the Mi'kmaq Nation in a manner that has not considered the social and personal existence of such leaders within Mi'kmaq society. Instead, a common approach that has been taken has been to analyze the occurrences of this time period from the position of European colonial policy,

¹⁴⁵ PRO, (GB), CO 217, v.44, 81r-83r, "October 16, 1766, Palliser to Francklin," "R. v. Donald Marshall Jr., Defence Document Books, vol.6, doc.180".

which has unintentionally contributed to a historical understanding where European society had hopes and fears but somehow the Mi'kmaq Nation was the "faceless indigenous victim" that had to be considered in the colonialism of the "New World."

However, through the analysis of the personal identities of those Mi'kmaq individuals who lived during this time period, we have been able to see that the Mi'kmaq people did have a "face" and that each face had a name, had a wife or husband, children and friends as well.

Such individuals had fears, hopes and dreams, like those of Europeans, and were concerned about their future and that of their children, in much the same manner as we are today. As well, Mi'kmaq leaders existed in a society where the political decisions that had to be made were challenging and elusive and certainty of the correctness of their political decisions was not provided. They too were also plagued with self doubts and worries for the future, and only through the insightfulness of their collective political will did they demonstrate the ability to establish Nation to Nation treaty relationships that ensured a livelihood for the Mi'kmaq people of the future.

Chapter 4

Mi'kmaq & British Treaty Negotiations of the 18th Century: Beyond the Written Word

By the end of the eighteenth century, the Mi'kmaq Nation and the British crown had established a political relationship with each other that had developed over two centuries. During that time, their relationship involved varying circumstances which were often predicated by the social and political needs of both groups. During the 1600's and the 1700s, trade was one of the primary factors that was central to the developing relationship between the Mi'kmaq and the British and which allowed the Mi'kmaq to be involved as a reciprocal partner. However, with the arrival of the eighteenth century the British perception of Mi'kma'ki became that where British colonial conquest and land acquisition could be furthered, which ultimately affected their overall political and social relationship with the Mi'kmaq in an adverse manner. The British believed that colonial title to Mi'kma'ki could be gained through acquisition from the French crown, as they assumed that the French had gained title from the Mi'kmaq through initial contact and trade during the seventeenth century. However, with regard to title the British misinterpreted the political and social relationship that existed between the French and the Mi'kmaq nation, as the Mi'kmaq had never recognized the French crown as having title or sovereignty within Mi'kma'ki. Although French government officials may have felt that they themselves did in fact possess title over Mi'kmaq lands, the political and social relationship which they undertook with the Mi'kmaq was inconsistent with this position. The French recognized that an argument of French sovereignty would not be accepted or

embraced by the Mi'kmaq, as the Mi'kmaq perceived the French as trading partners who were a distinct nation of people separate from themselves both culturally and politically. Consequently, as the political relationship between themselves developed, it was based on Mi'kmaq recognition of the French as sovereign over French political and social concerns, while the French saw the Mi'kmaq as a trading partner whom had to be respected in accordance with Mi'kmaq social and cultural protocols.

This view in which the Mi'kmaq perceived the French also became the view in which Mi'kmaq perceived the British, for when British government officials began to assert a position of sovereignty and title over Mi'kma'ki, the Mi'kmaq leadership quickly objected. Mi'kmaq leadership resisted the British's attempts to establish unauthorized permanent land settlement, and did so through verbal and written forms of communication, as well as physical hostilities. The issue of British sovereignty, title and land settlement led to nearly a century of intermittent hostilities and conflict between the two groups, which became characteristic of Mi'kma'ki during the time period of the eighteenth century. Such times of upheaval were significant, as conflict was one of the many factors underlying the political relationship between the Mi'kmaq and the British. For the Mi'kmaq people, conflict surrounding such critical issues of title and sovereignty could only be resolved through joint dialogue and discussions which upheld the sovereignty of both groups and which led to peaceful co-existence. Such aspirations could be demonstrated through a wampum of peace which could be determined through inter-village leadership council meetings, and as well was commonly found within the political body of the Wabanaki Confederacy. For the Mi'kmaq and the British, the issues

of sovereignty and peaceful co-existence came to be found within the various Mi'kmaq - British Treaties, which ultimately defined the political and social relationship between the two groups.

During the period beginning in 1725 and concluding in 1761, a series of treaties were signed by Mi'kmaq leadership with the British Crown, which were written in English and spoke to issues of peace, friendship, sovereignty and trade, as well as other matters. The treaties were a written demonstration of the parties' joint agreement on their political and legal relationship, and how they could co-exist in Mi'kma'ki peacefully. However, in order to understand the intent of the Mi'kmaq leaders who signed the treaties we must be careful not to rely on the treaties alone as an accurate reflection of such ambitions. Instead, it is important to look beyond the written text of these documents and also consider the meetings, discussions and treaty negotiations that were occurring between the two groups. The treaties themselves were written in a language that few Mi'kmaq leaders had the ability to comprehend, thus eliminating their ability to harmonize the written text exactly with their overall political intent. Even more important for Mi'kmaq leadership, political understandings and/or agreements, as those outlined within the Covenant Chain of Treaties, did not represent an ambition that was achieved through one day, one meeting, one document. Rather, such Mi'kmaq political intentions would have been discussed in various meetings with the British, and as well within the Mi'kmaq communities themselves, as Mi'kmaq decision-making was a process that utilized dialogue as a mechanism for achieving agreement and consensus on major issues. Further, the Mi'kmaq defined their political relationships with others through Mi'kmaq cultural

understandings of protocol and their own conduct would have been consistent with their political intent. Therefore, in order to analyze effectively the political intention of Mi'kmaq leaders within the treaties, we must look not only to the written documents, but also to the political negotiations occurring at the time. This is where Mi'kmaq leaders and communities would have manifested the political, social and legal position by which they felt defined and what role they ascribed to the British in accordance with Mi'kmaq cultural norms.

It is one of their customs to write in books what they have done and seen, instead of telling them in their villages where the lie can be given to the face of a cowardly boaster, and the brave soldier can call on his comrades to witness for the truth of his words.¹

The Treaties of 1725 and 1726

The 1726 treaty was one of the first formal written agreements to which the Mi'kmaq entered with the British Crown. The Mi'kmaq had been included within the earlier Treaty of 1725, but their inclusion was through the delegated authority of Wabanaki leaders who were responsible for its negotiation and signing in Boston.² In 1726, Mi'kmaq leaders participated directly in the negotiation and ratification process of the treaty and on June 4th, 1726, at Annapolis Royal Mi'kmaq leaders, along with fellow

¹ James Fenimore Cooper, *The Last of the Mohicans: A Narrative of 1757*, (Cleveland, Ohio: The World Publishing Company, 1957), p.38, quoted in Wicken, *Mi'kmaq Treaties on Trial*, p.59.

² "November 12, 1725, Boston Conference," James Phinney Baxter, ed., *Documentary History of the State of Maine*, v.23, (Portland: Fred L. Tower, 1916,) pp.186-89, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.104".

Maliseet, Penobscot and Passamaquoddy leaders formally signed the 1726 Treaty on behalf of their people.³ It is true that it has been suggested that not all of the leaders who eventually came to be included within the 1726 Treaty may have been present on June 4th, 1726, and possibly only sixty-four of the seventy-seven aboriginal delegates signed at this time. It may have been in the fall of 1726 that the remaining thirteen aboriginal leaders signed the treaty. The historian William Wicken has noted discrepancies in the total number of signatures on various copies of the treaty that were made after its signing in June and that of the original treaty.⁴ It is likely that other meetings with aboriginal leaders were held later that year which eventually led to their inclusion within the terms of the Treaty. Nonetheless, the 1726 Treaty represented a formal written agreement between the British crown and the Mi'kmaq people to establish peace and friendship and the desire of both groups to co-exist.

As mentioned previously, the 1726 Treaty itself was not the earliest treaty whose terms stipulated Mi'kmaq inclusion, as delegates representing the Mi'kmaq were also present at the negotiations and signing of the 1725 Treaty in the fall of that year at Massachusetts.⁵ During the process leading to the 1725 Treaty, negotiations began in November of that year, and the treaty itself was signed in December. Colonial government officials who signed the document not only included those from New

³ Wicken, *Mi'kmaq Treaties on Trial*, p.154.

⁴ Ibid, p.156.

⁵ PRO (GB), CO 5, v.898, "December 15, 1725, The Submission and Agreement of the Delegates of the Eastern Indians," pp.173r-174v, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.108".

England, but also from Nova Scotia, and both provided their own similar, yet distinct promises.⁶ Such promises that were made by Paul Mascarene, a member of the Nova Scotia Council, also made reference to Indian hostages at the British Fort, Annapolis Royal, who would be released, but that a ratification of the Treaty of 1725 would be necessary by aboriginal leaders at Annapolis Royal in the future.⁷ Such a reference demonstrates that the 1725 and 1726 Treaties were closely connected in perception as well as terms, and by the following year we know that discussions were occurring within the Mi'kmaq communities concerning the 1725 Treaty and its possible ratification.⁸

The 1725 Treaty and the 1726 Treaty were significant agreements in the eyes of both the British and the Mi'kmaq, though each for their own reasons. For the British, the Treaties of 1725 and 1726 represented an agreement with the Mi'kmaq which supported more than just terms of peace and friendship, but also included the idea that the Mi'kmaq Nation would now be subjects of the British crown and that Mi'kmaq lands would now be the property of the British crown. For British officials, such understandings were apparent in the various promises made by their colonial officials who entered into the treaties of 1725 and 1726 which spoke to "His Majesty's Just Title to the Province of Nova Scotia or

⁶ PRO (GB), CO 217,v.38, 98v-99r, "December 15, 1725, Mascarene's Promises"; PRO (GB), CO 5, v.898, 175r-176r, "December 15, 1725, Dummer's Promises," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7 doc.109,110".

⁷ PRO (GB), CO 217,v.38, 98v -99r, "December 15, 1725, Mascarene's Promises," p.99, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.110".

⁸ Wicken, *Mi'kmaq Treaties on Trial*, p.93.

Accadie”⁹ and “King George’s Jurisdiction and Dominion Over the Territories of the said Province of Nova Scotia”.¹⁰ Further, for the British Crown, entering into a treaty with the aboriginal nations was the primary mechanism that was needed to end the warfare with aboriginal peoples, which had seen major conflict from the beginning of the eighteenth century, and which peaked during 1722 -1725, causing major upheaval to colonial settlers and their settlements.¹¹

Early on in eighteenth-century internal British discussions, a treaty-making process came to be seen as offering a final resolution of conflict with aboriginal groups.¹² Such a process was initiated earlier in New England as a response to the continuing Aboriginal - English conflict in this area. English colonial settlements in New England involved unauthorized encroachment on aboriginal lands and caused the aboriginal groups to take up arms to defend their lands.¹³ In 1675, the Wampanoag leader by the name of “Metacom” led his people in one such conflict.¹⁴ It became one of the bloodiest conflicts

⁹ PRO, (GB), CO 217, v.38, 98v-99r “December 15, 1725, Mascarene’s Promises,” in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc. 110”.

¹⁰ PRO,(GB),CO 217, v.4, “Treaty of 1726, Indian Signatures, June 4, 1726,” “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.115”.

¹¹ Olive Dickason, “Amerindians Between French and English in Nova Scotia, 1713-1763,” *American Indian Culture and Research Journal*, v.10, No.4 (1986), p.39.

¹² William Wicken and John Reid, “An Overview of the Eighteenth Century Treaties Signed Between the Mi’kmaq and Wulstukwiuk Peoples and the British Crown, 1725-1928,” Report Submitted to the Royal Commission on Aboriginal Peoples, (October,1993), Chapter 3, pp.12,13.

¹³ Plank, *An Unsettled Conquest*, p.31.

