

Oppression in the Shadows: the Mi'kmaq of Nova Scotia and the Development of Indian  
Affairs, 1760-1950

by  
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**Abstract**

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This thesis is a political history of the development of the Department of Indian Affairs (DIA) in Nova Scotia. Rather than position assimilation as the central objective of the DIA, this research proposes that protecting the capital interests of the government was the DIA’s purpose. Four distinct periods of colonialism in Nova Scotia are examined to demonstrate the fluctuating priorities of the DIA. This examination reveals how the Mi’kmaq of Nova Scotia consistently experienced government oppression through neglect rather than control or surveillance. By questioning the validity of our national historiography on Indians Affairs, a broader understanding of colonialism is created. Positioning the protection of capital as the DIA’s core objective also allows for the Maritime region to be included in Canada’s history of Indian Affairs and colonization, rather than isolating it as an outlier.

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## Introduction

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In 1925, the Department of Indian Affairs (DIA) was largely in the control of Duncan Campbell Scott. The Deputy Superintendent had been in his position since 1913 and would remain there until 1932. Scott greatly contributed to Canada's programs of oppression. The DIA was historically a department with little prestige and clout. Therefore, officials and ministers appointed to the DIA often viewed their positions as little more than steppingstones to offices of higher authority. Scott was not one of these officials and he is now remembered as the primary architect of Canada's assimilation programs in the twentieth century, most notably the residential school system. Scott reported on the status of all the Canadian provinces in relation to their Indigenous populations in annual reports that were published by the DIA.<sup>1</sup> In 1925, Scott reported on the occupations of Nova Scotian Mi'kmaq, stating:

They follow various occupations, but, as a rule, do not confine themselves to any particular one. Many of them cultivate the land with indifferent success, but as there are exceptions in almost every case, so it is with our Indians; a few of them are succeeding very well as farmers. The majority of those living near industrial centres usually work as day labourers. Hunting, trapping, and acting as guides for sportsmen are favourite occupations, more especially with Indians of middle age. Basket-making and the manufacture of fancy moccasins, etc., are confined mostly to women. A profitable employment among Indians in a few sections of Nova Scotia is the manufacture of hockey sticks, and they appear to be experts at the business.<sup>2</sup>

Scott reiterated these sentiments in the following year's annual report. And the annual report of 1927. And 1928. In fact, these exact words were used to report on the occupations

of the Nova Scotian Mi'kmaq for twelve years (until 1936), despite the fact that the position of Deputy Superintendent General being taken over by Harold McGill in mid-1932. Not only was this done for Nova Scotia, but every other province. This failure to update administrative reporting year-to-year was made worse by the DIA's elimination of agent reports. In the decades before 1925, local Indian agents, who were tasked with implementing government policies in Indigenous communities, provided their own accounts of the standard of living and the state of "progress" among the peoples under their care. By 1925, however, these descriptive accounts had been deleted from the annual reports. This left the Deputy Superintendent General to provide the only descriptive analysis of life in Indigenous communities. The reports were eventually revised in 1937, which coincided with the DIA amalgamating with the Department of Mines and Resources. The DIA was then simply a branch within a larger department. However, the revisions that were published in 1937 were subsequently copied into the next year's reports.

This lack of active attention by state authorities is inconsistent with the general historical analysis of the DIA. The DIA has historically been conceived of as a rigid, omnipresent, pervasive government presence in Indigenous communities, a control made possible by the 1876 *Indian Act*, the federal law setting the parameters of federal Indian Affairs. This image has changed little over time in the historiography of Canadian Indigenous studies, despite the monumental shifts that have occurred in the field more generally. For example, consider the historiography of government sponsored Indigenous agricultural programs. Early histories of Department of Indian Affairs agricultural programs in Canada assessed their successes and failures, particularly in the Canadian

West. For example, in 1936, G. F. G. Stanley published *The Birth of Western Canada: A History of the Riel Rebellions*, in which he dedicated two chapters to analyzing the “Indian Problem.” In the second of these chapters, Stanley examined the establishment of reserves and the beginnings of the *Indian Act* agricultural program. Stanley argued that the program had very limited success because of the unwillingness of First Nations peoples to abandon a life of semi-nomadism in favour of agricultural sedentary living. The inevitable and good expansion of civilization across Canada, as he saw it, would have forced First Nations peoples to continually seek out uninterrupted hinterlands until their eventual extinction. For Stanley, the benevolent Canadian government took up a policy of civilizing and instructing the First Nations, through which “the Indians might be enabled to take their place in the white man’s society, to share the advantages of civilization, and eventually to participate with him in the conduct of national affairs.”<sup>3</sup> The program Stanley was referencing was the Home Farm plan, contrived hastily by the Department of Indian Affairs during the fall and winter of 1878-79 in response to some 5,000 First Nations peoples abandoning the country to search for food in the American territory. As James Daschuk described, “the scheme was doomed from its inception” due to its sketchy planning and insurmountable magnitude.<sup>4</sup> Stanley was not of the same opinion as Daschuk. For Stanley, the plan to settle First Nations peoples in the later decades of the nineteenth century was continually hindered by the First Nations’ lack of compliance. As Stanley stated: “The Indians, of course, had no desire to settle down. As long as the herds of bison tramped the prairies and the antelope sped across the plains, they were loth to abandon the thrilling life of the chase for the tedious existence of agriculture.”<sup>5</sup> Stanley went on to argue that the extermination of the bison and beaver was similarly the fault of First Nations who continued to hunt irresponsible, and was an

event long foreseen by white settlers, who tried to forbid the hunt.<sup>6</sup> Eventually, the loss of this critical food source brought First Nations to starvation. Yet, they still refused to settle. With the spectre of starvation looming, many groups began “killing their horses and dogs, feeding on gophers and mice, and even picking over the putrid carcasses of dead and rotting animals.”<sup>7</sup> Stanley saw this as a choice to live in “ignorance and inferiority.”<sup>8</sup>

Stanley’s work represents an old colonial narrative that justified the conquering of the “New World” by European colonists as it attempts to demonstrate the clear superiority of European people. The “savage” nomadism or semi-nomadism of Canada’s first peoples was contrasted with the sedentary, agricultural habits of European colonists, particularly Anglo-Saxon, Protestant immigrants. Before and after Confederation, building regional and national identities in Canada rested on the liberal sentiments and philosophies of improvement. Agriculture’s place in advancing human society was a standard enlightenment theme. Specifically, the Scottish philosopher Adam Smith theorized that the development of human civilizations occurred in four stages. He believed humans had initially formed hunter-and-gatherer groups, which eventually evolved into shepherding societies. Shepherding then developed into husbandry, and then finally civilizations reached the stage called commerce.<sup>9</sup> Smith touted agriculture as a means of advancing societies. Like other occupations, agriculture fostered a sense of competition, independence, industry, and diligence that were thought to erode the tribal unit in favour of the family unit. However, unlike other occupations, farming dispossessed nomadic lifestyles by espousing the value of a permanent abode and dissuaded against the uncertainty of hunting by displaying the security of a margin of surplus.<sup>10</sup> The DIA’s



policies were designed around the philosophy of “the Bible and the plough.” In other words, through Christian conversion and the adoption of sedentary, agricultural lifestyles, the indigeneity of first peoples would be replaced by a preference for British civility. Historical narratives reflect the pervasiveness of Smith’s theories. Early evaluations of the DIA assume the validity of the government’s programs and acts to assimilate Indigenous peoples to Anglo-Saxon habits. The failure of the programs, therefore, rested with Indigenous peoples who either could not conform or who resisted against their best interests. Stanley’s narrative reinforced the belief that it was the First Nations peoples’ mental attitude, not the policies of the *Indian Act* or the economic and environmental circumstances, that kept them in poverty.

Over time, more factors entered the analytical discourse of DIA agricultural programs, including geography, climate, and inadequate material and instructional DIA supports (a factor that was discussed by Stanley, though not given much significance). But studies written as late as the 1980s and 1990s still stressed Indigenous resistance as a major cause for the failure of the *Indian Act* agricultural programs. In the field of anthropology, L. M. Hanks and J. R. Hanks studied the Blackfoot people and their transition to reserve life in Alberta. They reiterate the assessment of Stanley. Despite encouragement and determination from the Indian Commissioner and the Department to get the Blackfoot settled and self-sufficient, these authors contend that the Blackfoot saw agriculture life as beneath their status.<sup>11</sup> Hanna Samek, in her book *The Blackfoot Confederacy, 1880-1920: A Comparative Study of Canadian and U.S. Indian Policy*, also emphasized the “powerful cultural obstacles,” the “cultural chasm,” and the “persistence of basic irresponsible

differences between aboriginal and Western cultural values” that impeded farming.<sup>12</sup> In a 1985 study, James R. Gibson concluded farming was “antithetical to the traditional native lifestyle.”<sup>13</sup> The analysis of historian Sarah Carter, however, demonstrated that many of the claims asserting that farming ran contrary to the cultural beliefs of Plains peoples derived from one person named Smoholla of the Nez Percé, who founded the dreamer religion and preached against white civilization practices. Carter argued this one specific case of avowed Indigenous opposition to farming has been attributed by scholars to all North American tribes and fails to explain the many instances of successful, pre-contact-agriculture in the Americas.<sup>14</sup> Dominant historiographical narratives focussed on either the intellectual inability or the cultural unwillingness of North American First Nations peoples to partake in agricultural programs rested on an antiquated dualism theory, that states modern economies inevitably conquer primitive economies. This narrative asserts primitive peoples could not grasp ordinary economic incentives and that modern concepts of economic status and prestige meant nothing to them.<sup>15</sup> In other words, they were inherently irrational under the liberal order, and this inevitably led to their inability to adapt.

Historians Sarah Carter, Noel Dyck, and Leonard Carlson have argued for a different interpretation, one that argues government decisions contributed to First Nations peoples’ inability to commit to a program of agriculture. Carlson demonstrated that in the American West, Indigenous peoples were quite willing and able to farm before the American *Dawes Act* was passed in 1887. The *Dawes Act* re-dispersed the lands of Western tribes, allotted acreage to heads of household and sold the remainder to white settlers. The *Dawes Act* was shaped by white economic interests and caused Indigenous farmers to fall

behind their white counterparts.<sup>16</sup> E. S. Rogers and Flora Tobobondung found a similar pattern of early success followed by a steady decline in the implementation of agriculture among Algonkian farmers in Southern Ontario from the 1820s to 1870s.<sup>17</sup> Furthermore, Noel Dyck argued in “An Opportunity Lost: The Initiative of the Reserve Agricultural Programme in the Prairie West” that while reserve inhabitants were willing to participate in the program, the lack of commitment shown by government officials ultimately meant the failure of creating self-sufficient communities through the agricultural program.<sup>18</sup> More recently, works such as these have shifted the historiographical narrative to argue that the “reluctance was on the part of the government”, rather than Indigenous peoples.<sup>19</sup>

By utilizing a case study of histories of agricultural programs, one can observe the transformations that have taken place in historiography and in the perspectives of historians. However, this case study also highlights how some aspects of the historiography have been resistant to change. First was the significance of certain geographic regions. Nearly every history of national agricultural programs was situated in the American or Canadian West. Second was the interpretation of the DIA as a pervasive, hard-nosed, suffocating institution that directly controlled the minds, bodies, and cultures of Indigenous peoples for the purpose of assimilating them into the Anglo-Saxon society. Despite earlier histories more positively interpreting such policies and later histories generally criticizing them, both groups of historians would have been able to agree that the objective of the DIA was to maintain economic, political, and cultural control of Indigenous peoples. This control was largely achieved through segregating First Nations peoples into separate lands known as reserves and providing a separate stream of DIA-controlled services, such as

health care and education. Thus, isolated, paternalistic Indian agents and government officials eased the transition of indigenous peoples from savagery to civilization, until the time came when all indigeneity was eradicated from the individual, at which point they could be enfranchised. Historians have long criticized the contradictions within this approach, seeing how integration would be a far faster mode of assimilating the First Nations than segregating them in reserve communities. But despite these flawed governments tactics, historians have maintained that the objective of the DIA was still to assimilate the First Nations. As John Steckley asserted in his 2016 book *Indian Agents: Ruler of the Reserve*: “The federal government was separating Aboriginal people from others, actively practicing segregation and they were also encouraging complete assimilation into mainstream Canadian society.”<sup>20</sup>

This thesis offers an alternative interpretation. While recognizing the very real and severe suffering the DIA had imposed upon Canada’s Indigenous peoples, this study argues that assimilation was not the consistent core objective of the DIA and its governmental predecessors/successors. Rather, assimilation was a prominent by-product of the DIA’s objective of advancing the colonial agenda in Canada. What is meant by this? As empires are formed, they must develop strategies to keep the subordinate peripheries under the rule of the dominant center. These large, composite, multi-ethnic or multinational political units become united through many kinds of imperialism, such as cultural, political, and economic imperialism. The goal of imperialism is always the accumulation of wealth and capital. The most dominant and invasive type of imperialism would be colonialism, where one group or society claims the right to exercise exclusive sovereignty over another population, as well

as its lands and resources. Colonists maintain strong links with their mother country and are endowed with significant privileges over the other, Indigenous inhabitants of the conquered territory. With a network of political protections and structure, the process develops into a system of settler colonialism whereby settlers entirely dispossess earlier inhabitants or institute legal and other structures which systematically disadvantage them. Even as empires disbanded by name, their imperial powers often were passed on to the succeeding government and ensured their effects persist, shaping the world in their aftermath.<sup>21</sup>

Canada is one of four countries founded on settler colonialism.<sup>22</sup> Historiographically, the Canadian history of settler colonialism had undergone a shift from external colonization to internal colonization. As examined by Mary Eberts in her historiographical essay “Still Colonizing After All These Years,” external colonization describes the exportation of European people and culture to a distant colony.<sup>23</sup> In the Maritimes, this started with the settlement of Port-Royal in Acadia by the French, the first European settlement in Canada. Following the fall of New France, the Maritimes became colonized by the British until Confederation. The perspective of external colonization produced a popular, patriotic narrative of the Canadian state gradually achieving sovereignty and breaking free from its empire. Alternatively, to use the phrase of Arthur Lower, it was Canada’s evolution from a colony to a nation.<sup>24</sup> The relationship under examination here is the relationship between the distant empire and the settlers in the colonies. Therefore, events such as Confederation in 1867 or the patriation of the Canadian constitution in 1982 are interpreted as acts of liberation from colonization. The earliest

attempts to produce a Canadian national history can also be interpreted as pieces of external colonial literature. Harold Innis, William Mackintosh, and Donald Creighton produced economic histories around staple resource extraction that concluded these different staples led to the emergence of regional economies and that Canada's political character was shaped by social, cultural, and especially long-term economic patterns.<sup>25</sup> Such analyses promoted the self-determinism of Canadian politics. Canadian policy was shaped by the needs of Canadian politicians and settlers, not the objectives of a distant European government.

