

Pokemouche Mi'kmaq and the Colonial Regimes

By

Mark William Landry

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the Degree of Master of Arts in History**

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ABSTRACT

Pokemouche Mi'kmaq and the Colonial Regimes

By Mark William Landry

The community of Pokemouche existed since before European contact. During the early European contact, fur traders were looking to gain as much profit as possible and made lopsided exchanges which often involved alcohol. The emphasis of the fur trade drastically changed the traditional economies of the Mi'kmaq, systematically coercing them to change from community based-lifeways to individualist economies. During the British colonial era, the Mi'kmaq were forced from their vast traditional lands into small reserves, such as Pokemouche. In 1844, New Brunswick passed an Act to dispose reserves that government officials had deemed not required for indigenous use. Pokemouche took the greatest hit, going from a vibrant traditional community to unoccupied land. Concurrently, laws helped eliminate traditional native economies, forcing the Mi'kmaq to change their means of economic survival. Some of the Pokemouche Mi'kmaq moved to neighbouring reserves while others moved into wage labour near the Pokemouche River.

September 10, 2010

For my grandfather
Lionel Landry (1919-2007)
His interest in history was the catalyst to this thesis.

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**Chapter One:
Colonialism Methodology:
The Land, the Community, Capitalism, and Interpretations**

Before European contact, the Pokemouche River basin was a Mi'kmaq community where the inhabitants enjoyed unrestricted access to their lands and their community. This changed with the beginnings of colonialism. The outbreak of European diseases devastated the Mi'kmaq community, depleting population. Colonists, attempting to profit from the lands of Mi'kma'ki, engaged in treachery, thefts, manipulations, and bureaucratic regulation, from the first fishermen and fur traders to the governors of colonial states, and then to the creation of the nation state, with resource-stripping throughout. This thesis will argue that the community of Pokemouche had originally been engaged in communal living and that the colonial enterprises implied attempts to force them into individualist economies, the essentials of capitalism. In explaining this methodological individualism, this chapter will examine both colonialism and the work of historians of indigenous history.

It should come as no surprise that indigenous historiography paralleled a struggle of the colonized resisting the colonizer. Indigenous historiography is often deeply rooted in its colonial origins, implying promotion of Canadian nationalism and an emphasis on individual heroes who perpetuated colonialism. J. L. Granatstein, for example, is known for resisting the reappraisal of historiography, complaining on one occasion that students were learning about the extinction of the Beothuk or the treasons of Louis Riel instead of about the leading political figures of Canada. Commenting on material taught to children

which he regarded as typical, he stated, “the material taught stressed the existence of anti-Aboriginal, anti-Métis, and anti-Asian racism, as well as male sexism and discrimination against women, as if these issues were and always had been the primary identifying characteristics of Canada.”¹ His statement contrasts with the argument made throughout this thesis that colonial economies – whether French, British, New Brunswick, or Canadian -- were directly based on exploiting the lands of indigenous peoples as well as the people themselves for labour, and that these were defining characteristics of Canada.

This is not a new argument, as colonies exist on the principles of capitalism. If there was no profit to gain, the colonial occupations would not exist. Canada is involved in the mandate of the present day nation-state colonialism, which “enforces one set of institutions, laws and sometimes language and religion within its boundaries.”² To perpetuate this colonialism, the nation states often define their history with the obvious bias of the colonizer. As Frantz Fanon describes it:

Colonialism is not satisfied with snaring the people in its net or of draining the colonized brain of any form or substance... it turns its attention to the past of the colonized people and distorts it, disfigures it, and destroys it. This effort to demean history prior to colonization today takes on a dialectical significance.³

Essentially Fanon is observing that colonial pursuits required indigenous peoples to “lose”

¹ J. L. Granatstein, *Who Killed Canadian History?* (Toronto: HarperCollins Publishers Ltd., 1998), xii-xiii.

² Dean Neu and Richard Therrien, *Accounting for Genocide: Canada's Bureaucratic Assault on Aboriginal People* (Black Point, NS: Fernwood Publishing, 2003), 171.

³ Frantz Fanon, *The Wretched of the Earth*, transl. Richard Philcox (New York: Grove Press, 2004), 149.

their history as a means to be able to effectively control them with laws and legislation.⁴ This correlates with Edward Said's discussion of Western-style approaches to the Orient, in that the oppressive power must work on the topic of indigenous peoples by "dealing with it by making statements about it, authorizing views of it, describing it, by teaching it, settling it, ruling over it."⁵ The reasons for this are simple. Colonial powers want the lands and resources owned by indigenous peoples. As Fanon states, "For a colonized people, the most essential value, because it is the most meaningful, is first and foremost the land: the land, which must provide bread and, naturally, dignity."⁶ As such, the colonizer must wage a war with the indigenous peoples in order to obtain those resources.⁷ In regards to historiography, this struggle is reflected in an undue emphasis on Canadian heroes, as determined by the writers of history, and a corresponding distortion of the history of indigenous peoples.

Even L.F.S. Upton, author of *Micmacs and Colonists* (1979)⁸ and of an earlier article on "Indian Affairs in Colonial New Brunswick,"⁹ was not immune to this tendency. As will be discussed in chapter three of this thesis, entitled "Timber, Laws, the Disposal

⁴ Fanon, *The Wretched of the Earth*, 148-9.

⁵ Edward Said, *Orientalism* (New York: Vintage Books, 1994), 3.

⁶ Fanon, *The Wretched of the Earth*, 9.

⁷ Fanon, *The Wretched of the Earth*, 9.

⁸ L. F. S. Upton, *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867* (Vancouver: University of British Columbia Press, 1979).

⁹ L. F. S. Upton, "Indian Affairs in Colonial New Brunswick," *Acadiensis* 3: 2 (1974): 3-26

of Indian Reserves, and the Romanticism of Moses Perley,” Upton presented Perley as an advocate for the First Nations in New Brunswick. This was also supported by W. A. Spray’s favourably-disposed biography of Perley in the *Dictionary of Canadian Biography*.¹⁰ Upton did update his view of Perley in *Micmacs and Colonists*, allowing that Perley had some significant flaws, and yet he then proceeded to dismiss them as though Perley was a victim of his times.¹¹ This is not to say that these historians were applying colonial motives. On the contrary, Upton points out that “Everything considered [with regards to colonialism and settler encroachment], it is remarkable that the native people of New Brunswick survived at all.”¹² Upton was equally critical in the 1970s of the Maritime provinces and their historical attempts to regulate and assimilate indigenous peoples and this was only a few years after Canada endorsed The White Paper for indigenous peoples.¹³

However, it is time for a reappraisal in this contested historiography as Upton’s more general interpretative stance is also questionable. In chapter four, this thesis will discuss his implication that the Pokemouche Mi’kmaq desired to surrender parts of their land,¹⁴ in which he does not describe the coercive conditions and context that the Mi’kmaq

¹⁰ W. A. Spray, “Moses Perley,” *Dictionary of Canadian Biography* IX (University of Toronto / Université Laval, 2000): <http://www.biographi.ca/> (accessed February 19, 2010).

¹¹ Upton, *Micmacs and Colonists*, 106.

¹² Upton, “Indian Affairs in Colonial New Brunswick,” 25.

¹³ For The White Paper, consult Neu and Therrien, *Accounting for Genocide*, 129.

¹⁴ Upton, “Indian Affairs in Colonial New Brunswick,” 19.

endured. The interpretations of history can be discussed using the philosophies of Ludwig

Wittgenstein:

At this point, our thinking plays us a strange trick. That is, we want to quote the law of excluded middle and say: “Either such an image floats before his mind, or it does not; there is no third possibility!” – We encounter this curious argument also in other regions of philosophy. “In the infinite expansion of π either the group ‘7777’ occurs, or it does not – there is no third possibility.” That is to say: God sees – but we don’t know. But what does that mean? – We use a picture: the picture of a visible series, the whole of which one person can survey and another can’t. Here the law of excluded middle says: it must look either like this or like that. So really – and this is surely obvious – it says nothing at all, but gives us a picture. And the problem is now supposed to be: does reality accord with the picture or not? And this picture seems to determine what we have to do, what to look for, and how – but it does not, precisely because we do not know how it is to be applied. Here, saying “There is no third possibility” or “There really isn’t a third possibility!” expresses our inability to turn our eyes away from this picture – a picture which looks as if it must already contain both the problem and its solution, while all the time we feel that it is not so.¹⁵

A historian suggesting that potential surrender occurred on the Pokemouche Reserve should invite the reader to ask, “Why did the Mi’kmaq choose to surrender this land?” and “How did they proceed to do so?” Instead Upton declared that Perley “had himself laid the groundwork for... the Indians of Northumberland and Pokemouche, where all had agreed on what land could be surrendered for an annuity.”¹⁶ This implies that the Pokemouche Mi’kmaq fully cooperated with Perley, appreciating the idea that they could get significant funds in exchange for their land. In reality, the Pokemouche Mi’kmaq were being assaulted by a squatter and they, being at a loss as to what to do about the situation,

¹⁵ Wittgenstein, *Philosophical Investigations*, transl. G. E. M. Anscombe, *et al.*, (Chichester, West Sussex, UK: Wiley-Blackwell, 2009): 119, §352.

¹⁶ Upton, *Micmacs and Colonists*, 109.

concluded that the government may as well take the land, for what good the Mi'kmaq could do for it. Thus Upton's description of the primary document gives the reader a picture of a land surrender as though it was a fact, a presentation of both a problem – the implication that the Pokemouche Mi'kmaq wanted funds – and the solution – giving the reader the assumption that the Mi'kmaq wanted to sell the land for that fund. But he does not supply a third possibility, the context, that would change the interpretation of the picture.

As a result, there are many reappraisals in historiography. This is especially true with regards to treaties and their interpretations. There are scholars, supporting the nation state, who write that the indigenous peoples knowingly signed treaties that gave themselves up for submission to the British. Stephen Patterson, for example, implies that indigenous peoples had agency during colonialism: “In Nova Scotia the Micmac, Maliseet and Passamaquoddy behaved as autonomous peoples throughout the contact period, exercising choices which represented their best efforts to accommodate the European intruders and adjust to the challenges and opportunities they posed.”¹⁷

One must wonder though, did the indigenous peoples have agency in the early fur trade after their populations were severely depleted from diseases? The survivors were probably not physically healthy either, nor would be their normal indigenous trading partners whose communities would have been just as devastated. They may have found themselves in need of European trade items to help their respective community survive,

¹⁷ Stephen E. Patterson, “Indian-White Relations in Nova Scotia, 1749-61: A Study of Political Interaction,” *Acadiensis* 23: 1 (1993), 23.

thus enabling the European traders, who were looking for a profit, to coerce indigenous peoples into lopsided exchanges and provided escapes from their destitution with alcohol. The assumption of agency suggests that if the indigenous peoples did not want the luxury of European trade, they would have expelled the fur traders. Perhaps they could have, if they were not so busy burying their dead and finding means and finding ways to keep the afflicted alive.

Did the indigenous peoples have agency and willfully agree to submit themselves to the laws and terms of the British? The Mi'kmaq and Maliseet peoples most certainly attempted to negotiate peace with the British, but Patterson believes that treaty was clear to the Mi'kmaq, that they knowingly agreed to submission, even with potential issues with translation.¹⁸ But how does one explain the word “submission” to a people without such a word in their language? Wittgenstein could also be applied here:

Could one explain the word “red” by pointing to something that was not red? That would be as if one had to explain the word “modest” to someone whose English was poor, and one pointed to an arrogant man and said “That man is not modest”. That it is ambiguous is no argument against such a form of explanation. Any explanation can be misunderstood.¹⁹

John G. Reid pursues the theory that words like “submission” could not possibly have been translated and explained effectively to indigenous peoples. In his essay on the 1717 Arrowsic Conference, he explains:

The essential division between British and Wabanaki notions of the treaty

¹⁸ Patterson, “Indian-White Relations,” 56-57.

¹⁹ Ludwig Wittgenstein, *Philosophical Investigations*, 17 §28.

relationship became evident. While [Governor Samuel] Shute took the basis of the relationship to be submission, along the lines enshrined in the written texts of the treaties, Wiwurna [of the Wabanaki] took it to be a relationship of mutual obligation, as had been discussed during conferences... The gap evidently could not be closed by translation, for the interpreters used the word 'Obedient' to define the statements of both protagonists. It was clear, however, that Shute and Wiwurna were following entirely different lines of thought.²⁰

In this particular case, the translators attempted to explain "submission" by using the word "obedient", and thus the Wabanaki had an explanation that was misunderstood.

Without being able to point to an example of submission to help explain the term, the treaty became shrouded with severe limitations in the understanding between the British and the Wabanaki. This is also the case with the Pokemouche Mi'kmaq, who also required a translator to explain submission to them. In this case, this thesis argues throughout that the Pokemouche Mi'kmaq never submitted to the British nor surrendered land.

With that in mind, this thesis also argues that the colonizer, especially New Brunswick, attempted to force the Mi'kmaq from their communal way of life with hopes that they would embrace the individualist economy. This is a strategy referred to as "Methodological Individualism", which Rajeev Bhargava defines as "the view in social science according to which all social phenomena must be accounted for in terms of what

²⁰ John G. Reid, "The Sakamow's Discourtesy and the Governor's Anger: Negotiated Imperialism and the Arrowsic Conference, 1717," in *Essays on Northeastern North America, Seventeenth and Eighteenth Centuries* (Toronto: University of Toronto Press, 2008): 162.

individuals think, choose, and do.”²¹ That is to say, that communities can be broken down to the sum of individuals. This is the assumption that capitalism works for the well being of the community. This is the basis of John Locke’s theories, as he states:

The Power that every individual gave the Society, when he entered into it, can never revert to the individualist again, as long as the Society lasts, but will always remain in the Community; because without this, there can be no Community, no Common-wealth.²²

However, capitalism is an individualist ideology. Karl Marx explains that “Capital is thus the governing power over labour and its products. The capitalist possesses this power, not on account of his personal or human qualities, but insomuch as he is the owner of capital. His power is the purchasing power of his capital, which nothing can withstand.”²³ Thus, according to Marx, the worker in a capitalist system is alienated from the product he is making and the land he works on.²⁴

The basis of British colonization is the means to produce capital by exploiting the land itself and the labour to support that industry. For that to work, the British must assume they have the right to that land. This is why Locke suggests:

Thus Labour, in the Beginning, gave a Right of Property, where-ever any one was pleased to employ [*sic*] it... yet there are still great Tracts of Ground to be found,

²¹ Rajeev Bhargava, *Individualism in Social Science: Forms and Limits of a Methodology* (Oxford: Clarendon Press, 1992), 1.

²² John Locke, *Two Treatises of Government*, ed. Peter Laslett, (New York: Cambridge University Press, 1963), 477 §243.

²³ Karl Marx, *Economic and Philosophical Manuscripts of 1844*, transl. and ed. Martin Milligan (Mineola, NY: Dover Publications, Inc., 2007), 36-7.

²⁴ Marx, *Manuscripts*, 67-70.

which (the Inhabitants thereof not having joyned with the rest of Mankind, in the consent of the Use of their common Money) lie waste...²⁵

It is in this way that, despite what Upton argues, Perley was not a victim of the times. He wanted the indigenous peoples to engage in agriculture and wage labour, not for their benefit, but for the benefit of the colonial New Brunswick economy. Each traditional indigenous community represented land from which the colony was not making a profit, whether because the indigenous peoples were not 'improving' it or because illegal squatters were stripping the land of its resources without the money passing through the hands of the colonial government. Eventually the Pokemouche Mi'kmaq were forced into wage labour. The notion of individual 'agency' still did not exist as Bhargava explains, "Given the presence of certain structural factors, what choices and intentions led individuals to constitute themselves into classes?"²⁶ The Pokemouche Mi'kmaq had no desire to submit themselves into a labour force that directly benefits the colonial regimes and the elite who profit from them. On the contrary, "the history of recruitment of labor is an uninterrupted story of coercion either through a brute force of poverty or more direct regulation, which made a continuation of the old ways impossible."²⁷

Thus history cannot be understood by examining only Granatstein's heroes nor Spray and Upton's local New Brunswick 'hero', Moses Perley. Nor can history be

²⁵ Locke, *Two Treatises of Government*, 341 §45.

²⁶ Bhargava, *Individualism*, 165.

²⁷ Michael Perelman, *The Invention of Capitalism: Classical Political Economy and the Secret History of Primitive Accumulation*, (Durham and London: Duke University Press, 2000): 15.

examined from the perspective of individuals. This sort of methodology, based on individuals, is flawed, for “a fictitious “human nature” is projected upon them, in tune with a subjective/individualistic definition of objective/social conflictuality.”²⁸ The colonialism of Pokemouche existed because of the desires of the colonists to obtain capital and because, as the New Brunswick state became well aware, the best way to justify the expropriation of indigenous lands is to coerce the indigenous into being participants of the colonial mandate.

²⁸ István Mészáros, *Social Structure and Forms of Consciousness*, vol. I, *The Social Determination of Method* (New York: Monthly Review Press, 2010), 69.

Chapter Two: Pokmuj, Contacts, Trade, and the Colonial Occupations

Colonial occupation by French and later British regimes directly changed the means of which the Pokemouche Mi'kmaq lived. This chapter will examine the methods the occupiers of Mi'kma'ki used to create successful enterprises on the land as well as show how the Mi'kmaq were thrown into the wars of conflicting parties and the bureaucracy of the British Crown in order to maintain those enterprises. Overall this chapter will also introduce the colonial thrust to have the Mi'kmaq change from communal-based to individualist economies. It will also examine the land, as the Pokemouche Mi'kmaq originally enjoyed the freedom to use the entire land, but centuries later would see themselves restricted to smaller tracts of land reserved to them by the British.

Since before European contact at approximately 1500, the Mi'kmaq had permanent villages on the Pokemouche River. Although not frequently mentioned in the sources during the French occupation, their proximity to the shores of the Gulf of St. Lawrence and later to the French fur trading posts would certainly allow the Pokemouche Mi'kmaq to establish trade relations with the Europeans – whether the latter were fishermen or more stationary traders. However, while the Mi'kmaq and the French might be considered as allies in the fur trade, the relationship was not necessarily amicable. After the first European contact in North America, diseases had become rampant, devastating the indigenous populations – and the indigenous peoples were aware of where these epidemics were coming from. Further, the fur trade became one-sided quite rapidly, with

the introduction of alcohol to competition for the remaining endangered fur-bearing animals. This competition, led by the colonial powers, would eventually lead to the series of colonial wars which would plague the Mi'kmaq for almost a century. While the Mi'kmaq suffered through these events, the Christian missionaries were attempting to convert them. The relationship between the French and Mi'kmaq would be one of turmoil and this chapter will argue that the alliance between these two powers occurred, not because of amicable features or similarities between the two, but simply because the French colonized Mi'kma'ki first.¹

Also in this chapter, the British occupation will be discussed – with a focus on treaties with the Mi'kmaq, bounties against the Mi'kmaq, the subsequent *Royal Proclamation* of 1763, and the construction of reserves for indigenous peoples. The colony was referred to by Britain as “Nova Scotia” and while the specific area was under dispute with French claims between 1713 and 1763, what Britain considered Nova Scotia included continental Mi'kma'ki, as far north as Gaspé. This delineation would be refined by the British after 1763 to exclude Gaspé, but Pokemouche was considered, by the British, to be in Nova Scotia until 1784 when colonial pressure prompted the separation of New Brunswick and Cape Breton from Nova Scotia. Cape Breton would return to Nova Scotia in 1820, but Pokemouche continued as part of New Brunswick up to the present day.

¹ This argument was presented by Andrea Bear Nicholas, “Wabanaki and French Relations: Myth and Reality,” *Interculture* 24:1 (1991): 18. Previously this paper was presented at the Affecting Presence Colloquium, May 20, 1988 at the University of Maine at Orono.

The Pokemouche Reserve has its origins in a number of ancient Mi'kmaq settlements on the Pokemouche River. William F. Ganong believed that there were a few permanent Mi'kmaq villages on this river from pre-European contact to well into the British occupation in the eighteenth century.² The Pokemouche empties into the Gulf of St. Lawrence between Sepagan (Shippegan) and Listuguj'ij (Miramichi), a region commonly referred to as the “Acadian Peninsula” (Figure 1), despite the continuous presence of Mi'kmaq long before exiled Acadians settled there. The Pokemouche empties out into a sand barrier and is funnelled into the sea only by the Pokemouche gully.

The toponymy of Mi'kmaq place names is often difficult to decipher. As with many other indigenous names, much of the language had been destroyed by colonial efforts to disrupt and dispossess indigenous peoples from their land.³ There have been at least three suggestions as to the toponym of *Pokemouche*. The most implausible suggestion is that which has been presented by the Pokemouche Golf Course as a Mi'kmaq word for “bird sanctuary,”⁴ which assumes that the Mi'kmaq required wildlife sanctuaries before colonial contact. Regardless of the fallacy this notion suggests, the word ‘bird’ in Mi'kmaq is *sisip*, which sounds unrelated to *Pokemouche*, thus making the golf course explanation unlikely.

² W. F. Ganong, “The History of Pokemouche,” *Acadiensis* 7: 1 (1907): 11-12.

³ J. B. Harley, “New England Cartography and the Native Americans,” cited in Emerson W. Baker *et al.*, eds., *American Beginnings: Exploration, Culture, and Cartography in the Land of Norumbega* (Lincoln and London: University of Nebraska Press, 1994), 296.

⁴ Pokemouche Golf Club, <http://www.golfpokemouche.com/en/course/About.html> , accessed May 24, 2010.

The other two toponymic explanations have more merit, however. The most popularly used translation is offered by missionary Silas Rand, who proposes that the term “*Pokumooch-petooak*” is translated to “salt water extending inward”.⁵ A geographical phenomenon would make sense for an indigenous name, as shown in a number of New Brunswick nomenclature. Examples of such nomenclature would include Meduxnakeag, which William Francis Ganong suggests is derived from Maliseet for “rough (or rocky) at its mouth,”⁶ or the Nepisiguit River, which is derived from the Mi'kmaq *Winpegij'awik*, which means “rough water”.⁷ Ganong also cites missionary Silas Rand when he suggests the toponym of Pokemouche as “the Gully”.⁸ Rand’s geographic description as a toponym for Pokemouche is not implausible and is used extensively in the existing literature as the correct translation of the original Mi'kmaq.⁹

Oddly, however, Rand also states that *Pōgum* is Mi'kmaq for “I bore it”.¹⁰ This

⁵ Silas Rand, *Micmac Place-Names in the Maritime Provinces and Gaspé Peninsula*, comp. William P. Anderson (Ottawa: Surveyor General’s Office, 1919), 70.

⁶ William F. Ganong, “The Historical Development of the Place-Nomenclature of New Brunswick,” *Proceedings and Transactions of the Royal Society of Canada*, vol. 12 (1896), 251.

⁷ Ganong, “The Historical Development of the Place-Nomenclature of New Brunswick,” 256.

⁸ Ganong, “The Historical Development of the Place-Nomenclature of New Brunswick,” 262.

⁹ Alan Rayburn also uses it in his entry on Pokemouche (the Acadian community) in *Dictionary of Canadian Place Names* (Toronto: Oxford University Press, 1997), 304.

¹⁰ Rand, *Micmac Place-Names in the Maritime Provinces and Gaspé Peninsula*, 70. It is also listed as *po:qm* “to bore” as a transitive inanimate verb in Albert D. DeBlois, “English Micmac,” *Micmac Dictionary*, (Hull: Canadian Museum of Civilization, 1996): 9.

suggests that Pokemouche, in which the Mi'kmaq *k* is pronounced like an English *g*, might have a more functional translation than a mere geographical description. In fact, the grammarian Père Pacifique describes the translation of *Pôgômotjg* as “where the holes are made for fishing”.¹¹ Materialist functions, such as that for a mode of production, are often used in indigenous place names in New Brunswick, such as the Magaguavic River, in which Ganong states Rand’s analysis of *Megadawik* as the same word, which translates to “where the big eels are taken”.¹² It is likely that the Mi'kmaq used the Pokemouche River as a means to fish and named the river to describe the method they used.

Using the toponym of Pokemouche as “where the holes are made for fishing”, one should be able to suggest that the Mi'kmaq had been in this area for an extensive period if they were able to create a method of fishing that is distinctive to that one location. The region has been inhabited by the Mi'kmaq since time immemorial. Archaeological evidence indicates that indigenous peoples had been living in the Maritime peninsula for at least eleven thousand years.¹³ Just to the south of Pokemouche, the Augustine Mound on the Miramichi dates from between 2330 and 2950 years ago.¹⁴ However, this may not reflect the true span of inhabitation in the region, as indicated by critiques of the standard

¹¹ Père Pacifique, “Le Pays des Micmacs,” *Bulletin Société de Géographie de Québec* 21: 2 (1921): 185.