¹⁴ Ibid.

to occur in this area between the aboriginal people and the New Englanders, and is often referred to as “King Philip’s War”.¹⁵ Such aboriginal- settler conflicts continued to dominate New England well into the eighteenth century, and involved the negotiation of peace treaties as a resolution to ending such conflicts.¹⁶ By 1725, the British and the various Aboriginal nations of New England were both familiar with the treaty negotiation process when they began their discussions in Boston.¹⁷ The British and New England officials facilitated discussions towards a peace treaty, and encouraged aboriginal leadership to come to Boston in July of 1725. After various meetings occurred in the fall, a final agreement was signed in December. Although each of the parties believed that they had reached a common vision to their co-existence through the signing of the treaty of 1725, this was not necessarily true. Negotiations prior to the signing saw aboriginal leaders raising issues concerning British colonial settlements that were to be made in the future. The response by British negotiators was that, “when we come to Settle the Bounds We shall neither build or settle any where but within our own Bounds so settled, without your Consent.”.¹⁸ Such a reply appeared to be satisfactory to the aboriginal

¹⁵ William Wicken and John Reid provide an overview of some of the treaties in their article, “An Overview Of the 18th Century Treaties”, which outlines those which were negotiated at this time by the Wabanaki nations and the English, specifically in 1676, 1677, 1678, and 1693.

¹⁶ Wicken and Reid, “An Overview of the 18th Century Treaties”, Ch.3, p.1.

¹⁷ Wicken, *Mi’kmaq Treaties on Trial*, p.83.

¹⁸ “November 12, 1725, Boston Conference,” James Phinney Baxter, ed., *History of The State of Maine*, vol.XXIII, (Portland: Fred L. Tower Company, 1916), p.195, in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, no.106”.

negotiators, as aboriginal delegates interpreted such to mean that no new settlements would be made outside of that which the British were already occupying. However, British officials believed that they were settling the issue of aboriginal title to the lands, and it has been suggested by some that such dubious replies were an outright attempt to be deceptive to aboriginal negotiators.¹⁹ Nonetheless, it is such responses that were key within the treaty negotiations which would result in varying opinions of the parties regarding the treaty agreements and such issues would eventually resurface, providing the impetus for further conflict in the following years.

Although the Treaty of 1725 was negotiated between colonial officials of Massachusetts and New Hampshire and the aboriginal nations of New England, such as the Penobscot, the Mi'kmaq and Wulstukwiuk were also included with such negotiations, as the aboriginal representatives told the officials that; “not only those Tribes, but the Eastern Tribes so far as Cape Sables have join'd with us in this affair, And all these Tribes have left it to us to act for them in a Treaty of Peace”.²⁰ During this time period, Mi'kmaq lands were not yet dominated by British settlements, comparable to those in New England, which could lead one to believe that Mi'kmaq inclusion may not have been seen as a necessity by British officials. However, Mi'kmaq leaders themselves did not possess an agreeable relationship with the British at this time and were also not perceived by New

¹⁹ David L. Ghere, “Mistranslations and Misinformation: Diplomacy on the Maine Frontier, 1725 to 1755,” in *American Indian Culture and Research Journal*, v.8, No.4, (1984), p.19.

²⁰ “November 12, 1725, Boston Conference,” James Phinney Baxter, ed., *History of The State of Maine*, vol.XXIII, (Portland: Fred L. Tower Company, 1916), p.188, in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.106”.

Englishers as allies either. The Mi'kmaq and the Wabanaki peoples had maintained a close political alliance, which perpetuated common Mi'kmaq and Wabanaki participation in many conflicts in the territories of both groups. Mi'kmaq had captured New England vessels off the coast of Mi'kma'ki, specifically in the area of Canso, which was an area of rich fishing resources. New England fishermen attempted to establish settlement here in 1715 and in 1719, wherefrom Mi'kmaq undertook active measures to prevent such settlement, including the destruction of the fortifications and fishermen.²¹ Such conflict increased during the English- Indian war of 1722-1725, in which Mi'kmaq and the Wabanaki nations actively supported one another in conflicts occurring in Maine and as well as at Canso.²² The message such actions sent to New England officials was that the Mi'kmaq would also have to be included within the Treaty of 1725, as their active participation in New England conflicts, as well as their actions against New England fishermen in Canso, demonstrated the strength of the Mi'kmaq military position.

For the British officials of Nova Scotia, they also recognized the need to arrive at a Treaty of Peace with the Mi'kmaq as their relationship had always been one of discontent that was encouraged by the French, particularly after the Treaty of Utrecht was signed in 1713. The Mi'kmaq had adamantly refused to recognize the British as having any authority or title over their lands, as in 1720 they told the Governor, Saint - Ovide:

But learn from us we were born on this earth that you march with feet, before even the trees that you see beginning to grow and leave the earth, It is ours and

²¹ Plank, *An Unsettled Conquest*, pp.76,7.

²² Dickason, "Amerindians Between French and English in Nova Scotia," p.39.

*nothing can ever force us to abandon it.*²³

The Mi'kmaq also recognized that conflict was unavoidable in defense of themselves and their lands. As they stated to the French Governor, "You must be content with our docility until the present but you must not be made if today, [alone] and rebuffed, we put ourselves in readiness to chase those who seek to destroy us."²⁴ Thus, the continuing raids by Mi'kmaq on New England fishing boats, the British settlement in Canso, and as well as Annapolis Royal, were activities which the British hoped to eliminate through the 1725 Treaty. Without a peace agreement, British settlements would continue to feel the repercussions of Mi'kmaq discontent.

Although the British saw the aboriginal nations agreeing to specific written terms within the 1725 and 1726 Treaties, the Aboriginal nations who negotiated and entered into the treaty relationship did not share the same understandings. For the British, the agreement which they intended to arrive at with the aboriginal nations was defined in the written word of the treaty document, as they perceived, "written documents such as treaties and land deeds to be absolute legal proof of Anglo-Abenaki rights and obligations."²⁵ Within the 1725 and 1726 treaty clauses, the British clearly refer to aboriginal lands as "His Majesties Territories of New England and Nova Scotia", and further regarded the Mi'kmaq, Wulstukwiuk and Wabanaki as submitting to the British

²³ NAC, MG-18, E29, "Speeches of the Indians..., 1720," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.6, doc.93".

²⁴ Ibid.

²⁵ Ghre, "Mistranslations and Misinformation: Diplomacy on the Maine Frontier, p.5.

Crown when referring to; “His Said Majesty King George’s Jurisdiction & Dominion Over The Territories of the Said Province..”²⁶ For the British, there could be no mistake that the treaty terms entailed Mi’kmaq recognition of the authority of the British Crown, and that Mi’kmaq sovereignty over the entirety of Mi’kma’ki was now to become inclusive of British jurisdiction.²⁷ The problem that arose from such positions was that by phrases within the treaty - such as, “That the Indians shall not molest any of his Subject’s or Their Dependants in their Settlements already made, or Lawfully to be made”²⁸ - were written in English and carried meanings that may have been clear to the British but were vague and open to different interpretation. If we are to believe that the British saw terms such as “Lawfully to be made” as that which fell within their laws, then the question arises as to whether the Mi’kmaq and other Aboriginal leaders interpreted such phrases in the same manner.

To understand what the Mi’kmaq and other Wabanaki leaders who signed the 1725 and 1726 Treaties intended to achieve by entering into a treaty relationship with the British and how they interpreted such agreements, we must look not only at the written text itself, but also at the negotiations that were occurring at the time. Written documents, such as treaties, did not carry the same meaning as that which they held within British society, as Mi’kmaq did not look to document their political understandings and

²⁶ PRO, (GB) CO, 217 vol.38, pp.100-09, PRO, (GB) CO, 217, v.4, PRO, (GB) CO, 217, v.5, pp.3-5, “Ratification of the Peace with the Indians, June 4, 1726,” in “R. V. Stephen Frederick Marshall Defence Document Books, vol.7, doc.114”.

²⁷ Wicken, *Mi’kmaq Treaties on Trial*, pp.113, 127.

²⁸ Ibid, p.118.

alliances within the written document. As outlined in Chapter 1, Mi'kmaq political understandings were based on the reality of their everyday political and social experiences which they undertook with other leaders and peoples. Political understandings which were held by the Mi'kmaq were reinforced through political protocol ceremonies, conduct and every day social and cultural experiences. For Mi'kmaq, what they saw themselves achieving in undertaking a treaty relationship with the British would have been more accurately demonstrated in their daily conduct with the British and as well in their negotiation process. Further, the treaties themselves were written in English, and at times only translated to the Mi'kmaq leaders during the signing ceremonies. Therefore, we know that the Mi'kmaq leaders would have believed that the treaty text would have reflected their mutual understandings with the British, and their Mi'kmaq cultural understandings would have provided them such assurance not in the text by itself, but in the conduct and spoken word of the British leadership within the treaty negotiations.

An example of such a situation is found within the treaty negotiations of the Treaty of 1725, also known as Dummer's Treaty, which involved the Penobscot delegates, Loron Sagourrab, John Ehennekouit, Francois Xavier, and Maganumbe, at varying times.²⁹ During the negotiations, the aboriginal delegates began to become concerned with the meaning of specific wording that is to be included within the treaties. At one point, the Penobscot speaker asked, "We desire to be informed what is meant by the Words former Settlements, whether the English design to build Houses further than there are any Houses now built on Settlements made." The reply provided to the Penobscot was, "When We

²⁹ Ibid, p.86.

come to Settle the Bounds We shall neither build or settle any where but within our own Bounds so settled, without your Consent.”³⁰ In consideration of such dialogue, there is no doubt that the Penobscot leaders did not see the treaty as eliminating their right to their lands and were concerned about any future settlements that may be made by the British. Of course, when considering the reply that was given to them, again such words can be interpreted in a number of ways - that being that future British settlements would only be made in the areas that they were already inhabiting, and for that they would not seek the consent of the Penobscot; or that British settlement did not require the consent of the aboriginal people, so long as it was within British boundaries. Considering that the British believed that aboriginal territories belonged to the British Crown, they would have assumed that their settlement in the future could be anywhere in this area. On the same note, the Mi'kmaq and other aboriginal nations had always contested the idea that the Treaty of Utrecht had provided the British with title to their lands and therefore they would have believed that future settlement would only be permitted within the areas that were now inhabited by British settlement.

Also problematic to understanding the actual treaty negotiations which took place and what was the political intentions of aboriginal leaders is the fact that documentation which references the negotiations that took place at this time argue that existing documentation on the negotiations only reflect a summary of the discussions which took

³⁰ James Phinney Baxter, ed., “November 12, 1725, Boston Conference,” *Documentary History of the State of Maine*, v.23, (Portland: Fred L. Tower, 1916), p.195, “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, no.106”.

place. In 1727, one of the Penobscot leaders, Loron, provided further insight into the aboriginal intent at the treaty negotiations, which spoke clearly to the fact that the aboriginal groups did not see such treaties providing the British with title to aboriginal lands or jurisdictions over aboriginal affairs. Loron disputed the accuracy of the written text and stated;

My reason for informing you, myself, is the diversity and contrariety of the interpretations I receive of the English writing in which the articles of peace are drawn up that we have just mutually agreed to . These writings appear to contain things that are not, so that the Englishman himself disavows them in my presence, when he reads and interprets them to me himself³¹.

Loron further went on to state:

He again said to me - But do you not recognize the King of England as King over all his states? To which I answered - Yes, I recognize him King of all his lands; but I rejoined, do not hence infer that I acknowledge thy King as my King, and King of my lands. Here lies my distinction - my Indian distinction. God hath willed that I have no King, and that I be master of my lands in common.³²

Such assertions by Penobscot leadership further entailed that aboriginal leaders did not see the treaties as negating title to their lands or the sovereignty of their nations.