Historians such as Ebert and James Tully have endorsed shifting the narrative away from external colonization and toward internal colonization. Internal colonization displaces the power in the colonial relation, endowing settlers with the power of the colonizer as well. The ground of the relationship between the colonizer and the colonized in an internal colony is "the appropriation of the land, resources, and jurisdiction of the Indigenous peoples, not only for the sake of resettlement and exploitation (which is also true in external colonization) but for the territorial foundation of the dominant society itself."<sup>26</sup> Within the model of internal colonization, there is not a geographical separation between the dominant and the subordinate, the imperial and the colonized and relinquishes any land-based platform from which the colonized can assert or reassert sovereignty.<sup>27</sup> External and internal colonization are not mutually exclusive, but rather interwoven narratives. As the Canadian state was evolving and becoming a sovereign country, it was also internally colonizing Indigenous peoples. The field of colonial history has changed to reflect this conceptual shift away from external colonization. Works such as Sarah Carter's *Lost*

*Harvests: Prairie Indian Reserve Farmers and Government Policy*, James Daschuk's *Clearing the Plains: Disease, Politics of Starvation and the Loss of Aboriginal Life*, and Robin Brownlie's *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939* discuss Canadian colonization as an internal process of dispossessing Indigenous peoples, as well as dispelling other traditional features of Canadian national historiography. such as renouncing the dominant twentieth-century style of Whig history.<sup>28</sup>

On a regional level, Maritime colonial historiography has undergone a similar transformation. W. S. McNutt's *The Atlantic Provinces 1712-1857: The Emergence of Colonial Society* (1965) is widely considered the first comprehensive history of the Atlantic region.<sup>29</sup> McNutt examines the European settlement of the region throughout the eighteenth and, to a lesser extent, the nineteenth century. McNutt begins with the crucial resource extraction the Atlantic Ocean provided. This exploitation is the core theme throughout the book and the main factor that made the region an area of contention between three principal colonizing forces: British, French, and American. Twenty years later, *Acadia, Maine, and New Scotland: Marginal Colonies in the Seventeenth Century* by John G. Reid was published. Reid examines that the northeastern maritime region of North America was an exception to the rest of European colonization of America.<sup>30</sup> Tracing the colonization attempts of the English, French, and Scottish throughout Maine, Acadia, and New Scotland up to 1690, Reid finds these European settlements were nothing more than marginal colonies. They were geographically fragmented, extremely vulnerable to external forces and internal factions, and lacked a profitable economic base. Rather, the true power

in the region were local Indigenous peoples, who took advantage of the conflicts brought about by national rivalries and royal intervention and reclaimed much of their lands in Maine. By 1690, Indigenous peoples held the balance of military power. Reid's work in *Acadia, Maine, and New Scotland* directly challenged the narrative of external colonization as well as contending that internal colonization was occurring, though unsuccessfully, long before the creation of a sovereign, national government in Canada. This analysis was further developed in other works by Reid and his peers, covering a wider time period, such as *The 'Conquest' of Acadia, 1710: Imperial, Colonial, and Aboriginal Constructions*, *Essays on Northeastern North America: Seventeenth and Eighteenth Centuries*, and *The Atlantic Provinces in Confederation*.<sup>31</sup> More recent scholarship, such as William C. Wicken's 2012 book *The Colonization of Mi'kmaw Memory and History, 1794-1928: The King v. Gabriel Sylliboy*, continue to pursue the history of internal settler colonialism, emphasizing its socio-economic and cultural impacts in addition to its political ones.<sup>32</sup>

Postcolonial Canada continues to be molded by the structural disadvantages established by internal settler colonialism. For example, the establishment of Indigenous reserves were acts of colonialism and should be considered part of the colonial legacy in Canada. The outcome of the colonial agenda in Canada was the dispossession, acculturation, and deaths of hundreds of thousands of Indigenous peoples over the course of nearly four centuries. Importantly, the nature of the colonial process transitions; from distant colonial control, to intimate settler colonialism, to nation building in a postcolonial world.<sup>33</sup> This thesis roots its analysis in contextualizing the internal settler colonization of Nova Scotia's Indigenous peoples. Particularly, it seeks to identify the various forms of



colonization that have taken place, expanding the historiographical understanding of colonization beyond purely assimilatory practices.

This may seem like an argument of nuance. Should not the intense suffering and assimilation of Indigenous peoples be the focus of the historical literature? Furthermore, by arguing that these outcomes were not the specific goal of the DIA but rather a by product of some general colonization process, does this research not hold the Canadian government accountable for the immoral and great harm it has brought against Indigenous peoples? This does not deny the intention with which the Canadian government sought to resolve the “Indian Problem” or that it committed acts of cultural genocide against Canada’s Indigenous peoples. However, it is important to understand the nuances through which these policies were enacted. Positioning assimilation as the core policy of the DIA fails to encompass the range and fluctuations of the DIA’s philosophies and policies. Firstly, over time the policies of the DIA evolved. Sometimes, assimilation was at the forefront of its policies while at other times it was a secondary objective. For example, Robin Jarvis Brownlie’s pivotal work *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939* determined while power remained fundamental to the DIA, assimilation was a spoken but under-pursued goal. Writes Brownlie:

Assimilation, then, was an explicit element of federal policy. Control, by contrast, was never acknowledged as an official aim of policy or legislation. Yet the intent to maintain political control over First Nations communities was obvious both in the *Indian Act* and in the behaviour of Indian agents and other department officials. In fact, while assimilation remained a distant goal in the

interwar period, the objective of maintaining control was readily attainable.

Much of the time it appeared to be the real first principle of Indian policy.<sup>34</sup>

The control over land, resources, and people Brownlie referred to can also be interpreted as the colonial agenda. As the process of colonialism took hold, the concerns of the regime changed; it transitioned from defending newly conquered lands from internal and external forces, to encouraging the settlement of land by “desirable” citizens, to endowing the colony with the cultural and political characteristics of the empire. This thesis contends that the changes in the policies of the DIA and its predecessors/successors closely resemble the implementation of these transforming objectives. Positioning the mandate of the colonization process at the core of Indigenous affairs before and after Confederation better explains the transitions in policy than narrowly examining their aims through the lens of a racist government observing racist beliefs and enacting racist policies.

Secondly, any interpretation of the DIA as an agent of assimilation must also account for its sometimes-lax stance on observation, surveillance, and enforcement of policies. To achieve assimilation, the DIA hired agents, teachers, and medical professionals to report on the activities and “progress” made on reserves. However, the DIA used its ability and authority as Big Brother inconsistently over time, persons, and space. For instance, the example used to introduce this chapter demonstrates the DIA’s tendency to be inattentive in their reporting on the status of Indian reserves to the federal government. Additionally, Brownlie highlighted how different communities could face different levels of government intervention based solely on the inclinations and personalities of people hired to work on their reserves. Brownlie observed that the experiences of First Nations

living at Parry Sound under the watch of Agent John Daly was very different from the experience of First Nations living at Manitowaning under the watch of Agent Robert Lewis. Specifically, Lewis was far more committed to the policies of assimilation and eradicating indigeneity than Daly, who sought to improve their economic standing through traditional economies.<sup>35</sup> Therefore, it appears the execution of assimilation was not meticulously managed by the federal government.

Thirdly, positioning assimilation as the primary goal of the DIA does not explain the inconsistency with which acculturation policies were pursued in different regions of Canada. A flaw in the historiography of Indigenous peoples and their affairs has been the tendency to consolidate the experience of all Indigenous peoples into an undifferentiated common history, at least at a national level. As this thesis will explore, this practice has resulted in smaller Indigenous groups often being neglected within the historical literature. Furthermore, consolidating Indigenous experiences prevents explorations of regionality and how this influences Indigenous experiences. As will be examined, the Indigenous groups viewed as being the greatest threats to selected goals of colonization were, in addition to having greater wealth and numbers, often located near economic and political centers. Poorer, smaller Indigenous groups living on the economic and political peripheries, such as the Maritime Provinces, were subject to less direct intervention from the DIA due to their lesser ability to disrupt the colonization of Canada. Understanding these regional differences is impossible within the discourse of assimilation that would treat all indigeneity equally. Positioning colonialism and the fulfillment of the colonial process at

different stages, however, is far better designed to tackle questions about variations among the regional experiences of different Indigenous groups.

The crux of this thesis, therefore, is to analyze how the colonial process shaped the philosophies, policies, and procedures of the Department of Indian Affairs and its administrative predecessors. It demonstrates why positioning the colonial process at the core of the DIA allows for a more holistic, thorough understanding of the Department over time, space, and persons. To accomplish this, a case study model was chosen, specifically analyzing how these philosophical, political, and procedural developments impacted the Mi'kmaq of Nova Scotia. The Mi'kmaq are a First Nations people of the Northeastern Woodlands, Indigenous to the areas now known as Canada's Atlantic Provinces and the Gaspé Peninsula of Quebec as well as the northeastern region of Maine. They call their national territory Mi'kma'ki. The Mi'kmaq were selected as the subject of this research for two principal reasons. First, the Mi'kmaq were some of the first Indigenous peoples in Canada to experience colonialism. Situated on the eastern coast of Canada, they encountered and engaged with Europeans sometimes centuries before Indigenous people living in western Canada. This early history of interaction allows for a longer colonial process to be examined, as the Mi'kmaq have experienced every phase of Canada's colonization. Using the Mi'kmaq as a case study allows this research to analyze the timeframe from roughly 1760-1950. Second, the Mi'kmaq of Nova Scotia live in a region that experienced the transition from colonial hub to national periphery. Before Canadian Confederation in 1867, the colony of Nova Scotia existed as a significant port for trade, commerce, and warfare. Furthermore, during the period of responsible government, the

Mi'kmaq were the sole focus of the colonial government of Nova Scotia's Indian Affairs, given that they were the only First Nations group in the colony. However, following Confederation, the Atlantic region as a whole became an economic and political periphery. Therefore, the Mi'kmaq became a peripheral group in the eyes of the federal DIA. James C. Scott named this peripheral position "illegibility." The government's ability to identify populations through census information with the intention of evoking taxation or offering services was the process of making people legible.<sup>36</sup> Importantly, it was a choice of the government. The Mi'kmaq, though, were not identified by the federal government and their legibility was not an objective of the federal state. Because the DIA did not take the time to survey and understand them, the Mi'kmaq remained "unknown." Only as the colonial agenda shifted away from western expansion following the First World War did the Mi'kmaq garner closer observation by the DIA. This study will conclude with an exploration of the impacts of the relationship between the Mi'kmaq of Nova Scotia and various Indian Affairs departments over time, comparing their circumstances to those in other parts of the country, namely the western provinces (Manitoba, Saskatchewan, and Alberta) and Ontario.

The following research is divided into four chronologically organized chapters that span roughly 1760-1950. Each chapter deals with a different period of the colonial process, first in Nova Scotia and after Confederation in 1867 when Indian Affairs became a federal responsibility, in Canada. Each period is marked by changes that took place in the governing of Nova Scotia and the means by which the government accumulated capital. The first chapter analyzes the period from 1760 to 1830, during which time the British

colonial government in Nova Scotia was consolidating its power following the Seven Years War and the expulsion of French forces from the area. The fragility and uncertainty of the government was reflected in their fluctuating level of care for the Mi'kmaq. Year to year, the amount of relief offered by the Nova Scotian government for the Mi'kmaq depended entirely on perceived international threats to the region. During periods of war or hostility, the government ensured the Mi'kmaq were placated with gifts and relief. However, during times of peace, the Mi'kmaq's interests and rights were subverted to make way for the waves of settlement by British and foreign protestants. The second chapter moves into the period before and during the 1848 achievement of responsible government in Nova Scotia. At the imperial level, calls were made by the British Parliament for improved conditions of Indigenous populations in the Empire. The Nova Scotian government never effectively responded to these calls. As the colony became more secure, the role of Superintendent, then later Commissioner of Indian Affairs (and even later the Commissioner of Crown Lands) became a more consistent part of the colonial government, however the small size of the administration allowed for personal philosophies to dominate how the office functioned. Without any specific mandate or consistency in personnel, the Mi'kmaq were treated with a wide-ranging, turbulent series of policies which lacked cohesion over time. The third chapter begins with the Confederation of Canada in 1867 and analyzes the Parliamentary debates over the creation of the *Indian Act* in 1876 and the Department of Indian Affairs in 1880. These debates reveal that the Canadian government was primarily concerned with First Nations populations living in the Great Lakes region of Ontario and those in Western Canada, regions considered most desirable for immigrant settlement and railway expansion. The Maritime Provinces were only mentioned once during the debates,

and Nova Scotia specifically was never mentioned. Meanwhile, the transition from provincial to federal control of Indian Affairs was slow and awkward in Nova Scotia, with the new federal system more closely resembling the structure from the colonial period than it did in other Canadian provinces that adopted more consolidated, streamlined administrations following Confederation. While the federal government criticized the provincial branch for not achieving the standards of improvement set by the DIA, some Nova Scotian Indian Agents, men tasked with overseeing policies locally, pleaded for more funds and specific instructions. The fourth chapter considers the period from the First World War until the end of the 1940s centralization policy that saw many Mi'kmaq moved to two reserves in Nova Scotia. As immigrant settlement slowed in western Canada in the early decades of the 20<sup>th</sup> century, and as state intervention in social welfare became increasingly common, the Mi'kmaq in Nova Scotia garnered more attention from the DIA. The economic concerns of urban, white capitalists were prioritized by the Canadian government, especially during the economic recessions in the Maritimes following the First World War. This resulted in the removal of Mi'kmaq reserves and lands from urban centres. As financial concerns heightened during the 1930s, lowering operation costs became the primary objective of the DIA. In Nova Scotia, this resulted in several attempts at reducing the number of reserves and the number of staff who serviced them, which culminated in the 1940s with the failed centralization program that proposed moving all Mi'kmaq in Nova Scotia to just two reserves. This thesis concludes with a chapter that questions the place of agency and structure in political histories of Indigenous populations, the different kinds of oppression experienced by Indigenous peoples in Canada, and the effects of the neglect experienced by the Mi'kmaq in Nova Scotia.