¹² Ganong, “The Historical Development of the Place-Nomenclature of New Brunswick,” 192, 247.

¹³ Bruce J. Bourque, “Evidence of Prehistoric Exchange on the Maritime Peninsula,” in Timothy G. Baugh and Jonathan E. Ericson, eds., *Prehistoric Exchange Systems in North America* (New York: Plenum Press, 1994): 24.

¹⁴ Bourque, “Evidence of Prehistoric Exchange on the Maritime Peninsula,” 33.

origins of indigenous peoples of the Americas.¹⁵ As Elaine Dewar writes, “During the Ice Age, the Atlantic Shelf, now underwater, would have been dry land.”¹⁶ Anything that would have indicated inhabitation on that shelf before the glacial retreat would be underwater now.

Regardless of the history of habitation in the Pokemouche area, the Mi'kmaq were the original inhabitants, as previously argued by Ganong.¹⁷ The first Europeans in the region were there exclusively for the fisheries and soon after for whaling. Among the nomadic peoples in the Gulf of St. Lawrence between 1500 and the early 1600s were the Portuguese, Normans, Bretons, Basques, English, and French. Following them were pirates, possibly from as far east as the lands belonging to the Turks.¹⁸ Eventually, contact between the fishermen and the Mi'kmaq would occur, and with it trade. As Oriana Barkham states, “first exchanges were probably of food, and what they had with them, chance exchanges, not planned ones.”¹⁹

Early contacts took a grave toll on the indigenous peoples of the Maritime

¹⁵ Ward Churchill, “About that Bering Strait Land Bridge... A Study in the Falsity of ‘Scientific Truth,’” *Current Perspectives in Social Theory* 23 (2005): 3-68; Elaine Dewar, *Bones: Discovering the First Americans* (Canada: Random House Canada, 2001).

¹⁶ Dewar, *Bones*, 272.

¹⁷ Ganong, “The History of Pokemouche,” 12.

¹⁸ As related to Samuel de Champlain by French Captain Daniel in Samuel de Champlain, *The Works of Samuel de Champlain*, H. P. Biggar, ed., (6 vols.; Toronto: The Champlain Society, 1922-1936): vol. VI, 201.

¹⁹ Oriana Barkham, *Mi'kmaq-Basque Contact in the 16th Century*, (M.A. thesis: Carleton University, 2001), 91.

Peninsula. European diseases, introduced from the Spanish expeditions and colonisers to that of the early French to the arrival of the English, devastated the inhabitants.

According to David E. Stannard, the Abenaki of New Hampshire and Vermont suffered “a destruction rate of 98 percent,” while the Mahicans saw 92 percent of their population decimated, the eastern Abenaki, 78 percent, and the Maliseet-Passamaquoddy, the Mi'kmaq neighbours, suffered 67 percent of a population loss.²⁰ It could not be overstated how devastating these diseases were to a people unfamiliar to the epidemics. Epidemics within Mi'kma'ki were observed during the early French occupation, as described by the Jesuit missionary Pierre Biard:

[The Mi'kmaq] are astonished and often complain that, since the French mingle with and carry on trade with them, they are dying fast, and the population is thinning out. For they assert that, before this association and intercourse, all their countries were very populous, and they tell how one by one the different coasts, according as they have begun to traffic with us, have been more reduced by disease... they sometimes think that the French poison them, which is not true... Others complain that the [trade goods are] often counterfeited and adulterated, and that peas, beans, prunes, bread, and other things that are spoiled are sold to them and that it is that which corrupts the body and gives rise to the dysentery and other diseases which always attack them in Autumn. This theory likewise is not offered without citing instances, for which they have often been upon the point of breaking with us, and making war upon us.²¹

The historiography on population-size before European contact is often debated as a means to emphasis or deny how devastating these diseases were to the indigenous

²⁰ David E. Stannard, *American Holocaust: The Conquest of the New World* (New York and Oxford: Oxford University Press, 1992): 118.

²¹ Father Pierre Biard, “Relation of New France, of its lands, nature of the country and of its Inhabitants [1616],” Reuben Gold Thwaites, ed., *The Jesuit Relations and Allied Documents: Travels and Explorations of the Jesuit Missionaries in New France, 1610-1791* (73 vols.; Cleveland: Burrows Brothers, 1896-1901), vol. III, 105-7.

peoples of North America. Daniel N. Paul, for example, suggests that the population of Mi'kma'ki had a minimum of 200,000 people before European contact.²² In contrast, Ralph T. Pastore critiques such high figures, insisting that their methodologies are flawed.²³ However, while it is true that Paul often speculates in his advocacy of the Mi'kmaq people in his work, Pastore himself uses European models without any due criticism when he argues in favour of lower population estimates. For example, Pastore attempts to use anthropological labels of society when he suggests that a higher population of Mi'kmaq would mean that they would not be a band-level structure, as is assumed by the discipline, but instead would be a more complex society.²⁴ However, assuming that the theories of societies and complexities are believable, this implies that population sizes define the complexity of a society.

Biard estimated that the population of the Mi'kmaq (“Souriquoys”) in 1616 stood between 3000 and 3500.²⁵ In comparison to other First Nations that year, of the “Eteminquois to Pentegoët” or Maliseet, Passamaquoddy and Penobscot, there were 2500 people; the Innu only had 1000.²⁶ Ethnographer Bernard Hoffman believed that these population statistics showed the Mi'kmaq population at its lowest point, and he offers

²² Daniel N. Paul, *We Were Not the Savages: Collision between European and Native American Civilizations*, (Halifax: Fernwood Publishing, 2006): 45.

²³ Ralph T. Pastore, “Native History in the Atlantic Region During The Colonial Period,” *Acadiensis* 20:1 (1990): 208-211.

²⁴ Pastore, “Native History in the Atlantic Region,” 211-212.

²⁵ Biard, Thwaites, *The Jesuit Relations*, vol. III, 111.

²⁶ Biard, Thwaites, *The Jesuit Relations*, vol. III, 111.

evidence that the Mi'kmaq population had been rising overall since this year.²⁷ He surmises that the worst population declines due to diseases occurred between 1520 and 1600.²⁸ This would coincide with the beginnings of trade between the Mi'kmaq and the fishermen in the Gulf of St. Lawrence, and would also have been concurrent with ongoing trade with other indigenous peoples, who may have also been afflicted by epidemics because of their previous encounters with Europeans and thus passed on those diseases to the Mi'kmaq.

Trade with the Europeans eventually became a common occurrence in the region, as explorer Jacques Cartier encountered when he visited Chaleur Bay, just north of Pokemouche, in 1534:

When we were half a league from this point, we caught sight of two fleets of Indian canoes that were crossing from one side [of Chaleur Bay] to the other, which numbered in all some forty or fifty canoes. Upon one of the fleets reaching this point, there sprang out and landed a large number of Indians, who set up a great clamour and made frequent signs to us to come on shore, holding up to us some furs on sticks.²⁹

It appears that the most common traders with the Mi'kmaq in the sixteenth century were the Basques. The Basques had an extensive network to exploit the whaling and fishing resources. They had stations in Îles de la Magdeleine, Gaspé, Miscou Island in

²⁷ Bernard Gilbert Hoffman, "The Historical Ethnography of the Micmac of the Sixteenth and Seventeenth Centuries," (Ph.D. dissertation: University of California, 1955): 229.

²⁸ Hoffman, "The Historical Ethnography of the Micmac," 230.

²⁹ Jacques Cartier, *The Voyages of Jacques Cartier*, transl. and ed. H. P. Biggar (Ottawa: Publications of the Public Archives of Canada, no. 11, 1924), 49.

Baie des Chaleurs, and “St. John’s island” (Prince Edward Island),³⁰ which they used exclusively in a migratory manner. The fishermen would leave Basque country in early spring and would return from North America in early fall, while the whalers had a cycle of leaving Europe in mid June and returning in early winter.³¹ Because of the threats from piracy in the seventeenth century, the Basques established stations within the safer interiors along the shores of the Gulf of St. Lawrence, as at Caraquet and Shippegan,³² both within the same area as Pokemouche. While it is conjecture at this point, it would have been possible for the Mi’kmaq of Pokemouche to encounter and trade with the Basques and French, thus appearing as traders on whom the Europeans reported in their journals.

The fishermen, while taking advantage of the cod in the Gulf of St. Lawrence and Grand Banks, discovered an additional means to profit from the trade with the indigenous peoples of the region. This is alluded to in Laurier Turgeon’s research, where among the notarial records of the French Basque fishermen listed were cod, whale oil, and “other merchandise”, the latter of which were at times discovered in “sea chests.” It is believed

³⁰ Laurier Turgeon, “Vers une chronologie des occupations Basques du Saint-Laurent du XVIe au XVIIIe siècle: Un retour à l’histoire,” *Recherches Amérindiennes au Québec* 24:3 (1994): 4; William R. Fitzgerald, *et al.*, “Late Sixteenth-Century Basque Banded Copper Kettles,” *Historical Archaeology* 27:1 (1993): 45; de Champlain, *The Works of Samuel de Champlain*, vol. 6: 211; de Champlain, *The Works of Samuel de Champlain*, vol. 5, 101.

³¹ Cristóbal de Barros, 1574, translated in “The Basque Fishing and Whaling Fleets, 1574,” ed. David B. Quinn, *North American Discovery, circa 1000-1612* (Columbia, South Carolina: University of South Carolina Press, 1971): 235-6

³² Selma Huxley Barkham, “The Basque Whaling Establishments in Labrador 1536-1632 – A Summary,” *Arctic* 37:4 (1984): 518.

that this merchandise consisted of furs imported from Newfoundland.³³ In the early fur trade, before the expansion and systematization that can be dated from 1584, the exchange consisted of furs for iron goods and “other commodities.”³⁴

From 1584, however, the most popular items to exchange for furs were copper kettles. Before the copper kettles, Mi'kmaq cooking relied on large, hollowed-out logs left at campsites throughout Mi'kma'ki.³⁵ The Mi'kmaq started acquiring European pots for greater ease and mobility. The origins of the copper kettle trade likely stemmed from visitations to Basque whaling stations, where the whalers used large copper cauldrons to boil whale oil. Considering that Basque whalers did not enter the Gulf of St. Lawrence until 1584,³⁶ it would appear that the trade in copper kettles did not occur until the 1580s.³⁷ Archaeological evidence shows the abundance of these kettles within Mi'kma'ki in this period, particularly in Mi'kmaq cemeteries, such as one in Tabusintac, which is a short distance south from the mouth of Pokemouche.³⁸ Since the Basques had to purchase

³³ Laurier Turgeon, “Basque-Amerindian Trade in the Saint Lawrence During the Sixteenth Century: New Documents, New Perspectives,” *Man in the Northeast*, 40 (1990): 83.

³⁴ Cartier, *The Voyages of Jacques Cartier*, 52-3.

³⁵ On the Mi'kmaq uses of copper kettles, see Calvin Martin, “The Four Lives of a Micmac Copper Pot,” *Ethnohistory*, 22:2 (1975): 111-33.

³⁶ Laurier Turgeon, “Vers une chronologie des occupations Basques,” 8.

³⁷ Laurier Turgeon, “French Fishers, Fur Traders, and Amerindians during the Sixteenth Century: History and Archaeology,” *The William and Mary Quarterly*, 3rd Ser., 55:4 (1998): 600.

³⁸ Samuel W. Kain and Charles F. B. Rowe, “Some Relics of the Early French Period in New Brunswick,” *Bulletin of the Natural History Society* 4:4 (1901): 305-12; cited in Fitzgerald, *et al*, “Late Sixteenth-Century Basque Banded Copper Kettles,” 46-7.

these copper kettles, the demand for copper in Europe increased. In a sense, the indigenous demand for copper kettles in the Maritimes affected the copper industry in Europe.³⁹

As the trade began with the Basques for copper kettles, the Mi'kmaq developed an entrepot role between Europe and indigenous peoples of Northeastern North America in the late sixteenth century and early seventeenth century. Taking on and mastering the use of Basque shallops, the Mi'kmaq traded European goods for fruits and vegetables grown by indigenous peoples at least as far southwest as Cape Cod.⁴⁰ This Mi'kmaq venture was observed by European expeditions in this period, such as one by Bartholomew Gosnold, as related by Gabriel Archer, and John Brereton:

Came towards us [off the coast of Maine] a Biscay shallop, with sail and oars, having either [Micmac] persons in it whom we supposed at first to be Christians distressed. But approaching us nearer, we perceived them to be savages. These coming within call, hailed us, and we answered... they came boldly aboard us, being all naked, saving about their shoulders certain loose deer skins, and near their wastes seal skins tied fast like to Irish dimmie trowsers [sic.]. One that seemed to be their commander wore a waistcoat of black work, a pair of breeches, cloth stockings, shoes, hat and band, one or two more had also a few things made by some Christians; these with a piece of chalk described the coast thereabouts ... These people are in colour swart, their hair long, which with a knot in the part behind the head. They paint their bodies, which are strong and well proportioned.⁴¹

And standing faire amongst the shore... we came to an anker [sic.], where eight

³⁹ Fitzgerald, *et al.*, "Late Sixteenth-Century Basque Banded Copper Kettles," 48.

⁴⁰ Bruce J. Bourque and Ruth Holmes Whitehead, "Tarrentines and the Introduction of European Trade Goods in the Gulf of Maine" *Ethnohistory* 32:4 (1985): 335.

⁴¹ Gabriel Archer, "The Relation of Captain Gosnold's Voyage to the North Part of Virginia, 1602," in Ruth Holmes Whitehead, *The Old Man Told Us: Excerpts from Micmac History, 1500-1950* (Halifax: Nimbus Publishing, 1991): 21-2.

Indians, in a Baske-shallop with mast and saile, an iron grapple, and a kettle of Copper, came boldly aboard us...⁴²

It would be difficult to investigate which region these Mi'kmaq came from, but given the evidence of copper kettles in the vicinity of Pokemouche, it should be noted that the Mi'kmaq-Basque trade did have an effect on the Mi'kmaq of this region. The Mi'kmaq received European goods, such as ironware and copper kettles, and in return, the Basques received furs, in addition to their already lucrative cod fishery and whaling industry in the sixteenth century. While the fisheries were considered a strong staple during this time, the whaling industry eventually declined, forcing many Basque whalers to find more lucrative spots near Norway.⁴³ However, even among the Basque fur traders, there was a much larger threat from the French. France decided to intensify the fur trade and granted monopolies to French traders, excluding the Basques.⁴⁴ From the beginning of the French occupation of northeastern North America, the demand for fur increased and official trading posts were created.

In the neighbourhood of Pokemouche the French trader Nicolas Denys became especially important, not only for his trading and fishing but also for his work as an author describing the Nepisiguit-Miramichi region, which the French, along with Gaspé, referred

⁴² John Breerton, "A briefe and true relation of the discoverie of the north part of Virginia (1602)," in David B. Quinn, *North American Discovery, Circa 1000-1612* (Columbia, SC: University of South Carolina Press, 1971): 260.

⁴³ Fitzgerald, *et al*, "Late Sixteenth-Century Basque Banded Copper Kettles," 46.

⁴⁴ Fitzgerald, *et al*, "Late Sixteenth-Century Basque Banded Copper Kettles," 46.

to as “Miscou District”⁴⁵ – land that one Jesuit referred to as colonized by the “Company of Miskou.”⁴⁶ Denys resided there in the mid-seventeenth century when he traded with the Mi’kmaq in that region. In 1672, Denys published his book entitled *Description Geographique et Historique des Costes de l’Amerique Septentrionale avec l’Histoire naturelle de Pais*, which William Francis Ganong edited and translated into English in 1908 as *The Description and Natural History of the Coasts of North America (Acadia)*.⁴⁷ Denys’ life was shown as one that was thrust into a battle against other French traders, in particular with Charles de Menou d’Aulnay, who had assumed authority over what the French dubbed as Acadia. This monopoly became more complicated through the role of d’Aulnay’s creditor Emmanuel Le Borgne. After d’Aulnay’s death, Le Borgne claimed all of Acadia as his asset.⁴⁸ However, while Denys’ work reflected the hostile competition between the traders of Acadia, he also described the abundance of the natural wildlife, admitting his own annoyance regarding them:

... and here collects so great a number of Pigeons that it is incredible... [if] the Pigeons plagued us by their abundance, the Salmon gave us even more trouble. So large a quantity of them enters into this river that at night one is unable to sleep, so great is the noise they make in falling upon the water after having thrown

⁴⁵ Rev. Hierosme Lallemand to Rev. Jacques Renault, 1659-1660, as “Letters Sent from New France,” Thwaites, *Jesuit Relations*, vol. XLV, 59.

⁴⁶ Rev. Jerome Lalemant to Rev. Estienne Charlet, “The Relation of 1647,” Thwaites, *Jesuit Relations*, vol. XXXII, 41.

⁴⁷ Nicolas Denys, *The Description and Natural History of the Coasts of North America (Acadia)*, transl. and ed. William F. Ganong, (Toronto: The Champlain Society, 1908): 48.

⁴⁸ John G. Reid, *Acadia, Maine, and New Scotland: Marginal Colonies in the Seventeenth Century* (Toronto: University of Toronto Press, 1981), 47.

or darted themselves in the air... [then] they ascend into the rivers, which extend far inland; these descend from some lakes which empty one into another. On all these lakes is found abundance of Beaver...⁴⁹

Denys also stated that the Miramichi basin was populated by more Mi'kmaq than those who had lived on the other rivers,⁵⁰ which editor William F. Ganong surmised was why Denys' son, Richard Denys de Fronsac, established his own trading post and fort near present-day Newcastle.⁵¹ This is supported by the assertion by the Jesuit Hierosme Lallemand, who stated that the "district of Miscou is the most populous and the best disposed [of all Acadia]."⁵² The elder Denys had an establishment on the Miramichi from 1647 to 1650. It had been at Nepisiguit, but because d'Aulnay raided and expelled him from his previous Miscou post in 1647, Denys opted to continue his efforts for wealth at the Miramichi.⁵³ The author was not alone on the Miramichi River, as another trader, Jean Jacques Enaud, established his own post at Portage Island in Miramichi Bay between 1643 and 1647.⁵⁴ Enaud was there "for taking the morse or walrus, and for prosecuting

⁴⁹ Denys, *The Description and Natural History*, 199. William Francis Ganong notes that Denys is referring to the south shore of the Miramichi estuary; the site is noted as present day Chatham Head for Denys' citation in James A. Fraser, *By Favourable Winds: A History of Chatham, New Brunswick* (Chatham, Town of Chatham, 1975): 9.

⁵⁰ Denys, *The Description and Natural History*, 199.

⁵¹ Denys, *The Description and Natural History*, 199-200, Footnote 3.

⁵² Hierosme Lallemand, Thwaites, *Jesuit Relations*, vol. XLV, 59.

⁵³ George MacBeath, "Nicolas Denys," *Dictionary of Canadian Biography* IX (University of Toronto / Université Laval, 2000): <http://www.biographi.ca/> .

⁵⁴ This is related by Moses Perley, *Report on the sea and river Fisheries of New Brunswick within the Gulf of St. Lawrence and Bay of Chaleur* (Fredericton: J. Simpson, 1850): 12. It is unclear where Perley received this information or if the

the Fur Trade and Fisheries.”⁵⁵

Early missionaries began their work in the Miscou District, specifically at the settlement at Nepisiguit, starting with the Récollets between 1619 and 1624, followed by the Capuchins, and finally the Jesuits between 1642 and 1661.⁵⁶ The Récollets returned in 1675, this time with missionary Father Chrestien Le Clercq, who in turn wrote about his experiences in Miscou District with his work, *Nouvelle Relation de la Gaspésie* in 1691.⁵⁷ Le Clercq travelled extensively within this district, eventually getting lost and almost perishing from exposure on the Miramichi.⁵⁸

Neither Nicolas Denys nor Le Clercq mention anything eventful occurring in Pokemouche. It may be assumed that Denys and his son lost their trading rights to the Miscou District before 1689, for on August 3rd of that year, the Pokemouche River was regranted by the French to Michel Degré.⁵⁹ According to genealogists, Degré (or Degrez) had an “Amerindian” wife and received “a league of frontage” on the river and “the right

information is accurate.

⁵⁵ Perley, *Report on the sea and river Fisheries*, 12.

⁵⁶ Thwaites, *Jesuit Relations*, vol. XXIV, 310, footnote 11.

⁵⁷ Chrestien Le Clercq, *New Relation of Gaspesia, with the customs and religion of the Gaspesian Indians*, ed. and trans. William F. Ganong, (Toronto: Champlain Society, 1910).

⁵⁸ G-M Dumas, “Chrestien Le Clercq,” *Dictionary of Canadian Biography* I (University of Toronto / Université Laval, 2000): <http://www.biographi.ca/>.

⁵⁹ William F. Ganong, “A Monograph of Historic Sites in the Province of New Brunswick (contributions to the History of New Brunswick, No. 4),” *Proceedings and Transactions of the Royal Society Canada* Vol. V Section II, (1899): 318.

to trade with the Indians, and hunt and fish.”⁶⁰ However, this grant did not last long, as Degré “retired with the English of Boston, and married an English woman, although he was married to an Indian woman, and his marriage had been solemnized in presence of the Church.”⁶¹ Degré had also owed 200 livres to Philipps Esnault, a trader from the Nepisiguit settlement.⁶² It should not be surprising therefore, that Esnault received the grant on Pokemouche in 1693.⁶³ This was of great convenience to Esnault, because in 1692, the Mi'kmaq expelled the French from the Nepisiguit settlement.⁶⁴ In relation to Pokemouche, there is no evidence that Esnault ever lived on the river and according to Ganong, after Esnault's grant in 1693, there is no documentary mention of Pokemouche for another fifty years, until British occupation.⁶⁵

It should not take much speculation to ascertain why the Mi'kmaq expelled the French from their occupation at Nepisiguit. While there was an alliance between the French and Mi'kmaq as well as the Wabanaki peoples, this alliance was not tied to feelings of friendship.⁶⁶ The French colonists were in the Miscou district for the fur trade and fisheries, while the Jesuits were there to convert and make the trade with indigenous

⁶⁰ Paul J. Bunnell, *French and Native North American Marriages, 1600-1800* (Westminster, Maryland: Heritage Books, Inc, 2007): 39.

⁶¹ Ganong, “A Monograph of Historic Sites in the Province of New Brunswick,” 318.

⁶² Ganong, “A Monograph of Historic Sites in the Province of New Brunswick,” 319.

⁶³ Ganong, “A Monograph of Historic Sites in the Province of New Brunswick,” 319.

⁶⁴ Thwaites, *Jesuit Relations*, vol. XXIV, 310, footnote 11.

⁶⁵ Ganong, “The History of Pokemouche,” 15.

⁶⁶ Bear Nicholas, “Wabanaki and French Relations: Myth and Reality,” 12-35.

peoples easier. The trade in particular was done primarily for the French to take as much profit as they could from the exchange. This destroyed not only the traditional indigenous exchange already in place⁶⁷ and continuously exposed indigenous peoples to diseases, but the fur trade introduced a form of individualist economy that attacked indigenous communities as a whole, as argued by Calvin Martin:

what in pre-Columbian times had been a non-profit, balanced, reciprocal exchange of necessities and luxuries between Northeastern and Eastern Subarctic tribes and bands was completely overhauled in historic times into a highly competitive, individualistic, profit-oriented enterprise centred on the furs and skins of furbearing species and large herbivores.⁶⁸

The fur trade industry was set mostly on the acquisition of beaver pelts. As Gustavus Myers writes, “Beaver was the accepted medium of exchange of the country; there was very little actual money in circulation, and generally such coin as was current was avariciously hoarded by the officials and merchants.”⁶⁹ A decline in beaver (and other animal) populations were noticeable,⁷⁰ but conservation efforts were not specifically introduced by the French. It was only when pelt prices dropped dramatically, due to the high volume of pelts gathered, that the French took it upon themselves to strictly regulate

⁶⁷ Bear Nicholas, “Wabanaki and French Relations: Myth and Reality,” 29.

⁶⁸ Calvin Martin, “The Four Lives of a Micmac Copper Pot,” 111-12.

⁶⁹ Gustavus Myers, *A History of Canadian Wealth* Vol. I, (Toronto: James Lorimer & Company, 1975): 13-14.

⁷⁰ Robert J. Naiman, Carol A. Johnston, and James C. Kelley, “Alteration of North American Streams by Beaver,” *BioScience*, 38:11 (1988): 753.; Denys, *The Description and Natural History*, 450.

their trade by restricting and withdrawing trapping licences.⁷¹ The overhunting no doubt conflicted with traditional Mi'kmaq requirements for beaver pelts – for the making of their own clothing for their children, their families, and for their dead.