This is also demonstrated by the activities of the Penobscot, Mi'kmaq and other aboriginal leaders prior to the treaties being signed. Mi'kmaq leaders had adamantly denounced British authority within Mi'kma'ki and asserted their own sovereignty over their lands and resources. In 1720, we know that the Mi'kmaq Chief Peter Nunquadden

³¹ Colin Calloway, ed. "Indian Explanation of the Treaty of Casco Bay", in *Dawnland Encounters: Indians and Europeans in Northern New England*, (Hanover: University Press of New England, 1991), p115, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, no.118".

³² Ibid, p.117.

asserted Mi'kmaq title and sovereignty when he demanded that Captain John Alden pay him, "fifty livres for liberty to trade saying that this Countrey was theirs, and every English Trader should pay Tribute to them which payment the Deponent agreed..." Nunquadden further stated that, "that if any person came there with any Orders from General Philipps that he would make him Prisoner and destroy what he had neither should any Orders of that Government be observed or minded there."³³ After that time correspondence was sent from the Chief of Minas to Governor Richard Philipps, again asserting Mi'kmaq title to their lands and explaining the attacks that they were undertaken on the British settlement in Canso, and the necessity for them as a measure to protect Mi'kmaq lands.³⁴ Even before this time, as early as 1710, Mi'kmaq leaders had demonstrated their desire to come to a peace agreement with the British, but at no time did they demonstrate that this meant the cession of their Mi'kmaq title or sovereignty. Such overtures were consistent with Mi'kmaq cultural norms, as to initiate peace was not to abandon the very issue for which you had struggled, but rather to dialogue as a mechanism for reaching a mutually agreeable solution.

We know that the actual signing of the 1725 and 1726 Treaties did not occur by all of the leadership in a one day meeting, but rather ratifications by the various Mi'kmaq and Wabanaki leaders occurred over a time period of at least three years and numbered many

³³ PRO, (GB), CO, 217, v.4, no.18(xii), "September 14, 1720, Memorial of John Alden," in "R. v. Donald Marshall Jr., Defence Document Books, vol.2, no.55".

³⁴ "October 2, 1720, Lettre des Sauvages a Monsieur le General Phillipps," *Collection de manuscrits contenant Lettres, Mémoires et autres documents historiques relatifs à la Nouvelle-France.....*, v.3, (Québec, Imprimerie Côté, 1884), pp.46-7, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.6, no. 98".

meetings. We also know that the aboriginal nations continued to dialogue with officials on the meaning of the terms of the Treaty of 1725 at least until June of 1727, when all the Wabanaki tribes gathered together and re-affirmed their support of the treaty. However, even after that time, questions were still raised by leaders concerning wording and intention of various phrases concerning land and settlement, demonstrating that concerns remained regarding the intention of the treaties themselves, as they were not accurately reflecting the desires of the Wabanaki leaders.³⁵ Mi'kmaq and Wulstukwiuk leaders too remained concerned over whether to enter into a Treaty with the British as after the signing of the 1725 Treaty on June 4th, discussions still continued within the Mi'kmaq communities concerning the ratification of the treaty. It appears that British government officials continued to negotiate the terms of the treaty with leaders, as correspondence sent to London by Lieutenant-Governor Lawrence Armstrong on July 27th, indicates more meetings were to occur in the fall so as to, "confirme the peace and all other points that have not yet been Don to make it lasting".³⁶ Such correspondence indicates that Mi'kmaq leaders still had concerns, which had to be discussed further within their communities, as well as with the British themselves.

Correspondence from the governor of Ile Royale to France gives a similar indication. In 1727 Saint-Ovide questioned the Mi'kmaq leaders on the treaty of peace

³⁵ Ghre, "Mistranslations and Misinformation: Diplomacy on The Maine Frontier," p.9.

³⁶ PRO, (GB), CO 217/38:95r, "July 27, 1726, Armstrong to the Duke of Newcastle," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, no.112".

with the British, and he stated that he was told by leaders that, “it was of no consequence among them” and “some young men without brains had led them to receive some presents from the English”.³⁷ Again in 1728, Saint-Ovide is told by some of the Mi’kmaq leaders that, “they had likewise refused to go to Port Royal in the month of June, as they had been asked by the English governor.”³⁸ Such statements could have meant that Mi’kmaq and Wulstukwiuk leaders were providing those replies which were necessary to support their continued political and social relationship with the French. However, such statements support the idea that Mi’kmaq leaders were still dialoguing internally with each other on the issue of a treaty relationship with the British. Internal Mi’kmaq debate may have further been prompted by the hanging of three Mi’kmaq and two Acadians, in Boston, on October 5th, 1726, who had been held by New England officials since August of that same year, charged with piracy. As suggested by William Wicken, “Though many issues fed the discussions, the hanging of the two Acadians and three Mi’kmaq figured prominently.”³⁹ This issue of Mi’kmaq being hanged in Boston was a central issue to further treaty negotiations, as we also know that at this time the Lieutenant Governor of Nova Scotia, Lawrence Armstrong was present in the Canso area, and was meeting with Mi’kmaq leaders. His activities at this time included distributing gifts to the Mi’kmaq and

³⁷ AN, (France), AC, C11B, v.9, 64r-67v, “Novembre 20, 1727, Saint-Ovide au ministre,” in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol7, doc.121”.

³⁸ AN (France), AC, C11B, v.10, 67r -78r, “November 3, 1728, Saint-Ovide au ministre,” in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.123”.

³⁹ Wicken, *Mi’kmaq Treaties on Trial*, p.157.

reassuring them that he had nothing to do with the hanging of the Mi'kmaq in Boston.⁴⁰

Nonetheless, by 1728 the Wulstukwiuk came to Annapolis Royal to also ratify the 1725 and 1726 Treaties, three years after the initial signing in 1725 in Boston. Such issues demonstrate that for the Mi'kmaq, the Wulstukwiuk and other aboriginal leaders, the actual treaty meanings were not found within the text of the treaty agreement in and of itself, but rather was also demonstrated in the meetings, dialogue and discussions which took place prior to the actual signing of the treaty.

*The Mi'kmaq First Nations, like most First Nations, conceived treaties as living agreements rather than mere documents. Often the cordiality of the discussion was seen as more important than the substance of the terms. Propositions were made orally at conferences and agreed to one by one with the exchange of symbolic gifts. The agreements created a permanent, living relationship beyond the particular obligations or rights. Typically, this relationship was expressed in terms of kinship - the English King as "father" and the colonists as "brothers."*⁴¹

For the Mi'kmaq and Wulstukwiuk, the idea of peace with the British had to be confirmed by the words and actions of the British, which in accordance with Mi'kmaq protocol, would reflect the true intent of the British within the treaty relationship.

1752 Treaty

In 1749, the newly appointed Lieutenant Governor of Nova Scotia; Edward Cornwallis, received a letter from a group of Mi'kmaq chiefs who adamantly stated their

⁴⁰ AN, (France), AC, C11B, v.9, 64r-67v, "November 20, 1727, Sainte-Ovide au ministre," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.121".

⁴¹ Henderson, "First Nations Legal Inheritance," p.26.

people's ownership of the lands in Mi'kma'ki and further stated their opposition to the continued land settlements by the British on Mi'kmaq lands. In their correspondence the leaders made specific reference to *Kchibouktuk* (Halifax), and how displeased they were with the settlement in this area. The chiefs also made specific references to earlier agreements that were made between themselves, whereby it appeared that the Halifax settlement was seen to be in direct conflict with. It is probable that the Chiefs were referring to the 1726 Treaty, in which it was stated; "My King and your King together distribute these lands, and it is because of that that they are presently at peace, but for me I can neither make alliance or peace with you."⁴² They also went on to write that the British had taken over almost all of their lands, and that the British were making war on the Mi'kmaq and "hunting" them down.⁴³ In 1726 the Mi'kmaq Chiefs had signed a treaty with the British so as to live in peace and friendship together, but it is apparent from the 1749 correspondence that the 1725 and 1726 agreements were not providing the co-existence that had been envisioned, as by 1749 the British and Mi'kmaq relationship was far from one of peace and friendship.

After the signing of the 1726 Treaty both parties thought that they had achieved a common understanding on their future relationship. However there remained unresolved issues. One of them was the matter of land and settlement. The treaties provided that the Mi'kmaq would continue to live on their lands, and the British would not be molested in

⁴² PRO (GB), CO 217, v.9, 116r-116v, "September 23, 1749, Mi'kmaq of Cape Breton and Antigonish to Cornwallis," p.2, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.134".

⁴³ Ibid, pp.2-3.

their lawfully made settlements.⁴⁴ For the British, they felt that this meant they could settle on lands anywhere without being bothered by the Mi'kmaq. The British saw their lands, as those being all of the lands in Mi'kma'ki, as they felt they had obtained the land title from the French through the Treaty of Utrecht.⁴⁵ However, Mi'kmaq had never recognized the French as having any land title to Mi'kmaq lands, therefore they did not recognize the British as having title to Mi'kmaq lands when they signed the treaty of 1726 and assumed that British settlement would be limited to the areas that were inhabited in 1726. Of course, such conflicting opinions would have meant that the treaty itself would have conveyed different meanings to the parties. Hence, the cause for continued conflict over land and settlement in 1749.

At the beginning of the 1740's, the British and French were still very much involved in the colonial conquest of lands for their respective countries and in 1744 conflict between the two groups was once again renewed in Europe with the War of the Austrian Succession.⁴⁶ The conflict extended to the British and French in Mi'kma'ki. From 1744 to 1748 the British and the French in the region actively participated in conflicts against each other, and the Mi'kmaq became actively involved as an ally of the French. The British settlements in Canso and Annapolis Royal were both attacked by the French in 1744, with active Mi'kmaq participation. However, the French were prevented

⁴⁴ Wicken, *Mi'kmaq Treaties on Trial*, p.139.

⁴⁵ PRO (GB), CO 217, v.38, pp.100-09, PRO (GB), CO 217, v.4, PRO (GB), CO 217, v.5, pp.3-5, "Ratifications of the Treaty of 1726, Indian Signatures," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.114".

⁴⁶ Plank, *An Unsettled Conquest*, p.106.

from securing such settlements as their own through the actions of the New England colonists who came from Massachusetts to assist in defending the settlements.⁴⁷ In 1745 the British and New Englanders also undertook their own attack on the French. A major attack on Fortress Louisbourg in Ile Royale resulted in its surrender by the French on June 17th, 1745.⁴⁸ Conflict continued throughout the following three years, until 1748 when the Treaty of Aix-La-Chapelle was signed by the British and the French. Louisbourg was returned to the French, with all of Ile Royale.

For the Mi'kmaq, their participation in such a conflict was enhanced by the political and social relationship that they had continued to maintain with the French, even after the signing of the 1726 Treaty with the British. This relationship was assisted by the French Catholic missionaries, who continued to maintain Catholic missions in the area, specifically in Shubenacadie and also Antigonish. The Antigonish mission was later moved to Cape Breton at Maligoueche.⁴⁹ Regardless of the French influence, the Mi'kmaq had continued to be displeased with the actions of the British, even prior to the outbreak of war, as they saw the continuing British settlement of Mi'kmaq lands being undertaken without their permission. In 1732, Mi'kmaq argued that the British had only conquered Annapolis Royal, and insisted that no British settlement could be built in the Minas area.⁵⁰ Other incidents involving the seizures of fishing and trading vessels by

⁴⁷ Conrad and Hiller, *Atlantic Canada: A Region in the Making*, p.79.

⁴⁸ Ibid, p.80.

⁴⁹ Wicken, "Encounters with Tall Sails and Tall Tales," pp.331-32.

⁵⁰ Whitehead, *The Old Man Told Us*, p.97.

Mi'kmaq continued to occur, and by 1744 the Mi'kmaq perceived the British - French conflict as potentially assisting them with their own issues with the British and the continued colonial settlement initiatives.⁵¹ Thus, although Mi'kmaq had been encouraged to participate in the war by the French, their own experiences with the British during this time period reinforced their decision to do so.