The process of uncovering Nova Scotian regionality within the Department of Indian Affairs philosophies, policies, and procedures is analogous to the historiographical push made by historians such as Ernest Forbes, T. W. Acheson, and David Frank to dispel the narrative of the Laurentian Thesis and the Golden Era Economy in the Maritimes. The Laurentian Thesis was first developed in the 1930s by Donald Creighton, culminating in his work *The Commercial Empire of the St. Lawrence*. It supposed that Canadian economic and national development derived fundamentally from the exploitations of staple resources along the St. Lawrence River system. The need for fur, timber, and wheat by colonial merchants created the major metropolitan centres in Canada and set national history in motion. From Creighton's perspective, the completion of the Canadian Pacific Railway in 1885 then extended the influence of the St. Lawrence metropolises. At the time, the Laurentian Thesis was a rejection of historian Frederick Jackson Turner's 1893 Frontier Thesis, the theory that proposed American democracy was a product of western expansion and was shaped by the egalitarianism, low-culture, and violence of frontier life. Conversely, the Laurentian Thesis emphasized metropolitanism over continentalism while still stressing the significance of environmental factors. Also shaping regional history was H. A. Innis' Staple Theory, which emphasized resource extraction with European linkages. Staple resources, especially timber, determined the success of the Maritime Provinces, particularly Nova Scotia and New Brunswick, during the era of wood, wind, and sail. However, once steam ships took over as the predominant mode of naval transportation, this economic base of the Maritimes collapsed. The subsequent inability of Maritime entrepreneurs to adapt to the changing economic landscape resulted in the underdevelopment of the Maritime economy.<sup>37</sup> The classic text *The Economic History of the Maritime Provinces* (1936) by S.



A. Saunders was highly influenced by the Laurentian Thesis. Saunders, an economic theorist who spent much of his early career in Nova Scotia, published the first in-depth economic survey of the Maritimes. He began his study with an examination of the pre-Confederation period, noting the undeniable prosperity produced by the forestry and fishery industries. Saunders argued that the region had just as many advantages as other regions of Canada and that the reason for the economic decline following the 1870s was due to the failure of provincial governments and capitalists to husband the resources of both the forests and the sea.<sup>38</sup> Criticisms of the Laurentian Thesis emerged during the 1940s but they did not produce a strong historical literature of Atlantic and other peripheral Canadian regions. In an address called “Clio in Canada: the Interpretation of Canadian History” W.L. Morton warned of the potential for cultural and regional exploitation inherent in the expansion of central Canadian commerce and institutions, nevertheless accepting as historical fact that the development made possible by the Laurentian waterway.<sup>39</sup> Additionally, J. M. S. Careless’ 1953 Metropolitan-Hinterland Thesis was a theory that paid closer attention to regional differentiation and the influence of metropolitan centres.<sup>40</sup> With the founding of the *Acadiensis* journal, a publication devoted to the study of Atlantic Canada, historians began arguing that national models such as the Laurentian Thesis not only neglected the Maritime region but wholly did not apply to the region’s history. For example, T. W. Acheson’s economic study “The National Policy and the Industrialization of the Maritimes, 1880-1910” helped to undermine the pervasive idea in national histories that the Maritime provinces did not experience industrialization. Moreover, contrary to former studies of the Maritime economy, Acheson denied that regional entrepreneurs were to blame for the Maritime Province’s inability to industrialize. Acheson found regional

entrepreneurs quite willing to attempt to industrialize. The region was outcompeted by larger metropolises with the support of federal policy, which drew capital, labour, and opportunities out of the region. Acheson concluded that the *National Policy* of Sir John A. Macdonald (a policy focussed on railroads, tariffs, and westward settlement) ensured that Confederation was not a liberation from empirical rule, but rather transferred rule by the British empire to rule by a Canadian commercial empire.<sup>41</sup> The following research proposes a similar analysis in that it supposes that the dominant national historiographical discourse, for many reasons, does not effectively explain the actions of the DIA and its predecessors in Nova Scotia. Therefore, a revision of how the DIA is understood by historians is required. This is necessary not simply for the sake of including an under-studied region of Canada, but because this analysis in return undermines and questions the validity of the national historiographical model as it currently stands. Furthermore, the Atlantic Canadian political structure where the seat of government authority has rarely been located within the region but rather situated in Britain and then Ottawa, is a powerful and accurate metaphor for understanding the colonization experience of Indigenous peoples in Canada. How does this added layer of periphery influence the experience of oppression of Maritime Indigenous peoples?

On the surface, research of this nature would fall within the historiographical paradigm established by Indigenous history. However, the reality is more complex. Since the 1970s, the study of Indigenous history has increased and evolved. As Susan A. Miller examined in her paper “Native American Writes Back: The Origin of the Indigenous Paradigm in Historiography,” groups of Indigenous scholars began rejecting the long-held

methods and mentalités of Western history when it came to understanding Indigenous people's pasts. While Indigenous people were more frequently the subject of histories, especially in relation to the development of colonial states such as the United States and Canada, these histories were still being produced using Western ways of knowing and prioritizing written documentary evidence, most commonly written by white colonists, over the traditional ways of knowing of Indigenous peoples.<sup>42</sup> Therefore, Indigenous scholars began to produce a historical paradigm rooted in the Indigenous colonial experiences as well as traditional ways of knowing. At the core of the Indigenous paradigm to history is recognition of the cosmos as a living being. The universe and all its parts are conscious actors in history. Miller provided the example of Indigenous environmental activism, based on documents such as the United Nations Declaration on the Rights of Indigenous Peoples, conventions such as the International Labor Organization Convention Concerning Indigenous and Tribal Peoples in Independent Countries, and organizations such as the Organization of American States Proposed American Declaration on the Rights of Indigenous Peoples. Using the Indigenous paradigm, Indigenous environmental activism and studies are grounded in the realization that living beings can enjoy health or suffer illness. The conclusion then impacts the Indigenous ethical, legal, and political perspective on human interaction with the environment because it is a relationship between two equal, conscious parties rather than humanity's ownership over the environment. For example, ethically, we must respect the needs of a living thing. Legally, attacking the environment is on par with attacking another individual. Politically, invasions and occupations of Indigenous land oppress not just the people living there but the conscience and spirit of the land itself.<sup>43</sup> Positioning the conscience of the cosmos at the center analysis also created a

new field of historiography. Miller examined the revisions of the Indigenous paradigm on four primary topics: Indigenousness, sovereignty, colonization, and decolonization.

The Indigenous paradigm is also founded on a set of methodologies distinct from Western history. The principle difference is the mandate to service Indigenous communities and projects with the research produced. Miller explained that service takes many forms and the narratives produced through Indigenous history can often be used by Indigenous communities to refute stereotypes and counter anti-Indigenous studies.<sup>44</sup> Consultation with Indigenous communities was also highly recommended to determine the exact services they require. Additionally, the cultural protocols and procedures regarding knowledge must be observed. Different Indigenous groups have different ceremonies and procedures surrounding the question of intellectual property. Whereas in Western historiography, the historian has academic freedom to use and reproduce the stories they collect, within some Indigenous cultures, simply hearing the story does not give one ownership over it. This is especially true for stories not communicated in their original Indigenous language but rather translated to a colonizing language as such English. Indigenous methodology also requires critical readings of works written without Indigenous concepts or language. Miller offers as an example the use of the phrase “the government” when referring to the United States or Canadian government. This implies that the colonial governments were the only or the most legitimate governments present, disregarding the sovereignty of Indigenous governments and erasing their narratives. Another example is making a conscious effort to use Indigenous proper nouns, rather than the names given by colonizers. However, the most contentious methodology, Miller suggests, is the act of privileging Indigenous writers,

witnesses, and accounts over their non-Indigenous counterparts. This includes, in some cases, favouring oral sources over written histories. Miller stated:

Non-Indigenous scholars who truly believe that their historic figures and methods of record keeping are more truthful than Indigenous figures and records should be aware that many Indigenous writers truly believe the opposite and can cite reasons based in evidence and logic in support of their position.<sup>45</sup>

The ultimate purpose of Indigenous historiography, Miller states, is to place Indigenous peoples at the center of historical narratives that are relevant to them and ensure those narratives reflect their behaviours, motives, and realities. Simply writing on the topic of Indigenous history does not qualify a work as Indigenous historiography. Miller contrasts Indigenous historiography with the field of “American Indian history” or “Native American history.” The content of both are similar and relatively new. As the methodology of ethnohistory rose to popularity in the 1950s and 1960s, historians combined it with the chronological view of history and the cultural concepts of anthropology in the 1970s to birth a new subfield. Previously, Indigenous peoples were largely studied in relation to European, American, and Canadian endeavors, such as trade, Indian policy, and military and missionary activities. “Native American history” considered a far wider scope of topics, like arts, culture, society, and politics. By the 1980s, the field had further developed, taking on the name “New Indian history.” Authors working in this field placed Indigenous peoples at the center of their studies and claimed to write using Indigenous perspectives. Miller described how modern Indigenous scholars criticize New Indian history because its authors rejected or disregarded traditional Indigenous historical narratives, misunderstood of elements of Indigenous worldviews, valued anthropological terms of analysis over

Indigenous terms, reduced analyses that deny differences between Indigenous tribes or peoples, and ignored present conditions of tribal peoples.<sup>46</sup> The most accurate and ethical way to study Indigenous peoples is through the structure offered by the Indigenous paradigm.

With the Indigenous paradigm of history established, historians who study Indigenous topics have an obligation to consider how their own work aligns with the paradigm, correctly position it, and acknowledge where the work stands. This study, for example, is not an Indigenous history, despite closely studying the development and effects of a branch of government that greatly impacted the lives of Indigenous people in Canada. This work does not prioritize Indigenous sources, but rather roots its analysis in primary source documents produced by the Canadian government. While acknowledging and utilizing Indigenous proper nouns, this study does also make use of English place names and does at times refer to the colonial and federal governments as “the” government. Additionally, this thesis uses terminology that today would be considered racially insensitive; however, this is only done in the context of direct quotations from historic documents. This statement also applies to historic accounts of the speech of Indigenous peoples, which was often transcribed with exaggerated bad grammar and mispronunciations. These quotations were left unchanged, because to change the language would be equivalent to pretending such representations never happened. This study is also written by a non-Indigenous author and therefore does not come from an Indigenous perspective. This study does, however, greatly value a key objective of the Indigenous paradigm which is to service Indigenous communities. It is hoped the narrative produced

by this research will be of assistance to Mi'kmaw communities seeking to understand the origins of the colonial administrations that still threaten their traditional ways of life. The following study was also reviewed by Hereditary Chief of the Mi'kmaq Grand Council and Associate Vice President of Indigenous Affairs and Unama'ki College at Cape Breton University, Stephen Augustine, to ensure there were no cultural misrepresentations. Additionally, it is hoped this study will not only develop the field of political and Atlantic Canadian history but can stand adjacent to the Indigenous paradigm and provide useful insights to the growing, innovative field of Indigenous history and reinforce the incredibly important research it produces.

Therefore, the question becomes how should histories that observe Western methodologies but analyze Indigenous topics be categorized and positioned? Are they still legitimate forms of scholarship? John Munro in his article "Interwoven Colonial Histories: Indigenous Agency and Academic Historiography in North America" offered a potential framework. Munro analyzed Alexandra Harmon, Colleen O'Neill, and Paul Rosier's article entitled "Interwoven Economic Histories: American Indians in a Capitalist America" and responded to their charge that economic histories of the United States ought to give more credence and serious attention to the important roles of Indigenous peoples and colonialism in the development of American economies.<sup>47</sup> Munro proposed extending their thesis even further. He not only believed their challenge should be taken up but argued that the implications of their argument should be historicized as well, by which he meant the development of this field symbolized the increased presence of Indigenous people in academia. Furthermore, the analysis could be better illuminated by expanding the discourse

transnationally, weaving Canadian, Mexican, and other colonial histories into the national framework. Ultimately, the goal was to create opportunities for cross-listed scholarship, as Munro described it.

The multidimensionality of much-studied subjects like the California gold rush of the mid-nineteenth century or the uranium boom a century later become newly illuminated when seen as moments in both Indigenous and economic history, while greater interdisciplinary integration enables deeper thinking about the relationship between fundamental categories of analysis such as race and labour, environment and interests, and dominations and resistance.<sup>48</sup>

Integration of analyses, Munro further explained, should be considered by historians and students whose expertise are in Indigenous history and economic history, but also those who are experts in neither. Works of history on race and foreign relations, gender and sexuality, migration and incarceration, activism and ideas and endless other specializations might similarly benefit from considerations of how those specializations, fields, and intellectual productions have been shaped by the fundamental role of non-Indigenous interactions with North America's Indigenous peoples in a colonial context.<sup>49</sup>

There is certainly a historiographical precedent for such challenges and calls for the inclusion of Indigenous subjects to other specialized historical fields. Movements for racial equality through the 1960s and 70s prompted serious revaluations of national histories in Canada and the United States, including George Manuel's *The Fourth World: An Indian Reality* that linked the struggles of Indigenous-settler relations in Canada to the hardships of Indigenous peoples all over the world.<sup>50</sup> During the same period Francis Jennings published *The Invasion of America: Indians, Colonialism, and the Cant of Conquest* that



contended the European settlement of the United States was not benevolent, peaceful, or predestined.<sup>51</sup> Rather, it fell in line with the long history of Anglo-Saxon practices of conquering and cultural subjugation, as seen earlier in Ireland and Scotland. Through the 1980s, historians in the United States continued to challenge the notion of American exceptionalism, despite the rise of the political right in government as Munro noted. Howard Zinn's *A People's History of the United States* addressed the topic of Indigenous agency and the complexity of Indigenous politics during the colonial era and early republic.<sup>52</sup> Richard Drinnon also introduced the powerful metaphor for the foreign policy of the early United States, in which policy makers continued to "face West" toward "Indian country."<sup>53</sup> In the Canadian context, Arthur Ray shifted the paradigm of national histories by establishing not only the participation but the agency of Indigenous peoples in the fur trade but also discussing the ability of Indigenous traders to influence European policy and make use of their strategic position. Historiographically, Ray took the Laurentian Thesis but flipped the agency perspective away from European and toward an Indigenous perspective.<sup>54</sup> Gender and women studies historians, including scholars such as Sylvia Van Kirk, Anthony Wallace, Lee Maracle, and Leslie Marmon Silko, have also adopted Indigenous perspectives and subjects.<sup>55</sup> Environmental and climate history was another field of specialization that pursued integration with Indigenous history, like historian Bruce Trigger in his essay "Ethnohistory: Problem and Prospects."<sup>56</sup>

As Munro argued, by the 1990s the field had been revised so dramatically that a new literature review became essential. James Merrell submitted a review to *The William and Mary Quarterly* in 1989 that determined the scholarship of Indigenous peoples was

growing and the community of historians of colonial America (and elsewhere) continued to ignore this scholarship.<sup>57</sup> In other words, despite research on Indigenous peoples and subjects increasing, the colonial narrative generally seemed unmoved by the new scholarship. Studies of Indigenous agency became the response of the historical community. Establishing the agency of Indigenous peoples under oppressive colonial regimes, more than resistances, flew directly in contradiction to entrenched colonial narratives. Resistance, though powerful and meaningful, still framed Indigenous histories within the scope of colonial narratives. Every Indigenous act could be interpreted as one of resistance, which consequently framed every aspect of indigeneity as responding to colonization. Agency, on the other hand, contradicted the narrative that oppression under colonial regimes never went uncontested but also empowered the colonized communities with an acknowledged economic, political, and cultural ability and consciousness. This thesis will consider the contention by historians Robin Jarvis Brownlie and Mary-Ellen Kelm that too much emphasis on agency can risk complicity in colonialist projects by undermining how crushingly oppressive and cruel the conditions of Indigenous life were and are under colonial regimes.<sup>58</sup>

Thus, using the paradigm established by Miller and the recommendations made by Munro, the following thesis is best conceived of as a revision of Nova Scotian and more widely Canadian political history with attention paid to the development of the Department of Indian Affairs before and after Confederation. In particular, by employing a multidisciplinary, interdisciplinary perspective on Nova Scotia's history of Indigenous policy making and management, this thesis demonstrates that the colonial narrative and the

national history of Indian Affairs are flawed. While the subject of this thesis is intimately related to Indigenous history and fully respects the mission of Indigenous history to empower and service Indigenous communities, given the methodologies, techniques, and perspectives employed, this is a work of political history. However, in revising the political historiography as it currently stands, it is hoped the narrative produced will assist Indigenous historians in the future.