Denys and his fellow traders were unhappy with the methods of Mi'kmaq burial, believing that burying the furs with the dead was a waste instead of the potential for trading the pelts of the recent dead to the French:

There have been dead men in my time who have taken away more than two thousand pounds of peltries... but nevertheless one did not dare to go take the things, for this would have caused hatred and everlasting war, which is was not prudent to risk since it would have ruined entirely the trade we had with them.⁷²

This of course, did not prevent Denys and his colleagues from taunting the Mi'kmaq regarding their burial beliefs. They had hoped that they could dissuade individual Mi'kmaq from burying the furs with their dead and instead, give the furs to the French.⁷³ This was one of many tactics the French used to secure trade items and maximize profits.

Unfortunately, these tactics led to a lopsided arrangement. The French took advantage of communities previously decimated with diseases, which later led to starvation, when the French began their trade.⁷⁴ As a result, the fur trade of New France succeeded as merchant capitalism, able to coerce indigenous peoples into the system on the colonizer's terms. As Martin had indicated, the result was a forced transition from a

⁷¹ Myers, *A History of Canadian Wealth*, 14.

⁷² Denys, *The Description and Natural History*, 439.

⁷³ Martin, "The Four Lives of a Micmac Copper Pot," 114.

⁷⁴ Bear Nicholas, "Wabanaki and French Relations: Myth and Reality," 18.

communal way of life to that of an individualist, a system designed to procure wealth for the colonist elite.

Ron G. Bourgeault recognized this as a system of exploitation derived from Europe and, because of colonial imposition, land became the colonial commodity and indigenous community became the labour force, to the point of offsetting the pre-existing egalitarian gender roles of indigenous peoples: “As individualized trading developed, the introduction of European goods and technological tools of labour was accomplished through men, as opposed to women. This slowly resulted in the establishment of men as the dominant source of labour in the production of commodities for exchange.”⁷⁵ In her Masters thesis, Leah Wherry observed the changing historiography on women’s roles, in particular of that of the Wabanaki peoples.⁷⁶ The work of Ellice B. Gonzalez described not only the shift of the gender roles, but the shift from permanent settlements to that of migratory patterns to reflect the fur trade,⁷⁷ thus further perpetuating the colonial mandate to exploit the indigenous peoples for the increase of the French traders’ wealth.

One of the most persistent and exploitative methods to establish a maximum profit for furs was with alcohol. As Myers writes, “the principal means used in trading with the

⁷⁵ Ron G. Bourgeault, “The Indian, the Métis and the Fur Trade: Class, Sexism and Racism in the Transition from “Communism” to Capitalism,” *Studies in Political Economy*, 12 (1983): 52.

⁷⁶ Leah Wherry, “Wabanaki Women Religious Practitioners” (M.A. thesis, University of New Brunswick, Fredericton, 2007): 10-11.

⁷⁷ Ellice B. Gonzalez, *Changing Economic Roles for Micmac Men and Women: An Ethnohistorical Analysis* (Ottawa: National Museums of Canada, 1981).

Indians was in debauching them with brandy, and then swindling them of their furs.”⁷⁸

This statement is well supported by the writings of the colonists in the region of

Pokemouche, such as Nicolas Denys:

While in the year 1657 some fishermen were lying here, a sad thing occurred, of which I must here give an account. The Indians are in the habit of betaking themselves to the vicinity of places whither they know the fishermen will come to stand with their ships... The ship thereupon approaches the land, and the Indians take a few skins and sit down in their canoes in order to row nearer. They are well received, and are given to eat and drink as much as they wish, to help things going; and then it is found out whether they have any skins and whether there are more Indians thereabouts... these skins are bartered for brandy, for which they, ever since they have begun to trade with fishermen, are very greedy; and they herewith fill themselves up to such an extent that they frequently fall over backwards... there had been on these ships some Indians who had sold a number of skins to the fishermen, for which they had received a great quantity of brandy. In the evening, when they had come to land, they all together began to drink, next to brag and bluster, and finally to fight...⁷⁹

In Denys' account, five Mi'kmaq were killed in the fight. As Andrea Bear Nicholas argues in relation to war, disease, and starvation, “the French had been the first to offer solutions in the form of power, more trade goods, guns, alcohol, gifts and Christianity, and we all know how addictive most, if not all, of these solutions became.”⁸⁰ Overall, the Mi'kmaq did not have the benefits of this relationship and conflicts would certainly arise, such as the expulsion of the Nepisiguit French, if they were tired of the exploitation and if they were healthy enough to survive without easy access to exchange.

Unfortunately, war became the most devastating recurrence in Mi'kmaq history

⁷⁸ Myers, *A History of Canadian Wealth*, 5.

⁷⁹ Denys, *The Description and Natural History*, 82.

⁸⁰ Bear Nicholas, “Wabanaki and French Relations: Myth and Reality,” 18.

after European contact. In 1609, French explorer and cartographer Samuel de Champlain joined a group of Algonquins, of whom the French had just commenced trading with, to drive the Iroquois out of the St. Lawrence. Using his gun, de Champlain killed two Iroquois in one shot.⁸¹ Soon after, during the escalating conflicts between the colonists in North America, the indigenous inhabitants found themselves allies to either the French, British, or Dutch in a colonial campaign to dominate the continent. The result was not only the trade in liquor, but beginning in 1609 between the Iroquois and the Dutch, firearms as well.⁸² The wars between the Iroquois and the French with their allies would occur intermittently until the mid-seventeenth century with a climactic conflict.⁸³ This greatly affected the Mi'kmaq of Miscou District, as Le Clercq describes:

Since this Gaspesian nation... has been almost wholly destroyed, as much by the war which they have waged with the Iroquois as by the maladies which have infected this land, and which... have caused the deaths of a great number, these Indians have gradually relapsed from this first devotion of their ancestors.⁸⁴

The wars with the Iroquois ended by 1700-1701, due largely to the lack of English support.⁸⁵ However, this did not bring about peace for the Mi'kmaq, as they were thrust

⁸¹ de Champlain, *The Works of Samuel de Champlain* Vol. II, 99.

⁸² Brian J. Given, *A Most Pernicious Thing: Gun Trading and Native Warfare in the Early Contact Period* (Ottawa: Carleton University Press, 1994): 59.

⁸³ Harold E. L. Prins, *The Mi'kmaq: Resistance, Accommodation, and Cultural Survival*, (Belmont, CA: Wadsworth / Thomson Learning, 2002): 112-14.

⁸⁴ Le Clercq, *Op cit.*, 151-152.

⁸⁵ José Antonio Brandão, *Your Fyre Shall Burn No More: Iroquois Policy toward New France and Its Native Allies to 1701* (Lincoln and London: University of Nebraska Press, 1997): 120.

into the colonial wars against the English beginning in 1675. Since the Mi'kmaq were allies with both the French and Wabanaki peoples, they were often asked to participate in these wars.⁸⁶ The wars in question were King Philip's War (1675-1678)⁸⁷, King William's War (1689-1699), Queen Anne's War (1703-1713), Dummer's War (1722-1725), King George's War (1744-1747), and the Seven Years War (1756-1763),⁸⁸ which ultimately meant that in this ninety year-period, the Mi'kmaq had been consistently forced into wars on their lands or the lands of their allies. This is not to assume that the Mi'kmaq nor any of the Wabanaki peoples would just follow France to battle. On the contrary, the Wabanaki made it known that the English could settle on their lands, "provided that proper diplomatic protocols were observed and provided that settlers did not stray into areas where they were unwelcome."⁸⁹ However, despite Wabanaki attempts at diplomacy, the British failed to withdraw in adherence to the Wabanaki stipulations.⁹⁰

By the end of Queen Anne's War, also known as the Third Anglo-Wabanaki War, the population of the Wabanaki had been reduced by another third, thanks largely to bounties being issued on them.⁹¹ The war ended with the Treaty of Utrecht in 1713,

⁸⁶ Prins, *The Mi'kmaq*, 118-19.

⁸⁷ Kenneth M. Morrison, "The Bias of Colonial War: English Paranoia and the Abenaki Arena of King Philip's War, 1675-1678," *New England Quarterly* 53 (1980): 363-87.

⁸⁸ Prins, *The Mi'kmaq*, 117.

⁸⁹ Emerson W. Baker and John G. Reid, "Amerindian Power in the Early Modern Northeast: A Reappraisal," *William and Mary Quarterly*, 3rd series, 61:1 (2004): 88-9.

⁹⁰ Emerson W. Baker and John G. Reid, "Amerindian Power in the Early Modern Northeast," 89.

⁹¹ Prins, *The Mi'kmaq*, 131.

where France surrendered some of the Wabanaki lands to the English, in particular peninsular Mi'kma'ki (Nova Scotia). These lands had not originally been surrendered to France, nor did France have the authority of the Mi'kmaq to make such a decision. Regardless, after 1713, peninsular Mi'kma'ki was a British territory in European eyes.

This obviously unsettled the Mi'kmaq, who had little regard over the treaty as it was without their participation – particularly when it was signed without their participation on a different continent altogether in an effort for European powers to end the War of Spanish Succession.⁹² France was looking out for its own commercial interests after the war. However, officials from both Britain and France looked to ending hostilities between themselves and their counterpart's allies, as seen in Article XV of the Treaty:

The subjects of France inhabiting Canada, and others, shall hereafter give no hindrance or molestation to the five nations or cantons of Indians, subject to the dominion of Great Britain, nor to the other natives of America, who are friends to the same. In like manner, the subjects of Great Britain shall behave themselves peaceably towards the Americans who are subjects or friends to France; and on both fides they shall enjoy full liberty of going and coming on account of trade. As also the natives of those countries shall, with the same liberty, resort, as they please, to the British and French colonies, for promoting trade on one side and the other, without any molestation or hindrance, either on the part of the British subjects or of the French. But it is to be exactly and distinctly settled by commissaries, who are, and who ought to be accounted the subjects and friends of Britain or of France.⁹³

⁹² William C. Wicken, *Mi'kmaq Treaties on Trial: History Land and Donald Marshall Junior*, (Toronto: University of Toronto Press, 2002): 100-1.

⁹³ *A Collection of all the Treaties of Peace, Alliance, and Commerce, between Great-Britain and Other Powers, from the Revolution in 1688, to the Present Time*, vol. I, *From 1688 to 1727* (London: Printed for J. Almon, 1772), 138-9.

France and Britain clearly phrased the indigenous peoples as being the subject of the Britain or France, depending on the respective ally. The terminology implies that the indigenous peoples would have the protection of the colonizer and in fact, reinforced the notion that these alliances were still key to the commercial success of the respective colonies. If anything this Article encourages the continuation of trade with indigenous peoples.

It also allowed the British to interpret the treaty as though the indigenous peoples of continental in lands occupied by the British were to be subjects or friends of the British.⁹⁴ This is especially evident with the Iroquois, who resisted such an implicated and claimed their own sovereignty.⁹⁵ This British attitude of having indigenous peoples submit to them extended to the Mi'kmaq and Wabanaki. This is likely why, on July 13th, 1713, two months after the signing of the Treaty of Utrecht, the British signed the Treaty of Portsmouth with the Wabanaki.⁹⁶ The Mi'kmaq did not sign on to this treaty, but there are still some observations that should be noted with regards to the methods of British colonization. Once again, there was no land surrender. The treaty language did assume that the Wabanaki gave permission for the English to settle on their land. This, of course,

⁹⁴ Baker and Reid, "Amerindian Power in the Early Modern Northeast," 94.

⁹⁵ Dale Miquelon, "Ambiguous Concession: What Diplomatic Archives Reveal About Article 15 of the Treaty of Utrecht and France's North American Policy," *The William and Mary Quarterly* 3rd Series 67:3 (2010): 479.

⁹⁶ Treaty of Portsmouth, July 13, 1713, cited in Samuel Penhallow, *History of the Wars of New-England with the Eastern Indians or a Narrative of their continued Perfidy and Cruelty*, reprinted from the *Boston Edition* of 1726, (Philadelphia: Chestnut Street, 1859): 79-80.

assumed in turn that the Wabanaki had received an accurate translation of this treaty, for once again the British referred to the indigenous peoples as subjects of Britain.⁹⁷ The Wabanaki, on the other hand, had never shown any submission to the British months after signing this treaty and in fact, protested against British intrusion on their lands.⁹⁸

It was because the British decided to invade Wabanaki land, based on what they argued was their right to settle that land, that another colonial war began. Dummer's War was a more localized conflict. Named after the Lieutenant-Governor of Massachusetts, William Dummer, it was not connected to any ongoing war in Europe.⁹⁹ The occasion for the war occurred when livestock on the Kennebec River were killed and the officials of Massachusetts imprisoned several Abenaki (of the Wabanaki Confederacy) and held them for ransom (200 beaver pelts). This was paid, but the colonists chose to keep the prisoners.¹⁰⁰

Despite negotiations on the part of the Wabanaki, the British continued to imprison other indigenous peoples, including a representative of the Penobscot.¹⁰¹ Eventually, the Wabanaki took it upon themselves to attack British settlements in the region and imprison five settlers of their own. The British response began the

⁹⁷ For the differing views of the British and Wabanaki at a treaty signing, see Reid, "The Sakamow's Discourtesy and the Governor's Anger," 153-170.

⁹⁸ Baker and Reid, "Amerindian Power in the Early Modern Northeast," 89.

⁹⁹ Prins, *The Mi'kmaq*, 137-8.

¹⁰⁰ Wicken, *Mi'kmaq Treaties on Trial*, 76.

¹⁰¹ Wicken, *Mi'kmaq Treaties on Trial*, 77.

bloodshed.¹⁰² At the end of the three-year war, both sides suffered losses and as such, the eventual treaty negotiations became less disadvantageous to the indigenous peoples.¹⁰³ Lieutenant-Governor Dummer signed on behalf of Massachusetts with the Wabanaki in December 1725. Major Paul Mascarene signed on behalf of Nova Scotia with the Mi'kmaq and Maliseet peoples.¹⁰⁴ In this treaty, Mascarene had been pressured by Nova Scotia colonial interests to press the indigenous peoples to surrender their lands. This was not successful, and the subsequent change in wording gave the British the right to possess – not to own – Mi'kma'ki and Wulstukwik.¹⁰⁵ Accordingly, the indigenous peoples promised not to molest or attack English settlements or settlements “to be lawfully made”¹⁰⁶ and in return, the British made some promises for the Mi'kmaq and Maliseet peoples:

And I do Further promise ... That the Said Indians shall not be Molested in their Persons, Hunting Fishing and Shooting & planting on their planting Ground nor in any other their Lawfull occasions...That if any Indians are Injured By any of his Majesty's Subjects or their Dependants They shall have Satisfaction and Reparation made to them According to his Majesty's Laws whereof the Indians shall have the Benefit Equall with his Majesty's other Subjects...¹⁰⁷

¹⁰² Wicken, *Mi'kmaq Treaties on Trial*, 78.

¹⁰³ Wicken, *Mi'kmaq Treaties on Trial*, 87.

¹⁰⁴ Andrea Bear Nicholas, “Mascarene’s Treaty of 1725,” *University of New Brunswick Law Journal* 43: 3 (1994): 8.

¹⁰⁵ Bear Nicholas, “Mascarene’s Treaty of 1725,” 8

¹⁰⁶ Wicken, *Mi'kmaq Treaties on Trial*, 61.

¹⁰⁷ Wicken, *Mi'kmaq Treaties on Trial*, 64.

With this signing, and its subsequent ratifications, the British acknowledged the political entity of the Wabanaki peoples distinct of that of the French.¹⁰⁸ This led to a relative peace that lasted until 1744, but not before Nova Scotia began issuing land grants on Mi'kmaq land.¹⁰⁹

By the time of King George's War (1744-1748), also known as the Fifth Anglo-Wabanaki War, the French campaigned to have the Mi'kmaq fight against the English again in Mi'kma'ki. Although the French successfully had three hundred Mi'kmaq gather at Annapolis for a potential attack July 1, 1744, the plan was soon abandoned with the arrival of Boston troops.¹¹⁰ For Mascarene, this was considered enough to declare war on the Mi'kmaq. On November 2, 1744, after he sought assistance from Massachusetts Governor Shirley, Mascarene issued "A Proclamation for encouragement of volunteers to persecute War against the St. John's and Cape Sable Indians." This included issuing bounties offering one hundred pounds for Mi'kmaq males, fifty pounds for women and children; fifty-five if the latter two were taken alive.¹¹¹

It is unknown how many Mi'kmaq or Maliseet were killed by bounty hunters during this time. Eventually the British captured the French fort of Louisbourg, and some of the Mi'kmaq residing on Cape Breton opted to move to the Miscou District to avoid

¹⁰⁸ Wicken, *Mi'kmaq Treaties on Trial*, 57.

¹⁰⁹ Paul, *We Were Not the Savages*, 103.

¹¹⁰ Upton, *Micmacs and Colonists*, 46.

¹¹¹ Governor William Shirley, "A Proclamation for encouragement of volunteers to persecute War against the St. John's and Cape Sable Indians," November 2, 1744, cited from Paul, *We Were Not the Savages*, 107.

what would likely have been British retaliation.¹¹² However, on the other side of the world, the French took the British fort of Madras in India. As such, in the Treaty of Aix-la-Chapelle in 1748, the British and the French exchanged Madras and Louisbourg as a means to end the war.¹¹³ It is unclear if the Mi'kmaq from Cape Breton returned from the Miscou District or if they remained in those lands in proximity to Pokemouche. The peace between the French and British would ultimately prove temporary, as immediately after, the British established Halifax as their own fortified town in Mi'kma'ki, without permission of the indigenous inhabitants.¹¹⁴ Arriving by ships to the Mi'kmaq populated region of Chebucto Harbour were 2,547 people, including farmers, tradesmen, and soldiers.¹¹⁵ This led to a formal protest to the establishment of Halifax by the elders and chiefs of the Mi'kmaq:

The place where you are, where you are building dwellings, where you are now building a fort, where you want, as it were to enthrone yourself, this land of which you wish to make yourself now absolute master, this land belongs to me. I have come from it as certainly as the grass, it is the very place of my birth and of my dwelling, this land belongs to me... yes I swear, it is God who has given it to me to be my country for ever... Show me where I the Indian will lodge? you drive me out; where do you want me to take refuge? you have taken almost all this land in all its extent. Nothing remains to me except Kchibouktouk. You envy me even this morsel...

Your residence at Port Royal does not cause me great anger because you see that I have left you there in peace for a long time, but now you force me to speak out by

¹¹² Prins, *The Mi'kmaq*, 142.

¹¹³ Olive Patricia Dickason, "Amerindians Between French and English in Nova Scotia, 1713-1763," *American Indian Culture and Research Journal* 10:4 (1986): 42.

¹¹⁴ Prins, *The Mi'kmaq*, 143-144.

¹¹⁵ Wicken, 172-3.

the great theft you perpetrated against me....¹¹⁶

This excerpt shows that between the beginning of the colonial wars in 1675 to the establishment of Halifax in 1749, the Mi'kmaq ensured that they had their legitimate rights to their own land. However, contrary to the statements of some historians including Olive Patricia Dickason, the Mi'kmaq were not declaring war on the British in this document.¹¹⁷ On the contrary, they were merely demanding that the British leave Halifax. However, with the establishment of Halifax, the British presence was quite clear: the fort would mean that the British would remain in Nova Scotia, using peninsular Mi'kma'ki as a crucial colony with substantial military backing.

A new governor of Nova Scotia, Edward Cornwallis, attempting to win this struggle, issued a new proclamation for scalp bounties in early October, 1749: ten guineas would be awarded for every Mi'kmaw taken or scalped.¹¹⁸ This was increased to fifty guineas in June of 1750.¹¹⁹ The French were never absent from this situation, as they and the British were engaged in a cold war, constructing forts within reach of each other on the isthmus to mainland Mi'kma'ki and Wulstukwik: the English built Fort Lawrence

¹¹⁶ The Mi'kmaq elders and chiefs to the Governor at Halifax, in Ruth Holmes Whitehead, *The Old Man Told Us: Excerpts from Micmac History, 1500-1950* (Halifax: Nimbus Publishing, 1991): 114. This excerpt was originally quoted by French priest Abbé Maillard to the Abbé du Fau, 18 October 1749, Archives du Séminaire de Québec, Québec. The English translation was provided by Upton in *Micmacs and Colonists*, 201-2, footnote 26.

¹¹⁷ Dickason, "Amerindians Between French and English in Nova Scotia," 42.

¹¹⁸ Paul, *We Were Not the Savages*, 115.

¹¹⁹ Wicken, *Mi'kmaq Treaties on Trial*, 181.

while the French built Fort Beauséjour and Fort Gaspereau.¹²⁰ Realizing the potential for another conflict, the Board of Trade ordered Cornwallis to establish peace with the Mi'kmaq.¹²¹ Just after Cornwallis retired, negotiations began between Mi'kmaw leader Jean-Baptiste Cope and Cornwallis's replacement, Peregrine Hopson.¹²² The result was a treaty signed in 1752, by which trade would be established between Halifax merchants and the Mi'kmaq, on the understanding that the Mi'kmaq would be left alone to hunt or fish, and that the British would send presents annually based on how they perceived Mi'kmaw behaviour.¹²³

The Seven Years' War meant that, once again, the French and British fought in Mi'kma'ki. The French surrendered Fort Beausejour June 17, 1755.¹²⁴ The Acadian settlers in Mi'kma'ki and Wulstukwik were expelled by the British. A few took refuge in northern Wulstukwik and northern Mi'kma'ki, in places such as the Miramichi and the Caraquet Rivers.¹²⁵ W. F. Ganong believed that Pokemouche would have made a safe haven for the Acadians, but there is no direct evidence to confirm that they took refuge

¹²⁰ James Laxer, *The Acadians: In Search of a Homeland*, (Canada: Anchor Canada, 2007): 55-6.

¹²¹ Wicken, *Mi'kmaq Treaties on Trial*, 182.

¹²² Wicken, *Mi'kmaq Treaties on Trial*, 183.

¹²³ Wicken, *Mi'kmaq Treaties on Trial*, 185.

¹²⁴ Wicken, *Mi'kmaq Treaties on Trial*, 192.

¹²⁵ Marguerite Michaud, "Caraquet," *Revue d'histoire de l'amérique française* 11:1 (1957): 49.

there during the Seven Years' War.¹²⁶ However, it was the fall of Louisbourg in 1758 that permanently destroyed French colonization in Mi'kma'ki and the fall of Québec a year later would secure the continent for Britain.¹²⁷ As for Nova Scotia, two years later, the colonial authorities would initiate treaties with individual indigenous communities, ensuring peace and trade.¹²⁸

On June 25th, 1761, representatives of four Mi'kmaq communities arrived in Halifax to sign Treaties of Peace and Friendship: Miramichi, Shediac, Cape Breton, and Pokemouche. All signed identical treaties with Lieutenant-Governor Jonathan Belcher. There is no known copy of the Pokemouche treaty, but given the similarity, the following copy of the treaty for the Shediac Mi'kmaq can properly be taken as embodying the Pokemouche terms:

I Claude Atonash for myself and the Tribe of Jedaick Indians of which I am Chief, Do acknowledge the Jurisdiction and Dominion of His Majesty King George the Third, over the Territories of Nova Scotia or Acadia, and we do make Submission to His Majesty in the most perfect, ample and Solemn manner. And I do promise for myself and my Tribe, that, that I nor they shall not molest any of His Majesty's Subjects or their Dependants in their Settlements already made or to be hereafter made, or in carrying on their Commerce, or in any thing whatever within this the Province of His said Majesty or elsewhere, And if any Insult, Robbery or Outrage shall happen to be committed by any of my Tribe, Satisfaction and Restitution shall be made to the person or persons injured. That neither I nor my Tribe shall in any manner entice any of this said Majesty's Troops or Soldiers to desert, nor in any manner assist in conveying them away, but on the contrary will do our utmost endeavours to bring them back to the Company Regiment Fort or Garrison to which they shall belong... That all English prisoners made by myself or my Tribe shall be set at Liberty and

¹²⁶ Ganong, "History of Pokemouche," 15-16.

¹²⁷ Wicken, *Mi'kmaq Treaties on Trial*, 193.

¹²⁸ Wicken, *Mi'kmaq Treaties on Trial*, 198-202.

that we will use our utmost endeavours to prevail on the other Tribes to do the same if any prisoners shall happen to be in their Hands.

And I do further promise for myself and my Tribe, that we will not either directly nor indirectly assist any of the Enemies of His Most Sacred Majesty, King George the Third, his Heirs or Successors, nor Hold any manner of Commerce, Traffic, nor intercourse with them, but on the contrary will as much as any may be in our power discover and make known to His Majesty's Governor any ill designs which may be formed or contrived against His Majesty's Subjects. And I do further engage, that we will not Traffick, Barter, or Exchange any Commodities in any manner but with such persons, or the managers of such Truckhouses as shall be appointed or established by His Majesty's Governor at Fort Cumberland or elsewhere in Nova Scotia or Acadia.¹²⁹

According to the document, each "Tribe" present signed a treaty. Although the

Pokemouche copy may not be found, the evidence is clear that the Pokemouche leader

Aikon Aushabuc signed it. British trader Gamaliel Smethurst, abandoned by his captain

at Nepisiguit, encountered the Pokemouche Mi'kmaq on November 5, 1761:

... they had just signed a treaty with the English, which I knew; but they said the English had deceived them, by telling them it was peace, whereas the French tell them it is war still... in answer to what they said, I told them it was war still with the French but peace with the Indians; that the [French] I had been trading with, had made their submission, and were English subjects.¹³⁰

Smethurst's encounter with the Pokemouche Mi'kmaq provides some interesting insights regarding a village shortly after signing the Peace and Friendship treaty with the British.