The Treaty of Aix-La-Chapelle (1748), instead of resolving the major issues, provided a period of cease-fire between the groups, at least until the next phase of imperial conflict. After the end of the war, the British appointed a new governor of Nova Scotia, Edward Cornwallis, whose first duties included establishing a British settlement in the area the Mi'kmaq referred to as *Kchibouktouk*.⁵² The British called this new settlement Halifax, and on June 21st, 1749, some 2,600 settlers arrived to take up their new place of settlement. For the Mi'kmaq, this latest settlement was a further demonstration of the British's disregard for the Mi'kmaq title and their concern over this settlement was obvious in the letter they wrote to Cornwallis in September of 1749, where they specifically referred to the settlement of Halifax.⁵³ Mi'kmaq concern over the settlement of Halifax was also referred to by an anonymous Englishman who wrote of it in his journal. He noted that the Mi'kmaq had initially believed that the Halifax settlement was

⁵¹ Ibid, pp.100-08.

⁵² PRO (GB),CO 217, v.9, 116r-116v, "September 23, 1749, Mi'kmaq of Cape Breton and Antigonish to Cornwallis," *Collection de Documents inedits sur le Canada*, 1881, v.1, pp.17-19, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.134".

⁵³ Ibid.

supposed to be a small fishing village, perhaps similar to Canso, but later they realized the enormity of the Halifax settlement and were none too pleased.⁵⁴

Other events also continued to contribute to the deteriorating relationship between the Mi'kmaq and British, specifically through the actions of Edward Cornwallis. The governor had been directed by the Board of Trade to, "keep the peace with the Mi'kmaq and to enter into a treaty with them."⁵⁵ Cornwallis initiated contact with some of the Mi'kmaq leadership and was successful in renewing the 1726 Treaty with four Mi'kmaq, Wulstukwiuk and Passamaquoddy leaders in August of 1749; one of whom was the Chignecto Chief, Joannes Pedousaghtigh. However, no other aboriginal leaders came forth to renew the 1726 Treaty with the British and of those leaders who did renew the 1726 Treaty in August, all represented communities located some distance from the vicinity of Halifax. The two Wulstukwiuk leaders and the Passamaquoddy leaders were all from the northern part of the district of *Siknikteawaq* and the Mi'kmaq leader represented the community of Chignecto, also located in the same district.⁵⁶ The fact that the leaders who ratified the 1726 treaty all came from areas distant from Halifax and from Cape Breton is significant because it demonstrates that these communities may have not yet felt the threat of the establishment of Halifax to their hunting and fishing grounds and may not

⁵⁴ Wicken, *Mi'kmaq Treaties on Trial*, p.172

⁵⁵ Ibid p.175; PRO,(GB), CO 218,3:25r-v, "April 1, 1749, Board of Trade to Edward Cornwallis," "Marshall Defence Document Books, vol. no ".

⁵⁶ NSARM, RG-1, v.186,pp. 13-4, "August 14, 1749, Nova Scotia Council Minutes,"in " R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.7, doc.132"; Wicken, "Encounters with Tall Sails and Tall Tales," Map 6, Political Districts.

have been aware, as yet, of the grave concerns of their fellow Mi'kmaq leaders. However, it is also quite possible that these specific leaders who signed had hoped to remind the British authorities of their promises within the 1726 Treaty concerning the issue of land settlement and conflict and may have anticipated that this renewal would ward off any new settlements being made on their lands.

Why no other leaders came forth to renew the Treaty of 1726 at this time is also understandable when considering some of the other events that were transpiring at this same time period. Various conflicts were continuing to occur between Mi'kmaq and non-Mi'kmaq settlers, and we know that during the same month that leaders were renewing the 1726 Treaty in Halifax, conflict between the British and Mi'kmaq was occurring in the Beaubassin area. Mi'kmaq became involved in an altercation with two British ships and during the fighting it was reported that the Chiefs of Shubenacadie and Beaubassin were killed, and as well as sons of the Chief of Milligeeche.⁵⁷ Also in Canso in August of 1749, Mi'kmaq captured twenty Englishmen, possibly in retaliation for an earlier incident whereby Englishmen had killed twenty Mi'kmaq women and children while the men had left to go hunting.⁵⁸ These altercations contributed to further fighting between the Mi'kmaq and the British, which eventually led to altercations in the areas of Halifax and Chignecto, where primary British settlements were located. Thus, in September of 1749, when Cornwallis and his council received the correspondence from Mi'kmaq leaders

⁵⁷ Wicken, *Mi'kmaq Treaties on Trial*, p.179.

⁵⁸ Plank, *An Unsettled Conquest*, p.127; Wicken, *Mi'kmaq Treaties on Trial*, p.179.

outlining their concerns over land, British settlements and possible future warfare, the British response was to issue a proclamation to, “annoy, distress and destroy the Indians everywhere”.⁵⁹ To further solidify British military opposition to the Mi’kmaq, Cornwallis began building a fort in the area of the Missiquash River. This was Fort Lawrence, close to the site of the French Fort Beausejour, also built in 1750.⁶⁰ This action further demonstrated to the Mi’kmaq the casual attitude of the British towards Mi’kmaq land ownership. By the time the summer had ended, Cornwallis was no longer interested in renewing the 1726 Treaty with the Mi’kmaq and instead pursued to “root the Mi’kmaq out forever” through open warfare, an action that he and his council thought would be achieved in “no difficult manner”.⁶¹

However, by 1752, the continued warfare in the area between British settlers with the Mi’kmaq had taken a financial and personal toll on the British regiment and its settlers and the Board of Trade directed Cornwallis to make peace with the Mi’kmaq.⁶² In this manner they felt such actions would also alleviate the financial stress that the colony had acquired through the hiring and cost of the Gorham’s Rangers who had assisted the British in their goal to extirpate the Mi’kmaq. We also know that at least by 1751 the British had begun to recognize their failure to defeat the Mi’kmaq, as Cornwallis had directed Paul

⁵⁹ NSARM, RG-1, v.186, “October 5, 1749, Nova Scotia Council Minutes,” p.22, in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.135.”

⁶⁰ Upton, *Micmacs and Colonists*, p.53.

⁶¹ Ibid, p.127.

⁶² Wicken, *Mi’kmaq Treaties on Trial*, p.182.

Mascarene to attend a conference at Fort St. George where the Wulstukwiuk and Penobscot were meeting with Massachusetts colonial officials. Mascarene arrived with a peace belt and made representations there on behalf of the British, whereby he stated that if the Indians were to lay down their arms then the British would provide presents and truckhouses to them for the facilitation of trade.⁶³ One of the Wulstukwiuk leaders, Mongaret, responded and promised to, “tell it to all the Tribes, and will carry it to the Micquemaques, I shall be at Halifax, and see the Gentlemen there.”⁶⁴ Clearly, the Wulstukwiuk and other leaders were willing to engage their own political structure of dialogue and consensus as a mechanism for discussing the issue of peace with their fellow Mi’kmaq. However, by 1752 it appears that no Mi’kmaq leaders came forth to Halifax to discuss the possibility of peace with the British.

In response to the inaction of Mi’kmaq leaders to establish peace negotiations with the British, Cornwallis took steps to try to encourage such a meeting between Mi’kmaq leaders and himself. In 1752 he sent William Piggot, a Halifax merchant, to Ile Royale during the summer to discuss with the Mi’kmaq leaders the idea of a peace treaty. At this time, the Mi’kmaq were at their annual summer gathering near Port Toulouse, and it was here where Piggot met Jean-Baptiste Cope, the Chief of Shubenacadie. It appears that Piggot told the Chief to come to Halifax to establish peace with the British, however we

⁶³ Ibid, pp.182-83.

⁶⁴ James Phinney Baxter, ed., “St. George’s Conference 1751-08-19 to 1751-08-24,” *Documentary History of the State of Maine*, v.23, (Portland: Fred L. Tower, 1916), p.419, in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.138”.

do not know the full extent of their conversation or even whether Piggot spoke to other Mi'kmaq leaders at this time.⁶⁵ Nonetheless, it appears that in September of that year, Jean-Baptiste Cope arrived in Halifax and met with the council and the new governor of Nova Scotia, Peregrine Hopson. At that time he told the council that, " he was come in upon the Encouragement given him in a Letter from Governor Cornwallis, and that his proposals were That the Indians should be paid for the Land the English had settled upon in this country."⁶⁶ The response of the Nova Scotia council was drafted at that time and on September 16th the response was provided to Cope. The Council dealt with the issue of Mi'kmaq land:

*We will not suffer that you be hindered from hunting or fishing in this Country, as you have been used to do, and if you shall think it fit to settle your Wives & Children upon the river Shiben Accadie no person shall hinder it, nor shall meddle with the lands where you are..."*⁶⁷

Chief Cope would have been optimistic with the response of the council, for although it was not as specific to the issue of land, as had been his initial proposal, it was presented in a manner that alluded to Mi'kmaq land ownership. Chief Cope responded to the Council by stating that he would go back and discuss the issue of a treaty of peace with his own people, as was customary, and also with the other chiefs, and then would return in a

⁶⁵ Plank, *An Unsettled Conquest*, p.133; Patterson, "Indian-White Relations," p.91.

⁶⁶ NSARM, RG-1, v.186, "September 14, 1752, Nova Scotia Council Minutes," p.214, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol. 8, doc.140".

⁶⁷ NSARM, RG-1, v.186, "September 16, 1752, Nova Scotia Council Minutes," p.217, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol. 8, doc.141".

month with a reply. In November of that same year, Chief Cope returned to Halifax and on the 22nd of November he signed a Treaty of Peace and Friendship with the British Crown. This treaty contained many of the same articles as the 1725 and 1726 Treaties, but also spoke to further issues, such as the establishment of truckhouses for trade.⁶⁸ However, no other Chiefs came with him, as had occurred in the ratification of the 1726 Treaty, except for three other individuals by the names of Andrew Hadley Martin, Gabriel Martin and Francois Jeremie.⁶⁹

Although we do not know the precise conversations that Cope had with the other Mi'kmaq leaders during this time period, we do know that before and after the treaty was signed Cope continued to try to dialogue with other communities on the issue of peace with the British. For Cope, the intent of signing the 1752 Treaty was to ensure the protection of Mi'kmaq land title and the Mi'kmaq way of life of hunting and fishing. However, distrust of the British continued to exist within the minds of the Mi'kmaq leaders who would have debated this matter intensely among themselves. After the treaty was signed, Cope traveled to many of the other Mi'kmaq communities to discuss the treaty, finding that some Mi'kmaq leadership were intensely opposed to peace with the British.⁷⁰ There can be no doubt that French leaders would have encouraged the Mi'kmaq leaders not to enter into a treaty with the British and further attempted to encourage a

⁶⁸ NSARM, RG 1, v.186, "November 22, 1752, Nova Scotia Council Minutes," pp.250- 54, in "R. v. Donald Marshall Jr., Defence Document Books, vol.4, doc.96".

⁶⁹ Ibid.

⁷⁰ Whitehead, *The Old Man Told Us*, p.132; Patterson, "Indian-White Relations," p.100; McMillan, "Mi'kmawey Mawiomi," p.71.

distrust of Chief Cope. In 1753 the Governor of Ile Royale demonstrated such an attitude when he noted regarding the signing of the treaty by Cope that; “Mr. Manach, missionary at Cobequit, made in order to contain the Indians who it seemed wanted to follow the children of the one named Cope...”. The governor also referred to Cope as; “the evil Micmac who has always had an uncertain and suspicious air where both nations are concerned.”⁷¹ Cope’s negotiations with other leaders would have also been undermined by the negative perception of the missionary Abbé Le Loutre, who had moved his mission from Shubenacadie to Chignecto in 1749. At that time not all Mi’kmaq chose to move with him, as he had requested, but rather many stayed with Cope who remained in Shubenacadie.⁷² This again gave Cope an unfavorable persona in the eyes of the French.