## Notes for Introduction

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- <sup>1</sup> The following research shall use the term “Indigenous” to refer to Canada’s first peoples. Indigenous was selected to create connections to the United Nations Declaration on the Rights of Indigenous Peoples. It was also chosen for the term’s ability to “signify different but related native and non-native Indigenous epistemologies and cultures within the multicultural, immigrant, and diasporic social milieus of Canada.” - Miglena S. Todorova, “Co-Created Learning: Decolonizing Journalism Education in Canada,” *Canadian Journal of Communication* 41, no. 4 (November 8, 2016), <https://doi.org/10.22230/cjc.2016v41n4a2970>. Any usage of other archaic terms like “Indian”, “Native America”, and “Aboriginal” was only done in the context of direct quotation and are not an endorsement of such terms. “First Nation peoples” was also used when appropriate to refer to Indigenous groups in Canada who are not Métis or Inuit. This term has been employed by the Canadian government to replace the terms “Indian”, “Status Indian”, and “Indian Band.”
- <sup>2</sup> Duncan C. Scott, “Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended 31<sup>st</sup> March 1925,” (Parliament of Canada, 1925), LAC, 20.
- <sup>3</sup> G. F. G. Stanley, *The Birth of Western Canada: A History of the Riel Rebellions* (Great Britain: Longmans, Green and Co. Ltd., 1936), 216.
- <sup>4</sup> James Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013), 115.
- <sup>5</sup> Stanley, *The Birth of Western Canada*, 218.
- <sup>6</sup> Stanley, 220.
- <sup>7</sup> Stanley, 224.
- <sup>8</sup> Stanley, 216.
- <sup>9</sup> Daniel Samson, *The Spirit of Industry and Improvement: Liberal Government and Rural-Industrial Society, Nova Scotia, 1790-1862* (Montreal & Kingston: McGill-Queen’s University Press, 2008), 59.
- <sup>10</sup> Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal & Kingston: McGill-Queen’s University Press, 1990), 18.
- <sup>11</sup> Lucien M. Hanks and Jane Richardson Hanks, *Tribe under Trust: A Study of the Blackfoot Reserve of Alberta* (Toronto: University of Toronto Press, 1950), 42.
- <sup>12</sup> Hanna Samek, *The Blackfoot Confederacy, 1880-1920: A Comparative Study of Canadian and U.S. Indian Policy* (Albuquerque: University of New Mexico Press, 1987), 57, 183.
- <sup>13</sup> James R. Gibson, *Farming the Frontier: The Agricultural Opening of the Oregon County* (Vancouver: University of British Columbia Press, 1985), 186.
- <sup>14</sup> Carter, *Lost Harvests*, 6–7.
- <sup>15</sup> Carter, 8–9.
- <sup>16</sup> Leonard Carlson, *Indians, Bureaucrats and Land: The Dawes Act Decline of Indian Farming* (Westport: Greenwood Press, 1981).
- <sup>17</sup> E. S. Rogers and Flora Tobobondung, “Parry Island Farmers: A Period of Change in the Way of Life of the Algonkians of Southern Ontario,” *Contributions to Canadian Ethnology*, Mercury Series, no. 31 (1975).
- <sup>18</sup> Noel Dyck, “An Opportunity Lost: The Initiative of the Reserve Agricultural Programme in the Prairie West,” in *1885 and After: Native Society in Transition*, ed. F. Laurie Barron and James B. Waldram (Regina: Canadian Plains Research Centre, 1986).
- <sup>19</sup> Carter, *Lost Harvests*, 13.
- <sup>20</sup> John L. Steckley, *Indian Agents: Rulers of the Reserves*, vol. 3, *Critical Indigenous and American Indian Studies* (New York: Peter Lang, 2016), 19.
- <sup>21</sup> All definitions taken from: Stephen Howe, *Empire: A Very Short Introduction* (Oxford: Oxford University Press, 2002), 30–32.
- <sup>22</sup> These four countries are Australia, Canada, New Zealand, and the United States. Interestingly, these are also the only countries to vote against the United Nations’ *Declaration on the Rights of Indigenous Peoples* when it passed in 2007. Canada. Royal Commission on Aboriginal Peoples. *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada* (Ottawa: Royal Commission on Aboriginal Peoples, 1996).

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- <sup>23</sup> Mary Eberts, "Still Colonizing After All These Years," *University of New Brunswick Law Journal* 64, (Jan. 2013): 123-59.
- <sup>24</sup> Arthur Lower, *Colony to Nation: A History of Canada* (Toronto: Longmans, Greene & Company, 1946).
- <sup>25</sup> Harold Innis, *The Fur Trade in Canada: An Introduction to Canadian Economic History* (New Haven: Yale University Press, 1930); William Mackintosh, *The Economic Background of Dominion-provincial Relations: Appendix III of the Royal Commission Report on Dominion-provincial Relations* (Toronto: McClelland and Stewart, 1964); Donald Creighton, *The Commercial Empire of the St. Lawrence, 1760-1850* (Toronto: Ryerson Press, 1956).
- <sup>26</sup> James Tully, "The Struggles of Indigenous Peoples for and of Freedom," in Duncan Ivison, Paul Patton & Will Saunders, eds, *Political Theory and the Rights of Indigenous Peoples* (New York: Cambridge University Press, 2009) note 16, as 39.
- <sup>27</sup> Ebert, "Still Colonizing After All These Years," 127.
- <sup>28</sup> Allan Greer, "1837-38: Rebellion Reconsidered," *Canadian Historical Review* 76, no. 1 (March 1995): 3.
- <sup>29</sup> W. S. MacNutt, *The Atlantic Provinces: The Emergence of Colonial Society, 1712-1857* (Toronto: McClelland and Stewart, 1965)
- <sup>30</sup> John G. Reid, *Acadia, Maine, and New Scotland: Marginal Colonies in the Seventeenth Century* (Toronto: University of Toronto Press, 1981).
- <sup>31</sup> John G. Reid, *The 'Conquest' of Acadia, 1710: Imperial, Colonial, and Aboriginal Constructions* (Toronto: University of Toronto Press, 2004); John G. Reid and Emerson W. Baker, *Essays on Northeastern North America, Seventeenth and Eighteenth Centuries* (Toronto: University of Toronto Press, 2008); Ernest R. Forbes and D. A. Muise, *The Atlantic Provinces in Confederation* (Toronto: University of Toronto Press, 1993).
- <sup>32</sup> William C. Wicken, *The Colonization of Mi'kmaq Memory and History, 1794-1928: The King V. Gabriel Sylliboy* (Toronto: University of Toronto Press, 2012).
- <sup>33</sup> Howe, *Empire*, 32.
- <sup>34</sup> Robin Jarvis Brownlie, *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939* (Don Mills, ON: Oxford University Press, 2003), xiv-xv.
- <sup>35</sup> Brownlie, xii-xiii.
- <sup>36</sup> James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, Paperback (New Haven: Yale University Press, 1999), 2.
- <sup>37</sup> T. W. Acheson, "The National Policy and the Industrialization of the Maritimes, 1880-1910," *Acadiensis*, April 4, 1972, 27-8.
- <sup>38</sup> T. W. Acheson, "Introduction" in *The Economic History of the Maritime Provinces* by S. A. Saunders, (Fredericton: Acadiensis Press), 10.
- <sup>39</sup> W. L. Morton, "Clio in Canada: The Interpretation of Canadian History," *University of Toronto Quarterly* 15, no. 3 (April 3, 1946): pp. 227-234, <https://doi.org/10.3138/utq.15.3.227>.
- <sup>40</sup> J. M. S. Carless, *Canada: A Story of Challenge* (New York: Cambridge University Press, 1953).
- <sup>41</sup> Acheson, "The National Policy and the Industrialization of the Maritimes, 1880-1910," 28.
- <sup>42</sup> Susan A. Miller, "Native America Writes Back: The Origin of the Indigenous Paradigm in Historiography," *Wicazo Sa Review* 23, no. 2 (2008): 9-10, <https://doi.org/10.1353/wic.0.0013>.
- <sup>43</sup> Susan A. Miller, 11.
- <sup>44</sup> Susan A. Miller, 16.
- <sup>45</sup> Susan A. Miller, 18.
- <sup>46</sup> Susan A. Miller, 19.
- <sup>47</sup> John Munro, "Interwoven Colonial Histories: Indigenous Agency and Academic Historiography in North America," *Canadian Review of American Studies* 44, no. 3 (December 12, 2014): 403.
- <sup>48</sup> Munro, 404.
- <sup>49</sup> Munro, 405.
- <sup>50</sup> George Manuel and Michael Posluns, *The Fourth World: An Indian Reality* (Don Mills, ON: Collier, 1974).
- <sup>51</sup> Francis Jennings, *The Invasion of America: Indians, Colonialism, and the Cant of Conquest* (New York: Penguin, 1975).
- <sup>52</sup> Howard Zinn, *A People's History of the United States, 1492-Present* (New York: Harper, 1995).

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<sup>53</sup> Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire Buildings* (Norman: University of Oklahoma Press, 1997).

<sup>54</sup> Arthur J. Ray, *Indians in the Fur Trade: Their Role as Trappers, Hunters, and Middlemen in the Lands of the Southwest of Hudson Bay 1660-1870* (Toronto: University of Toronto Press, 1980).

<sup>55</sup> Sylvia Van Kirk, *Many Tender Ties: Women in Fur-Trade Society in Western Canada, 1670-1870* (Winnipeg: Watson, 1980); Anthony Wallace, *The Death and Rebirth of the Seneca* (New York: Vintage, 1969); Lee Maracle, *Bobbi Lee, Indian Rebel* (Toronto: Women's Press, 1990); Leslie Marmon Silko, *Ceremony* (New York: Penguin, 1986).

<sup>56</sup> Bruce Trigger, "Ethnohistory: Problems and Prospects," *Ethnohistory* 29, no. 1 (1982): 1-19.

<sup>57</sup> James H. Merrell, "Some Thoughts on Colonial Historians and American Indians," *William and Mary Quarterly* 46, no. 1 (1989): 94-119.

<sup>58</sup> Robin Jarvis Brownlie and Mary-ellen Kelm, "Desperately Seeking Absolution: Native Agency as Colonialist Alibi?" *Canadian Historical Review* 75, no. 4 (1994): 543-56.

## Chapter I: British Imperial Government and Early Indian Affairs in Nova Scotia

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As British imperialism was reaching its zenith during the late eighteenth and early nineteenth century, Enlightenment philosophies and philosophes were also emerging as the leading intellectuals of their time. Historians who study this era grapple with the reality that the Age of Enlightenment, the intellectual movement that proposed ideas such as universal human rights, individualism, and democracy, was also a period in which Indigenous populations around the world were being subjugated, enslaved, and massacred by governments that touted the same values. *Enlightened Colonialism: Civilization Narratives and Imperial Politics in the Age of Reason* is a collection of essays edited by Damien Tricoire which attempts to reconcile the seemingly contradictory waves of imperialism and humanism, analyzing how colonialism was justified during the Age of Enlightenment. He theorized that Enlightenment philosophy and philosophes morphed colonialism and changed the contemporary discourse and objectives of imperial power. Rather than opposing colonialism, Enlightenment philosophies uplifted it. As explored in more recent scholarship, the Enlightenment brought about new means of measuring and categorizing society and determined progress as humanity's ultimate achievement. John Gray, Alasdair MacIntyre, and others argued that the obsession with progress created through the Enlightenment resulted in policies of global homogenization designed to eradicate Indigenous cultures and have them reflect the more "progressive" European society and the "allegedly universal rationality."<sup>1</sup> Similarly, other scholars, such as Gayatri Chakravorty Spivak and Uday S. Mehta, have deduced that the Enlightenment tended to exclude non-European cultures from the sphere of civilization, assuming a lack of civility and humanity

among Indigenous groups.<sup>2</sup> This created the familiar dichotomies in colonialist rhetoric between “the civilized and the savage” and “the progressive and the backward.” The assumed superiority and absolution of the European social model and the resulting patronizing of Indigenous cultures have led some scholars to position the Enlightenment at the center of modern colonialism.