Here it appears that the Mi'kmaq were not happy with how the British conducted

¹²⁹ Treaties of Peace and Friendship between Mi'kmaq Chiefs and Britain, June 25, 1761, Halifax. United Kingdom National Archives, CO 217/18 f. 277, Provincial Archives of Nova Scotia.

¹³⁰ Gamaliel Smethurst, *A Narrative of an Extraordinary Escape out of the Hands of the Indians, in the Gulph of St. Lawrence*, ed. W. F. Ganong, *Collections of the New Brunswick Historical Society* 2 (1905), 372.

themselves and, again, there is no evidence that they had surrendered their land to the British nor submitted themselves as British subjects. This is seen as well in a notation by Smethurst describing how they felt about their relationship with the British:

When they wanted to inform me that the French and them were in one interest, they said they were *so*, (pointing the same way with the forefingers of their right and left hands, and holding them parallel); and when, that the English and Indians were in opposite interests, this they described by crossing their forefingers.¹³¹

The Pokemouche Mi'kmaq recognized that they were at peace with the British, but they were unsure about how the relationship would continue. They certainly did not trust the motivations and interests of the British. In fact, they felt threatened in what they believe was imminent encroachment:

Their chief [Aikon Aushabuc] made almost a circle with his forefinger and thumb, and pointing at the end of his forefinger, said there was Quebec, the middle joint of his finger was Montreal, the joint next the hand was New-York, the joint of the thumb next the hand was Boston, the middle joint of the thumb was Halifax, the interval betwixt his finger and thumb was Pookmoosh [sic], so that the Indians would soon be surrounded, which he signified by closing his finger and thumb.¹³²

The Pokemouche Mi'kmaq had reason to worry. Since New France had fallen and with the French military no longer in the region, Mi'kma'ki was – at least from a settler perspective – open for the British to colonize. This was of great concern, not only to the indigenous peoples, but to Belcher as well. He intended to keep the peace with the Mi'kmaq and Maliseet peoples, but that peace could only occur if settlers were not intruding on their lands. Subsequently, on May 4th, 1762, Belcher issued a new

¹³¹ Gamaliel Smethurst, *A Narrative of an Extraordinary Escape*, 372.

¹³² Gamaliel Smethurst, *A Narrative of an Extraordinary Escape*, 372.

proclamation to the settlers:

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 themselves, by Persons claiming the said Lands, ... illegally, fraudulently, and surreptitiously obtained of the said Indians, and that His Majesty had taken this Matter into His Royal Consideration... I do hereby strictly injoin and caution all persons to avoid all molestation of the said Indians in their said Claims... And if any Person or Persons have possess'd themselves of any part of the same to the prejudice of said Indians... they are hereby required forthwith to remove, as they will otherwise be prosecuted with the utmost Rigour of the Law.¹³³

Belcher became well aware of the settler encroachment in Nova Scotia. In this Proclamation too, Belcher described what lands were reserved for the Mi'kmaq. It included the region from the Miramichi to Chaleur Bay,¹³⁴ the heart of the former French fur trading Miscou District, including Pokemouche. Belcher's Proclamation could also be seen as a local prelude to the *Royal Proclamation of 1763*, issued only a year later. The Seven Years' War ended and France ceded all of mainland Northeastern North America to Britain¹³⁵ – more indigenous lands that did not belong to France to begin with. This frustrated the remaining First Nations on the continent, particularly those who had been allied with France. Under Pontiac, a number of these nations came together west of the Thirteen Colonies and continued the war against Britain."¹³⁶ Britain, who had just came

¹³³ Belcher's Proclamation, May 4, 1762, Halifax, United Kingdom National Archives, CO 217/18, f. 277, Provincial Archives of Nova Scotia.

¹³⁴ Belcher's Proclamation.

¹³⁵ Prins, *The Mi'kmaq*, 153.

¹³⁶ Walter R. Borneman, *The French and Indian War: Deciding the Fate of North America*, (New York: Harper Perennial, 2006), 281.

out of a war, rapidly came up with the *Royal Proclamation of 1763*, which prohibited settlement on indigenous lands west of the Appalachian Mountains.¹³⁷

Among the points of the *Royal Proclamation* was the following:

And whereas it is just and reasonable, and essential to our Interest , and the security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our protection, should not be molested or disturbed in the Possession of such Parts of Our Dominion and Territories as, not having been ceded to or purchased by Us, are reserved to them or any of them, as their Hunting Grounds... that no Governor or Commander in Chief in any of our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Presence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also that no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present, and until our further Pleasure is Known, to grant warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall unto the Atlantic Ocean from the West and North West, or upon any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them...¹³⁸

It is clear that the intention was for Nova Scotia to be included, as a subsequent letter by Nova Scotia Governor Montague Wilmot indicated that he had published the *Proclamation* and that it would “very shortly be effected in the distant and remote parts of this [Nova Scotian] Government.”¹³⁹ It would appear that the unsettled portions of Nova Scotia would theoretically be affected by the *Royal Proclamation* and that settlement in

¹³⁷ Borneman, *The French and Indian War*, 280-1.

¹³⁸ *Royal Proclamation of 1763* R.S.C. 1985, App. II, No. 1, October 7, 1763; cited from Thomas Isaac, *Aboriginal Law: Commentary, Cases and Materials*, (Saskatoon, SK: Purich Publishing Ltd., 2004): 26-7.

¹³⁹ Letter from Gov. Montague Wilmot to the Board of Lord Commissioners for Trade and Plantations, January 28th, 1764, Halifax, United Kingdom National Archives, CO 217/21, f. 7, Provincial Archives of Nova Scotia.

these lands would not be permitted.

However, the *Royal Proclamation* had different consequences, this time negative also to Britain itself. Many American colonists were not happy with Britain's decision, as they had hoped to colonize west of the Appalachians.¹⁴⁰ This spark ultimately contributed to the causes of the American Revolution.

However, during and after the American Revolution, and especially between 1782 and 1784, the Loyalists – colonists who had been loyal to Britain during the war -- began arriving to British North America, in particular Nova Scotia. Upon the arrival of the Loyalists, not only were more Crown lands granted away from the indigenous peoples, but boundaries were created, crossing the lands of First Nations.¹⁴¹ The American-British international boundary, for example, crossed both Maliseet and Passamaquoddy land. Within Nova Scotia itself, colonies separated: New Brunswick in 1784, Prince Edward Island in 1769, and even Cape Breton for a short period starting in 1784.¹⁴² Under British rule, Québec too would have had a solid border after the *Quebec Act* in 1774. Including Newfoundland, this meant that Mi'kma'ki was split apart by six British colonies and one French colony, that of St-Pierre et Miquelon, which scholarship suggests is also part of Mi'kma'ki.¹⁴³ Given that British officials were not informing the Mi'kmaq of any changes

¹⁴⁰ Borneman, *The French and Indian War*, 280.

¹⁴¹ Prins, *The Mi'kmaq*, 162.

¹⁴² Upton, *Micmacs and Colonists*, 81.

¹⁴³ Charles Martijn, "An Eastern Micmac Domain of Islands," *Actes du Vingtième Congrès des Algonquinistes* (1989): 211.

to their lands, this no doubt made the colonists seem beyond their control.

The Pokemouche Mi'kmaq offer an interesting case. According to Ganong, the river never saw any European settler until an Acadian arrived in 1790, followed by Irish settlers in 1800.¹⁴⁴ However, other Mi'kmaq communities found themselves forced to adapt to the British land policy. A year before New Brunswick's separation, Mi'kmaq John Julien was granted 20,000 acres of reserve land on the Miramichi River in 1783,¹⁴⁵ probably New Brunswick's first reserve. In 1810, an Irish Loyalist named William Ferguson from Tracadie spoke for the Pokemouche Mi'kmaq who petitioned for a reserve:

Memorial of John Baptist Pomaville and fifteen others, native Indians of Pocomouch River in Northumberland County.

Humbly Showeth, that your honour's memorialists are a remnant of the Mickmac nation of indians, who's ancestors have established said River from immemorial – hunting and fishing...

We observe with pleasure, the Bounty full allotments of lands by government given to our bretheren, who inhabit, the Rivers of Taboujantac, miramichie, and Richiboucto – we are well placed to see our Brothers on the aforesaid Rivers... at those places we have from tryal, found, that your honours memorialists, can spare, and do all the other things necessary to promote the timber trade at our native River... Your honors memorialists therefore pray to be indulged with alotements of lands and each side of the Pocomouch river, from Wiginchetzh... half a league west, and from Kanamagwash Creek North side of Pocomouch river the same extant East or down the stream or so much land, as may cover the eel fishery, and at the same time Enable us to make timber, as well as our brothers, at the other named places also to Erect Cabins, plant corn, drink at the same springs, and smoak the columit of peace, with our Brothers...

Signed
John Baptist Pomaville, Chief
Pierre Pomaville
John Pomaville
Charles B. Pomaville

¹⁴⁴ W. F. Ganong, "The History of Pokemouche," 15, 19.

¹⁴⁵ Upton, *Micmacs and Colonists*, 99.

John P. Pomaville
 Thomas DeBoss
 Gabriel Lebob
 Thomas Lebob
 Francis Gaigneaux
 Pierre Pomaville Junior
 Noël Pomaville
 Louis Pomaville
 John a Jacques
 Philip a Jacques¹⁴⁶

It is unclear if the requested north side of the Pokemouche River was granted to the Mi'kmaq, but the requested south side became their main reserve. This petition also contains a head of family census, which concluded that there were 68 Pokemouche Mi'kmaq at this time. It also stated two previous grants to the Mi'kmaq: “the Church lot, to John Pomaville in trust to the indians” and a grant to “The late Dennis DeBoss, Pierre Paul Deboss, and Noël Deboss one lot each – Pierre Pomaville [has] one half [lot].”¹⁴⁷

In this document, Ferguson concludes:

I certify that the tract of land, asked [*sic*] for by the Indians, is nearly three miles about any granted lands – those indians are docile and generally less addicted to liquor than the neighbouring Indians – their capacity to settle the lands, they ask for, (I believe) not greater than other Indians – but from the failure of Hunting – they are objects of pity are therefore most respectfully recommend, to your honour's consideration...¹⁴⁸

While the indigenous peoples of New Brunswick were finding themselves on

¹⁴⁶ Memorial from the Pokemouche Indians, 1810; RS108 Executive Council – Indians, Provincial Archives of New Brunswick.

¹⁴⁷ Memorial from the Pokemouche Indians, 1810.

¹⁴⁸ Memorial from the Pokemouche Indians, 1810.

isolated pockets of granted land, the settlers of New Brunswick were looking for more resources. Farm land was adequate, but the colony was well forested and New Brunswick required a way to sustain itself as a colony of Britain. Ultimately it would have to govern itself. As Eric Williams writes, “The cost of protecting this empire was one-third of Britain’s export trade to the colonies. Colonial independence was cheaper.”¹⁴⁹ Soon, because of the desire to regulate the timber trade, New Brunswick would gain control of Crown lands with the Civil List Act of 1837.¹⁵⁰

Overall, Mi'kma'ki experienced hardships between first European contact in approximately 1500 to the British occupation of Mi'kma'ki in 1710. The Mi'kmaq suffered from diseases and the introduction of alcohol with trade, to the French occupation with the introduction of guns, trade wars, almost a century of colonial warfare, missionaries, and endangered animal species. With the exit of the French ruling class and military, the Mi'kmaq would encounter the British occupiers with promises of peace and the establishment of bounties for native scalps, severe land encroachments, poverty, bureaucracy, and even more aggressive resource exploitation. Whatever the differences were between French and British colonization, one underlying theme would continue. More and more, the Mi'kmaq were forced out of their communal life and placed into more individualistic economies.

The British colonization of Mi'kma'ki differed from the French as it relied more on

¹⁴⁹ Eric Williams, *Capitalism and Slavery*, (London: Andre Deutsch, 1964): 143.

¹⁵⁰ Alfred W. J. Knight, “Timber, Revenue and Politics in New Brunswick, 1827-1837,” (M. A. Thesis, University of New Brunswick, 1956).

bureaucracy for the regulation of resources and subsequently, the need to use treaties, proclamations, and even bounties in an effort to control the indigenous inhabitants. Much like the French, the British were willing to make attempts to coax the Wabanaki and Mi'kmaq peoples into an alliance. Due to the nature of aggressive settlement by the British, the Mi'kmaq often preferred to ally themselves with the French, who in theory, had recognized their autonomy, even though France had twice signed that autonomy away. Eventually France decided there was no more commercial interest in its colony of Acadia, leaving its own settlers and their allies in the hands of the British.

During the wars and soon after, the British attempted to make peace with the Mi'kmaq with the use of treaties. They had hoped that they would be able to have them submit to the British Crown. However, as exemplified in the case of the Pokemouche Mi'kmaq, there appears not to have been any submission at all. The Pokemouche Mi'kmaq consequently became weary of their new colonizer, although they themselves would not see British settlers until 1800. In the meantime, they secured themselves a reserve and with the formation of New Brunswick, they had a new government to relate to.

**Chapter Three:
Timber, Laws, the Disposal of Indian Reserves,
and the Romanticism of Moses Perley**

After central-eastern North America was ceded to the land-hungry rebels of the Thirteen Colonies, Britain turned to what was known as “British North America” and regarded it as a licence to exploit land and water. Nova Scotia, then a colonial land mass stretching to Gaspé and the St. John River, ceded its northwestern portion of the colony as “New Brunswick” in 1784. Peninsular Nova Scotia’s economy came to be based on the fishery and shipbuilding, since much of its timber had been cleared in the years prior.¹ Conversely, continental New Brunswick’s economy was based on lumber and was considered “the first commercial activity of the new settlers.”² In fact, the Crown reserved the forests for the exclusive use of the British navy and secured its own land titles between 1783 and 1807 for that purpose, particularly for the production of ship masts.³

Thanks in large part to the British navy, there was a large demand for New Brunswick timber for shipbuilding.⁴ However, the boom in the lumber industry encouraged exploitation by individual settlers. As Graeme Wynn states, “much of the

¹ Barbara R. Robertson, “Trees, Treaties and the Timing of Settlement: A Comparison of the Lumber Industry in Nova Scotia and New Brunswick, 1784-1867,” *Nova Scotia Historical Review* 4: 1 (1984): 40.

² Robertson, “Trees, Treaties and the Timing of Settlement,” 40.

³ Graeme Wynn, “Administration in Adversity: The Deputy Surveyors and Control of the New Brunswick Crown Forest before 1844,” *Acadiensis* 7: 1 (1977): 50.

⁴ Wynn, “Administration in Adversity,” 50.

province's cut was produced by small operators working independently... [and] many lumberers took timber from their own or neighbouring land."⁵ However, the much larger lumbering companies were more efficient, using large numbers of employees, explosives, and waterways to transport their harvests.⁶ The expansion of the lumber industry led to trespassing on lands not granted to individual lumbermen or companies, including those reserved for indigenous peoples. Thomas Baillie, the commissioner of Crown Lands and Surveyor General of New Brunswick, assigned deputies to police the laws on timber. Those deputies often complained, not only about the trespassing, but also regarding theft of lumber already cut. This led to confrontations, as deputies who intended to seize lumber stolen from unlicensed land were sometimes driven off by force by lumbermen.⁷

In the 1830s, New Brunswick attempted to rein in the control of all lumber revenue, including that of the individual lumbermen. In the hopes of generating its own substantial revenue, the Assembly of New Brunswick successfully gained total control of Crown land from Britain with the Civil List Act in 1837⁸ and granted Crown land to the larger lumber companies.⁹ This was a considerable political victory for the House of

⁵ Graeme Wynn, *Timber Colony: A Historical Geography of Early Nineteenth Century New Brunswick* (Toronto: University of Toronto Press, 1981): 85.

⁶ Graeme Wynn, *Timber Colony*, 85.

⁷ Wynn, "Administration in Adversity," 60.

⁸ Knight, "Timber, Revenue and Politics in New Brunswick."

⁹ Robertson, "Trees, Treaties and the Timing of Settlement," 48.

Assembly.¹⁰ In 1837 alone, “the surplus revenue amounted to £153,700.”¹¹ Crown Land Commissioner Thomas Baillie had been an active participant in the matter of the timber revenue since 1824.¹² He formed the New Brunswick and Nova Scotia Land Company and purchased 350,000 acres for himself in 1834 and sold the lumber rights to various companies, but in 1837 had to admit political defeat.¹³

Logging companies took on much of the forest in New Brunswick. For example, Gilmour, Rankin and Company had licences to log pieces of land along the Miramichi River and north to the Pokemouche during the 1836-7 year. Alexander Rankin had a total of seventy one-year licences and through his administration, logged “12,570 tons of timber and 820,000 feet of logs (or 13 ½ per cent and 7 percent of the provincial totals, respectively).”¹⁴ In that same year, the Pokemouche River saw about 250 tons of timber taken from its basin, based on Rankin’s licence.¹⁵ Chatham’s Joseph Cunard also took an interest in that area. He held “ninety one-year licenses for 13,750 tons of timber and

¹⁰ Knight, “Timber, Revenue and Politics in New Brunswick,” abstract.

¹¹ Robertson, “Trees, Treaties and the Timing of Settlement,” 48.

¹² W. S. MacNutt, “Thomas Baillie,” *Dictionary of Canadian Biography*, vol IX (University of Toronto / Université Laval, 2000): <http://www.biographi.ca/> (accessed August 15, 2010).

¹³ W. S. MacNutt, “The Politics of the Timber Trade in Colonial New Brunswick, 1825-40,” in G. A. Rawlyk, ed., *Historical Essays on the Atlantic Provinces* (Toronto: McClelland and Stewart Limited, 1967): 132.

¹⁴ Wynn, *Timber Colony*, 126.

¹⁵ Wynn, *Timber Colony*, 127.

1,280,000 feet of logs”¹⁶, not including his “fourteen five-year licences for 344 square miles, 11,740 tons of timber and 1,020,000 feet of logs.”¹⁷ His company took about 500 tons of timber from the Pokemouche.¹⁸

However, trees do not regrow in a short period of time and among the lands that had not been granted were Indian Reserves. In 1838, the Assembly moved to gather information on those lands and later moved to sell off the reserves in Kent county.¹⁹ The indigenous peoples endured both poverty and disease during the land grabs of the late eighteenth century, which left scant tracts of land for entire communities to depend on and which on occasion indigenous peoples themselves took to lumbering to gain capital to survive. This continued into the 1830s and 1840s and Indian agents often applied to the colonial government for relief funds for groups, such as the Passamaquoddy at Qonasqamkuk (known as Indian Point at St. Andrews),²⁰ the Maliseet of Kingsclear, and the Mi'kmaq of Miramichi, Buctouche, and Richibucto.²¹ The Assembly's solution was to sell off more indigenous land, but this time to raise funds “for the benefit the Indians.”²²

¹⁶ Wynn, *Timber Colony*, 128.

¹⁷ Wynn, *Timber Colony*, 128.

¹⁸ Wynn, *Timber Colony*, 128.

¹⁹ *Journal of the Legislative Assembly*, January 24, 1838: 87-88 and February 23, 1838: 187-189. Cited in Upton, “Indian Affairs in Colonial New Brunswick,” 10.

²⁰ Thomas Wyer to W. F. Odell, April 13 1840. RS 557K Provincial Secretary: Indian Administration Records, Provincial Archives of New Brunswick.

²¹ Upton, “Indian Affairs in Colonial New Brunswick,” 9.

²² Upton, “Indian Affairs in Colonial New Brunswick,” 10.

There was opposition, even within the Assembly, including alternative suggestions, such as using public funds for the indigenous peoples.²³ However the Legislature voted to sell off lands within Kent county, in violation of the *Royal Proclamation*.

In 1841, the Lieutenant Governor, Sir William Colebrooke, gave New Brunswick's Commissioner of Indian Affairs, Moses Perley, permission to travel to each of the indigenous communities and report on them. According to L. F. S. Upton, Colebrooke and Perley had hoped to "secure the Indians in permanent possession of the reserves."²⁴ However, according to W. A. Spray's biography of Moses Perley, the Commissioner of Indian Affairs between 1835 and 1838, Perley had been heavily involved with running a number of lumber and mining companies in New Brunswick, as well as an attempt to purchase 80,000 acres in Charlotte county.²⁵ In 1836 Perley himself "criticized the Crown Lands Office for restricting instead of encouraging development of the province's timber resources and the settlement of immigrants."²⁶ While Upton suggests that Perley was a champion of native rights due to his desire to atone for his accidental shooting and killing of an indigenous person when he was a teenager,²⁷ his background was also that of an entrepreneur with an interest in exploiting the land for capital. With this in mind, not only had Perley counted the number of indigenous people

²³ Upton, "Indian Affairs in Colonial New Brunswick," 10.

²⁴ Upton, "Indian Affairs in Colonial New Brunswick," 12.

²⁵ Spray, "Moses Perley."

²⁶ Spray, "Moses Perley."

²⁷ Upton, "Indian Affairs in Colonial New Brunswick," 12.

there were in each community and described their plight at the time, but he also carefully documented how the indigenous peoples used the land and made judgements accordingly.

In 1841, Moses Perley reported a total of 442 Maliseet people and 935 Mi'kmaq people within the confines of the New Brunswick colony.²⁸ Absent from his report were the Passamaquoddy who inhabited lands within the drainage basins of the St. Croix River and Passamaquoddy Bay, most of whom lived within Charlotte County where he had previously attempted to purchase land. Perley tallied the Maliseet and Mi'kmaq populations as follows:

General return of Indians of the Micicite Tribe on the River Saint John, 12th August, 1841.²⁹

Settlements	Men	Women	Boys	Girls	Total
At Saint John	22	27	31	25	105
At the Village [Kingslear]	46	42	36	34	158
At Meductic	5	6	9	9	29
At Tobique Point	33	31	25	34	123
At Madawaska	5	7	6	9	27
Totals	111	113	107	111	442

²⁸ Moses Perley, "Extracts from Mr. Perley's First Report Respecting the Indians on the Saint John," dated August 12, 1841 and "Extracts from Mr. Perley's Report on the Micmacs," dated December 11, 1841, published as one appendix entitled "The Reports on Indian Settlements," in *Journal of the House of Assembly of the Province of New Brunswick*, (Fredericton: John Simpson, 1842): xcvi - cx.

²⁹ Perley, "The Reports on Indian Settlements," xcvi.

Total number of Indians of the Micmac Nation within the province of New Brunswick 1st October, 1841³⁰

Name of the Settlement	Men	Women	Boys	Girls	Total
Renous Settlement	11	15	10	7	43
The Eel Ground	28	32	20	28	108
Red Bank	14	12	12	12	50
Burnt Church Point	51	58	46	46	201
Pokemouche	21	17	11	26	75
Pocksoudie	2	3	1	6	12
Bathurst	9	10	4	4	27
Richibucto	48	53	46	41	188
Buctouche	20	22	19	32	93
Dorchester	22	29	44	31	126
Aboushagan	3	4	2	3	12
Totals	229	255	215	236	935

Perley visited with the Maliseet peoples first, beginning on July 5, 1841 in what he called “the Village”, which today is known as the Kingsclear reserve.³¹ His observations were revealing of the approach he would soon afterward bring to Mi'kmaw communities. Of Kingsclear, Perley stated:

The village is good for tillage, and most of the residents cultivate Indian Corn and Potatoes, for which purpose each family has a certain portion of ground set apart... They own two horses, four hogs and about 150 fowls. The constant cropping of the land without compost, must in a few years render it almost valueless for Agricultural purposes, and unless a different system is adopted, their attempts at cultivation will, after a time, cease entirely...

I found the most intelligent of the Indians at the Village exceedingly desirous that

³⁰ Perley, “The Reports on Indian Settlements,” cx.

³¹ Perley, “The Reports on Indian Settlements,” xcii.

their children should have the benefit of Education...³²

In the late summer of 1841, Moses Perley ventured into Mi'kma'ki, starting with the Miramichi River and moving along the coasts to the north until he reached Pokemouche. As previously indicated, Perley noted 75 people on the latter reserve: 38 adults and 37 children, assuming that everyone from Pokemouche was present during his stay. As with his previous encounters, Perley reported on the community:

A large wigwam of birch bark had been erected for the exclusive use of my friends and myself, and we occupied it during our stay, finding it very convenient and comfortable.