Even though Cope’s ability to convince other leaders to enter into a peace treaty was greatly hindered by his reputation with the French, he nonetheless did begin to rally support behind the idea of peace with the British by 1753. In April of that year the Nova Scotia Executive Council were told that “the remainder of the Mickmack Indians will very soon be here to make peace,”⁷³ and on April 12th Glaude Gisigash, the Chief of La Have appeared before the council to enter into a peace treaty, “on the same Conditions with that

⁷¹ MG-1, C11B, vol.33, p.159, “mai 12, 1753, Prevost to Minister,” in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.143.”

⁷² Geoffrey Plank, “The Two Majors Cope: The Boundaries of Nationality in Mid-18th Century Nova Scotia”, *Acadiensis*, Vol.25, (1996), p.30.

⁷³ NSARM, RG-1, v.186, “April 2, 1753, Nova Scotia Council Minutes,” in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol. 8, doc.143”.

already concluded with Major Jean Baptiste Cope.”⁷⁴ We also know that Chief Glaude Gisigash, also known as Claude Gigigish, assisted Chief Cope in his travels and dialogue with other Mi’kmaq leaders during this time period, as Chief Cope’s son, Joseph Cope appeared before the Nova Scotia Council on May 16th, 1753 and explained that his father and Chief Glaude were gone to discuss peace with the leaders of Chignecto and Cape Breton.⁷⁵ However, Cope’s ability to convince his fellow Mi’kmaq leaders to enter into a peace treaty with the British was undermined by new altercations at Canso, whereby in April of 1753 English fishermen reported that they had been captured by Mi’kmaq, and had killed their captors while they slept.⁷⁶ It also appears that after this time Chief Cope became involved in an incident involving the killing of a British crew who had ventured to Gaiter in order to move supplies for Cope. Upon their arrival they were greeted by Cope and others, who killed all of those on board, except Anthony Casteel, who declared that he was French. Casteel later told the Nova Scotia Council that Cope had burned his copy of the 1752 treaty and declared that, “this was the way they made peace with the English.”⁷⁷ Such actions were justifiable in the eyes of the Mi’kmaq, as the earlier killing of Mi’kmaq by the English in the Canso area would have led to their understanding that the British had no desire to make peace with them, as had been envisioned by the 1752 treaty.

⁷⁴ Ibid.

⁷⁵ NSARM, RG-1, v.186, pp.390-391, “May 16, 1753, Nova Scotia Council Minutes,” in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol. 8, doc.144”.

⁷⁶ Wicken, *Mi’kmaq Treaties on Trial*, p.189.

⁷⁷ Plank, *An Unsettled Conquest*, p.135.

Unlike the 1726 Treaty, the treaty of 1752 Treaty did not involve a process of ratification that involved all of the Mi'kmaq leaders, and in fact was only ratified by the Chief of Shubenacadie. Other leaders showed their intent to enter into the treaty with the British, but the violent incidents between the Mi'kmaq and the British served to create an atmosphere of distrust between the parties, which did not facilitate the peace which Chief Cope attempted to establish. In signing the 1752 Treaty, Chief Cope did not believe that he was submitting to the British or surrendering Mi'kmaq lands. Rather, his intent was to protect the Mi'kmaq by defining Mi'kmaq lands, so as to ensure their way of life without further conflict with the British. His intent in achieving such is supported in his dialogue with the Executive Council, whereby he stated, "That the Indians should be paid for the Land the English had settled upon in this Country."⁷⁸ However, with the continued demonstration of violence between the British settlers and the Mi'kmaq, such as that which occurred in the Spring of 1753, the Mi'kmaq leaders who had been doubtful on the idea of a treaty with the British, had the evidence they required to demonstrate that the British could not be trusted. Further, the continued land settlement of the British after 1752, such as Lunenburg in 1753,⁷⁹ would have also supported this view. In accordance with Mi'kmaq political protocols of consensual decision making, all of this would have demonstrated to Chief Cope the need to abandon his quest for peace with the British and to join other leaders in protecting the Mi'kmaq from the British. Thus, the assertion that

⁷⁸ NSARM, RG-1, v.186, "September 14, 1752, Nova Scotia Council Minutes," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.8, doc.140".

⁷⁹ Plank, *An Unsettled Conquest*, p.133.

Cope stated to other Mi'kmaq, "You say I am not a good soldier; I took Pickets [Piggot's] vessel and went to Chebucto and I was the occasion of taking this", is understandably his recognition of the abandonment of peace.⁸⁰

The Treaties of 1760 & 1761

After the failure of the British government to conquer the Mi'kmaq and to bring them collectively into the terms of the 1752 Treaty, life in Mi'kma'ki was profoundly affected by the continued imperial conflict between the British and the French during the Seven Years War.⁸¹ As had occurred in past conflicts, the Mi'kmaq, Wulstukwiuk and Passamaquoddy supported their allies, the French, and participated in most of the battles during this time. By the arrival of the 1760's the French strongholds in New France - Louisbourg, Montreal and Quebec, had been surrendered to the British, leaving the French with no military headquarters in the area. For the Mi'kmaq, Wulstukwiuk and Passamaquoddy, the loss of their French allies caused them to reconsider their political relationship with the British and provided an incentive for the renewal of the Mi'kmaq - British treaty relationship. This did not imply a surrender to the British, but rather was the result of the collective decision making of leaders who considered the dynamics of the time period and recognized the possible benefits that a political relationship with the British could provide.

In 1754, conflict between the British and the French began in the Ohio area, which

⁸⁰ Whitehead, *The Old Man Told Us*, p.134.

⁸¹ Conrad & Hiller, ed., *Atlantic Canada*, p. 82.

was the beginning of The Seven Years War. This conflict quickly spread to Mi'kma'ki and the French Fort Beausejour was taken by British and New England forces in June, 1745.⁸² The deportation of more than 10,000 Acadians followed soon thereafter.⁸³ The Mi'kmaq provided assistance to Acadians attempting to flee the British and the deportation.⁸⁴ Mi'kmaq also led a guerilla style warfare on the British settlements, as they possessed such knowledge on the terrain that they could attack settlements and then easily disappear into the forest. Mi'kmaq participated in defending Fort Beausejour in 1754 and were present at Louisbourg in 1757, as the French were preparing for a possible British attack.⁸⁵ It has been suggested that at that time, at least 800 Mi'kmaq were camped at Louisbourg and that more were to arrive the following year.⁸⁶

After Louisbourg fell in the summer of 1758, it was a major blow to the Mi'kmaq. Not only had their French allies been defeated, but also Louisbourg had been a major provider of supplies to the Mi'kmaq.⁸⁷ Nonetheless, the Mi'kmaq did not surrender to the British, but instead continued to undertake intermittent attacks on the British settlements and vessels. After the fall of Louisbourg a group of Mi'kmaq traveled with Abbé Pierre Maillard to Malogomich, located on the northeastern coast of Mi'kma'ki. From here it

⁸² Plank, *An Unsettled Conquest*, p.140.

⁸³ Reid, *Six Crucial Decades*, p.44.

⁸⁴ Plank, *An Unsettled Conquest*, p.150.

⁸⁵ Wicken, *Mi'kmaq Treaties on Trial*, pp.192-93.

⁸⁶ Ibid, p.193.

⁸⁷ Upton, *Micmacs and Colonists*, p.57; Plank, *An Unsettled Conquest*, p.162.

appears that they continued their attacks on the British and were successful in capturing seven fishing vessels during a short period of time of three months.⁸⁸ However, by the fall of that same year, the new British Governor of Louisbourg sent one of his men, Captain Schomberg, to deal with the situation. If Schomberg's direction was to seek a submission from the Mi'kmaq here, it is hardly what he undertook to do upon his arrival. Schomberg sent written correspondence to Maillard and the Mi'kmaq and urged them to make peace with the British, as he explicitly stated;

*I am commanded to assure you by His Majesty that you will enjoy all your possessions, your liberty, property with the free exercise of your religion as you can see by the honour of the declaration I am sending you. If my Reverend father, you doubt the sincerity of my heart, I am ready to exchange hostages and I would be delighted to have the honour of seeing you aboard my frigate.*⁸⁹

It appears that after this time, negotiations were undertaken, which resulted in several of the Mi'kmaq Chiefs, including Chief Jeannot Pequidalouet, arriving at Louisbourg in November to formalize their agreement to peace. However, in a letter written by Governor Edward Whitmore on December 1, 1759, he reported that, "Thirty four French People have Surrendered and also Seven Indians, among them Jeanot Pequide Ona Louet, Chief of the Indians of this island."⁹⁰ If Whitmore thought that this agreement was a surrender, then the terms of the correspondence that was presented to the leaders and Maillard earlier by Schomberg contradicted exactly that. More so, for the Mi'kmaq,

⁸⁸ Wicken, *Mi'kmaq Treaties on Trial*, p. 193.

⁸⁹ Ibid, p.194.

⁹⁰ PRO, (GB), War Office 34, v.17, "December 1, 1759, Edward Whitmore to Jeffrey Amherst," in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, doc.156".

the very fact that only seven Indians appeared to meet Whitmore at Louisbourg is characteristic of Mi'kmaq peace and treaty negotiations, as Mi'kmaq would have delegated specific Mi'kmaq to speak and negotiate on their behalf. If in fact surrender had been on their minds, it would have occurred only after a conflict taking place at Malagomich, where it was reported that 800 Mi'kmaq, and possibly Wulstukwiuk, were settled at.⁹¹ On the contrary, however, the Mi'kmaq would have realized that they still had the ability to defend themselves, due to the number of them present, and would have not surrendered to the British. Furthermore, the nature of the correspondence presented to them would have demonstrated that a peace relationship with the British would have been in their best interest, as the French were no longer a significant political ally for themselves. It is most likely while such discussions were occurring, the Mi'kmaq leaders would have also sent messengers to other Mi'kmaq leaders to let them know that peace negotiations were being discussed with the British.

For the British, although they had defeated Louisbourg and regained Cape Breton for the British Crown, they still had no assurance that the French would not be back to regain Louisbourg and that the Mi'kmaq would not ally with the French should this happen. The past treaties that had been established between the Mi'kmaq and the British had continually been politically and socially undermined by the French. However, with the French now defeated in Mi'kma'ki, the British would have recognized the opportunity to gain the Mi'kmaq as an ally. If indeed the French returned to regain Louisbourg, which at this time was still unknown, a peace treaty with the Mi'kmaq would help to ensure that the

⁹¹ Ibid.

Mi'kmaq would not necessarily support the French, due to their treaty relationship with the British. Therefore, the British negotiating position was not one which permitted them to dictate to the Mi'kmaq leaders a surrender, as they required their support, but instead required a nation-to-nation dialogue that would ensure the establishment of a treaty relationship between themselves.

At the same time that discussions were occurring in Cape Breton, further negotiations were occurring between the British, Wulstukwiuk and Passamaquoddy at Fort Frederick in the Saint John River area.⁹² Quebec had fallen to the British in September of that year, which also encouraged the negotiation of peace talks between the groups, as the British were unsure how long they would be able to maintain control over this area and what role the aboriginal people might play should the French return. From this initial meeting negotiations continued for some time, whereby on November 30th the Nova Scotia Council instructed their British negotiator to ; “encourage the Indians to come to Halifax”.⁹³ On February 11th, 1760, one Wulstukwiuk Chief and one Passamaquoddy Chief came to Halifax to discuss the terms of the peace treaty. Within those discussions the intent of the British to neutralize the aboriginal people in the French - British conflict through a treaty relationship is obvious in the following statement:

His Excellency then proceeded to acquaint them, That as his His Majesty King George was not at War with the French King, at the Times either of the making or Confirming and ratifying the said Articles of Submission and Agreement, no provision was therein made for prohibiting the said Tribes from an Intercourse with the French, But that it was now expected, that they should engage, in behalf

⁹² Wicken, *Mi'kmaq Treaties on Trial*, p.196.

⁹³ Ibid, p.197.