Tricoire continued, suggesting the British Imperial process was slower to adopt Enlightened colonialism than other European colonial powers. Tricoire described how British imperial authorities understood their responsibility to its Indigenous subjects: “Officials did not seriously think about civilizing or assimilating Indigenous peoples before the nineteenth century.”<sup>3</sup> However, gradually, the British also adopted policies that had the spoken goal of integrating the Indigenous peoples of the Empire into British colonial society. These policies promoted sedentary living, European education, and Christianization, in line with Enlightenment philosophies that perceived these activities to have inherent civilizing properties. The transition from conquest to enlightened colonialism is found in the colony of Nova Scotia’s policies related to the Mi’kmaw population. However, the timing of this transition was not purely philosophical. In the following, it will be demonstrated that the Mi’kmaw policy in Nova Scotia was more shaped by international imperial mandates than the needs of Indigenous peoples living in Nova Scotia. During the late eighteenth century, the threat of invasion from French and later American forces loomed over British North America. The Mi’kmaq, formerly allied with the French, were therefore seen as potential enemies that needed to be placated or, worse, eliminated. The ebb and flows of war created instability and inconsistency in Nova Scotian Indian Affairs



policy, as the Superintendent General of Indian Affairs was very reactive to international affairs. During times of war, the government of Nova Scotia was generous toward the Mi'kmaq. During peacetime, however, the pockets of the colonial office were suddenly empty, and the government went so far as to dismiss the office of the Superintendent of Indian Affairs entirely. As British rule in Nova Scotia became more secure during the nineteenth century, the Indian policy began to stabilize as well. However, stability did not mean security for the Mi'kmaq. Enlightened colonialism as defined by Tricoire was not rigorously pursued in Nova Scotia during this period. Viewing the Mi'kmaq as pitiful savages, the Nova Scotian government proposed plans to encourage the Mi'kmaq to settle and cultivate lands. However, with very little political agency, the Mi'kmaq had no means of holding the government accountable to its own policies. As will be examined, the Nova Scotian Indian policy during the early 1800s was hamstrung by the colonial mandate to settle British emigrants in the colony. The protection of Mi'kmaw lands that were necessary for maintaining traditional ways of life or following a system of Mi'kmaw farming were made impossible by the increasing demands for land by white colonists. Such competition was only exacerbated by Nova Scotia's problematic dearth of arable land. The following chapter will examine this shift in Indian policy in Nova Scotia during British Imperial Rule. These imperial philosophies and mandates, while not the only relevant factors in shaping Nova Scotian Indian policy, were incredibly significant.

The signing of the Treaty of Paris in 1763 formally ended French and British conflict in the territory that would become Canada. All remaining French colonies were ceded to the British, including Cape Breton Island, which would be consolidated into the

colony of Nova Scotia in 1820. A pressing question for the new colonial government was how to manage the Indigenous population of the region. This was not a new issue. Contact between the Mi'kmaq and Europeans had been established centuries earlier and had developed into complex relationships of trade and allegiance. The British and Mi'kmaq signed a series of treaties during the eighteenth century that are collectively known as the Peace and Friendship Treaties. Each brought closure and periods of peace, however brief, between the British and multiple Indigenous nations, including the Mi'kmaq. None of these treaties conferred land title to the British or saw monetary transferral between the two parties. Mi'kmaw signatories ensured they and their descendants would have access to land and resources such as game and fishing.<sup>4</sup> However, these periods of peace were punctuated by frequent conflict between the British and French in the region, during which time the Mi'kmaq aligned with their Catholic French allies against the British. During and following such conflicts, the attitude of peace and friendship was replaced with hostility and violence. After the War of Austrian Succession (1748), most Mi'kmaw chiefs refused to meet with the Governor of Nova Scotia, Edward Cornwallis, to discuss peace in protest of his founding of Halifax and the increased military presence of the British throughout the region, both of which infringed upon the hunting, fishing, and land-use rights granted to the Mi'kmaq in previous treaties. As a result, Governor Cornwallis initiated a plan to “root” out the Mi'kmaq in Nova Scotia.<sup>5</sup> In 1749, a bounty was placed on the scalps of Mi'kmaw men, women, and children. While a new treaty was ratified in 1752, this violence and tension continued largely uninterrupted for a decade.

The circumstances of Mi'kmaq-Anglo relations in Nova Scotia changed when the French surrendered in Quebec during the Seven Years' War (1760). British power in the region was consolidated in the Treaty of Paris (1763) and the objective of the colonial Nova Scotian government changed. The imminent threat of French retaliation was lessened, therefore less government energy needed to be directed toward the protection of British territory. The persistent conflict between the British and the Mi'kmaq was formally ended through the signing of the Halifax Treaties in 1760-61.

Early political histories of the Mi'kmaq, written generally between the late 1970s and early 1990s though some come from as early as the 1930s, avoided analyzing the period following the 1760-1 treaty-signing years. As outlined by John G. Reid in his essay "*Pax Britannica or Pax Indigena? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification,*" Mi'kmaq-Anglo relations following the treaty signings but before the Loyalist migration influx were only loosely discussed by historians, and those who did study this period generally made ambivalent assessments about the experiences of Mi'kmaq.<sup>6</sup> As Reid examined, early works on the period such as J. B. Brebner's *The Neutral Yankees of Nova Scotia: A Marginal Colony During the Revolutionary Years* (1937) concluded the Mi'kmaq were "absolutely at the mercy of the British" following the defeat of the French fortress of Louisbourg and the subsequent collapse of Nouvelle-France, suggesting that without the support of European allies the Mi'kmaq could not make any significant contributions to the development of the region.<sup>7</sup> Brebner's interpretation held sway for decades. L.F.S Upton's *Micmacs and Colonists: Indian-White Relations in the Maritimes* (1979) similarly viewed the Mi'kmaq as unable to maintain political control

following the defeat of the French, though Upton makes an allowance for the Mi'kmaq refusing to relinquish their cultural autonomy.<sup>8</sup> Over time, histories gained more nuance, such as analyses by Stephen Patterson, but maintained that the defeat of the French signalled the end of Mi'kmaq power and total domination by the British.<sup>9</sup> Even histories that presented wholly different perspectives on British conquest, such as Daniel Paul's *We Were Not the Savages: A Micmac Perspective on the Collision of European and Aboriginal Civilization* (1993) which presented the British military conquest as brutal and repressive, still interpreted the Mi'kmaq as no threat or competition to the dominant British regime.<sup>10</sup>

Reid offers a reinterpretation of the political circumstances following 1760-1 that helps contextualize why the British regime in Nova Scotia did not attempt to develop an administration to control and service the Mi'kmaq until the mid 1780s. This interpretation determined that the Mi'kmaq (and the Wabanaki peoples of modern-day New Brunswick) were not instantly bulldozed by the British following the treaty signings and British dominance in the region was not a given. Rather, the Mi'kmaq remained the dominant nation in Nova Scotia until later Loyalist waves of migration in the 1780s and 1790s increased the British population and fighting force. Amidst the Seven Years War, Nova Scotia entered a period of migration known as the Planter Era. The New England Planters were settlers from the New England colonies invited to settle by lieutenant governor of Nova Scotia, Charles Lawrence. Lawrence issued two proclamations, the first in October of 1758 and the second in January 1759, soliciting proposals from would-be-settlers and providing descriptions of the lands available for settlement. These lands were the lands left vacant following the expulsion of the Acadians in 1755. They were advertised as cleared

lands, ready to cultivate, however many of the Planters found the Acadians lands had reverted to nature. Furthermore, the neglected dykes had begun to wash away or breach.<sup>11</sup> Nevertheless, by 1760, 2,000 New England Planters had moved to Nova Scotia's Annapolis Valley.<sup>12</sup> Reid determined the Planter Era of colonialism reflected a global pattern, modeling their actions on a small-scale British East India Company, rather than the more distinctly North American settler colonialism which would follow.<sup>13</sup> This global pattern was defined by urban strongholds. The British state had firmly cemented itself as a regional power, based out of their capital in Halifax. However, beyond the limits of the city, the small, scattered Planter settlements were too few, small, and weak to dominate the more established Mi'kmaq. Mi'kmaw threats of violence and demonstrations of force were a great cause of concern in the early Planter Era. It resulted in persistent tension between the Mi'kmaq and settlers, as well as British concessions made to the Mi'kmaq. Peace was maintained through responsibilities conferred on both parties and explains why the British government was often eager to fulfill Mi'kmaw requests made in the name of treaty relationships, such as gifts, services, and religious support.<sup>14</sup> As Reid noted, from the Mi'kmaw perspective, "the Halifax regime had settled into a pattern that made it only the latest of the many imperial intrusions that the Aboriginal nations had been able to domesticate since the early seventeenth century."<sup>15</sup>

It was not until the later Loyalist migrations to Nova Scotia, beginning in 1782, did the Mi'kmaq population begin to feel the true pressure of settler colonialism. Easily arriving with 30,000 refugees, the Loyalists flooded into the Maritimes and changed the social dynamic between European and Indigenous peoples. While the Loyalists did bring

with their military experience from fighting in the American Revolutionary War, Reid noted they more importantly “arrived with crude force of numbers.”<sup>16</sup> The Loyalists population created a huge demand for the limited arable land in Nova Scotia. This demand weakened British enforcement treaty relationships. Protecting Mi’kmaq lands and access to resources such as game and fish directly conflicted with the government’s desire to settle the thousands of Loyalist migrants arriving every year. Loyalist settlements severed communication routes between the Mi’kmaq. As Reid explained, “the Aboriginal nations now faced a defensive struggle that had little likelihood of success in the foreseeable future.”<sup>17</sup>

This shift in dynamic, and influx in British settlement, led the British government to slowly change their approach to interacting with the Mi’kmaq, who were increasingly becoming a disadvantaged minority. As the colonial government of Nova Scotia developed a civil administration, Indian Affairs was a small, underdeveloped branch of the government, which was mostly run by one individual, the Superintendent General of Indian Affairs and later the Commissioner of Indian Affairs. Indian Affairs under imperial rule had two principle objectives. The first and more significant objective was to provide relief and aid to the Mi’kmaq. Government aid largely came in the form of blankets, coats, food, seeds, and coin. Providing it was also a responsibility the Superintendent was constantly trying to shed. Indian Affairs in Nova Scotia promoted that the Mi’kmaq population should become independent of government assistance. In British society, charity and aid were generally viewed negatively, or at least not perceived as the responsibility of the government. As Judith Fingard contends in her article “The Relief of the Unemployed Poor

in Saint John, Halifax, and St. John's, 1815 -1860," an individualistic model dominated the philosophy of charity during the eighteenth and early nineteenth century. It was argued that government aid did not help the homeless and needy but rather discouraged productivity and independence because poor relief shielded the poor from the real consequences of their perceived laziness.<sup>18</sup> Poor relief, therefore, largely came from middle class philanthropic organizations whose endeavors "fulfilled a basic middle-class instinct for collective efforts."<sup>19</sup> Robert Humphreys in his book *No Fixed Abode: A History of Responses to the Roofless and the Rootless in Britain* argues that poor relief was thought to allow the indigent poor to live an attractive, easy lifestyle. Their poverty was interpreted by government officials as giving them "open-air freedom, the non-commitment to fixed hours, the protracted alcoholic binge within a social group and the feeling of being unburdened by communal responsibility."<sup>20</sup> Such perceptions of poverty were used to limit the civil rights of the poor who, it was believed, needed to "contribute to the society instead of sponging from it."<sup>21</sup> Additionally, it was understood that the uplift of these unwholesome people required the withholding of government aid, as to inspire individualism which was achieved through labour and productivity. Such philosophies were strong in Nova Scotia. In *The Spirit of Industry and Improvement: Liberal Government and Rural-Industrial Society, Nova Scotia, 1790-1862*, Daniel Samson argues that support for the poor "[r]ang[ed] from the banal (building a road was a mark of improvement) to augmenting the wealth of the nation-station, [and that] such intervention also included individual improvement through self-help and voluntary societies (e.g., missionary literary and scientific, and agricultural)."<sup>22</sup> The same philosophy was applied to aid given to Indigenous groups. Generally, the government viewed relief as a temporary charity that would sustain the

Mi'kmaq until they could be civilized and settled. In contrast, the Mi'kmaq had a very different cultural understanding of government aid, viewing it as a fulfilment of treaty obligations and sign of respect, a perspective that shocked the sensibilities of the Nova Scotian government. Fifty years later, it was still shocking. Commissioner of Indian Affairs Abraham Gesner described to the Legislative Assembly of Nova Scotia in 1847: "They pride themselves upon such bounties rather than consider them in any way humiliating."<sup>23</sup>

In 1794, George Henry Monk, the first Superintendent General of Indian Affairs of Nova Scotia, expressed to Lieutenant Governor Wentworth that rations for Mi'kmaq were necessary in the short term but would not be a permanent policy of Indian Affairs. Relief would allow him "to rehabilitate the rising Generation [of Mi'kmaq] to labour in some of the various works of farming till they know how to earn a livelyhood for themselves."<sup>24</sup> Monk was responsible for the direction taken by Indian Affairs in Nova Scotia. He was hired in 1783, at the end of the American War of Independence, when Loyalist refugees created an influx of settlers to Nova Scotia. Monk's time as Superintendent was strongly influenced by the wars of imperialism in the region. His policies reflect his strong sense of paternalism though they were not shared by all government officials. Where Monk saw relief as an avenue to the eventual civilization of the Mi'kmaq, most viewed it as means of quieting the Mi'kmaq during periods of conflict where they may attempt to revive their historical alliance with the French. In the same letter to Wentworth, Monk recalled that until the end of the American Revolution, the Mi'kmaq were provided with a constant supply of clothing and foodstuffs. However, after the war these provisions were cut. Eventually, even Monk was expendable. By 1786, the government stopped paying the



salary of George Monk entirely, and the office of Superintendent of Indian Affairs lapsed for six years. No one in government saw this as a cause for concern. While the Mi'kmaq may have been distressed by the loss of land and lack of provisions, they were not perceived as a threat. Indeed, it was argued that their impoverished state made them more manageable. In his account of Nova Scotia, travel writer Samuel Hollingsworth wrote in 1787, "their weakness, added to their prudence, will certainly prevent them from making any disturbances."<sup>25</sup>

Monk returned to office in 1793. This time he was unpaid. The reason for his return was the emergency of the Anglo-French War. This conflict revived the fear of invasion and of an uprising of Mi'kmaq, who, it was feared, would seek out support from the French. There was even a plan to take Mi'kmaw hostages and intern them at Fort Edward if necessary.<sup>26</sup> Ultimately, Governor Wentworth opted to quell the Mi'kmaq by reinstating gifts of rations and clothing in hopes that improving their material circumstances would prevent them from taking up arms. Monk's investigations revealed the Mi'kmaq were not expressing hostilities, though militia majors fear that the "wretched" conditions of the First Nations might present a threat at a later date. For this reason, provisions of beef and bread were immediately distributed, and supplies continued through the winter of 1794.<sup>27</sup> Monk over the next few years would recommend the giving of relief, however he passionately reiterated that it was necessary that the Mi'kmaq be settled and that relief eventually be cut to promote among them a sense of individual responsibility. Nova Scotian Indian Affairs spent its resources on food, but also farm implements and seeds. However, during this time there appears to have been no funding for agricultural instruction or for reserving fertile

land for the Mi'kmaq. Each winter, the immediate crisis of starvation took precedence and Governor Wentworth exceeded his budget in providing relief. The spending was questioned in London and before long the funding disappeared. A similar series of events occurred at the outbreak of the War of 1812 as fears of Mi'kmaw hostility saw the imperial government once again provided funds for the relief of the Mi'kmaq in Nova Scotia.<sup>28</sup> Unless the Mi'kmaq were feared, assistance was scarce.