The Micmacs here subsist during the summer season altogether by fishing and fowling; during the winter they obtain employment in the woods as lumbermen. They do not cultivate the soil, or live in houses, but wander about from place to place in pursuit of game, of which this part of the coast, being very thinly settled, affords abundance and variety.

Some of the Micmacs here speak a little broken French, but very few of them speak any English, and from the want of intercourse with the white settlers they are but little acquainted with the manners and customs of civilized life. They adhere more closely to the ancient habits, forms and ceremonies of their forefathers, than any other of the Micmacs, and they gain their subsistence very nearly as their ancestors did before the settlement of the country.³³

This may appear to be a romanticized look at the Mi'kmaq in the 1840s, which may in turn have led historians to portray Perley as “championing ...the Indian cause,”³⁴ but these observations had a deeper meaning that support a very different interpretation. These Mi'kmaq, although indicated by the chart to have a potentially healthier population growth than most other indigenous communities, were more in need of “repair” and to be

³² Perley, “The Reports on Indian Settlements,” xcii-xciii.

³³ Perley, “The Reports on Indian Settlements,” c-ci.

³⁴ Upton, “Indian Affairs in Colonial New Brunswick,” 12.

civilized. A good indication of what Perley thought of the Pokemouche area and the Mi'kmaq there, was contained in the "last part of Mr. Perley's report upon the Micmac Indians", dated January 20, 1842:

The settlers on the Pokemouche River are chiefly Irish, who do not engage in the fisheries, but follow lumbering and farming. The harbour of Pokemouche will not admit the entry of any craft larger than boats, owing to the shallowness of the water on the bar, but the River abounds with Bass, Trout and Eels at all times, and Salmon and Gaspereaux in their season. The farmers on the Pokemouche have every year a considerable surplus of produce for sale, but from the want of a Road to Shippegan, they are in great measure cut off from the market, being obliged to bring their produce round by the shores of the Gulf, with much risk and at great expense, which the articles will not bear. Were Roads opened and Settlements formed in this district, the Port of Shippegan would rise rapidly into importance; the fisheries would be prosecuted more vigorously, and a Town would spring up, in what is now a pathless wilderness. That splendid sheet of water Saint Simon's Inlet, wherein a Navy might find a safe and fitting haven, whose shores are yet wooded to the very beach, and whose waters are only disturbed by the Micmac Canoes and flocks of wild fowl, would then become the seat of business, and be animated by the spirit of enterprize and activity. Tall masted ships would displace the frail canoe, and fleets of fishing boats would float in numbers equal to the wild fowl, while hundreds of human beings would gain a comfortable subsistence on a spot which does not now support a single soul.³⁵

Perley was never impressed with indigenous fisheries. While at Tobique, a reserve north of Kingsclear, he had noted Maliseet complaints that a mill encroached half a mile into their land. Perley's own cartographical analysis indicated that half of the land grant to the mill was in fact part of the reserve.³⁶ The owner of the mill proposed to create a dam and offered to make a "fish-way" for the salmon to migrate to their spawning grounds. The Maliseet objected, noting that if such a dam was constructed, "the Salmon

³⁵ Perley, "The Reports on Indian Settlements," cxviii.

³⁶ Perley, "The Reports on Indian Settlements," xcv.

Fishery, on which they now mainly depend for support during the summer season, would thereby, sooner or later, be altogether destroyed.”³⁷ This led Perley to express his overriding view of indigenous fisheries:

The Indian method of taking the salmon is altogether by the spear and torch, and it struck me that they prized much more highly the dash and excitement of the sport in taking the fish, than the profit arising from the sale of them. During my stay at the Tobique, the day was spent by the Indians in almost listless idleness; but so soon as night fell, the torch was lit, the spear lifted, the canoe launched, and all became life, bustle, and activity. The sport was pursued the whole night, and daylight exhibited heaps of glittering Salmon on the bank, and the Indians languidly creeping off to sleep away another day of total idleness.³⁸

Perley went on to offer a succinct solution with regards to the mill: “The destruction of the Salmon fishery would perhaps induce the Indians to adopt more settled habits of industry, and pay more attention to the cultivation of the soil than they do at present.”³⁹ Plans to rid indigenous peoples of their communal life are further seen in a discussion between Lieutenant Governor Colebrooke and Perley, which they had prior to the latter’s visitations of indigenous communities. They believed that indigenous peoples should be “allotted lands for their individual occupation,”⁴⁰ thus further alienating land and water from indigenous peoples and creating the notion of land as a commodity for individual indigenous persons. This land system would easily allow an even more comprehensive colonial takeover. The reserves would be divided into much smaller tracts

³⁷ Perley, “The Reports on Indian Settlements,” xcv.

³⁸ Perley, “The Reports on Indian Settlements,” xcv-xcvi.

³⁹ Perley, “The Reports on Indian Settlements,” xcvi.

⁴⁰ Upton, “Indian Affairs in Colonial New Brunswick,” 12.

of land from which individuals would have to make a living, and which would ultimately fail. Those individuals, already in extreme poverty, would be forced to sell to the colonists, ultimately and permanently taking the land away from indigenous peoples.⁴¹

A key observation Perley made in his report on indigenous peoples was not on indigenous peoples at all, but on squatters on Indian reserves. At the Tobique reserve, for example, Perley encountered squatters:

They pay no rent, acknowledge no title, and from long impunity have become very insolent and overbearing. Besides occupying the land, they openly plunder the forest in the vicinity of the most valuable Timber, and dispose of it in the face of the Indians, whom they will scarcely allow to set foot upon the land, and invariably hunt off like wild beasts, if they attempt to look after or prevent the trespasses which are constantly committed.⁴²

One particular squatter told Perley that he had been sued several times, but nothing ever came of those suits, supposedly because he could not pay them. The squatter further suggested that “he would never take a lease of the land, or pay rent, and if driven off, he would burn the buildings and devastate the land.”⁴³ Another trespasser had been logging Tobique at the time of Perley’s visit and Perley seized his harvest. Determined not to let the lumber go, the trespasser returned with a group of men, who were met by Perley and a group of Maliseet. The trespassers, angered, went off and destroyed one of

⁴¹ This pattern had already occurred in European countries. See Perelman, *The Invention of Capitalism*, 13, 104.

⁴² Perley, “The Reports on Indian Settlements,” xciv.

⁴³ Perley, “The Reports on Indian Settlements,” xciv.

the Maliseet canoes.⁴⁴ This is an example of the long and continuous conflict between loggers and indigenous peoples, likely since logging began. In her analysis of “Genocide, Language and Aboriginal People,” Andrea Bear Nicholas has recounted an elder’s oral history of an attack on women that occurred in 1861 at the Kingsclear reserve by “an army of woodsmen”. The elder had told the story in her language more than one hundred years after the occurrence, which had since been confirmed after archival research in 2003.⁴⁵ According to Perley, the trespassers and squatters “considered it right and lawful... to cut as they pleased on Indian land.”⁴⁶ It is likely, therefore, that Perley used this opportunity to make a census of squatters on indigenous lands:

⁴⁴ Perley, “The Reports on Indian Settlements,” xciv.

⁴⁵ Andrea Bear Nicholas, “Genocide, Language and Aboriginal People,” audio file, (Fredericton: Presence of the Past: The Third National Conference on Teaching, Learning and Communicating the History of Canada, St. Thomas University, 2003), available online at < <http://nativestudies.org> >.

⁴⁶ Perley, “The Reports on Indian Settlements,” xciv.

Return of the number of Person who have settled upon, and occupy portions of the Indian Reserves, in the Province of New Brunswick, 1841.⁴⁷

County of Northumberland		
Eel Ground at Oxford Brook	13	
Indian Point 13 miles above Newcastle	18	
Little South West Reserve	49	
Reserve on the N. W. Miramichi above Wild cat brook	3	
Reserve at Burnt Church river	1	
Tabusintac	3	87
Gloucester		
Pokemouche Reserve	1	1
Kent		
Richibucto river Reserve	8	
Buctouche river Reserve	5	13
Carleton		
Tobique Reserve	16	
Madawaska	1	17
	Total	118

Upon Perley's return from the Maliseet communities, the House of Assembly took up the matter of the squatters. First, the government issued two proclamations in July and

⁴⁷ Moses Perley, "Return of the Number of Persons who have settled upon, and occupy portions of the Indian Reserves, in the Province of New Brunswick, 1841," April 20, 1842. RS 637/29a Records of the Surveyor General, Provincial Archives of New Brunswick.

August 1841 for their forced removal.⁴⁸ However, after Moses Perley visited Mi'kmaq communities and observed an additional 101 squatters, the government decided it was too expensive to remove them.⁴⁹ Instead, in 1843, a “Select Committee” decided that “the ‘actual Settlers’ on the reserves had contributed greatly to the progress of New Brunswick by improving waste lands that otherwise lay as barriers to the extension of thriving settlements.”⁵⁰ The Committee then proposed that reserve land that officials decided was not being used by indigenous peoples would be sold to the squatters. The money from those acquisitions would be used, again, “to benefit the Indians.”⁵¹ Indeed, logically for the committee members but no doubt of scant comfort to dispossessed members of indigenous communities, “if an Indian consistently improved his land, he might one day expect to own it freehold.”⁵²

Executive Council member, Robert Leonard Hazen, was then asked by the Council to draft a bill entitled “for the Management of the Indian Lands, and the Settlement of the Indians”.⁵³ On April 13, 1844, it passed through legislature and changed

⁴⁸ Proclamations by Lieutenant Governor Sir William Colebrooke, July 29 and August 16, 1841, RS557A Provincial Secretary: Indian Administration Records, Provincial Archives of New Brunswick: #226, #229.

⁴⁹ Upton, “Indian Affairs in Colonial New Brunswick,” 7-8.

⁵⁰ Committee Report, *Journal of the Legislative Assembly of New Brunswick*, March 21, 1841: 206.

⁵¹ Upton, “Indian Affairs in Colonial New Brunswick,” 16.

⁵² Committee report, *Journal of the Legislative Assembly of New Brunswick*, March 29, 1843: 206-208, 235-236.

⁵³ RS8 Executive Council Records, vol. 5, June 10, 1843, 89-90., Provincial Archives of New Brunswick; Upton incorrectly indicates that Moses Perley drafted the article;

to “An Act to Regulate the Management and Disposal of Indian Reserves in this Province.”⁵⁴ The preamble of this Act states:

Whereas the extensive tracts of valuable Land reserved for the Indians in various parts of this Province tend greatly to retard the settlement of the Country, while large portions of them are not, in their present neglected state, productive of any benefit to the people, for whose use they were reserved: And whereas it is desirable that these Lands should be put upon such a footing as to render them not only beneficial to the Indian but conducive to the settlement of the Country.⁵⁵

According to this Act, parcels of land would be sold at auction to the highest bidder and “all monies gained is to go to the Indians for their exclusive use.”⁵⁶ However, according to Upton, the indigenous peoples never saw that money.⁵⁷ Perley objected to the bill and attempted to draft changes to it a couple of years later, even providing a copy to Thomas Baillie, who was still the Surveyor General.⁵⁸

In 1846, Baillie was elected to the Assembly.⁵⁹ Still keeping his job as the Surveyor General, he wrote a report on May 6, 1847 entitled “Surveyor Generals’ Report

Upton, “Indian Affairs in Colonial New Brunswick,” 16.

⁵⁴ W. D. Hamilton, “Indian Lands in New Brunswick: The Case of the Little South West Reserve,” *Acadiensis* 13: 2 (1984): 17.

⁵⁵ “An Act to Regulate the Management and Disposal of the Indian Reserves in this Province,” *Acts of the General Assembly of New Brunswick*, 7 Victoriae, Cap. XLVII, (1844): 147.

⁵⁶ “An Act to Regulate the Management and Disposal of the Indian Reserves,” 147.

⁵⁷ Upton, “Indian Affairs in Colonial New Brunswick,” 23.

⁵⁸ Moses Perley, draft of “A Bill for the Management and disposal of the Indian reserves in this Province,” 1946, RS637/29A Records of the Surveyor General, Provincial Archives of New Brunswick.

⁵⁹ MacNutt, “Thomas Baillie.”

commending the sale of certain parts of the Indian Reserves.”⁶⁰ In it he stated that the 2,600 acre Pokemouche reserve was surveyed in 1844 into 33 lots, but said that none of those lots were occupied by the Indians.⁶¹ This led to an erroneous assumption that the Mi'kmaq had left Pokemouche. The surveyor may either have lied or simply did not see any Mi'kmaw at the time of his visit. A census of Tabusintac and Pokemouche in 1848 reveals a total of 147 Mi'kmaq between the two.⁶² The reported lack of population for Pokemouche may have been the error that destroyed the reserve. Only four days after Baillie had presented his initial report, he crafted another which charted each reserve in New Brunswick, the number of acres it contained in 1847, the number of acres deemed “required for the use of the Indians,”⁶³ and the remaining acreage, of which some would be used by squatters “under agreement of the Indians,”⁶⁴ as well as the pricing per acre. The Pokemouche Mi'kmaq, possibly because of the lack of noted population at the time of that one report four days earlier, were to lose 92.3% of their reserve as seen in the chart:

⁶⁰ “Surveyor Generals’ Report commending the sale of certain parts of the Indian Reserves,” May 6, 1847, RS 637 Records of the Surveyor General, Provincial Archives of New Brunswick.

⁶¹ “Surveyor Generals’ Report commending the sale of certain parts of the Indian Reserves.”

⁶² A letter from Joseph Sewell and F. X. Lafrance to J. R. Partelow containing a head of household census of Indians for their “district,” September 18, 1848, RS 557G Provincial Secretary: Indian Administration Records.

⁶³ Thomas Baillie, “Indian Reserves: Estimate, as required by His Excellency the Lieutenant Governor, 10th May, 1847,” RS 637 Records of the Surveyor General, Provincial Archives of New Brunswick.

⁶⁴ Thomas Baillie, “Indian Reserves: Estimate.”

Indian Reserves: Estimate, as required by His Excellency the Lieutenant Governor, 10th May, 1847⁶⁵

Situation	Acres	Probably quantities required for the use of the Indians (acres)	Of the remaining quantities, occupied by squatters under agreement with the Indians (acres)
Northumberland			
Eel Ground	3033	606	701
Indian Point	750	115	100
Little South West	10,000	1,400	2,147
Big Hole	8,700	500	0
Burnt Church	1,640	1,640	0
Tabucintac	9,000	500	336
Wishart's Point	7	0	0
Indian Point at Tabucintac	36	36	0
Southwest Miramichi	40	40	0
Restigouche			
Eel River	400	100	0
Gloucester			
Nepisiguit	1,000	100	0
Pocmouche	2,600	200	0
Kent			
Richibucto	4,600	1,000	0
Buctouche	3,500	800	0
Westmorland			
Aboushagan	250	No information	respecting this reserve
Saint John			
Brothers Islands	15	15	0
York			

⁶⁵ Thomas Baillie, "Indian Reserves: Estimate."

Indian Village	460	460	0
Carleton			
Tobique	16,000	2,500	0
Madawaska	700	200	500
Meductic	450	10	0
Totals	63,180	10,222	

On December 17th, 1847, Thomas Baillie received a letter from the Provincial Secretary informing him that the Lieutenant Governor, who was likely responding to Baillie's reports, was advising him to suspend all sales of the Indian reserve lands.⁶⁶ As the next chapter will indicate, this request was ignored and the petitions for indigenous lands, particularly for Pokemouche would begin.

As the records for timber would later indicate, 1844, the same year of the Act to dispose of the reserves and the same year that those reserves were surveyed, was a peak year in the number of exports of timber for masts at 4,140 sticks, which was during a period of a steady low number of exports since the 1825 high of almost 9,000 sticks.⁶⁷ In 1851, Thomas Baillie eventually negotiated his retirement as the Surveyor General for a pension of £500.⁶⁸

Perley was not alone in his vision to push the indigenous peoples to work the land

⁶⁶ "Suspension of Indian Reserve Lands being sold," December 17, 1847, RS 637/29A Records of the Surveyor General, Provincial Archives of New Brunswick.

⁶⁷ Graeme Wynn, "The Assault on the New Brunswick Forest, 1780-1850," (PhD Dissertation: University of New Brunswick, 1974): 84.

⁶⁸ W.S. MacNutt, "Thomas Baillie."

or move into wage labour. The Select Committee, appointed by the New Brunswick House of Assembly to look into the illegal occupation of Crown Lands and Indians Reserves, suggested not only that indigenous villages be laid out into town, pasture, and wood lots, but they also state:

... and in such other measures for the benefit and improvement of the Indians as the Commissioners shall deem expedient, and as the funds [from the lands sold from reserves] at their disposal will enable them to carry into effect; and that they be authorized to hold out inducements to a limited number of efficient and steady Mechanics to settle in each Village, and take young Indians as apprentices; such as Mechanics to be entitled to a free grant of a Town, Pasture, or Wood Lot. Your Committee have confined their recommendation of the leasing of the Indians Lots chiefly to Meadow Lands, under the conviction that the leasing system, if extended to Farm Lots, will occasion trouble and expense in the collection of the rent, the more so, as prudent and thrifty Settlers seldom are induced to occupy Leased Lands, even under the most favourable circumstances, but prefer penetrating into the forests and cutting out freeholds with their axes from the wilderness, leaving those of less energy, industry and determination to remain in the clearances as tenants, a description of persons not likely to serve as examples to the Indians, or to render their surplus lands productive.⁶⁹

The committee was headed by lawyer and politician William End and had at least one politician who was also a timber merchant, Alexander Rankin. This committee attempted to change the Maliseet and Mi'kmaq way of life and take them into wage labour as individualists. This was based on British philosopher Adam Smith's theories on economy and morality, which the British tended to use as a model for colonization, particularly on the relationship between land, labour, and capital.⁷⁰ As Smith's mentor Francis

⁶⁹ Committee Report, *Journal of the Legislative Assembly of New Brunswick* 1843, March 21, 1843: 207.

⁷⁰ Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*, (Vancouver and Toronto: UBC Press, 2002): 5.

Hutcheson had observed:

If a people have not acquired an habit of industry, the cheapness of all the necessaries of life encourages sloth. The best remedy is to raise the demand for all necessaries; not merely by premiums upon exporting them, which is often useful too ... Sloth should be punished by temporary servitude at least.⁷¹

In this sense, the Maliseet and Mi'kmaq, usually not engaged in wage labour, were looked upon as lazy, as Perley's observation of the fishery in Tobique implies. The solution, to both Hutcheson and the House of Assembly, was to put the natives to work. To them, indigenous peoples required this kind of assistance to help end their poverty, despite the unacknowledged reality that it was the restriction of land and resources that put the indigenous peoples in this situation to begin with. As Michael Perelman explains,

The disorienting introduction of the individualistic ways of the market cut people off from their traditional networks and created a sense of dehumanization... supporters of such measures typically defended their position by invoking the need to civilize workers or stamp out sloth and indolence.⁷²

Comparable ideas were influential in the settler state in Mi'kma'ki, particularly as it developed a bureaucracy capable of controlling the colony's resources. Between the 1820s and the 1850s, sport fishing severely depleted salmon stocks while growing agriculture and lumber industries polluted the once resource-rich river systems in the province.⁷³ In an effort to ease tensions between local settlers contending for fishing

⁷¹ Francis Hutcheson, *A System of Moral Philosophy, in Three Books*, vol. 2, (London: A. Miller, 1755): 318-319.

⁷² Perelman, *The Invention of Capitalism*, 15.

⁷³ Bill Parenteau, "Care, Control and Supervision': Native People in the Canadian Atlantic Salmon Fishery, 1867-1900," *The Canadian Historical Review* 79:1 (1998): 5- 6.

resources and a growing commercialization of the native fishing economy,⁷⁴ New Brunswick passed legislation in 1851 banning the use of traditional indigenous fishing methods.⁷⁵ Article III of said Act stated:

... be it enacted, That whoever shall take any Salmon by spearing either in the day time or by spearing with torch light, at any time between the thirty first day of August and the first day of April... shall forfeit and pay for every Salmon so taken the sum of ten shillings, and shall further be liable to be imprisoned for any period not exceeding two days, at the discretion of the Magistrate...⁷⁶

Bill Parenteau's analysis of the change in traditional native fisheries shows the growing influence of sport fishermen on New Brunswick's growing regulation of fishing. Moses Perley was one such sportsman. He believed that leasing entire rivers to sports fishermen would increase the stock rapidly, citing examples of British fishing regulations on Ireland and Scotland as being success stories using that practice.⁷⁷ Revealingly, he was appointed as Fisheries Commissioner in 1855, after this Fisheries Act was passed.⁷⁸ At one point, he suggested that a canal be constructed on the Pokemouche River to further exploit the fishery there and develop the land further:

The noble heaven called "St. Simon's Inlet," the shores of which are almost wholly unsettled and in a wilderness state, runs several miles into the land, maintaining a good depth of water... from [there], where navigable, it is little more

⁷⁴ Bill Parenteau, "Care, Control and Supervision," 6.

⁷⁵ "Act for the protection and regulation of Sea and River fisheries," *Acts of the General Assembly of New Brunswick*, 14 Victoriae, Cap. XXXI (1851): 18.

⁷⁶ "Act for the protection and regulation of Sea and River fisheries."

⁷⁷ Bill Parenteau, "Care, Control and Supervision," 7.

⁷⁸ Spray, "Moses Henry Perley."

than a mile to the navigable waters of Pokemouche River. The two waters are separated by a deep peat-bog, nearly destitute of trees and it has been proposed to connect them by a canal through the bog... there is much good land on the banks of the Pokemouche River, upon which there are yet but few settlers...

The logs and timber cut on the Pokemouche River are made up into long rafts, and when there is a favourable opportunity with the wind off the shore, they are towed along the beach by several pairs of oxen to Shippegan Gully, from whence they go up to the steam-mill with the tide. If the wind or sea rises while the rafts are being towed, they are occasionally broken up, when labour and expense are incurred in putting them together again.

If Pokemouche River emptied into Shippegan Harbour or if it could now be connected with it by a sufficient channel, great advantages would arise to the Timber Trade and Fisheries, while the agricultural improvement of a large tract of country would be specially promoted. Shippegan Harbour wants a River – Pokemouche River wants a Harbour – it is highly desirable that the two should be brought into connection.⁷⁹

As far as the indigenous economy was concerned, New Brunswick officials noted that the original inhabitants often spear-fished in the autumn in places where stock was plentiful, as the water levels were at their lowest, making fishing easy.⁸⁰ Those officials, realizing that the native market would not give the province any profit in comparison to the sports fisheries, decided to enforce the “Act for the protection and regulation of Sea and River fisheries.” The self-proclaimed Indian advocate Perley even suggested that spearing was a destructive way to fish, despite the fact that he toured fish factories and observed hundreds of quintals of fish at each station caught by local New Brunswick fishermen. Observations by the fishermen themselves showed that the cod fishery severely declined in the late 1840s.⁸¹ Despite those observations, it was the indigenous

⁷⁹ Moses Perley, *Report on the Sea and river fisheries*, 27.

⁸⁰ Bill Parenteau, “Care, Control and Supervision,” 7-8.

⁸¹ Perley, *Report on the Sea and river fisheries*, 15.

fishery that was curbed, as spears and nets were seized by fishing wardens.

A clear example involved the confiscation of fishing gear by wardens from a Maliseet, Louis Paul, including a fishing spear on which a warden carved his name to identify it as a trophy. With the continual confiscation of fishing spears, the Maliseet today no longer have the skills either to make similar spears nor how to use them, as the passage of these skills from parent to child no longer continued. Paul's spear was eventually returned from the Department of Oceans and Fisheries, albeit after said fishing skills diminished from the Maliseet people.⁸²

The colonial attempts to separate indigenous peoples from traditional economies did not stop at fish, however. In 1850, New Brunswick passed "An Act to prevent the destruction of Moose in this Province,"⁸³ in which the first two articles stated:

- I. Be it therefore enacted ... That from and after the passing of this Act no person or persons whosoever shall under any pretence whatsoever, take, kill, wound or otherwise destroy any Moose within the limits of this Province between the first day of February and the first day of May in each and every year during the continuance of this Act...
- II. And be it enacted, That any person who shall take, kill, or in any way destroy, or cause to be taken, killed, or in any way destroyed, any moose within the time above specified, shall for each and every offence forfeit and pay the sum of ten pounds, to be recovered with costs in any Court of competent jurisdiction.⁸⁴

Thus, not only were the fisheries taken away from indigenous peoples, but game as well.

⁸² Andrea Bear Nicholas, *Research and Research Ethics Symposium*, audio file. (Fredericton: Native Studies Programme, St. Thomas University, 2006).

⁸³ "An Act to prevent the destruction of Moose in this Province," *Acts of the General Assembly of Her Majesty's Province of New Brunswick*, 13 Victoriae, Cap. LVII (1850).