*of their tribes, that they will not aid or assist any of his Majesty's Enemies, nor hold any Correspondence or Commerce with them. To which they replied that they were entirely satisfied that such an Article should be inserted into the present Treaty.*⁹⁴

For the Wulstukwiuk and Passamaquoddy, their intention was clear in one of the major issues which they raised in these discussion - the facilitation of their trade. This issue would have been seen as a primary goal of the negotiations for the Mi'kmaq. With the French now gone, so was their trading partner and the supplier of many goods. For the Mi'kmaq, their security would have to be ensured through the continuation of trade, which would provide them with the necessities of their livelihood. In this manner, the Mi'kmaq were hoping to achieve a treaty relationship that was similar to the political and social relationship which they had maintained with the French. The issue of trade carried such importance during these negotiations that on February 16th a list which outlined various trade goods and the specific value which they would be worth was compiled and accompanied the negotiations. At the same time, the Chiefs also negotiated supplies for their people who were left behind in the communities.⁹⁵

Meanwhile, internal discussions were occurring among Mi'kmaq leaders concerning the negotiation of peace with the British. Although we do not have any written documents outlining the actual discussions, Mi'kmaq cultural norms would have

⁹⁴ NSARM, RG-1, v.188, "February 11, 1760, Nova Scotia Council Minutes," pp.119- 23, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, doc.160."

⁹⁵ NSARM, RG-1, v.188, "February 16, 1760, Nova Scotia Council Minutes," pp.128-32, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, doc.162".

dictated that this would have been the process undertaken by leaders when facing a political decision of this enormity. On February 23rd, 1760, the Wulstukwiuk and Passamaquoddy tribes signed the 1760 Treaty of Peace and Friendship with the British Crown.⁹⁶ On March 10, 1760, the Chief of La Have, Paul Laurent, the Chief of Richibuctou, Michael Augustine, and the Chief of Shubenacadie, Claude -Renée, also came to Halifax and entered their communities into the Treaty of 1760.⁹⁷ Within a short time, other Mi'kmaq, Wulstukwiuk and Passamaquoddy leaders came to Halifax to also ratify the Treaty in 1760 and 1761. Although it has been suggested that all the chiefs signed their own individual Treaty with the British crown according to the request of the British, it is probable that the Mi'kmaq themselves may have contributed to the treaties themselves being signed at different times. Mr. Manach, a French priest who accompanied Chief Laurent and Chief Michael to Halifax, told the governor of Nova Scotia that; "there would be a great many more her upon the same business, as soon as the spring hunting was over: and upon my enquiring how many, he gave a list of 14 Chiefs, including those already mentioned, most of which he said would come".⁹⁸ Thus, the British recognized that signing with the individual chiefs would be the best manner in which to ratify the

⁹⁶ PRO, (GB),CO, 217, v.18, 18r-31r, "February 23, 1760, Treaty with Passamaquoddy and Maliseet," in "R. v. Donald Marshall Jr., Defence Document Books, vol.4, doc.109".

⁹⁷ NSARM, RG-1, v.188, "March 10, 1760, Nova Scotia Council Minutes," pp.137- 40, in "R. v. Donald Marshall Jr., Defence Document Books, vol.4, doc.110".

⁹⁸ "Indians In Acadie, 1760-05-01", *Collections of the Massachusetts Historical Society*, v.10, 1809, p.115, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol. 9, doc.173".

treaty, as, “the assembling the Several Tribes at Halifax for that purpose on any certain day would be attended with great difficulty and inconvenience”.⁹⁹ Consistent with the idea that the other chiefs would come to negotiate, more Mi’kmaq Chiefs came to ratify the treaty of 1760 throughout the following months, including Chief Michael Agoumartin of Cape Sable. By November, 1761 all of the Mi’kmaq, Wulstukwiuk and Passamaquoddy had established a treaty relationship with the British crown. However, although each Mi’kmaq community had ratified and entered the treaty individually, they did collectively participate in a Treaty signing ceremony on June 25th, 1761, commonly referred to today as the “Governor’s Farm Ceremony”.¹⁰⁰ This ceremony was attended by at least four chiefs - Jennot Pequidalouet, Cape Breton, Claud Atouach, Shediak, Joesph Sabecholuét, Miramichi and Aikon Ashabuc, Pokemouche,¹⁰¹ although more Chiefs may have been present. There would have been many Mi’kmaq wives, children and community members also present, as Mi’kmaq cultural norms would have demanded their presence so as to confirm the activities in the collective memory of all who attended. In this manner, the events would have the ability to be passed on to other generations in the future.

During this ceremony Father Pierre-Antoine Maillard acted as the interpreter for both parties, and translated Lieutenant Governor Belcher’s promises to the Mi’kmaq and

⁹⁹ NSARM, RG-1, v.188, “February 29, 1760, Nova Scotia Council Minutes,” pp.135-36, in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol. 9, doc. 169”.

¹⁰⁰ PRO, (GB), CO 217, v.18, “June 25, 1761, Governor’s Farm Ceremony,” 277r-283r, in “R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, no.184”.

¹⁰¹ Wicken, *Mi’kmaq Treaties on Trial*, p.215.

the Mi'kmaq responses back to the British. Here in lies the heart of the dilemma surrounding the negotiations of the treaty relationship, for we have no way of knowing to what extent the written document that outlines the speeches and words that were stated by the parties, accurately reflected their intent. At this ceremony, it is documented that one of the Mi'kmaq chiefs responded to the British officials in a speech that has been characterized as one of the longest single speeches recorded by an Indian.¹⁰² However, we have no way of knowing that this accurately reflected the words that were spoken by the Mi'kmaq, as it speaks to ideas that were not necessarily consistent with Mi'kmaq society at this time. At one point the Chief states, "Certain it is that they, as well as we, must have wretchedly perished unless relieved by your humanity, for we were reduced to extremities more intolerable than death itself."¹⁰³ Although it is recognized that the Mi'kmaq, Wulstukwiuk and Passamaquoddy had suffered from the war of the 1750's, we also know that there were still a great number of them, as many as three thousand or so.¹⁰⁴ Further, the actions and words of some of the Mi'kmaq leaders, are not consistent with a people who saw themselves as "surrendering" to the British crown as subjects, but rather demonstrates that of ally and friend and peaceful co-existence. Chief Joseph Glaude of Restigouche wrote to Lord Amherst in 1761 whereby he clearly references Mi'kmaq

¹⁰² Patterson, "Indian-White Relations," p.110.

¹⁰³ PRO, (GB), CO 217,v.18,"June 25, 1761, Governor's Farm Ceremony," 277r-283r, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol. 9, doc.184."

¹⁰⁴ "June 1, 1760, Account of the Indians in Acadie," *Collections of the Massachusetts Historical Society*, (v.10, 1809), p.115, in "R. v. Stephen Frederick Marshall et al, Defence Document Books, vol.9, doc.173".

ownership of land and peaceful co-existence with the British as consistent with their overall agreement.¹⁰⁵ Of course, in May of 1762, the Lieutenant Governor of Nova Scotia would also demonstrate this understanding within a proclamation that he issued known as “Belcher’s Proclamation”. Belcher legitimized Mi’kmaq and Wulstukwiuk ownership of their lands, when he proclaimed, “That the Indians have made, and still do continue to make great complaints, that Settlements have been made, and Possessions taken, of Lands, the Property of which they have by treaties reserved to themselves.”¹⁰⁶ Such words demonstrate that if the British thought they had conquered the Mi’kmaq as subjects and if they believed that they had extinguished Mi’kmaq, Wulstukwiuk and Passamaquoddy title to their lands through the ratification of the treaties of 1760 and 1761, then this view was not commonly held by Mi’kmaq leaders nor British ones either. William Wicken raises further doubts with this argument of British sovereignty and Mi’kmaq surrender:

Was the treaty Jeannot and his brethren signed on 25 June 1761 nothing less than a surrender, by a people who acknowledged that they had been conquered? If all this was so, then why were the British bothering to treat with the Mi’kmaq? They hadn’t with the Acadians; on the contrary, British soldiers had rounded up the recalcitrants and shipped them out of the colony. If the Mi’kmaq were such a menace to British efforts to colonize Nova Scotia, why wasn’t a similar policy adopted toward them? Why didn’t the British simply impose their sovereign’s will on them? What need was there for this coddling? For this sham of a treaty in which the king offered friendship and protection?¹⁰⁷

¹⁰⁵ PRO, (GB), War Office, 34, v.12, “1761, Glaude to Amherst,” in “R. v. Donald Marshall Jr., Defence Document Books, vol.5, doc120”.

¹⁰⁶ PRO, (GB), CO, 217, v.19, “May 4, 1762, Belcher’s Proclamation,” 27r-28r, in “R. v. Donald Marshall Jr., Defence Documents, vol.5, doc.139”.

¹⁰⁷ Wicken, *Mi’kmaq Treaties on Trial*, p.218.

The very fact that the British undertook to sign the Treaties with the Mi'kmaq, Wulstukwiuk and Passamaquoddy demonstrates that they recognized them as far more than a "beaten" people. The British realized that the aboriginal peoples were distinct nations who had to be reckoned with, if permanent British settlement was to continue in Mi'kma'ki. Further, they acknowledged such within the negotiation of the 1760 and 61 treaties, as they acknowledged Mi'kmaq political protocols through undertakings such as the Governor's Farm Ceremony. Although the complete details concerning this ceremony are not known, we do know that gift-giving, speech making, and the burying of the war hatchet were all components of the day's activities - all of which adhered with Mi'kmaq, Wulstukwiuk and Wabanaki political protocols. If in fact the British held the upper-hand politically and/or militarily, they would not have involved themselves in a treaty making process that bowed to Mi'kmaq political protocols.

During the eighteenth century, the Mi'kmaq nation entered into a series of treaties with the British Crown, along with their aboriginal brothers, the Wulstukwiuk, and the Passamaquoddy. These treaties were agreements of peace and friendship and were signed between the years beginning in 1725 to 1761. The first series of treaties were signed in 1725 and 1726, and were negotiated collectively by delegated Penobscot leaders in Boston in 1725. In 1726, the Mi'kmaq and Wulstukwiuk demonstrated their support of the terms of the 1725 treaty through the ratification of the Treaty of 1726, which was signed collectively by all leaders in Annapolis Royal, although some of the leaders not present at this time signed the agreement later in the fall of that same year. In 1749 the Wulstukwiuk re-affirmed their commitment to the terms of the 1726 Treaty and

in 1752 the Chief of Shubenacadie signed a treaty of peace and friendship with the British. Unlike in the treaties of 1725 and 1726, he was the only aboriginal leader to enter into the treaty at this time. With the arrival of the 1760's the Mi'kmaq , Wulstukwiuk and Passamaquoddy were once again involved in treaty discussions with the British and by the end of 1761, all of these nations would have entered into the 1760 and 1761 treaties with the British crown.

Although each of these treaties, or copies of the original treaty, have survived in written text, to understand the true intention of the Mi'kmaq leaders whom entered into each of these treaties we must look beyond the written word of the text. The environment that each of these treaties were negotiated within and as well as the players that were a part of the Mi'kmaq world must be considered, as Mi'kmaq, Wulstukwiuk and Wabanaki leaders conducted their political goals based on specific protocol which characterized the nature of the relationship which they were involved in. Further, the written text of the treaties were written in English, which Mi'kmaq did not competently read or fluently speak at this time period. Whether the final written text within the treaties accurately reflected the Mi'kmaq treaty aspirations is unknown, as there are no treaties written in the Mi'kmaq language. Therefore, an accurate understanding of the Mi'kmaq treaty meanings is found within the activities at this time, as these reflected Mi'kmaq political beliefs, which leaders brought to the treaty negotiations.