Despite this pattern, fear of the Mi'kmaq as a collective did not protect an individual Mi'kmaq from having relief withheld for any act interpreted as disobedient or disrespectful. Any disturbance by a Mi'kmaq resulted in the threat of denying relief, a tactic intended to maintain order. For example, when a Mi'kmaw man named John Paul met with Monk and inquired about receiving relief in 1793, he was told there was nothing immediately available. Paul was alleged by Monk to have replied, under his breath, "if King George was so poor that he could give no more to Indians — the Indian better take nothing."<sup>29</sup> Paul's slight toward the King was taken as a serious sign of disrespect, and Paul was denied relief three times before the starved man was allowed to apologize in front of the magistrate in order to receive relief.<sup>30</sup>

The second objective of the Superintendent of Indian Affairs was to settle the Mi'kmaq in sedentary communities. The main principle of settlement was to discourage the traditional hunter-gatherer lifestyles of the Mi'kmaq and have them conform to European ways of agricultural life. However, in practice, the Indian Affairs settlement policy was designed to accommodate European settlers. George Monk negotiated with white settlers to try to prevent encroachment onto Mi'kmaw reserve lands. Encroachment

was highly prevalent on Nova Scotian reserves. While trespassing occurred on Indigenous reserves across Canada and can certainly be attributed to a lack of regard for Indigenous rights, the Nova Scotian context provides an interesting case study where encroachment was extreme. The main factor that produced this situation was (and is) the geography of Nova Scotia. There was not enough fertile land to create the capitalist, agrarian, self-sufficient, rural society the British colonial government envisioned. The historical impacts of the lack of fertile land in Nova Scotia have been well recounted by historians. Many works written about the Expulsion of the Acadians and have stated the motivation for doing so was to obtain the fertile lands produced by the Acadian system of dykes.<sup>31</sup> Other works, such as Debra McNabb's "Land and Families in Horton Township, N.S., 1760-1830" and Rusty Bittermann's "The Hierarchy of the Soil: Land and Labour in a 19th Century Cape Breton Community" have described how the lack of arable lands produced economic stratification during the British settlement of Nova Scotia. If there was not enough land to support white settlers, it is not difficult to see how Mi'kmaw lands were quickly sold or stolen to satisfy the needs of the majority. As Bittermann stated: "Despite the legal claim of the region's Micmacs to the lands lying along the lower three miles of the Wagamatcook River and their legal and physical resistance to its loss, squatters overran Indian lands, and subsequently persuaded the government to sanction these new property rights."<sup>32</sup> This process also highlights a philosophy which will recur throughout this study: land ownership derived from land usage not innate rights.

The other feature of Nova Scotia's geography that influenced the level of encroachment on Mi'kmaw lands and how quickly the colony was settled by white

colonists is the nature of water access. The Mi'kmaq seasonally lived on the coastlines and river frontage during the summer months. During the winter, they moved to the interior forests to take advantage of hunting. The white settler influx quickly interrupted this lifestyle. Mi'kmaw summer lands along the indented coastlines and major rivers were the most easily accessible and, therefore, were the first lands settled by colonists. They were also the most desirable lands: coastline for the fisheries and river frontage for fertile soil and access to hydropower to operate machinery like sawmills.<sup>33</sup> The relatively high amount of water frontage in Nova Scotia meant Mi'kmaw lands were simultaneously settled by colonists and left very little space for the Mi'kmaq to maintain their traditional way of life.

Additionally, the small size of the Nova Scotian colony created more interactions between white and Indigenous people. In larger colonies and territories, the ability to escape white expansion was not accessible to all Indigenous peoples nor equally possible over time. However, retreating into the un-surveyed frontier was more feasible, for a longer period of time in Western Canada. Nova Scotia's small size meant that the frontier evaporated incredibly quickly after European contact. Whereas other First Nations groups could leverage their numbers as a threat against British oppression, the relatively small Mi'kmaw population was not afforded such a luxury. Historian L.F.S. Upton observed that "[n]umerous comparisons were to be made over the years with the generous treatment afforded the Indians of Canada, who exchanged their land for cash or kind, received annual presents, supplies, large reservations and an income from those portions sold off to whites. With the exception of occasional relief, the Micmacs enjoyed none of these considerations."<sup>34</sup> While Upton's use of the word "generous" may be hyperbolic, the

comparison is note-worthy. This is also why it did not take a great deal of European settlement to disrupt Mi'kmaw lifestyles. Compared to the rest of British North America, settler colonialism came rather late, only becoming a major policy in the late eighteenth century with large-scale settlement connected to the arrival of the Loyalists.<sup>35</sup> However, the small geographic size of Nova Scotia meant the process of settler colonialism was swift and fewer colonists were required to fully settle the small colony.

When the British founded the colony of Nova Scotia, settlement was foundational to consolidating power in the region. The decreased threat of violence from the French and the Mi'kmaq and promised arable lands encouraged early migrations of British colonists. As settlement increased, upholding the Peace and Friendship treaties with the Mi'kmaq began to come into conflict with the goals of settlement. Allowing Mi'kmaq access to traditional lands meant less land was legally viable for the settlement by desirable Anglo-Saxon, Protestant, agrarian colonists. Therefore, the precedent of ignoring treaties and the treaty rights of the Mi'kmaq was set. This policy of settlement also ignored the *Royal Proclamation* of 1763. With this law, King George III proclaimed that the Indigenous people of Canada would be protected by the British Crown, and further recognized that no lands had been ceded. Additionally, the proclamation highlights the state of affairs that were presently faced by Indigenous groups in Nova Scotia, where, despite legal recognition of Mi'kmaw land rights, white colonists were intruding, squatting, and settling on reserved crown lands. As the *Proclamation* states: "And whereas great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of Our Interests, and to the great Dissatisfaction of the said Indians... We do, with the Advice of our Privy

Council strictly enjoin and require, that no private Person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians.”<sup>36</sup>

During a 1765 conference between the British and the Six Nations and Delawares in 1765, surveying land and drawing borders between the white settlers and Indigenous people throughout the Eastern Seaboard of North America was viewed as the best method for eliminating conflicts. Boundaries, once established, would not be infringed upon. The tone was one of charity and co-existence: “I can have no doubt of your cheerfully joining with me in settling such a division Line, as will be best for the advantage of both Whiteman & Indians.”<sup>37</sup> However, the response of the Onondaga speaker, who was not named, illuminated the stress Indigenous groups felt from the encroachment of white settlers. He said, “We saw the English coming towards us from all parts; & they have cheated us so often, that we could not think well of it.”<sup>38</sup> Encroachment on Mi’kmaw lands came in many forms. Some were coercive displays of force, such as Governor Wentworth’s threat to take Mi’kmaw hostages, remove them from their homes, and detain them in Fort Edward.<sup>39</sup> Other strategies did not use the threat of violence, such as downstream damming of fishing rivers.<sup>40</sup> Gestures to placate the Mi’kmaq were reiterated by the Nova Scotian government, such as promises to survey lands or more harshly punish squatters. However, the government rarely garnered the resources or motivation to follow through on such promises.

As Superintendent, Monk spent a great deal of his time dealing with white settlers accused of encroachment or who were complaining of a Mi’kmaw presence on lands on which they had settled. During these investigations, Monk served as a middleman whose

primary objective was to support white immigrants and facilitate their settlement. One of Monk's first jobs in 1783 was to travel to Antigonish to investigate the claims of several Loyalist veterans who felt threatened by the nearby Mi'kmaq. Monk provided the settlers with land by moving the Mi'kmaq to smaller reserve, which Monk believed was sizable enough to serve as their seasonal settlement and included their church and burial ground.<sup>41</sup> L. F. S. Upton framed this interaction as the white settlers conceding to the offer presented by Monk, which is an important perspective. Despite having the legal right to these lands, it was not the Mi'kmaq conceding the land but, rather, the white squatters. Sometimes Monk could not even achieve this much. For example, Monk was called to Cumberland county because of a rumour that the farmers in the area were in conversation with Mohawk to have them violently remove the Mi'kmaq from the land granted to them by the government. The settlers denied this, but they were frustrated and they accused the Mi'kmaq of lying about the extent to which the settlers had disrupted their traditional lifestyles, for example, by frightening away game as cleared land to farm and constructed homes.<sup>42</sup> Edward Barron, one of the settlers with whom Monk spoke, stated he would be kind to the Mi'kmaq. However, he was not content with the proximity between the white and Mi'kmaq settlements and insisted that "I do not mean to have an Indian Town at my Elbow."<sup>43</sup>

Such negotiations were central in the work done by Monk's office. These negotiations were predominantly conversations with other white men rather than with Mi'kmaq. When the Mi'kmaq did make claims to land and settlement, it often came in the form of petitions. Despite the unique land rights possessed by Mi'kmaq in Nova Scotia,

they needed to apply for lands using a similar legal avenue as new settlers. The Mi'kmaq were forced to apply to the Superintendent of Indian Affairs for land grants. Petitions were often written with the assistance of transcribers or benefactors. This was their only option for obtaining land because the Halifax Treaty of 1761 prevented trade or commerce between private parties and the Mi'kmaq. Mi'kmaq appealed for numerous grants. For instance, seven Mi'kmaw chiefs filed for licenses across the entire province in 1783. James Pemmenwick, Chief of the Shubenacadie Mi'kmaq, applied for enough land to support nine families who were those of his children.<sup>44</sup> The government granted that the lands could be occupied "during pleasure," however none were outright granted lands.<sup>45</sup> Not only did the Mi'kmaq need to apply for land in the same way as white settlers, but they needed to demonstrate that they were at least as able as white settlers to cultivate land. If the land was not being "improved," it could be removed from a resident's possession. This philosophy was reflected in the petitions. Solomon Geremy, a Mi'kmaw man living near LaHave, petitioned for a license to land he was already living on. Referencing the land, the writer of the petition emphasized that Geremy had "made yearly Improvements thereon for the Support of his Family."<sup>46</sup> In this way, the early Indian Affairs administration in Nova Scotia not only managed where First Nations people lived, but also attempted to manage the way in which they lived.

The development of Nova Scotian Indian Affairs during the late eighteenth century leaves two significant impressions. First, the Nova Scotia bureaucracy was incredibly small, especially in regard to issues deemed unimportant, such as Mi'kmaw administration. Nearly all decisions made about the Mi'kmaq went through just one office for three



decades, and that was when the office of Superintendent existed at all – at various points it lapsed. The limited scope of Indian Affairs during the late eighteenth century in Nova Scotia signals that officials of the colonial government did not think the issues it dealt with were long term. Either the Mi'kmaq would succumb to “the worst traits of the Indian character, indolence and drunkenness”<sup>47</sup> and waste away, or they would take up the mantle of civilized, white society, at which point the special services provided to them would not be needed. However, given the lackadaisical commitment to Mi'kmaw settlement shown by the Nova Scotia government, achieving this “civility” was nearly impossible. In addition to lack of interest and inertia, the Superintendent of Indian Affairs was not powerful enough and had not enough resources to effectively gauge the circumstance of the Mi'kmaq. No census or surveys were completed during this time. Government officials did not even fully appreciate how many Mi'kmaq there were, let alone where they lived, and what they needed.

The second impression left by Indian Affairs administration in this early era were the deep contradictions that existed in its philosophies of enlightened colonialism and its early settlement plans for Mi'kmaq. Indian Affairs in Nova Scotia was conceived of to ensure that white settlers were comfortable and to placate Mi'kmaq with provisions when necessary. However, the long-term goal expressed by several government officials was to transform the Mi'kmaq into settled farmers. These policies, or at least the way in which they were implemented, directly contradicted each other. For an agrarian society to develop, the Mi'kmaq would have needed considerable support, especially in the form of quality reserve land that was strongly defended by the government from encroachment.

However, Monk clearly was committed negotiating with the Mi'kmaq to ensure the new colonists were undeterred in settling. As a result, the Mi'kmaq were continually pushed onto marginal lands. Additionally, the monetary and provisional support the Mi'kmaq received was never designed to support Mi'kmaq long-term, but rather to placate the Mi'kmaq temporarily whenever fears of uprising surfaced. Without being able to secure arable land or the necessary provisions to effectively cultivate it, Mi'kmaq could never have become established farmers. The government's commitment to this outcome in the last decades of the eighteenth century was more a statement of belief, than an actual policy.

The turn of the century brought changes to Indian Affairs management in Nova Scotia. The government's inconsistent funding of Indian Affairs meant that most Mi'kmaq in need were serviced by local Overseers of the Poor. Many budget-minded legislators opposed this arrangement as they did not, want the colony to be paying for the required fifty percent of the provisions. Additionally, in the "Report of a Committee to take into consideration Health Officer's Accounts — demands on Government & Transient Poor Act 8 April 1800," the government found that the issues the Mi'kmaq continued to face — destruction of game by settlement, depletion of fur and fishing resources, and lack of land — were not being addressed effectively.<sup>48</sup> Therefore, a committee, led by Monk, was struck in 1800. The committee met to determine a solution to Mi'kmaq poverty that did not rely upon charity from the state. A required step to this end was "to procure information necessary for us to form some plan for the settlement of the Indians,"<sup>49</sup> —intelligence that was so lacking in previous decades. The committee presented a fourteen-question questionnaire in 1801 to the Lieutenant Governor for approval. The questionnaire was

given to ten “gentlemen in several parts of the Country from whom correct information [about Mi’kmaq] was to be expected” to determine the plan’s viability as well as general information about the Mi’kmaq.<sup>50</sup> This questionnaire appears to have been the first attempt to wholly gather census information about the Mi’kmaq population in Nova Scotia.