⁸⁴ "An Act to prevent the destruction of Moose in this Province."

In this particular case, the late winter and early spring season was off limits for hunting. For two months during that period, fishing was off limits too. This Act was amended in 1854 in “Of Protection of Sheep and Moose,” with moose only mentioned in Article 7 of this Act. Within this Article were instructions on where to pay the fine:

... under the penalty of ten pounds for each offence, one half to be paid to the prosecution, the other half to the Overseers of the Poor where the offence may be committed, for the use of the Poor.⁸⁵

This legislation was problematic for the indigenous peoples throughout New Brunswick. To begin with, they were forced to pay for their own prosecution under the colonial court system, a system which was employed to restrict indigenous access to resources. As Bruce Clark states, “Among the first illegal settlers trespassing upon the Indian lands were the newcomers’ lawyers, judges and police. They set up shop, made it safe for, and then invited in, the rest of the settlers.”⁸⁶

Also problematic was the provision by which the second half of the fine was to be paid to the poor. Indigenous peoples suffering from colonialism anywhere in the world are often the poorest.⁸⁷ In New Brunswick specifically, there were often petitions for relief funds to help ease the poverty of the Mi’kmaq, Maliseet, and Passamaquoddy

⁸⁵ “Of Protection of Sheep and Moose,” *The Revised Statutes of New Brunswick* Volume 1, Chap. 62 (1854): 145.

⁸⁶ Bruce Clark, “Eclipse and Enlightenment,” (Listiguj in the Mi’gmaq country, September 4, 1996): 3.

⁸⁷ Michael Parenti, “Globalization and Colonial Racism: Past is Present,” audio file. (Fredericton: Native Studies Programme, St. Thomas University, 2001).

peoples.⁸⁸ Having the so-called “criminals” pay for their own prosecution made the native peoples guilty for subsisting by traditional means, but being poor and unable to afford the fine made them even more guilty. It was unlikely that the monies any indigenous persons contributed to this collection on behalf of the poor ever made it back to the indigenous peoples.

Left with no subsistence, thanks in large part to these pieces of legislation, the indigenous peoples looked to adapt. This was not completely impossible: the colonial government gave them options all along. They could either sell their land, participate in industry and wage labour, or combine the two. Indian commissioners frequently made their rounds of the reserves seeking approval from the communities to sell their reserve land.⁸⁹

The Act was amended once more in 1865, presumably in light of the distress the indigenous peoples were enduring:

7. No Indian of the Micmac, or Milicete [*sic*] Tribe shall be liable to the penalties hereof, while hunting Moose on his own account, and for his own use and sustenance, unaccompanied by any such person herein forbidden, during the time prohibited in the first Section of this Act; provided that any such Indian shall not kill more than two Moose within the period in the first

⁸⁸ Note from W. F. Odell regarding additional monies for Indian relief at Pokemouche Reserve, Provincial Secretary Indian Administration Records, May 16, 1846, RS 557/29A Provincial Secretary: Indian Administration Records; Letter from Moses Perley to S. L. Tilley requesting relief funds for Pokemouche Reserve, May 5, 1855, RS 557/29A Provincial Secretary: Indian Administration Records; Upton, “Indian Affairs in Colonial New Brunswick,” 22.

⁸⁹ Hamilton, “Indian Lands in New Brunswick,” 19-21.

Section of this Act.⁹⁰

The first Section of the amended legislation stated that the moose hunt could not take place within the first of February and the first of May.⁹¹ However, it should be noted that traditional native economies likely would have needed more than two moose between three months for each family. Disturbing still, was that during this time period, the extinction of the passenger pigeon⁹² and the extirpation of the caribou⁹³ occurred, further distressing traditional native economies.

As a result of this sequence of events, indigenous peoples, whose traditional economies were outlawed, either moved to other reserves where they could be supported by a large community or they turned to wage labour. As Harold Prins states, “The Mi’kmaq [sic] came to understand that they had few survival options left. Increasingly dependent on cash, they had two alternatives: selling crafts to white communities or working for them as wage labours... by the 1880s, the Mi’kmaq were typically dressed in the same way as non-Indian workers, and most had abandoned their traditional birchbark

⁹⁰ “An Act for the protection of Moose,” *The Acts of the General Assembly of New Brunswick*, 28 Victoriae, Cap. XXI (1865).

⁹¹ “An Act for the protection of Moose.”

⁹² John B. Orlandini, “The Passenger Pigeon: A Seasonal Native American Food Source,” *Pennsylvania Archaeologist* 66 no. 2 (1996): 71-77. Evidence of passenger pigeons in New Brunswick may be found in Campbell Hardy, *Sporting Adventures in the New World or Days and Nights of Moose-Hunting in The Pine Forests of Acadia*, vol. II (London: Hurst and Blackett, 1855), 58.

⁹³ R. F. Morris, “The Land Mammals of New Brunswick,” *Journal of Mammalogy* 29: 2 (1948): 173.

wigwam dwellings for small frame houses or shacks.”⁹⁴

The movement of indigenous peoples from one reserve to another during this period, largely unexamined as yet by historians, must be approached through primary sources such as census records. In the 1861 census of the Upper Parish of Inkerman, Gloucester County, New Brunswick, the family of Thomas and Monique Pomivil resided in what was likely the Pokemouche Reserve, the only Mi'kmaq community in Inkerman Parish. Also listed were six other families and two Mi'kmaq lodgers.⁹⁵ In the 1871 census, the family of Thomas and Monique Pomivil (now called Pommsvell) were listed as living in the Alnwick Division in Northumberland County, presumably in either Burnt Church or Tabusintac, the only active reserve in Alnwick Parish.⁹⁶ It is worth noting too that in 1871, Thomas is listed as an “Indian Laborer” at 48 years of age, while his son San, 25, is listed as “hunting and fishing”.⁹⁷ The six other families from Inkerman were not listed in this same district. The destruction of traditional native economies appears to have fractured native communities themselves. It is entirely possible that other Pokemouche Mi'kmaq moved to the Pabineau Reserve, on the Nepisiguit, or perhaps, they

⁹⁴ Harold E. L. Prins, “Tribal Network and Migrant Labor: Mi'kmaq Indians as Seasonal Workers in Aroostook's Potato Fields, 1870-1980,” a chapter in Alice Littlefield and Martha C. Knack, ed., *Native Americans and Wage Labor: Ethnohistorical Perspectives* (Norman and London: University of Oklahoma Press, 1996): 50.

⁹⁵ 1861 Census of New Brunswick. Upper Parish of Inkerman, Gloucester County, sheet 15., Provincial Archives of New Brunswick.

⁹⁶ 1871 Census of Canada, New Brunswick, District #184, Subdistrict A, Alnwick Division, no. 3, p. 33, Family #108, Provincial Archives of New Brunswick.

⁹⁷ 1871 Census of Canada

remained behind in Pokemouche.

Due to the laws banning traditional game and fisheries, it was likely not enough to live on, which forced some of the indigenous peoples to either move to larger indigenous communities, participate in wage labour, or both. In the case of wage labour, indigenous peoples were more susceptible to being assimilated over time. These traditional economies were considered as crimes, used as a means to outlaw the native, effectively helped remove the indigenous person from the land and force them into wage labour to help the colony.

In attempts to regulate timber land, the colonists who ran the New Brunswick state realized that the province was losing revenue because of independent lumbermen illegally taking timber from indigenous reserves. After realizing that it would cost too much to rid these squatters off reserve lands, New Brunswick ultimately decided that the squatters were the best way to improve the land, at least in the government's definition of land ownership. Ultimately, the government wanted to keep the money flowing by selling reserve lands, and despite its piously-expressed hopes that any revenue from those lands would be made to benefit the indigenous peoples, such money never made it into indigenous hands. As the next chapter will show, reserve lands decreased substantially in New Brunswick, making it even more difficult for native peoples to live on the land they had left.

Chapter Four: Land Surveys for Land Thefts

Land encroachment, and the selling off of reserve lands, were major contributors to the poverty and destitution that had come by the mid-nineteenth century to characterize Mi'kma'ki, including the Pokemouche Reserve. Indeed, at some point between 1861 and 1871, it appears that the Mi'kmaq left Pokemouche. One family is known to have moved to Alnwick Parish in Northumberland County before 1871.¹ This parish contained both Tabusintac and Burnt Church. More generally, it is likely that the Mi'kmaw inhabitants moved out of Pokemouche because of the lands being sold and the destitution they had experienced. They had complained about the presence of one squatter in 1843:

The Petition of Thomas M. Deblois, a Commissioner for the Indians in the County of Gloucester...

That repeated *requests* have been made to Your Petitioner of continued trespasses being committed upon the Indian Reserve Tract at Pokemouche in the county by the White Inhabitants in the neighborhood, to the great *misery* of the Indians who are settled thereon, That under these circumstances Your Petitioner Prays Your Excellency ... to direct a survey of the Said Reserve to be executed...²

Census records are essential to piecing together what information is available, notably the 1861 cited above. There was also a census of sorts from September 18, 1848, tallying for the most part the heads of household for the district including both

¹ 1871 Census of Canada.

² Thom. M. Deblois, Commissioner for Indian Affairs praying a survey will be made of Indian Lands in Pokemouche, Schedule 26th September, 1843 MG 9, A1 Volume 40, Indians – Land and Timber, Correspondence and Petitions, 1810-1859, p.124-5. Italics were added to words that may not have been transcribed correctly.

Pokemouche and Tracadie. Census-takers Joseph Sewell and F. X. Lafrance presented the following data:

The absence of a few families from our district has caused our delay in getting a detailed account of the Indian population in our district:

	above 14 years of age	before 14 years
Louis Pierre, his wife	3	4
Thomas Pierre, do.		1
Jean Pierre, do.		2
Widow Marie Pierre	2	
Denis Pominville, do.		3
Pierre Pominville, do.	3	2
Joseph Pominville, do.	2	1
Thomas Pominville, do.		1
Buonaparte Pominville, do.		2
Alexandre Pominville, do.		2
Jean Pierre Poinville, do.	3	3
Pierre Jacques Pominville, do.		2
Etienne Pominville, do.	1	1
André Pominville, do.	2	
Philip Dubos, do.	2	
Francois Dubos, do.	4	
Michel Dubos, do.		1
Jacques Dubos, do.		2
Pierre Ginnish, do.		2
Alexander Thomas, do.	5	
Louis Patrice, do.	5	
Joseph Dubois, do.		
Noël Thomas, do.		4
Pierre Dedam, do.		1
Joseph Bernabé, do.		1

Alexis Viccur [unclear], do.		1
Joseph Julien, do.		2
Joseph André Julien, do.		

Joseph André Julien Chief & his wife in all 127 souls, are all the indians [sic.] of the Micmack tribe in habiting [sic.] Pockmouche & Tracadie...³

It is unclear which of the Mi'kmaq were from Tracadie (Tabusintac) and which were from Pokemouche. The name Pominville and its variant spellings was frequent in Pokemouche and the name Deboss was identified by William F. Ganong as a Mi'kmaw from Pokemouche.⁴ Unfortunately, with regards to the 1861 census, the name Deboss or Debos only appears once, for an individual who was a lodger at Pokemouche:

1861 Upper Parish of Inkerman, Gloucester County⁵ Sheet #15

565	Thomas Pomivil	M	Head	32	Indian Native Cath.
	Monique	F	W	30	Indian Native Cath.
	San	M	S	11	Indian Native Cath.
	Joseph	M	S	9	Indian Native Cath.
	Francis	M	S	7	Indian Native Cath.
	Michael	M	S	5	Indian Native Cath.
571	San Tannas	M	H	34	Indian Native Cath.
	Magdelen	F	W	30	Indian Native Cath.
	Lewis	M	S	12	Indian Native Cath.
	Sock	M	S	8	Indian Native Cath.
	Elisabeth	F	D	7	Indian Native Cath.
	Christine	F	D	4	Indian Native Cath.

³ Sewell and Lafrance to Partelow, September 18, 1848.

⁴ W. F. Ganong, "The History of Pokemouche," 12, map insert.

⁵ 1861 Census of New Brunswick.

	Noel Pomivil	M	Step brother	29	Indian Native Cath.
578	John Sock	M	H	40	Indian Native Cath.
	Ann	F	W	34	Indian Native Cath.
	Nuel	M	S	18	Indian Native Cath.
	Ann	F	D	15	Indian Native Cath.
	Elisah	F	D	13	Indian Native Cath.
	Mary	F	D	3	Indian Native Cath.
584	Joseph Pathis	M	H	30	Indian Native Cath.
	Jane	F	W	27	Indian Native Cath.
	Michael	M	S	4	Indian Native Cath.
	Anne	F	D	1	Indian Native Cath.
	Lewis	M	Father	70	Indian Native Cath.
590	Michael Pomivil	M	H	28	Indian Native Cath.
	Mary	F	W	25	Indian Native Cath.
	Mary	F	D	1	Indian Native Cath.
593	Paul Pomivil	M	H	30	Indian Native Cath.
	Mary	F	W	24	Indian Native Cath.
595	Nicholes Lewis	M	H	33	Indian Native Cath.
	Monique	F	W	30	Indian Native Cath.
	Lama Pomivil	M	Stepson	19	Indian Native Cath.
	Susan	F	Stepdaughter	5	Indian Native Cath.
	Peter	M	Stepson	4	Indian Native Cath.
	Paul	M	Stepson	2	Indian Native Cath.
601	Belonick Lewis	F	H	40	Indian Woman
	Thomas Lewis	M	S	9	Indian Native Cath.
	Mary Lewis	F	D	3	Indian Native Cath.
602	Angelick Andrew	F	Lodger	70	Indian Woman
603	Ramey Debos	M	Lodger	18	Indian

Indian population 22 M
 18 F
 40 [total]

With regards to the status of the land itself, the Pokemouche Reserve was somewhat complicated. As indicated on the map (Figure 2), there were four lots of land encompassing the reserve for a total of 2,600 acres. The main reserve, on which this chapter places emphasis, is at the westernmost part of the map, labelled as “Indian Reserve” with an area of 1,495 acres.⁶ There was also a smaller strip of land at the mouth of the Pokemouche River. Labelled, “Pokemouche Indians,” it contained a church, a railway bridge, and an “Old Indian Village and Burial Ground.” Where the South River and North River meet was a land grant for “Noel, P. and Denys De Boss, Indians.” Adjacent to that grant are lands labelled “Ind. C. Gr,” likely an Indian Camp Ground, ruins probably originating from an old French post, and “Walshs or De Boss’s Id., or Isle Denys.” Scattered throughout the map are Mi’kmaq campgrounds, old villages, burial grounds, and portages.

In 1844 and 1845, shortly after the “Act to Regulate the Management and Disposal of the Indian Reserves in this Province,” the main Pokemouche Reserve was surveyed and split into thirty-three lots, ranging from forty acres (lot 21) and 103 acres (lots 13-15). The eastern part of the reserve was surveyed with smaller lots, ranging from forty-eight to fifty-three acres (Figure 3). The four major creeks flowing through the reserve into the Pokemouche River are the Ruisseau des Mallet in the west, Ruisseau à Fidèle, Ruisseau à Paul, and in the eastern part, Nowlans Brook. Nowlans Brook was originally “Wagan-

⁶ Return entitled “Indian Lands in New Brunswick” showing county, location, and acreage (transcription attached), May 19, 1870. RS637/29a Records of the Surveyor General, Provincial Archives of New Brunswick.

chiche” or *Waganj'ij* in Mi'kmaq, which translated to Little Knife, probably named because of the shape of the creek. The Mi'kmaw name had remained as recently as Moses Perley's visit to Pokemouche in 1841.⁷

There had been considerable opposition by the Pokemouche Mi'kmaq to the selling of their reserve lands. On October 11, 1847, a few months after Surveyor General Thomas Baillie recommended to sell over ninety percent of the Pokemouche Reserve, Moses Perley, then the Emigrant Officer for New Brunswick, reported on a meeting at Shippegan:

I met the Indians of Pokemouche and Bathurst with full council at Shippegan. Those of Pokemouche represented that they had this year been expelled from the “Church Lot” so called at that place, which they claim, under the circumstances mentioned in my report of 1841, an extract for which is enclosed. Wm Robicheau asked to put an end to the conventional agreement entered into with me in 1841, and expelled the Indians from the portion they had occupied under it. They visited, but were beaten off. Robicheaux brought an action of trespass [*sic*], and has recovered damages and costs against twenty of the Indians, whose effects were threatened with a Sale, which I stopped. They stated their readiness to give up all claim upon the “Church Lot,” if a piece of land containing about One hundred acres could be provided for them at Point Musquash, near Pokemouche Gully, below John Finn's place. There are 26 families of the Pokemouche tribe with about 160 souls; and they ask that all the Pokemouche reserve should be kept for them. This is unreasonable, as they can make regard a profitable use of it. They complain that people are continuously trespassing [*sic*] in the reserve and stripping it of timber, that Dr. Bishop resides at so great a distance he is unable to watch over it, and they request that Mr. James Robertson of Tracaday may be appointed one of their commissioners, as they can more dearly apply with him. It was pleasing to find that about twenty of the Pokemouche Indians were steadily employed as labourers at the Steam Sawmill recently erected at Shippegan, where they each received five shillings per day. This steady employment will soon reclaim them from their wandering habits and eventually make them good settlers. The Indians of the northern coast can only be dealt with as a body of their annual festival of St. Anne, when they assemble in two occasions – the one at Richibucto

⁷ Moses Perley, “The Reports on Indian Settlements,” cxiii.

Island, and the other at Burnt Church Point. On Special occasions they all meet at Burnt Church.

I beg respectfully to suggest, that a decision should be had as to the lands of these Indians are hereafter to occupy, which should be specially designated and set apart for them – that the residue of their lands should be disposed of to the best advantage for the creation of a fund – that a general meeting of the Indians should be summoned, for the next St. Anne’s day, at Burnt Church, when the decision of the Government should be formally communicated, and arrangements entered into with the Several tribes for their fixed settlement at certain points to be agreed upon, where they should receive aid from the fund.

The various matters of detail connected with such arrangements could be settled in the meantime, but everything should be to arranged, as to render a final settlement certain until such final settlement does take place, it is hopeless to expect our in the condition of these Indians, and useless to undertake any measures with a view to fixing them permanently at any location.⁸

L. F. S. Upton briefly mentioned this document in his work, where he suggested that the Mi’kmaq “agreed on what land could be surrendered for an annuity,”⁹ but he neglected to state the circumstances of this potential surrender. At the time, the Pokemouche Mi’kmaq had been forcibly expelled from the strip of land containing the church by a French squatter. As far as they were concerned, that land was already lost. Unless the reader was aware of this other strip of land that was reserved for Pokemouche, Upton would be implying that the Mi’kmaq wanted to sell land from their main reserve. This was simply not the case, as the Mi’kmaq specifically stated that they wanted to keep the land in its entirety.

⁸ Letter and accompanying report from Moses Perley to the Lieutenant Governor regarding the Kent, Northumberland, and Gloucester County Indians; October 21, 1847. RS 9 Executive Council: Cabinet Meeting Records, November 11, 1847, #40, Provincial Archives of New Brunswick. In the two mentions of the name Robicheau, the spelling differs.

⁹ Upton, “Indian Affairs in Colonial New Brunswick,” 19.

This document also shows that Moses Perley recommended against the Mi'kmaq case, thinking that it was better to sell the land for what appears to be a plan to create a consolidated fund for the Mi'kmaq of northeastern New Brunswick. The Pokemouche Mi'kmaq were obviously unaware of Perley's opinion, for they asked for him to represent their needs again in 1855. This time, while he was visiting the shores of Pokemouche as the fisheries commissioner, they had asked him to campaign for relief funds on the behalf of the Mi'kmaq:

I beg to state that I have received a communication from Joseph André Julien, Chief of the Micmac Indians of Pokemouche... who represents that the people of his tribe are in a state of great destitution at the present movement, and wholly unable to produce seed for planting or sowing this spring. The Indian Commissioner for Gloucester resides at Bathurst, which is at a long and inconvenient distance from Pokemouche. The Chief declines holding any communication with the Commissioner, but for what reason is not stated. He therefore appeals to me, as his Superior Chief, to bring the destitution of his people under the notice of the Government, and I beg most respectfully that some aid may be sent to these suffering Indians at an early day...¹⁰

By this time, much of the reserve was being sold. Among the first settlers to be granted pieces of the Pokemouche Reserve in 1856 was Paul Landry, as indicated in James Davidson's application to the Surveyor General on his behalf:

I have been down at Pockmouche and have examined the Lot tracts 1 & 2 on the Indian Reserve applied for by Paul Landry. There has been about four acres cleared by our William Moss who left this Province several years ago and the greater part of the Clearance so made is now covered with a second growth of woods. Some of the Indians I understand planted some potatoes on the Clearance made by Moor but so far as I could ascertain it has not been occupied for some

¹⁰ Letter from Moses Perley to S. L. Tilley requesting relief funds for Pokemouche Reserve (#4115), May 5, 1855. RS557G Provincial Secretary: Indian Administration Records, Provincial Archives of New Brunswick.

years. I can see no reason why the land should not be granted as one quarter of the Reserve is quite sufficient for the Indians indeed they scarcely occupy any part of it. However as the adjoining Land is becoming settled they will regain some place to stop on in the winter season and also a sufficient quantity to plant on for such as worth for disposed to do so, but I think one quarter of the Reserve or even less is quite sufficient for them and those Reserves are detrimental to the settlement of the country wherever situated. I would mainly add that they appear to be fast dwindling away and in my opinion the time is not far distant when they will become altogether extinct.¹¹

Paul Landry was eventually granted his lots and long retained them. Evidence of this can be seen even today, as the location of the lots are now occupied by a hamlet called Landry near the mouth of Nowlans Brook. More reserve land was granted in the late 1850s, squeezing the Pokemouche Mi'kmaq into a quarter of the original reserve, as Davidson suggested. In 1861, a list was created of those grantees who paid for their lots in full:

The following is a list of Lots sold on the Pochmouche Reserve which have been paid in full

Lots 10 & 11	Augustin Arseneuos	last payment Nov. 1859
26	Marcel Boudreau	do. 31 Dec. 1859
5,6,7,8, & 9	George Sutherland	do. 6 th Jan. 1859
15	Docity Blanchard	do. 5 th Sept. 1859
16	Gilbert Arseneous	do. 9 th Sept. 1859
25	Peter Boudreau	do. 29 Oct. 1858
19, 20, & 21	Theophilus Desbrisay	do. 28. Jan. 1861

¹¹ Letter from James Davidson to John Montgomery, Surveyor General, respecting the land on the Pokemouche Reserve applied by Paul Landry, December 5, 1856. RS637/29f Records of the Surveyor General, Provincial Archives of New Brunswick.

We return the above list in compliance with your request in your communication of 13th instant, and we trust it will be what is required...¹²

The sale of the Pokemouche Reserve appears briefly to have been out of control, when in 1857, James Davidson had the *Royal Gazette* advertize the sale of lots 1 through 4 from the reserve, irking the Indian Commissioners in Bathurst. In response the commissioners sent a letter and protested the sales advertized through Davidson.¹³ Despite this setback, by the time of Confederation in 1867, lots 1 to 27 were granted away (Figure 4). The rest of the reserve remained labelled as “Indian” – lots 28 to 33. After Confederation, the structure of the indigenous relations changed, as Indian Affairs were no longer controlled by the provincial government in Fredericton, but by the federal government in Ottawa.¹⁴ In 1871, all Indian Reserves were transferred to the federal government.¹⁵ Shortly after, Joseph Howe, of the Federal Indian Branch, requested all information of the sales of Indian reserves in New Brunswick, including Pokemouche:

¹² Letter from the Gloucester County Indian Commissioners to Robert Gowan containing a return of lots sold on the Pokemouche Indian Reserve, December 20, 1861. RS637/29f Records of the Surveyor General, Provincial Archives of New Brunswick.

¹³ Letter from Gloucester County Indian Commissioners to the Surveyor General objecting to the proposed sale of land at Pokemouche Indian Reserve, April 24, 1857. RS637/29f Records of the Surveyor General, Provincial Archives of New Brunswick.

¹⁴ “The British North America Act,” *Statutes of Canada*, 30 and 31 Victoriae, Cap. 3 (1867): 19-20.

¹⁵ Letter from Director of Indian Lands & Timber, J. C. Caldwell to Richibucto Indian Agent Charles Hudson, February 28, 1931. This letter was regarding a piece of land that was not transferred to Federal Crown land, which New Brunswick attempted to claim control over. Pokemouche Reserve, New Brunswick - Sale of Lots for Settlement, RG 10, Volume 1941, File 4078, Indian Affairs. Library and Archives Canada, hereafter referred to as “Pokemouche LAC”.