All of the treaties contain elements that are distinct to each signing, which provide us with further understandings of the Mi'kmaq intent within the treaty relationship. In 1725 and 1726, these treaties were first agreed to in Boston by delegated leaders, who

represented the desires of the Mi'kmaq, Wulstukwiuk and Wabanaki tribes. At this time the issue of land was raised by the aboriginal negotiators who made it clear during the negotiations that they were displeased with the continued British settlement on their lands. It is only after there is resolution to this issue that the aboriginal leaders agreed to establish peace and friendship with the British. After 1726, the Mi'kmaq and other aboriginal leaders assumed that they had arrived at an understanding with the British concerning their lands, however as time went by and the British continued to occupy lands, did leaders recognize that the British were not fulfilling the terms of the treaty relationship, as they saw it. Thus, the continued conflicts between the groups and the willingness of the Mi'kmaq to ally with the French during their warfare with the British. At no time did Mi'kmaq actions demonstrate that they had surrendered their sovereignty or land rights, as they continued to demand that the British discontinued the un-lawful land settlements.

With the signing of the 1752 Treaty by Chief Jean-Baptiste Cope of Shubenacadie, we again see this treaty relationship being undertaken by one leader who had been encouraged that the British were ready to make peace with the Mi'kmaq. For Mi'kmaq, the idea of peace would have also meant dialogue and resolution to those issues which had caused the conflict, that being land issues. Again, the British insisted to the Mi'kmaq leader that they were willing to make some recognition of Mi'kmaq land rights, and therefore Chief Cope signed the treaty. However, the French began to undermine the negotiations and internal Mi'kmaq dialogue that Cope undertook with other Mi'kmaq leaders, as they wanted to maintain the Mi'kmaq as an ally in their continued conflict with the British. Further intermittent conflicts also undermined Cope's ambitions,

demonstrating to him that the British could not be trusted and the treaty negotiations of 1752 came to an end. Thus, the 1752 Treaty was not entered into by all of the Mi'kmaq leaders at this time, as they collectively believed that the British were unwilling to co-exist with the Mi'kmaq.

However, with the arrival of the 1760's the atmosphere in Mi'kma'ki had once again been transformed by the French and British colonial conflict. Throughout the 1750's Mi'kmaq continued to be an ally of the French, specifically during the Seven Year's War. When France lost Louisbourg, the British made overtures to the Mi'kmaq, Wulstukwiuk and Passamaquoddy, in the hopes of securing them as an ally. The Mi'kmaq were still a strong military factor at this time and the British were unaware whether the French would return to regain Louisbourg. A similar situation was also unfolding in Montreal and Quebec, whereby Britain prevailed militarily but was unsure for how long or whether the aboriginal people would assist the French should they return. At the same time, the Mi'kmaq, Wulstukwiuk and Passamaquoddy recognized that they needed to establish a trading partner as a mechanism for gaining supplies crucial to their livelihood. With France no longer available to the Mi'kmaq as a trading partner, they quickly recognized the need to establish such a relationship with the British, so as to secure their future. However, they did not enter into such a relationship based on the notion of surrender, but rather approached the relationship in the same manner in which they had conducted themselves with the French. The intent and understanding which the Mi'kmaq saw coming from the 1760 and 1761 treaties is evident in their conduct after 1761, as they continued to complain that the treaties protected their sovereign rights, thus the need for

the Nova Scotia Lieutenant Governor to issue the proclamation of 1762.¹⁰⁸

When we look to understand the treaties, not only from the written documents, but from the manner in which aboriginal leaders conducted themselves, we begin to gain an understanding of the treaty relationship as the Mi'kmaq would have perceived it. The treaty relationship was one which saw peace and friendship as key, for Mi'kmaq leaders understood that there was a way in which the British and themselves could co-exist, and this co-existence would be based on friendship and the recognition of each others sovereignty over their own societies. For the Mi'kmaq people the true meaning and intent of the treaty relationship, as they saw it and understood it to be, would continue to be shared and passed on to future Mi'kmaq leaders, as seen in 1853 when Chief Francis Paul declared;

*We treated as an independent nation...We are not the subjects of Queen Victoria.*¹⁰⁹

¹⁰⁸ PRO, (GB), CO 217,v.19, "May 4, 1762, Belcher's Proclamation," 27r-28r, in "R. v. Donald Marshall Jr.,Defence Document Books, vol.5, doc.139".

¹⁰⁹ L.F.S. Upton, *Micmacs and Colonists, Indian-White Relations in the Maritimes, 1713-1867*,(Vancouver: University of British Columbia Press, 1979), p.135.

CONCLUSION

During the eighteenth century, Mi'kma'ki was an ever- changing world which saw the increasing presence of Europeans in Mi'kmaq lands. Missionaries, tradespeople, Acadians, French and British colonial officials and settlers all arrived throughout this century and set about conducting their new lives in Mi'kma'ki. Missionaries attempted religious conversion with a fervor as they established key religious missions at Antigonish and Shubenacadie, as well as other areas. Trade continued to be the main economic venture at this time, and it brought European vessels, tradespeople and goods to Mi'kma'ki and to the Mi'kmaq people. Permanent land settlement also became more pronounced as the century progressed, and various British settlements were established throughout the region.

For the Mi'kmaq people their society felt the effects of these various aspects of European contact, as European trade goods and religion permeated into the Mi'kmaq world. However, the Mi'kmaq remained a separate and distinct society from that of the European world and continued to base their societal existence on their Mi'kmaq cultural and social norms. Mi'kmaq consciousness saw the world from a holistic ideology, also known as world view. This understanding perceived the natural and spiritual world as a place of reciprocal relationships whereby the actions of one life form could affect another. Nothing in the Mi'kmaq world was disjointed, but all was perceived holistically and was subject to the cultural and social norms of Mi'kmaq society. Such cultural norms reinforced concepts of collective thought and interdependence in political and other

relationships which the Mi'kmaq undertook with each other.

Political leaders, structures and beliefs were affected in some manner by European contact, but in minor aspects, as the cultural and social practices of the Mi'kmaq which reinforced political ideologies remained intact during the eighteenth century. This ensured a level of protection to the political ideologies and processes of the Mi'kmaq, as European political ideology did not have the ability to assimilate Mi'kmaq political ideologies.

Mi'kmaq political structures were also further strengthened through the daily activities of the Mi'kmaq people and the social relationships which they undertook with each other.

Even though such activities were social or cultural in purpose, they contributed to political understandings and protocols. Activities involving, hunting, death, births, conflict etc., all reinforced the ideals of reciprocity, sharing, forgiveness, wisdom, consensus and humbleness. Such ideals were held in esteem by the Mi'kmaq and political leaders were expected to possess such characteristics, as good leadership would require such qualities when assuming their daily responsibilities.

Mi'kmaq political structures and beliefs also remained strengthened during this precarious time through the support of *Ni'kmaq*, the families and kin-relations that made up the Mi'kmaq communities. *Ni'kmaq* was key to the Mi'kmaq political world as leaders found their political support through their immediate and extended family members.

Marriage between different families extended the political alliances of leaders, which often brought different communities together as *Ni'kmaq*. Although this involved social relationships among various individuals, the relationships that were established also extended to the political world as well. Social gatherings between families were used as

opportunities to discuss political issues, such as the treaty making process with the British. On August 24th, 1726 Port Royal Chief Baptiste Thomas attended the wedding of René Nectabs and Catherine Andigin. This social event would have been used by Chief Thomas as an opportunity to discuss the 1726 treaty with individuals such as René Nectabs, as they had both signed the 1726 treaty only two months before. These social activities contributed to the collective decision making of political leaders, as it provided an opportunity for leaders to dialogue with each other regarding collective political action, and as well strengthen and re-affirm old and new alliances between *Ni'kmaq*.

It was at this time that Mi'kmaq leaders were also faced with establishing political relationships with both the French and British, and ensuring the protection of their lands and rights. With French leaders, Mi'kmaq approached their political relationship based on Mi'kmaq political protocols and expectations, which the French recognized as central to Mi'kmaq political relationships. Such processes included the concept of reciprocity, which involved the French providing gifts to the Mi'kmaq and participating in political ceremonies that were innate to Mi'kmaq political processes. Speeches were shared, pipes were smoked, and gifts were exchanged, all of which demonstrated to the Mi'kmaq that the French were worthy political allies. However, such a positive relationship between the Mi'kmaq and the French was also assisted through the French missionaries, who had established social relationships with Mi'kmaq and thus created opportunities to encourage the French - Mi'kmaq political relationship.

The British, however demonstrated in their initial encounters with Mi'kmaq that they were not receptive to Mi'kmaq political processes or ideologies. Mi'kmaq protocols

were not perceived as necessary to the British and such a position was interpreted by Mi'kmaq leaders in accordance with their own political norms, whereby the British were perceived as insultingly disrespectful to Mi'kmaq leaders. The French recognized the British's diplomatic error, and quickly took advantage of the opportunity to further strengthen their own alliance with the Mi'kmaq. As France and Britain became embroiled in warfare over the colonial title to Mi'kma'ki throughout the latter part of the seventeenth century and into the eighteenth century, the Mi'kmaq, like other aboriginal groups, became involved as an ally of the French, initially due to their pre-established political and social relationships. However, as the Mi'kmaq saw their Wabanaki brothers defending their lands in New England from the encroachment of British settlers, Mi'kmaq leaders further recognized that they too needed to protect their lands and livelihood from the British crown and thus took steps to achieving such.

Warfare took place between the British and aboriginal groups through much of New England and Mi'kma'ki, with peak periods of conflict in the 1720's and the 1740's and 50's. As a resolution to ending the conflict, political leaders from the British met with aboriginal leaders and joint discussions took place regarding co-existence in peace and friendship. Treaty negotiations occurred between the Mi'kmaq and the British during three major time periods, resulting in the establishment of the Covenant Chain of Treaties. Such treaties were first signed in Boston in 1725 by Penobscot leaders and were later ratified by Mi'kmaq leaders in 1726 at Annapolis Royal. In 1749, further ratifications of the 1725 and 26 treaties took place by Mi'kmaq and Wulstukwiuk leaders and in 1752 Chief Jean-Baptiste Cope signed the 1752 Treaty with the British. Finally, in 1760 and

1761 Mi'kmaq and Wulstukwiuk leaders entered into a further treaty negotiation process with the Mi'kmaq which further formalized their political and legal co-existence.

All of these treaties represent the political relationship which the Mi'kmaq established with the British during the eighteenth century. For the British leaders, they saw the written text of the treaties as clearly defining their legal and political obligations to each other, as they came from a European society which based political agreements on the written word. For Mi'kmaq and other aboriginal leaders, their political agreements did not involve the written word, but rather were embedded in ceremonies in which their leaders participated. Mi'kmaq society was one which was based on oral tradition, whereby ceremonies provide a visual memory to all present, whom then assumed a responsibility of passing such critical information on to others, most importantly, future generations. For the Mi'kmaq, the actions of leaders and the words which they spoke demonstrated the meaning of their agreements.

During the signing and ratification of all of the treaties of the 1700's, Mi'kmaq leaders approached their negotiations and signing ceremonies based on their Mi'kmaq political protocols. In 1726, Mi'kmaq collectively participated in a signing ceremony at Annapolis Royal, and later in the fall other Mi'kmaq Chiefs also came there to sign. Although many of the specific details are unknown to us, we do know that the cultural norms of the Mi'kmaq demanded that such a ceremony involved speech making and gifts, as this was the manner in which the Mi'kmaq demonstrated their treaty meanings. Again in 1761, Mi'kmaq and Wulstukwiuk leaders participated in the Governor's Farm Ceremony, which was a collective political meeting which ratified the 1760 and 61

treaties. Again, we are unsure as to all of the specific details of this particular ceremony, but we do know that speeches were made, and ceremonies were undertaken that day involving the burying of the hatchet. Within the Mi'kmaq political world, this specific action demonstrated the Mi'kmaq's intent of peace and friendship far greater than that which could be provided by the written word.