“The forgoing queries appear essential to our object,” the committee stated, “and we request as particular answers as from your own knowledge, or the information of others, you may be enabled to return.”<sup>51</sup> The queries that the committee deemed essential reveal the complex role of agriculture in the colonial vision of the Nova Scotia government. They also reveal just how little information the Nova Scotian government had gathered about the Indigenous population over four decades. The majority of the queries posed by the committee requested basic statistical information about the Mi’kmaq. The government wanted to know how many Mi’kmaq men, women, and children lived in Nova Scotia, learn who held positions of power among the Mi’kmaq, if there were any white people who had learned the Mi’kmaq language and could work as translators, and which priests the Mi’kmaq trusted so information could be gathered from them as well. Additionally, the committee planned to establish a program to provide the Mi’kmaq who were willing to settle with farm implements. The committee was also committed to adapting the Mi’kmaq to a sedentary lifestyle, a direct by-product of introducing a successful farming economy. For example, the committee wanted to know the names of the Mi’kmaq who had shown interest in settling previously or had attempted it. An inquiry was made into the cheapest methods to construct twenty-by-sixteen-foot log lodges intended as home. Keeping costs low was recommended by using materials such as mud, stone, and bark.<sup>52</sup> An estimate for

clearing land was also requested. Sedentary life was also to be promoted by encouraging Mi'kmaq to participate in the market fisheries, particularly by providing them with boats. Property ownership was equated with sedentary life. Giving the Mi'kmaq large, value pieces of property that they could not sell would force them to settle. The plan proposed by the committee also endeavored to keep the cost of the agricultural program low, by providing the Mi'kmaq with inexpensive crops, such as potatoes. These were crops that could provide subsistence at a low cost, but also would not be worth much at market, which ensured that Mi'kmaq farmers would not out compete their white neighbours.

In addition to the practical, financial concerns with transitioning Mi'kmaq to agrarian life, the committee's plan demonstrated some of the cultural or moral assumptions made about agriculture, particularly in regard to forming nuclear families. The committee recommended that flax, wool, and spinning wheels could be sourced to engage women in settlement as well, outlining the separate roles women should occupy in the agrarian economy. The labour of children was also specified. In this regard, the committee inquired if the government would be willing to fund a program that would "allow any of the Indians, while receiving assistance from Government be induced to place some of their Children in the Families of the neighbouring settlers, to learn our domestic arts; and would the settlers, for small Premiums receive and instruct them."<sup>53</sup> The plan of 1801 demonstrated that the Nova Scotian government promoted the philosophies of Adam Smith and his four-stage model of development, and that the civility the Mi'kmaq were to achieve through sedentary life would reflect the gender normative society of white settlers.<sup>54</sup>

While the questionnaire was only answered by five of the ten solicited respondents, the general consensus was that, with perseverance the Mi'kmaq would achieve self-sufficiency.<sup>55</sup> The House of Assembly also responded optimistically, voting to provide £350 to the relief of the Mi'kmaq.<sup>56</sup> This was the first tangible move towards long-term assimilation programs in Nova Scotia, a step Monk had been advocating for since the 1780s.<sup>57</sup> A committee was struck to supervise the expenditure and appoint commissioners in various localities to report on the condition of the Mi'kmaq in their districts and distribute provisions.<sup>58</sup> However, the government was, as in the past, disinclined to follow through with the plans. By 1803, funds for the project had already been reduced and then lapsed entirely.<sup>59</sup> Upton noted that some members of the committee were also beginning to grow tired of their responsibilities and their sympathy for the “able-bodied Indians” was growing thin.<sup>60</sup> In a letter to James Archibald, a Truro Justice of the Peace, the committee expressed that they saw the Mi'kmaq of Nova Scotia “passing the summer in idleness and then demanding support through the winter.”<sup>61</sup> They could not count the number of white men who toiled all year only make perhaps three or four shillings a day, “and in bad weather not even that much.” Should not these men and their large families have access to this capital as well? Once again, the plans for Mi'kmaw assistance were dissolved.

The threat of the Anglo-American War in 1807 revived the office of Superintendent of Indian Affairs and Monk took office once more. Reports determined that the Mi'kmaq were too starved to be a threat. For the same reason they could not be enlisted into the British forces the way other First Nations groups in British North America were. However, Monk contradicted himself and stated the Mi'kmaq could still be provoked by the enemy

into harassing the scattered population.<sup>62</sup> This fear of a Mi'kmaw threat was reiterated in a report from a Mr. Hierlehy of Antigonish, who stated: "Does not think they would be easily persuaded to join either the English or French army, but would attach themselves to whatever party should prove victorious."<sup>63</sup> A Mr. Donovan of Pictou added "one [Mi'kmaq] affirmed he would scalp all Pictou in two nights... in fact they are not to be depended upon."<sup>64</sup> Hierlehy and Donovan's reports were included in a two-page letter that compiled the reports of commissioners working to observe the local Mi'kmaw populations. Based on the report, Nova Scotia appears to have been divided into thirteen districts (excluding Cape Breton as it was still governed as an independent colony). The commissioners reported on the state of war and provided estimates of the Mi'kmaw population. Monk called for a regular system of relief for the Mi'kmaq by consistently providing coats, coin, and food, but the Colonial Office denied his plan, stating they would only be willing to supply relief should war officially be declared.<sup>65</sup> The resumption of the Superintendent's office also renewed interest in Mi'kmaw land petitions and in surveying the reserves already in place. Yet circumstances for the Mi'kmaq did not change. They continued to send petitions, requesting clothing and food in a way that illuminated their state of poverty. In 1820, Peter Wilmot, a Mi'kmaw man from Pictou, petitioned for clothing from Lieutenant-Governor Lord Dalhousie. He lived near the River John, which was named for his grandfather, a fact that demonstrated how long his family had lived on the property. The clothing was needed to outfit himself and his dependents, "a Mother, two Sisters, a Brother Squay[?] and three Persons who are all naked and very needy although amongst the most worthy Indians in this Quarter."<sup>66</sup>

The early nineteenth century followed many of the same patterns as the later eighteenth century. Plans for the settlement of the Mi'kmaq would be made, only to be forgotten. Where once the ebbs and flows of war were the key indicators of the government's treatment of the Mi'kmaq, increasingly the Mi'kmaq were also subject to the whims of either optimistic and pessimistic politicians. Plans were recycled by new voices of power in government and then not pursued in any meaningful way. Lord Dalhousie proposed another plan to tackle the issues facing the Mi'kmaq in 1820, which Upton viewed as the first comprehensive attempt made by the government to take responsibility for the Indigenous population.<sup>67</sup> Again, settlement was the cornerstone of the plan. Dalhousie proposed to the council that a reserve no larger than 1,000 acres should be established in each county and held in trust by the government for those Mi'kmaq inclined to settle. The surveyor-general reported back on May 8, describing roughly 1,000 acres reserved in each county in the mainland of Nova Scotia. One year later, similar but generally larger reserves were outlined in Cape Breton, as the Island was re-annexed to Nova Scotia.<sup>68</sup> However, no money had been provided to conduct a proper survey. Consequently, the report was of little use as either a legal defense against encroachment or as a guide to what was set aside for the Mi'kmaq. Dalhousie's successor, Sir James Kempt, took up the mantle of settling the Mi'kmaq. He found many were disposed to settling but recognized it would remain unfeasible unless each reservation was properly surveyed and each Mi'kmaq family was given the skills and tools to establish crops, most commonly potatoes. Kempt outlined in 1827 that the assembly should grant funds to "carry out correct surveys and subdivisions and to provide some seed, an axe, and a hoe to each family willing to farm and a small supply of provisions and coarse clothing for the weak and sickly."<sup>69</sup> The assembly agreed

to provide the most immediate and temporary relief in the form of £250 but refused to support Kempt's plans for long-term development. Despite the reservation of lands, punishment against encroachers and trespassers on reserve lands continued to be lax. The surveys meant little as encroachment continued.

Despite the connection between government inaction and the failure of Mi'kmaw agriculture, many observers from the period concluded that Mi'kmaw farming failed because of the cultural disposition of the Mi'kmaq; this, colonial officers felt, was the true cause of the Mi'kmaq's continued suffering. Many of these writers (some were colonial officials while others travel or academic writers) were influenced by Enlightenment philosophy and viewed the Mi'kmaq's lack of farming as the result of poor character or racial inferiority. These writers often found evidence to support such philosophies. Captain William Moorsom published his accounts of the Mi'kmaq in his 1830 book *Letters from Nova Scotia*. He found few Mi'kmaq had settled on farms and those who had were most inclined to keeping livestock. He wrote that "[t]hese farms are poor, and chiefly for livestock, of which I have known eight or ten head belonging to one proprietor."<sup>70</sup> However, he found the farmers were more inclined to act as "gipsies," abandoning their farms to range in the forests and sell their wares in the neighbouring towns during the summer months.<sup>71</sup> Moorsom purported to quote the Mi'kmaq, using a grammatical style to present the Mi'kmaq as unintelligent. The Mi'kmaq were forced into farming: "White man settle this side, that side, every where. Indian no see moose, caraboo; Indian no like 'em starve, - force 'em go farm."<sup>72</sup> The encroachment of white settlers had forced some Mi'kmaq to adopt farming, which Moorsom viewed as a positive development. If the Mi'kmaq were to be



civilized, their traditional way of life needed to be rendered impossible. He insisted that “their natural inheritance is not to be thrown off by mere dint of reasoning.”<sup>73</sup> This supposed cultural aversion to farming was also observed by Titus Smith Jr., a naturalist hired by the Nova Scotia government to survey the colony for natural resources. Smith stated that the Mi’kmaq “have as strong a prejudice against our way of life as we can have against theirs.”<sup>74</sup> Smith also wrote about the Mi’kmaq’s cultural association of agriculture with whiteness. While surveying the Annapolis region, Smith wrote of an encounter with “an Indian here who has been at Work this Season and raised a small Crop of Corn, Wheat & Potatoes, and who is very desirous of continuing to work at farming.”<sup>75</sup> Despite the man’s appreciation of agriculture, Smith feared he would soon abandon it. The man’s wife had left their settlement to rejoin other Mi’kmaq and Smith believed the man’s “Countrymen” would persuade him to rejoin them as well: “most probably his Countrymen will finally persuade him to quit his new Occupation, as he will be accounted an Indian by white Men, and if he follows farming, will be looked upon as a white Man by Indians.”<sup>76</sup>

Even modern, though perhaps not recent, histories find cultural biases to be a root cause for the Mi’kmaq not adapting to the sedentary farming lifestyle sooner. Elizabeth Hutton’s short chapter entitled “Indian Affairs in Nova Scotia, 1760-1834” in *The Native People of Atlantic Canada* (1983) described the history of Indian Affairs as being fairly linear, steady, and progressive. She observed that by 1834, the reserve system established in the colony was “operative.” She marked the various attempts of the Nova Scotian government to settle the Mi’kmaq and survey appropriate lands for them. However, the Mi’kmaq did not seem to appreciate the efforts of the colonial office. “The government,”

Hutton wrote, “was also rather generous in its distribution of seeds and equipment to interested Indians, who, however, often failed to live up to their promises to the authorities of cultivating the soil.”<sup>77</sup> Upton also viewed the Mi’kmaq’s disdain for farming as a cultural disposition. While he acknowledged the failings of the Nova Scotian government, and the disregard for Mi’kmaq rights by nearly all white colonists, he also argued that farming was contrary to core Mi’kmaq values. He wrote: “This sedentary, repetitive, and slow-moving life held few attractions for the Micmacs. It was not only a strange form of work, but the very assumptions behind it were instinctively recognized as a threat to their existence.”<sup>78</sup> Mi’kmaq historian Daniel Paul argued fervently in his book *We Were Not the Savages: A Mi’kmaq Perspective on the Collision of Aboriginal and European Civilizations* that the dispossession of the Mi’kmaq was the fault of the colonial government. Yet, he also viewed the Mi’kmaq as having “little understanding of the complexities of the new social order’s land management laws” and felt that they “did not appreciate the concept of ownership of land by individuals, they were completely at the mercy of the new state for the protection of these grants from the designs of unscrupulous individuals.”<sup>79</sup> Whether the government was viewed positively or negatively, historians have held the consistent view that the Mi’kmaq were either unwilling or incapable of the legal literacy required to become successful land holders and cultivators.

What was the basis of the idea in settler society that the Mi’kmaq were disinclined to settle on land and take up agriculture? Both the historiography and archival record appear to disagree with this point. Recent scholarship has disproven many older sentiments that blamed Indigenous peoples for the failure of permanent settlement and agricultural

programs across North America. The more recent works of historians Sarah Carter, Noel Dyck, and Leonard Carlson have shifted the historiographical narrative to the view that “reluctance was on the part of the government.”<sup>80</sup> Similar research has been produced in the field of Atlantic Canadian history that agrees with this line of reasoning. While farming did not produce permanent Mi’kmaq settlements, this does not mean farming entirely absent. Andy Parnaby described how farming was adopted as a seasonal occupation by the Mi’kmaq near Chapel Island in 1841. Parnaby writes “...few, if any, of the families [Father Julian Courteau] spoke with continued to hunt and fish to satisfy their modest material needs - pursuing, instead, a combination of waged work, craft production, and subsistence agriculture on a seasonal basis.”<sup>81</sup> More importantly though, the potential to become singularly occupied people, as had been intended by Indian Affairs, was rendered impossible by the Nova Scotia government’s unwillingness to reserve fertile, arable land for the Mi’kmaq or ensure these lands were not encroached upon. Daniel Paul found that the Nova Scotian government had reserved only 20,765 acres of land for the Mi’kmaq in 1821 (out of the more than 13.5 million acres that make up the province). The report “Centralization of Nova Scotia’s Mi’kmaq: 1918-65” produced a similar figure for this date at 22,065 acres total.<sup>82</sup> Of these lands, Paul estimated less than 200 acres were arable.<sup>83</sup> The reluctance to farm shown by the Mi’kmaq was nothing compared to the reluctance of the colonial government to effectively establish an agricultural program. Furthermore, the reluctance of the Mi’kmaq could justifiably be interpreted as an awareness that their labour in cultivation would be worthless or, worse, their cultivated lands would be stolen. In a letter from Surveyor General John Spry Morris to the Lieutenant Governor, Morris described an instance of encroachment by white settlers. He wrote: “The petitioners equally

regardless of truth, of common honesty and the rights of their neighbours, took possession, last summer, of a place cleared by the Indians about forty years ago and pastured their cattle on an ancient cemetery.”<sup>84</sup> Such events were far too common and help to explain why the Mi’kmaq were often willing to sell their lands outside reserves. Without any hope of resisting the encroachments of white settlers, selling lands at least assured some return.