Appreciation having been made for Patents for lots nos. 12, 13, and 17 Indian Reserve Pockmouche ... and as this Department is not aware of Sales of those lots having been made, I have the honor to request that I may be supplied with such particulars of the Sales, dates, amounts for which the lands were sold, and amounts paid on account , as the records of your Department will exhibit... respecting Indian lands in general which have been sold by your Department.¹⁶

During the information exchange between the province and Ottawa, it was established that there were no annual reports, no listing of officers in their former Indian Department, but most importantly, the Crown Lands Commissioner of New Brunswick, Richard Sutton, reported that he was unaware of where the proceeds of the sale of reserve lands went.¹⁷ The status of reserves in New Brunswick had to be regulated on the information Ottawa was given, which included who paid for their grants in full and who did not. For example, New Brunswick forwarded a letter to Ottawa indicating that Paul Landry did not pay for his lots.¹⁸ Consequently, there was correspondence with Landry with regards to his debts:

Some years ago, I bought at ... public auction a lot of the Pokemouche Indian Reserve on the purchase money of which I paid Eleven pounds ... Nine Shilling ____ two pence due, the nine shillings and two pence bei ____ for Interest... About a week since I was told that M. Sag ____, the present Indian Commissioner, had sold the ____ piece to another man, upon which information __ went to Pokemouche and saw that the man, had begun to build a House on the land at the same place where I used to live, for I must tell you sir, that I have worked and lived there already and have a field there.

¹⁶ Letter from Joseph Howe, Indian Branch, Ottawa, to the Surveyor General requesting particulars of land sales on Pokemouche Indian Reserve, April 5, 1871. RS637/29f Records of the Surveyor General, Provincial Archives of New Brunswick.

¹⁷ Upton, "Indian Affairs in Colonial New Brunswick," 23.

¹⁸ Letter from S. L. Bishop to Paul Landry, January, [date torn]. Pokemouche LAC.

I am a poor man, and have no land except for the piece in question and would find it hard to lose both the money that I have paid and ____ land. I have never relinquished my claim to my land and have worked on it almost every year since I became the purchaser.¹⁹

Years later, settlers became interested in purchasing some of the lots of the Pokemouche Reserve. In some cases, there had been petitions for lots that were already sold by New Brunswick. In 1907, W. D. Carter of Richibucto attempted to petition for lot 23, to which Ottawa replied with some surprise, as it had already been granted to Alexandre Dugay before Confederation.²⁰ The interest continued until finally, the Secretary of the Department of Indian Affairs, J. D. McLean, had set up a correspondence with Indian Superintendent R. A. Irving in Buctouche:

J. D. McLean to R. A. Irving, Esq. Indian Superintendent, Buctouche, NB.

I beg to inform you that Mr. Edward Hayden of Pokemouche, N.B. has written the Department to know if he can purchase a Lot in that Indian Reserve, and upon reference to the records in the Department, it would appear that Lots 22, 29, 30, 31, 32, and 33 have not been sold, although all the other Lots have been reported as having been disposed of prior to Confederation. I am, therefore, enclosing a blue print copy of a blue print copy of Plan of Pokemouche Reserve, and have to request that you will make a careful investigation as to the Lots above named, as appearing unsold, and if occupied, you will obtain and forward to the Department the authority in each case for such occupation, giving name of occupant, and nature of title, if any, under which the property is held.

To the Secretary, Department of Indian Affairs,

I beg to say that I am having considerable difficulty in obtaining the necessary information for you in reference to the lots of land in question on the Pokemouche

¹⁹ Letter from Paul Landry to Hon. J. A. Angliu, October 28, 1874. Pokemouche LAC. [Underscored areas indicate pieces of the document that was torn off.]

²⁰ Correspondence between Secretary of Dept. Of Indian Affairs J. D. McLean and W. D. Carter, Oct. 25-30, 1907. Pokemouche LAC.

Indian Reserve, but hope to have the same. Soon, I have written to Mr. E. W. Malone, Deputy Land Surveyor in order to ascertain what would be the probably cost of a survey of the above lots; just as soon as I hear from him I will communicate the same to you.²¹

This exchange opened up the potential to sell more of the Pokemouche Reserve. In 1915, Gervais A. Landry petitioned Indian Affairs for lot 29. In response, McLean suggested asking the Mi'kmaq:

In reply I would say that lots 22, 29, 30, 31, 32, and 33 on this reserve, and the portion marked on the plan "burn barren" have not been surrendered by the Indians to be disposed of for their benefit. It might be well for you on the first opportunity to take up with the Burnt Church Band, who appears to be the owners of this reserve, the question of whether they would be willing to surrender these lots to be sold for their benefit, and advise the Department as to the result of your inquiry.²²

McLean's idea of asking the natives for clearance before selling the reserves eventually caught on. In 1919, C. J. Cyr petitioned for 100 acres of Pokemouche, stating that "the Indians left this Parish long ago, and have no more interest here."²³ This time the letter was forwarded to W. A. Orr, head of the Lands and Timber Branch, who simply stated that the reserve was not surrendered, but that Cyr's application should be sent to the local Indian Agent.²⁴ A month later, Timber Inspector F. J. Buoy sent a letter to Duncan

²¹ Correspondence between Secretary of Dept. Of Indian Affairs J. D. McLean and Indian Superintendent R. A. Irving, April 29, 1909 and August 31, 1909. Pokemouche LAC.

²² Letter from Assistant Deputy and Secretary J. D. McLean to George A. Hutchinson, Acting Indian Agent in Richibucto, April 21, 1915. Pokemouche LAC.

²³ Letter from C. J. Cyr to Ministry of Lands, Indian Reserve Department, March 22, 1919. Pokemouche LAC.

²⁴ Letter from W. A. Orr to C. J. Cyr, April 1, 1919. Pokemouche LAC.

Campbell Scott, the Deputy Superintendent of Indian Affairs. Scott resembled New Brunswick's Moses Perley in that he was notorious for his romanticism regarding indigenous peoples, and yet promoted destructive measures hoping to integrate natives into mainstream Canadian society by making them settle, take on agriculture, while their reserve lands were forcibly sold off.²⁵ In this letter, a plan was created to have the Mi'kmaq surrender Pokemouche:

It will be necessary to take a surrender of these lots (comprising an area of 488 acres) from the Indians before sale of the land or timber can be made. There are no Indians living on this Reserve not [*sic*] have there been any resident there since about 55 years ago. The Indians of the Burnt Church band appear to regard the Pokemouche Reserve as belonging to them whilst the Indians of Bathurst [Pabineau] also claim ownership. I would recommend that a surrender be submitted to the Indians of both places, especially as there are only two Indians of voting age in the Bathurst band. It is variously reported that there is a considerable quantity of timber remaining on the unsold portion of the Reserve and also that French squatters have cut large quantities of the timber besides being in occupation of the land.²⁶

It is not known if Scott himself took the matter up to the Mi'kmaq of northeastern New Brunswick. The sale of the main Pokemouche Reserve was interrupted a few days later because of controversy over the Church Lot. Now occupied by settlers at the village of Inkerman, local officials became worried about the future of this site:

Re lot of land number 25 in Block 21 in the Parish of Inkerman in the county of Gloucester in Province of New-Brunswick originally under the name of "John Pomerville in trust for Pockmouche Indians", I beg leave to say that this lot is forming to-day the middle of our parish and therefore is very thickly settled since

²⁵ Neu and Therrien, *Accounting for Genocide*, 100.

²⁶ Letter from Timber Inspector F. J. Buoy to Deputy Secretary Duncan Campbell Scott, May 7, 1919. Pokemouche LAC.

60 to 70 years, by the White Race, comprising of the Church, the Railroad station, two hotels, three merchants, etc.

It is rumour to-day that the Indians want to come here and take charge of this whole lot. Please let me know, whether or not, they have any legal title to this lot to-day...²⁷

The officials of the Department of Indian Affairs were unable to give an answer to Allard. They suggested that Allard send them a detailed description of the land and asked him to find out if Pomerville was an Indian.²⁸ Allard responded, saying that he did not know if Pomerville was Mi'kmaq. However, he did state that the "old inhabitants of this Parish claim that one Peter Robichaud had been given a Deed for this lot No. 25 by the said John Pomerville some 70 years ago."²⁹ The elder inhabitants were somewhat inaccurate. The Pomerville in question was granted the land in 1810 and the deed may not have existed. The Church Lot was never taken back by the Mi'kmaq.

However the Federal government continued its drive to obtain surrender for Pokemouche. The Mi'kmaq of Burnt Church had responded to the inquiries about the sale of Pokemouche that month. Chief Paul Taylor and council had had a meeting to discuss the matter and Taylor sent a letter expressing his confusion over why settlers were occupying some of the lots:

²⁷ Letter from Francis O. Allard to Department of Indian Affairs, May 16, 1919. Pokemouche LAC.

²⁸ Letter from Lands and Timer Branch W. A. Orr to Francis O. Allard, May 28, 1919. Pokemouche LAC.

²⁹ Letter from Francis O. Allard to W. A. Orr, June 2, 1919. Pokemouche LAC.

Indians of Burnt Church Band are asking the Department of Indian Affairs how those locales on Pokemouche Indian Reserve, purchased their grants from the Department in the year of 1914 without the Burnt Church Band surrender to the Department of those lots no 24, no 23, no 18 and they said lots as been sold to those locales I was down there the 17th of this month, and found the date when the grants were given out. Kindly see to this matter as soon as you can.³⁰

Taylor was unaware of these settlers on the Pokemouche Reserve. Orr did not ease Taylor's confusion, as he responded to Taylor by correctly indicating that the lots in question were originally granted before Confederation, but incorrectly stated that they were surrendered at that time.³¹ The Mi'kmaq never surrendered their land and as discussed later, they did not recognize the sale of the Pokemouche lots.

A month later, the Joseph Bernard and Alex Prisk of Pabineau, likely the two males of the age of majority, responded to the prospect of the sale of Pokemouche:

We have gone and visited the Pokemouche River Indian Reserve in the county and find that instead of seven families living on the reserve as shown on the plan, there are fifteen families with eighteen houses.

A party there told us that the lots were all granted but two.

We consider that the proper proportion of the proceeds from the sale of these lots should come to the Bathurst Reserve and not to Burnt Church or any reserve outside of Gloucester County. Also that the lots remaining unsold should when sold to oyr [*sic*] credit both in the fund and in proprtion [*sic*] to be paid over to Bathurst Indians.³²

³⁰ Letter from Chief Paul Taylor of Burnt Church Band to Deputy Superintendent of Indian Affairs Duncan Campbell Scott, May 27, 1919. Pokemouche LAC.

³¹ Letter from W. A. Orr to Chief Paul Taylor, June 6, 1919. Pokemouche LAC.

³² Letter from Joseph Bernard and Alex Prisk to Department of Indian Affairs, July 15, 1919. Pokemouche LAC.

The letters by Taylor, Bernard and Prisk appeared to have stalled the sale of Pokemouche, as McLean, now responding to this correspondence, indicated that the department would “have a careful examination of this reserve made in the near future. No action will be taken toward disposing of this Reserve without first securing the consent of the Indians who have an interest therein.”³³

It is interesting to note the discrepancy between the claims of the Mi'kmaq, the government, and the settlers. As stated before, neither Burnt Church nor Pabineau recognized the grants of sale from Pokemouche. In fact, in a regional context, the Mi'kmaq had always assumed that the reserve was still theirs. In a 1902 Mi'kmaq almanac consolidated by Père Pacifique at the Listiguj Reserve, the Mi'kmaq listed all the villages in Mi'kma'ki, including Pokemouche, which was listed at 2477 *engatemegeoei*, or acres.³⁴ This is smaller than New Brunswick's Surveyor General Thomas Baillie's reports on the area, but significantly more acreage than the main reserve contained. As well, in 1924, Joseph Bernard, a Mi'kmaw, sent a letter to the Federal Department of Indian Affairs indicating his desire to live at Pokemouche:

Joseph Bernard, Indian, has asked me to write you requesting that you send him at Armstrong Brook, Restigouche County, N.B. a map or plan of the Pokemouche reserve in this County of Gloucester. He claims that there is 2000 acres of Indian reserve there and would like to place two families on this land this summer and go on himself next year with some black foxes. He might require a little assistance

³³ Letter from Assistant Deputy and Secretary J. D. McLean to Alex Prisk, July 18, 1919. Pokemouche LAC.

³⁴ Père Pacifique, *Tan Migmag Lnog Tlei: Ponaneoimgeoei Oigatigan*. [Mi'kmaq Almanac] (Listigotj: Listigotjeoei Patli Asgogoong Oetjitmeg, 1902), 20.

from you along this line. It would be just as well for you to take the matter up with Mr. Bernard...³⁵

The response from McLean to Bernard was vacuous. He was given the plan of Pokemouche and told that only the established unoccupied lots were available. He was also told to direct his inquiries to Indian Agent Charles Hudson of Richibucto.³⁶ Meanwhile, Thomas Dedam of Eel Ground sent a letter to New Brunswick Ministry of Lands and Mines asking for a plan of Pokemouche so that he might settle down there the following summer.³⁷ His letter was forwarded to the Federal Government instead.³⁸

In 1932, Alex Prisk began to correspond to the Department of Indian Affairs again, but this time in a very different tone:

I am writing you about severe [illegible writing] affairs in Connection with our Indian property here in New Brunswick Gloucester Co.. Found there is our old Reserve at Pokemouche River and of the County this Reserve of some 2.400 acres has not been lived on or occupied by any Indian people for some years back and is being gradually squatted on by the French people in the district. I have been told that some 14 lots of some 50 to 100 acres have been taken from this reserve, which should not have been done without our Bands consent and I would wish very much to have this matter settled up. If your department wishes to take over this reserve and give us the pay of Credit for it I could arrange with the other of the Band here to get a Release of the lands. You will please take note of this matter and write me soon about it – I would be pleased to have a plan of this

³⁵ Letter from J. L. Ryan on behalf of Joseph Bernard to the Department of Indian Affairs, June 12, 1924. Pokemouche LAC.

³⁶ Letter from Assistant Deputy and Secretary J. D. McLean to Joseph Bernard, June 18, 1924. Pokemouche LAC.

³⁷ Letter from Thos. Dedam to C. D. Richards of the New Brunswick Ministry of Lands and Mines, February 16, 1931. Pokemouche LAC.

³⁸ Letter from New Brunswick Department of Lands and Mines to the Federal Department of Indian Affairs, March 5, 1931. Pokemouche LAC.

Reserve land as well I want to go over it this spring and would be pleased to have you send me a plan as soon as you could.³⁹

Prisk's letter created much concern within the Department. Beginning in 1910, Indian Affairs had to deal with illegal squatters on the Tabusintac Reserve, stripping the land of its timber.⁴⁰ It was feared that such an event would occur again at Pokemouche:

Alex Prisk an Indian of the Bathurst band has reported that there are a number of white people in occupation of the Pokemouche Reserve, and I have therefore to request you at some convenient time to visit this reserve and make a full inquiry into this matter.

It is likely that a situation has developed on this reserve of a similar nature to that which occurred some years ago on the Tabusintac Reserve, but before taking definite action, the department desires to know to what extent this white occupation has taken place.⁴¹

Hudson initially responded with a great deal of skepticism. In fact, he had described Prisk in an inflammatory manner:

In reply I beg to inform you that I will make a visit to this reserve as soon as possible, or a little later when the travelling is better as in this remote district the roads are not good.

In regard to this reserve I would state that in December 1925 I visited the... reserve and was on every lot on the reserve and found that almost every lot had been granted to white people. The only ones remaining in the hands of the Department were No. 22, 29, 30, 31, 32, and 33, and these are only barren wastes, with a little woodland on 22. It will be advisable to look into the matter but I think Alex.Prisk

³⁹ Letter from Alex Prisk to the Department of Indian Affairs, stamped May 16, 1932. Pokemouche LAC.

⁴⁰ Northumberland County Agency – Correspondence Regarding Seizure of Illegal Cut Timber on Burnt Church and Tabusintac Reserves and Applications for Timber Permits on Various Reserves in the Agency. RG 10, Volume 7834, File 30055-6, Indian Affairs. Library and Archives Canada.

⁴¹ Letter from A. F. MacKenzie to Richibucto Indian Agent Charles Hudson, May 18, 1932. Pokemouche LAC.

[sic] only just imagined that this reserve all belonged to the Department and he thought the residents were trespassing. This Indian has been unable to be away from his home for nearly a year on account of some trouble in his head. He is not considered sane just now.⁴²

True to his word, Hudson visited the Reserve and sent another response to MacKenzie:

I beg to say that I hace [sic] visited this reserve, and there is no new settlers established there since my visit of December 1925. As I stated in my letter of June 3rd, this year, all the lots in the Pokemouche reserve have passed out of the control of the department, except Nos. 22, 29, 30, 31, 32, 33. These lots are not occupied and as far as I can see have not been molested.⁴³

It would obviously be difficult to determine if Prisk had been ailing at this time.

However, in support of Prisk's claims, he stated, just like most of the other Mi'kmaq, that the Pokemouche Reserve had over 2000 acres. It is plausible that the squatters Prisk referred to were the ones who were occupying those grants, not the lots that went without being sold. As such, it would seem that he, and potentially the other Mi'kmaq, did not recognize those grants, because they were unaware of any surrender of that land. This would imply that there was no land surrender at Pokemouche at all. While the Mi'kmaq lived in separate communities, they still saw each other frequently, as Perley noted with regards to the Mi'kmaq gatherings. If there was a land surrender, the Mi'kmaq would have known about it, whether they were descended from the Pokemouche Mi'kmaq or not.

⁴² Letter from Richibucto Charles Hudson to A. F. MacKenzie, June 3, 1932. Pokemouche LAC.

⁴³ Letter from Richibucto Indian Agent Charles Hudson to A. F. MacKenzie, December 12, 1932. Pokemouche LAC.

This raises an important question: where did the Pokemouche Mi'kmaq go?

There are three possibilities, two of which involved removal to another reserve. As discussed earlier, one family can be located in the 1871 census of Alnwick Parish in Northumberland County:⁴⁴

Pommevell, Thomas	M	Age 48	Labourer
Malmonset [Monique]	F	37	
John	M	19	
Francis Thomas	M	17	
Michael	M	15	
Molly	F	12	
Mary Jane	F	9	
Susan	F	6	
San	M	23	Hunting and Fishing
Elizabeth	F	19	

Thomas' son, San, and Elizabeth were married, living with Thomas's family. By 1901, Thomas and Monique were living without their children in Burnt Church, under the name Cournaphil.⁴⁵

It should not be surprising that some of the Pokemouche Mi'kmaq would move to Burnt Church. Wilson D. Wallis and Ruth Sawtell Wallis collected Mi'kmaq stories from Burnt Church, which they included into a volume entitled *The Micmac Indians of Eastern*

⁴⁴ 1871 Census of Canada.

⁴⁵ 1901 Census of Canada, New Brunswick, District 19, Subdistrict A-2 Alnwick, p. 23 Family #195.

Canada.⁴⁶ In these stories are mentions of people not only from Pokemouche, but from Tabusintac and Red Bank as well. There is one story where a number of Pokemouche Mi'kmaq settle into Burnt Church and adopt to their customs:

The Burnt Church Indians said to some other, "If you wish to come here, you must adopt our customs." The visitors were too much civilized.

When St. Anne's Day arrived, they wanted to come here. Six or seven of them met and had a conference. They talked it over, pro and con, and finally decided that they must conform to Burnt Church custom. They went slowly, in their canoes, to the bridge [over Church River]. A Burnt Church man called out to them, "If you do not do as we do in Burnt Church, beware! If you do not adopt our ways, you may not stay with us. But if you do as we do here, all will be well." A Burnt Church man had his daughter with him. The group of visitors was from Pokemouche. The Burnt Church people saw dried eels, gave some money to the girl, and said to her, "Go to the Pokemouche Indians, buy three or four eels, and cook them." The eel-man and his wife had a young man with him. He was one of those who had been warned to do as the people do here, at Burnt Church.

The girl goes up to the Pokemouche people and asks, "Have you any dried eels here?" "Yes; do you see that woman there? She has them." To her, "Have you some eels?" "Yes; how many do you wish?" "I should like to have six."

The girl pays her a dollar. The woman says, "That is too much." "No, take it all. Are you satisfied with what you have?" "Yes, *lusuwesk* [daughter-in-law]." All hear the old woman, and all laugh. Her son is standing by, listening.

Upon the girl's return, her father asks, "Did you obtain them?" "Yes." "Where?" [Here the whole proceedings, as given above, are narrated by the girl; the storyteller omitted nothing.] Her mother says, "That is your husband. After supper you must go to him."

After that, and until this day, the people at Burnt Church and those at Pokemouche have been friends, for a girl and a boy from these two places were married.⁴⁷

The relationship between Burnt Church and Pokemouche appeared to be amicable. If families did move to Burnt Church, it would likely be why it was assumed that Burnt Church owned Pokemouche. However, while Burnt Church is the strongest prospect,

⁴⁶ Wilson D. Wallis and Ruth Sawtell Wallis, *The Micmac Indians of Eastern Canada*, (St. Paul: University of Minnesota Press, 1955).

⁴⁷ Wallis and Wallis, 402-3.

Pabineau also claimed it as their own. Perley described in his report that many Mi'kmaq visited them at Nepisiguit.⁴⁸ While it remains only a faint possibility that some of the Pokemouche Mi'kmaq moved to Pabineau, the latter's claim to the reserve may have helped Pokemouche remain intact after Confederation. However, the Pokemouche Mi'kmaq often complained of the travel to Pabineau (Bathurst) and their sour relations to the Indian Commissioner residing near there.

The third possibility is that some Mi'kmaq may not have left the region. In the 1881 Census of Canada, it appears that a Lewis Patlas, Indian, with his family lived in Inkerman Parish as a farmer. His family was not alone, as a widowed Joseph Barnaby and his family resided with him.⁴⁹ These Mi'kmaq likely did not live on the reserve, as it was largely sold off, but still resided locally. A local historian in northeastern New Brunswick discussed the presence of Mi'kmaq in recent memory:

Mais, dès le 21 juillet 1895, une jeune micmacque âgée de 14 ans, Mary Jane Bill, faisait sa première communion dans l'église de Paquetville.
Plusieurs se souviennent encore de certaines familles micmacques qui habitaient dans deux petites maisons au nord de la rivière, just à l'est de l'ancienne gare de Burnsville.⁵⁰

In Donat Robichaud's history of Paquetville, he included a few oral stories regarding the Mi'kmaq presence. They were mostly classmates of the storyteller, but the

⁴⁸ Perley, "The Reports on Indian Settlements," civ.

⁴⁹ 1881 Census of Canada, New Brunswick, Gloucester County, District 36, Subdistrict D, Division 1, p. 45, household # 167. Library and Archives Canada.

⁵⁰ Mgr Donat Robichaud, *Paquetville: Pays de buttes et d'érables*, ([No Publisher indicated], 1993), 85.

reason Robichaud included these stories was to show that the Mi'kmaq were present in the community. It is possible that some of the Pokemouche Mi'kmaq, while leaving the reserve, merely took up residence nearby. These Mi'kmaq probably went unnoticed by government officials and either integrated with the local population or, more optimistically, continued as Mi'kmaq undeterred by the colonial bureaucracy.

Since 1844, most of Pokemouche had been rapidly sold off without consent of the Mi'kmaq. On one occasion, an aggressive squatter literally beat the Mi'kmaq into believing that they should just give up their Church Lot where Inkerman stands now. Of the main reserve, their home was split into thirty-three pieces and sold away – again without Mi'kmaq consent. The promised funds to benefit the Indians never arrived and the lands that were reserved to the Pokemouche Mi'kmaq were transferred to the new Federal government of Canada, which in turn proposed selling the rest of the reserve, except this time by getting a neighbour of Pokemouche to sign a surrender, thus almost ending the existence of Pokemouche.

The Pokemouche Mi'kmaq, in need of a new home, likely moved into one of their neighbouring reserves. Burnt Church was probably the best location for the Mi'kmaq, thanks largely to their close relations. Pabineau was another choice, but travelling being difficult, may never have received new citizens from Pokemouche. The last option for the Mi'kmaq would have been to stay. Indeed, the Pokemouche River appeared to have been an ancient Mi'kmaq community, one that was undoubtedly difficult to leave. Census records and stories related by the French back up this theory. The Pokemouche Reserve was no longer inhabited by the Mi'kmaq and continued to be a burden to the Federal

Government; the left over acreage was land that could have been sold, but instead sat unoccupied for decades.

Chapter 5: Conclusion

This thesis traces the evolution during a key period of change of an indigenous community with a unique history, although one that was also affected by broader historical currents. Until now, the only significant secondary literature on the Pokemouche Reserve was provided by William F. Ganong, who concentrated on the river itself, not the indigenous peoples.¹ Likewise L. F. S. Upton's sweeping survey of indigenous history was flawed in that it implied that the Pokemouche Mi'kmaq willingly surrendered their land despite the actual evidence explaining the context of their frustrations.² Excluding these works, literature on Pokemouche were confined to a lone mention that they had signed the Peace and Friendship Treaty with Governor Jonathan Belcher in 1761.³ The lack of literature on Pokemouche may be because there are no Mi'kmaq currently living on the small residue of the original reserve and therefore there was less academic concern over its history.