Mi'kmaq leaders entered into the treaties for specific reasons, which they demonstrated in much of their actions prior to and after the signing of the treaties. In 1725 and 1726 we know that Mi'kmaq were concerned about further British land settlements, as this issue accompanied the negotiations which occurred in Boston and also some of the speeches of the Mi'kmaq leaders. Further, the very fact that peace was not maintained in Mi'kma'ki after 1726 also demonstrates that British settlement was still a concern of Mi'kmaq leaders, and thus Mi'kma'ki became a place of further conflicts. In 1752 only the Shubenacadie Chief, Cope, entered into this treaty, whereby once again the issue of land was a primary concern. However, this treaty was not entered into by the other communities at this time, as conflict between Mi'kmaq and British and further unauthorized British settlements demonstrated to Mi'kmaq leaders that the British had no intent of abiding by peace and friendship with themselves. However, by 1760 and 1761 the Mi'kmaq, Wulstukwiuk, and Passamaquoddy once again entered into a treaty of peace and friendship with the British. These treaties were eventually ratified by all of the Mi'kmaq and Wulstukwiuk and Passamaquoddy, although the discussions and signing took place over a period of at least two years. Mi'kmaq leaders dialogued within their communities and with their neighbouring aboriginal leaders concerning the treaty, and one

of the issues which was considered was the fact that France was no longer available as a trading partner. For the Mi'kmaq leaders, the 1760 and 1761 Treaties were viewed as another attempt at establishing peaceful co-existence between themselves and the British, which they approached in accordance with their own political norms of dialogue, speech making and ceremony, which demonstrated their collective, political intentions. Thus, by considering the cultural and social framework of Mi'kmaq society during the eighteenth century, and the actions and words of Mi'kmaq leaders, we further our understanding of the intent of Mi'kmaq leaders whom signed the treaties, if we only look beyond the written word.

	1720	1722	1726	1730	1752	1759 & 1761	1763 & 1764	1766	1771
Port Royal		Chief Thomas Albason	Chief Baptiste Thomas	Chief Jean Baptiste					
Minas	Chief Peter Nunquadden	Chief Jacques Necoute	Chief Pierre Amquaret (Ninquarell) Chief John Qilalette			Chief Batelemy Aunqualett (Amquarett)	Chief Joseph Bernard Chief Joseph Necoute		
Shubenacadie		Chief Joseph Bomgaboudetche	Chief Jean Baptist fils de bon (Pon) Chief Tomas Outine		Chief Jean Baptiste Cope (Major)	Chief Claud Renée			
La Have		Chief Claude Couachinouil	Chief Antoine Egish		Chief, Captain, Governor Claude Gisigish	Chief Paul Laurent Chief Francis Muis	Chief Francis Muis	Chief Paul Laurent	
Cape Sable		Chief Jean Ball Baptist Medesgnal	Chief Paul Tecumart Chief Jean (Ball Baptist) (Medesgnal)		Chief Baptist Thomas	Chief Michael Agoumartin/Algouma timpk			Chief Francis Alexis
Pictou/ Malogomich		Chief Charles IsadSighinaua				Chief John Newit Picklougawash			
Antigonish		Chief Jean Chebacoureq				Chief Rene La Morne			
Unamaki		Chief Jean Michaux				Chief Jeanot Pequide Ona Louet	Chief Jinot Piquid Oulat Chief Bernard	Chief Jean Pegidawaw Oulaut	
Richibucto			Chief Pierre Martin			Chief Michael Augustine			
Shediak			Chief Jerome Manis			Chief Claud Atanaze (Atanash)			
Miramichi						Chief Louis Francis	Chief Louis Francis		
Chignecto & Beaubassin		Chief Joseph Pidoujactek	Chief Philip Eargamich		1749 Chief Jean (Joannes) Pedousaghtigh	Chief Joseph Algiman (Argimeaux)			
Listiguj						Chief Joseph Claude (1760)	Chief Joseph Glauf		
Saint John	Chief Pierre(1713)		Chief Joseph Nipimoit	Chief Charles Manidepkike (1728)			Chief Louis Lamoureux	(1768)Chief Pierre Thomas Chief Ambroise St. Auban	(1777) Chief Pierre Toma
Saint Marie		Chief Etienne Nabdouis							

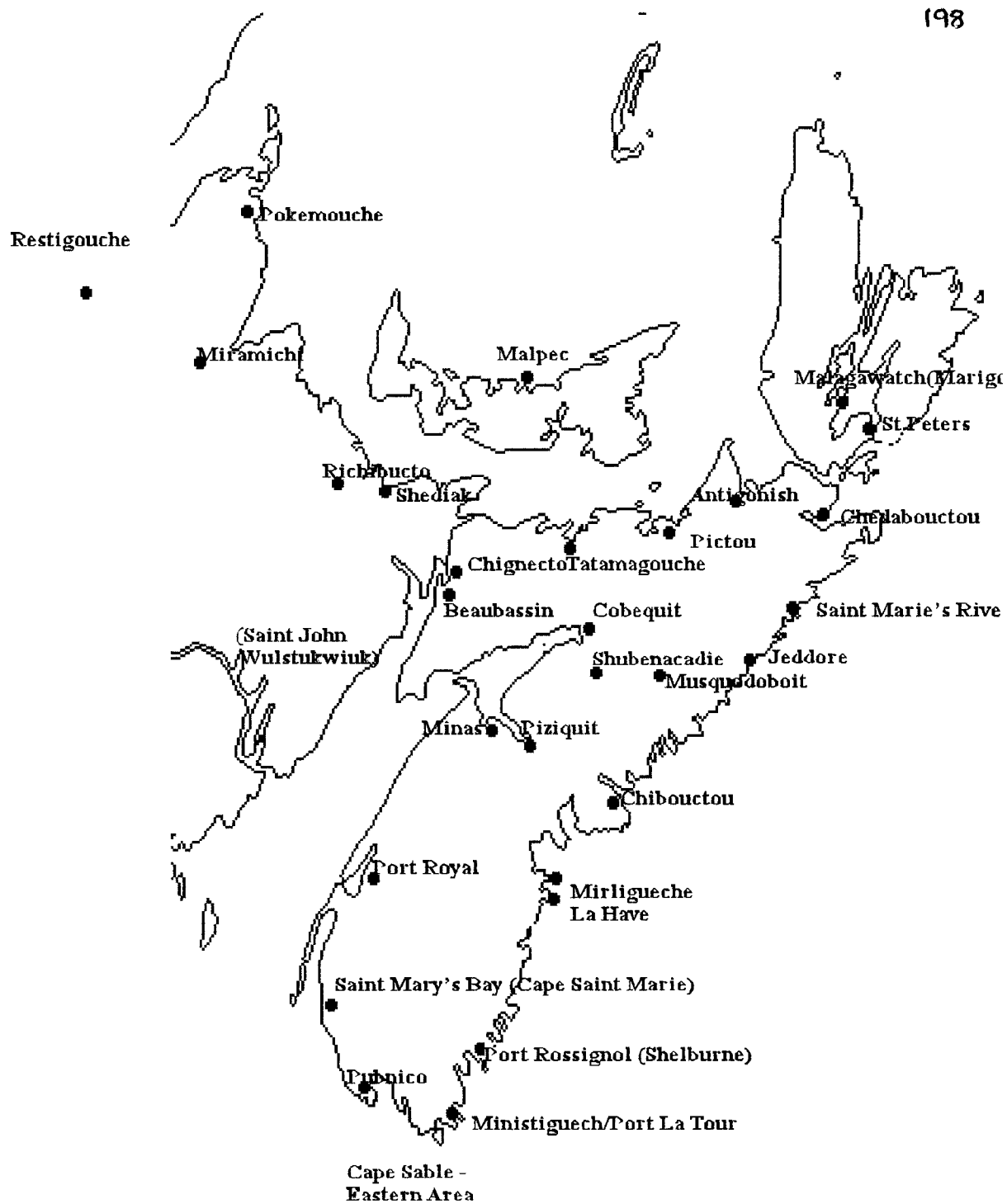


Figure 1: Mi'kmaq Communities Identified in the Censuses of 1688, 1708, 1722, 1735, 1737 and the Treaties of 1726, 1760 and 1761

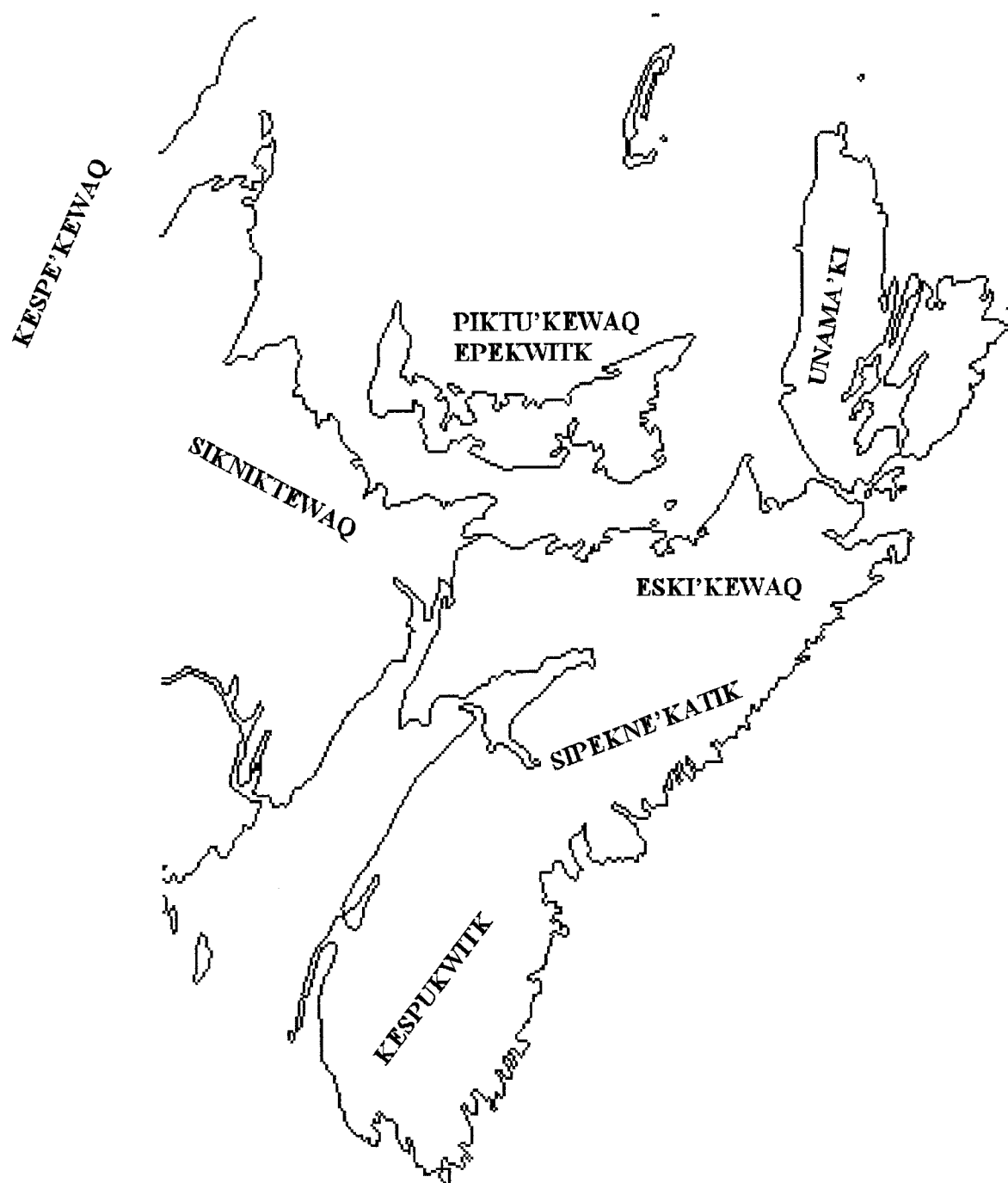


Figure 2: Seven Districts of Mi'kmaki

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