The existence of Pokemouche as a home to the Mi'kmaq was owed originally to the fishing available. The name itself means "where the holes are made for fishing", as theorized by Père Pacifique. This contrasts with Silas Rand, who suggests the name means "salt extending inward" and the Pokemouche Golf Course, who claim it means "bird sanctuary". The version used in this thesis was chosen because there is a function

¹ Ganong, "The History of Pokemouche".

² Upton, "Indian Affairs in Colonial New Brunswick," 109.

³ Treaties of Peace and Friendship between Mi'kmaq Chiefs and Britain.

to the name and, according to Silas Rand, the verb *Pōgum* which means “I bore it”, thus to bore holes for fishing. The name also serves this thesis in that it shows that the Mi'kmaq made great use of the river long before Europeans arrived, because not only had there been fishing, but there was a specific technique of fishing that was important enough to name the river after it.

The history of the Pokemouche Reserve mirrored in certain respects that of the overall history of colonization of northeastern North America. As a coastal inlet, the Pokemouche River was likely seen and used by several early European explorers, fishermen, and whalers. Although Pokemouche may well not have been as often visited as the neighbouring Miramichi River or the Baie de Chaleur, the Mi'kmaq population was mobile and encompassed many locations for resource-gathering and trade networks. Ultimately encounters with Europeans or indigenous peoples who themselves interacted with Europeans exposed many or all to epidemics which severely depleted the Mi'kmaq population as a whole. This served the interests of the European traders, as their goods readily became necessities for the devastated communities.

The fur trade became essential to the finances of the French colonization in northeastern North America. French traders, along with the intermittent fishermen, often made lopsided exchanges with the Mi'kmaq, manipulating by providing alcohol in exchange for their furs and encouraging them to change their gender roles, burial culture, and patterns of settlement. Most crucially, French colonization encouraged changes in economic priorities. Originally the Mi'kmaq had their own furs to support their own communities, but the fur trade created an emphasis on individualist economies. French

traders were in Mi'kma'ki specifically to bring in furs and make a profit for their individual selves and this practice was applied to the indigenous peoples they traded with.

The alliance that was created was not one based on friendship. The French were the catalysts for wars against the Iroquois and their European allies. While the French and the Iroquois had, in theory, made peace in 1701, the British and French were battling over the continent, dragging their allies with them. The series of colonial wars lasted for generations, despite efforts by indigenous peoples to end the fighting with diplomacy. In the early eighteenth century, France began to surrender indigenous lands to Britain in European treaties, which had harmful – and irksome – consequences for the Mi'kmaq. Eventually Britain assumed northeastern North America as its allegedly rightful territory, which only strained the already-tumultuous relationship between the indigenous people and their new colonial occupier.

Britain sought to make peace with the indigenous people even during these wars. With their use of treaties, the British attempted to make the indigenous peoples submit to the laws and authority of British policy, even as the indigenous peoples always maintained their independence from the colonial government. When the Mi'kmaq and Wabanaki resisted colonial encroachments on their lands, the British sought to eliminate the problem by issuing scalp bounties against the indigenous peoples on lands the British claimed as their own. Between the wars, the lopsided treaties, and the bounties, British policy was hostile to the Mi'kmaq. This hostility worsened when the British constructed the fortified town of Halifax in Mi'kma'ki without consent.

In 1761, Peace and Friendship Treaties were concluded and signed between the British and four Mi'kmaq communities. Among the signers was the Chief of Pokemouche, Aikon Aushabuc. The British-authored written text of the treaty stated that the Pokemouche Mi'kmaq would submit themselves to British authority. However when British merchant Gamaliel Smethurst met with the Pokemouche Mi'kmaq less than five months after the treaty signing, his relation contained no evidence at all that they submitted nor would ever willingly submit themselves to British authority. In reality, the Pokemouche Mi'kmaq were understandably cautious about the motives of the British, as Smethurst relates, "they said the English had deceived them, by telling them it was peace, whereas the French tell them it is war still."⁴

In 1763, France signed away the rest of Mi'kma'ki to the British. Britain, afraid of an indigenous uprising against its colonialism, issued the *Royal Proclamation*. The document forbade colonists to encroach on indigenous land that had not been, to date, already surrendered. This angered the colonists of the Thirteen Colonies and served as one of the factors leading to the American Revolution. This war ended with an American victory forcing more settlers, the Loyalists, into Mi'kma'ki. Although originally not as directly invaded as other indigenous communities, the Pokemouche Mi'kmaq eventually saw Irish and French settlers move onto the river. However it was the subsequent encroachments of the timber industry that primarily motivated the Pokemouche Mi'kmaq to petition successfully for reserve land in 1810.

⁴ Smethurst, *A Narrative of an Extraordinary Escape*, 372.

The newly formed Pokemouche Reserve consisted of three plots of land along the river and one island. The largest plot – consisting of 1,495 acres – became the community’s main home, while the tract of land near the mouth was occupied by a church and was therefore the Church Lot. In total, the Pokemouche Reserve was 2,600 acres. The Mi'kmaq, increasingly constrained from hunting because of dwindling wildlife populations, found themselves drawn into roles involved with the timber trade in order to survive.

The booming timber trade became unruly, however, and the colony of New Brunswick used Britain’s Civil List Act take charge of the Crown Land in the hopes of securing that industry. The colonial state was also concerned about the squatters intruding on Indian reserves to harvest lumber and sent Moses Perley, in the new post of Indian Commissioner, to visit the Maliseet and Mi'kmaq reserves. On his visitation with the Pokemouche Mi'kmaq, Perley noted that they were the most traditional Mi'kmaq he had encountered. However, after his observations that the Maliseet and Mi'kmaq were still – even within the undoubted constraints of colonialism and environmental change -- exercising their traditional economies, he made suggestions that the indigenous peoples should live in centralized villages, where they could farm or take on wage labour.

The New Brunswick Assembly went further. In the 1840s, a committee entertained the idea of having squatters improve the land to increase real estate value. It also suggested that the indigenous peoples be apprenticed into a trade. The Assembly went even further in 1844 by passing “An Act to Regulate the Management and Disposal of the Indian Reserves in this Province.” Very quickly, the Surveyor General, Thomas

Baillie, divided up all the reserves and determined how many acres he deemed the indigenous peoples required. Of all the reserves, Pokemouche took the hardest hit. Out of 2,600 acres, Baillie decided that the Mi'kmaq only needed a meagre 200.

Moses Perley initially protested the Act and attempted to stop it. However, his attitude changed when he became the Emigrant Officer of New Brunswick. It was then, in 1847, that he encountered the Pokemouche Mi'kmaq once more, when they complained to him of a squatter on the Church Lot and asked him to represent them for their request to keep the main reserve for themselves. While he presented the argument of the Mi'kmaq to the Lieutenant Governor of New Brunswick, he argued against the idea, suggesting that the lands needed to be sold to make a fund for the benefit of the Mi'kmaq. Perley also encouraged the Mi'kmaq towards obtaining wage labour to take them away from their traditional economy.

The New Brunswick Assembly again went further. Thanks largely to overfishing and hunting, the animal and fish populations were clearly dwindling. Therefore, beginning in 1850 the government passed Acts for the protection of moose and salmon, with articles specifically outlawing the spearing of salmon – the traditional Mi'kmaw way to fish. With a renewed barrier now constraining the traditional means to survive, the Mi'kmaq were forced to accept wage labour, once again forcing them into individualism and capitalist economy.

While the traditional economies of the Mi'kmaq were under bureaucratic attack, their lands were also being sold away. The main Pokemouche Reserve was split into 33 lots and all but six of them were sold before Confederation to French and Irish settlers.

These were sold at auction with funds supposedly going to the benefit of the indigenous people. However, at Confederation, when asked where the money for the parcels of land went, the Indian Commissioner of New Brunswick was unable to give a specific answer.⁵

The remaining six lots were discussed thoroughly by the Canadian Government. With Ottawa realizing that the Mi'kmaq were no longer in Pokemouche, attempts were made to get the Mi'kmaq of Burnt Church and Pabineau to surrender the piece of territory encompassing these lots. Instead Burnt Church demanded to know why non-Mi'kmaq were occupying the reserve, while Pabineau would only surrender the reserve if it alone kept the proceeds. Instead, the federal authorities decided to leave the reserve alone until officials could carry out a more thorough examination of the lands in question.

Meanwhile, in the village of Inkerman – which occupied the former Church Lot -- residents were concerned about a rumour that the Mi'kmaq wanted their land back and began asking questions about the validity of the original land grant. Indian Affairs responded, noting that the department had no information on the grant. The discussion then fell back on speculation. Indian Affairs incorrectly speculated that the grant may have been given to a non-Mi'kmaq, while the residents of Inkerman incorrectly speculated that the Lot was legally given by the grantee to a settler.

However, rumours about the Mi'kmaq wanting to return to Pokemouche were not completely unfounded, as a Mi'kmaw named Joseph Bernard sent a letter to Indian Affairs asking if he and two families could live on the main reserve. Both he and Alex Prisk of Pabineau believed that the reserve consisted of 2000 acres. This suggests that the

⁵ Upton, "Indian Affairs in Colonial New Brunswick," 23.

Mi'kmaq were not aware of any legal or acceptable sales of Pokemouche, which finds support in an earlier published Mi'kmaq almanac which states that Pokemouche was 2,477 acres.⁶

It would stand to reason that the Mi'kmaq would view any occupants of this reserve as squatters. This was the case with Prisk, who demanded that Indian Affairs looked into the matter of the squatters on Pokemouche. This gave Indian Affairs some degree of concern, as it had recently dealt with squatters stripping Tabusintac of timber. However the Indian Agent of Richibucto, Charles Hudson, persistently maintained that no one was illegally occupying Pokemouche and stated that Prisk was not sane. As to where the Pokemouche Mi'kmaq had gone at and around the era of Confederation, the evidence is not conclusive. Nevertheless, despite some claims that there had been movement to Pabineau, the balance of what evidence does survive tends to point to the Mi'kmaq either moving to Burnt Church or remaining on the Pokemouche River. Burnt Church and Pokemouche had an amicable relationship and census records do show at least one Pokemouche family residing there. Meanwhile, census records also show that some Mi'kmaq remained on the river, but likely not on the reserve. Local history supports this theory and whether or not these Mi'kmaq eventually integrated into Canadian society is difficult to ascertain.

Indian Affairs eventually closed its file on Pokemouche land grants and the reserve remained as it was until recent memory. As far as this thesis has shown, the Mi'kmaq no longer occupied it – at least from the perspective of the Indian Agents. What

⁶ Père Pacifique, *Tan Migmag Lnog Tlei*, 20.

was once a largely Mi'kmaq-populated region, as implied by Ganong, was now only occupied by the few Mi'kmaq who settled locally. Initially affected by the early imperial outreach of France and Britain in ways that paralleled other areas of Mi'kma'ki, Pokemouche experienced actual settlement later than did many Mi'kmaq villages and yet then experienced a rapid application of economic and environmental pressures that within a few decades dispersed the community. The land that once belonged exclusively to the Mi'kmaq was thereby reduced to six lots. Today, a portion of those lots are occupied by a golf course that claims to have been named after a Mi'kmaw bird sanctuary.

This thesis has examined the plight of the Pokemouche Mi'kmaq from the vast extent of the river basin that was occupied before European contact to the minuscule block of land that currently no community occupies. In between these two sides of the Pokemouche time line, this thesis examined the early contacts, epidemics, trade, and wars that plagued the Mi'kmaq, events that certainly affected the people of Pokemouche. It continued by examining British colonialism when that foreign body occupied Mi'kma'ki, with the introduction of treaties, designed in the hopes to submit the Mi'kmaq to British rule, to the *Royal Proclamation* and the legislation of reserve land for the Pokemouche Mi'kmaq. This thesis then looked at the colony of New Brunswick as it legislated the disposal of reserves and the destruction of traditional native economies in an effort to bring the indigenous inhabitants into the colonial economy; this continued into Confederation, where Canadian Indian Affairs attempted to sell off the remaining lots of the Pokemouche Reserve, but failed to do so because of the confusion regarding who the real owners of the reserve were.

While this thesis has provided a history of the Pokemouche Mi'kmaq, there is also a broader methodological context. Rajeev Bhargava's identification of methodological individualism as "the view in social science according to which all social phenomena must be accounted for in terms of what individuals think, choose, and do,"⁷ points to the need to acknowledge that the conflict of individualism and communalism was a key battle front against the Pokemouche Mi'kmaq. Government officials and traders attempted to destroy native communal and traditional economies by coercing and forcing them into individual capitalist lifestyles. The colonizer took the approach that the best way to take the land from the indigenous peoples would be to coerce them to participate in the capitalist colonial economy, by breaking down the indigenous society into that of individuals and forcing them to live in a way alien to the communal way of life. It is hoped that this methodological insight will inform future analyses of the colonization of indigenous peoples.

⁷ Bhargava, *Individualism*, 1.

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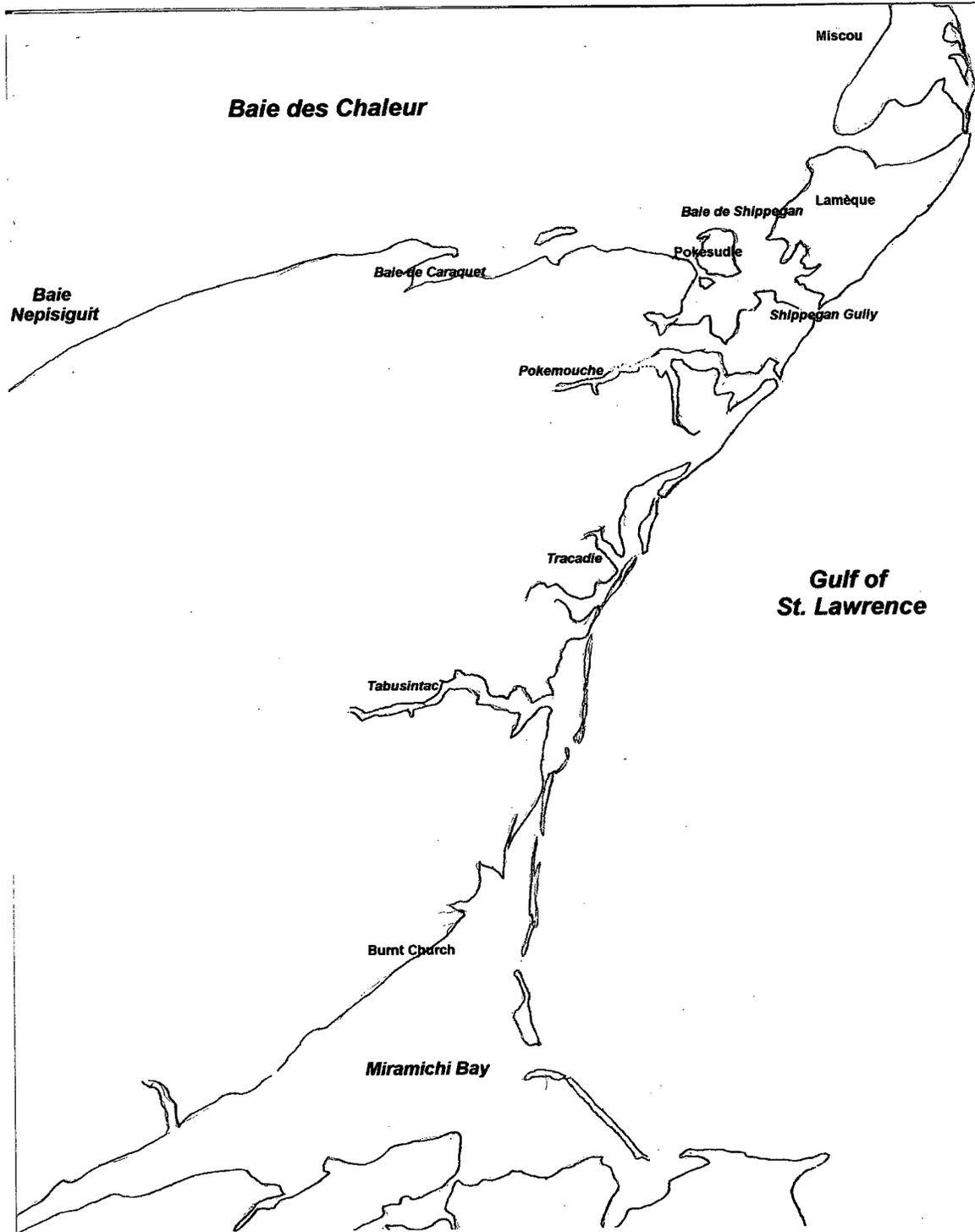


Figure 1: Map of the “Acadian Peninsula” with present day geographic names. Drawn by author.

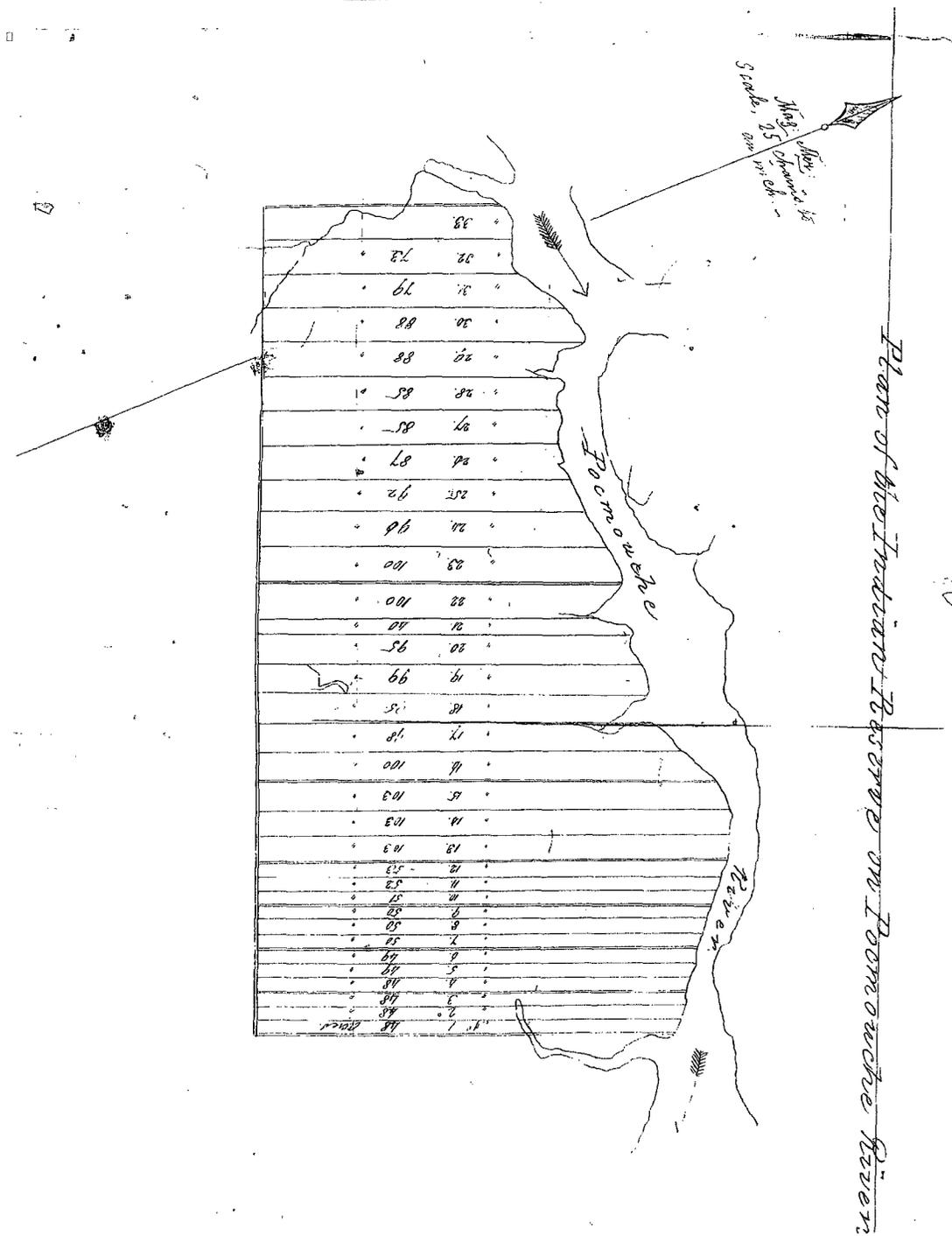


Figure 3: "Plan of the Indian Reserve on Pokemouche River" scaled at 25 chains per one inch; n.d., 118671. RS637/29f Records of the Surveyor General. Provincial Archives of New Brunswick.

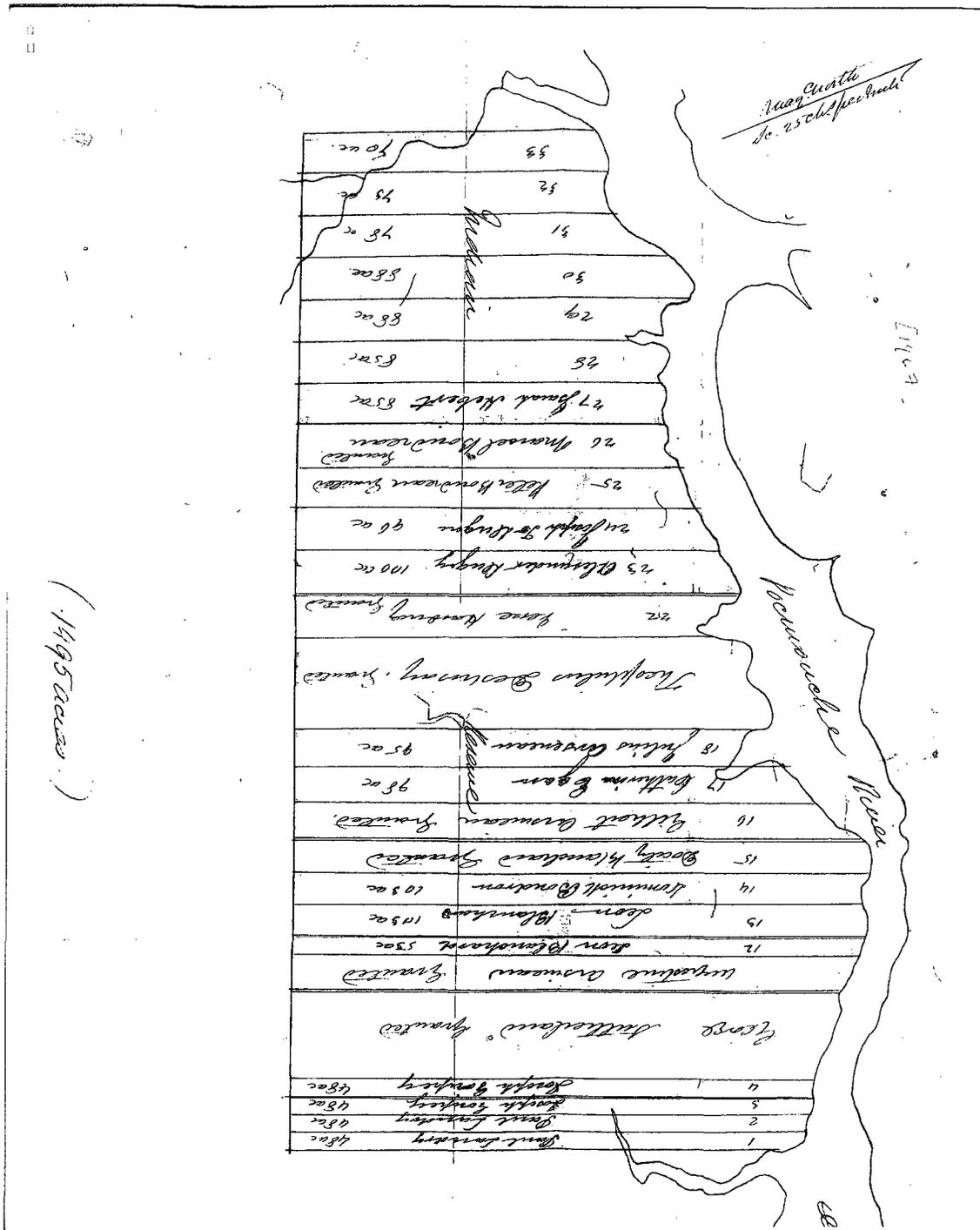


Figure 4: Map (Gloucester No. 1) of the Pokemouche Indian Reserve showing lots totalling 1495 acres and scaled at 25 chains per one inch, [1867], RS637/29f Records of the Surveyor General, Provincial Archives of New Brunswick.