Traditional means of income and livelihood were certainly maintained and desired by the Mi’kmaq and it is not being suggested that the Mi’kmaq were trying to abandon their traditional ways of life. Nor is it being stated that the Mi’kmaq were not sometimes forced into sedentary life because there was simply no other option, or that the government was not attempting to have them abandon their transience. However, the archival record suggests the Mi’kmaq were not unmindful of the new system of property ownership that accompanied settler colonialism. Based on the extensive collection of petitions made to the colonial government, the Mi’kmaq understood how land could be claimed and exercised the little agency they had to pursue it. They reveal how agriculture was approached with the intention of occupational pluralism. Agriculture was accepted by many Mi’kmaq as a means of subsistence that could be pursued alongside other forms of employment. The 1813 petition of Pierre Bernard, revealed him to be a man who had long hunted and fished but as game became scarce, he sought out lands to plant.<sup>85</sup> In another case, John Elexey requested a license to the lands he and other Mi’kmaq had already improved. “Last season we built one House and a number of Hutts and rais’d one hundred Bushel of Potatoes, some Indian Corn and considerable garden stuff.”<sup>86</sup> The petitions clearly demonstrate an understanding of how land was acquired, both in seeking them and in the description the

offer of Mi'kmaq plans to improve and cultivate them. The Mi'kmaq engaged with the new legal landscape of property ownership and increased their ability to act effectively with the Nova Scotian government.

For nearly eighty years, the Mi'kmaq were forced to deal with a government that would not and could not produce a feasible system to manage their affairs to support their needs as they struggled with settlement and its repercussions. At the root of this ineffectiveness were the philosophies and mandates of an Enlightened imperial government. Indian Affairs was viewed as a piece of a larger puzzle in the establishment of the new colony. Ensuring the Mi'kmaq would not reinforce another colonial power (the French and the Americans) or disrupt the agrarian settlements of white colonists was the department's primary objective throughout the late eighteenth century, all the while attempting to control the Mi'kmaq by keeping them settled on small reserve lands. Over time, policies of agriculture and settlement became more prevalent in the agenda of Indian Affairs. However, the desire to please white colonists and the lack of accountability of Indian Affairs in Nova Scotia directly undermined any plans of Mi'kmaq settlement. Despite this, some Mi'kmaq did manage to begin farming as it was adopted into their traditional habits of occupational pluralism. This did not, however, foretell a trend for the future. As the following chapter will explore, the generosity of Indian Affairs became even lessened as budgetary concerns became the forefront of the new, smaller government that emerged as Nova Scotia moved from a colony with an imperial authority to a responsible government.

## Notes for Chapter I

<sup>1</sup> Damien Tricoire, "Introduction," in *Enlightened Colonialism: Civilization Narratives and Imperial Politics in the Age of Reason*, Cambridge Imperial and Post-Colonial Studies Series (London: Palgrave Macmillan, 2017), 4.

<sup>2</sup> Tricoire, 4.

<sup>3</sup> Tricoire, 12.

<sup>4</sup> Aimée Craft, "Living Treaties, Breathing Research," *Canadian Journal of Women and the Law* 26, no. 1 (May 2, 2014): 1–22.

<sup>5</sup> Geoffrey Plank, "The Two Majors Cope: The Boundaries of Nationality in Mid-18th Century Nova Scotia," *Acadiensis* 25, no. 2 (Spring): 19.

<sup>6</sup> John G. Reid, "Pax Britannica or Pax Indigena? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification," *The Canadian Historical Review* 85, no. 4 (Dec. 2004): 671.

<sup>7</sup> J. B. Brebner, *The Neutral Yankees of Nova Scotia: A Marginal Colony During the Revolutionary Years*, (New York: Columbia University Press, 1937), 71.

<sup>8</sup> L. F. S. Upton, *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867* (Vancouver: University of British Columbia Press, 1979), 61-78.

<sup>9</sup> Stephen E. Patterson, "1744-1763: Colonial Wars and Aboriginal Peoples," in *The Atlantic Region to Confederation: A History*, eds. Phillip A. Buckner and John G. Reid (Toronto and Fredericton: University of Toronto Press and Acadiensis Press, 1993), 149-50. Stephen E. Patterson, "Indian-White Relations in Nova Scotia, 1749-61: Study in Political Interaction," *Acadiensis* 23, no. 1 (Autumn 1993), 54-9.

<sup>10</sup> Daniel Paul, *We Were Not the Savages: A Mi'kmaq Perspective on the Collision Between European and Native American Civilizations* (Halifax: Fernwood, 2000), 166.

<sup>11</sup> Julian Gwyn, *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870*, (Montreal: McGill-Queen's University Press, 1998), 27.

<sup>12</sup> R. S. Longley, "The Coming of the New England Planters to the Annapolis Valley," in *They Planted Well: New England Planters in Maritime Canada*, ed. Margaret Conrad (Fredericton: Acadiensis Press, 1988) 28.

<sup>13</sup> Reid, "Pax Britannica or Pax Indigena?" 689.

<sup>14</sup> Reid, 684.

<sup>15</sup> Reid, 688.

<sup>16</sup> Reid, 688.

<sup>17</sup> Reid, 689.

<sup>18</sup> Judith Fingard, "The Relief of the Unemployed Poor in Saint John, Halifax, and St. John's, 1815 -1860," *Acadiensis* 5, no. 1 (Autumn 1975): 32–53.

<sup>19</sup> Fingard, 35.

<sup>20</sup> R. Humphreys, *No Fixed Abode: A History of Responses to the Roofless and the Rootless in Britain* (Springer, 1999), 3.

<sup>21</sup> Humphreys, 3.

<sup>22</sup> Samson, *The Spirit of Industry and Improvement*, 12.

<sup>23</sup> Abraham Gesner, Report on Indian Affairs, 21 December 1847, *Journal and Proceedings of the House of Assembly* (1847), Appendix 24, pp. 114-125.

<sup>24</sup> Monk to Wentworth, 23 January 1794; Monk's petition on behalf of the Indians, 24 January 1794, Monk Papers, pp. 1051 – 1055, PAC.

<sup>25</sup> Samuel Hollingsworth, *The Present State of Nova Scotia*, 2nd ed. (Edinburgh, 1787), 71.

<sup>26</sup> L. F. S. Upton, "Indian Policy in Colonial Nova Scotia, 1783-1871," *Acadiensis* 5, no. 1 (1975): 6.

<sup>27</sup> Upton, 6.

<sup>28</sup> Upton, 7.

<sup>29</sup> Upton, 7.

<sup>30</sup> Upton, 7.

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- <sup>31</sup> See John Mack Faragher, “‘A Great and Noble Scheme’: Thoughts on the Expulsion of the Acadians,” *Acadiensis* 36, no. 1 (2006): 82–92 and Naomi Griffiths, *The Contexts of Acadian History, 1686-1784* (Montreal: McGill-Queen’s University Press, 1992).
- <sup>32</sup> Rusty Bittermann, “The Hierarchy of the Soil: Land and Labour in a 19th Century Cape Breton Community,” *Acadiensis* 18, no. 1 (Autumn 1988): 43.
- <sup>33</sup> Upton, “Indian Policy in Colonial Nova Scotia, 1783-1871,” 5.
- <sup>34</sup> Upton, 4.
- <sup>35</sup> Courtney Mrazek, “‘after Planting Their Few Potatoes They Wander about the Island’: The Mi’kmaq and British Agricultural Policies in Nineteenth-Century Nova Scotia 1,” *Journal of the Royal Nova Scotia Historical Society; Halifax* 20 (2017): 20.
- <sup>36</sup> “By the King, A Proclamation”, 7 October 1763; Peace and Friendship Treaties, Indian Series, PANS, RG 1, Vol. 346, No. 2.  
<https://novascotia.ca/archives/mikmaq/archives.asp?ID=628&Page=201605012&Transcript=1>
- <sup>37</sup> “Northern District - Extract from the Minutes at a Conference with the Six Nations and Delawares at Johnson Hall”, 1765; Commissioner of Public Records, Indian Series, PANS, RG 1, Vol. 430, No. 22 1/2.  
<https://novascotia.ca/archives/Mikmaq/archives.asp?ID=24>
- <sup>38</sup> “Northern District – Extract from the Minutes at a Conference with the Six Nations and Delawares at Johnson Hall.”
- <sup>39</sup> Upton, “Indian Policy in Colonial Nova Scotia, 1783-1871,” 6.
- <sup>40</sup> Samson, *The Spirit of Industry and Improvement*, 24.
- <sup>41</sup> Upton, “Indian Policy in Colonial Nova Scotia, 1783-1871,” 5.
- <sup>42</sup> Upton, “Indian Policy in Colonial Nova Scotia, 1783-1871,” 5.
- <sup>43</sup> Monk to Edward Barron, 19 July 1784; Barron to Monk, 12 August 1784; Monk Papers, MG 23 G 11 - 19, pp. 1029-1031, PAC.
- <sup>44</sup> Thomas Trotter “Various items relating to licences to Mi’kmaq chiefs of Shubenacadie, Cobequid, Cape Breton, Antigonish, Pictou, others,” 1783; Commissioner of Public Records, Indian Series, PANS, RG 1 Vol. 430 No. 23 ½.
- <sup>45</sup> Upton, “Indian Policy in Colonial Nova Scotia, 1783-1871,” 6.
- <sup>46</sup> “Memorial of Solomon Geremy, a Mi’kmaq of the La Have tribe...,” 1784; Nova Scotia Department of Lands and Forests, Land grant registration books series, PANS, RG 20 Ser. A – Solomon Geremy.
- <sup>47</sup> Upton, “Indian Policy in Colonial Nova Scotia, 1783-1871,” 9.
- <sup>48</sup> Mrazek, “After Planting Their Few Potatoes They Wander about the Island,” 26.
- <sup>49</sup> “Report of Joint Committee for Indians with the circular letter to comprising members regarding a list of queries about the Mi’kmaq,” 1783; Commissioner of Public Records, Indian Series, PANS, RG 1 Vol. 430 No. 48 ½.
- <sup>50</sup> “Report of Joint Committee for Indians with the circular letter to comprising members regarding a list of queries about the Mi’kmaq.”
- <sup>51</sup> “Report of Joint Committee for Indians with the circular letter to comprising members regarding a list of queries about the Mi’kmaq.”
- <sup>52</sup> “Report of Joint Committee for Indians with the circular letter to comprising members regarding a list of queries about the Mi’kmaq.”
- <sup>53</sup> “Report of Joint Committee for Indians with the circular letter to comprising members regarding a list of queries about the Mi’kmaq.”
- <sup>54</sup> Samson, *The Spirit of Industry and Improvement*, 59.
- <sup>55</sup> Upton, “Indian Policy in Colonial Nova Scotia, 1783-1871,” 9.
- <sup>56</sup> “Sir John Wentworth’s order to Michael Wallace to pay the Commissioners appointed for the relief of the Mi’kmaq, £350,” 1801; Commissioner of Indian Affairs, PANS, MG 15 Vol. 3 No. 19.
- <sup>57</sup> Mrazek, “After Planting Their Few Potatoes They Wander about the Island,” 26.
- <sup>58</sup> Upton, *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867*, 85.
- <sup>59</sup> Upton, 86.
- <sup>60</sup> Upton, 86.
- <sup>61</sup> Upton, 86.
- <sup>62</sup> Upton, “Indian Policy in Colonial Nova Scotia, 1783-1871,” 10-1.

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- <sup>63</sup> “Summaries of letters regarding Mi’kmaq from various areas of Nova Scotia,” 1808; Commissioner of Public Records, Indians series, PANS, RG 1 Vol. 430 No. 9.
- <sup>64</sup> “Summaries of letters regarding Mi’kmaq from various areas of Nova Scotia.”
- <sup>65</sup> Upton, *Micmacs and Colonists*, 86.
- <sup>66</sup> “Petition of Peter Wilmot of River John for relief,” 1820; Lieutenant Governor of Nova Scotia, Petitions series, PANS, RG 5 Series GP, Vol. 7, No. 9.
- <sup>67</sup> Upton, *Micmacs and Colonists*, 87.
- <sup>68</sup> Kenny and Parenteau Research Associates, “Centralization of Nova Scotia’s Mi’kmaq: 1918-65,” Historical Report (Specific Claims Branch, Department of Indian and Northern Affairs, November 2000), 11.
- <sup>69</sup> Upton, *Micmacs and Colonists*, 87.
- <sup>70</sup> William Moorsom, *Letters from Nova Scotia* (London: H. Colburn and R. Bentley, 1830), 111.
- <sup>71</sup> Moorsom, 112.
- <sup>72</sup> Moorsom, 111.
- <sup>73</sup> Moorsom, 112.
- <sup>74</sup> Titus Smith Jr., “Report on the Eastern and Northern Parts of the Province in the Years 1801 & 1802,” 1802; PANS, RG 1 vol. 380, p. 131-32.
- <sup>75</sup> Titus Smith Jr., “Journal of the Western Tour,” 1801; RG 1 vol. 380a+b, PANS.
- <sup>76</sup> Smith, “Journal of the Western Tour.”
- <sup>77</sup> Elizabeth Hutton, “Indian Affairs in Nova Scotia, 1760-1834,” in *The Native Peoples of Atlantic Canada: A History of Indian-European Relations*, ed. Michael Gnarowski, The Carleton Library Series (Ottawa: Carleton University Press, 1983), 76.
- <sup>78</sup> Upton, *Micmacs and Colonists*, 130.
- <sup>79</sup> Paul, *We Were Not the Savages*, 173.
- <sup>80</sup> Carter, *Lost Harvests*, 13.
- <sup>81</sup> Andy Parnaby, “The Cultural Economy of Survival: The Mi’kmaq of Cape Breton in the Mid-19th Century,” *Labour/La Travail* 61 (Spring 2006): 70.
- <sup>82</sup> Kenny and Parenteau Research Associates, “Centralization of Nova Scotia’s Mi’kmaq: 1918-65,” 11.
- <sup>83</sup> Paul, *We Were Not the Savages*, 179.
- <sup>84</sup> “Letter from John Spry Morris to William Hill regarding trespasses by non-Mi’kmaq on Mi’kmaq lands at Malagawatch,” 1823; Commissioner of Public Records — Indians series Nova Scotia Archives RG 1 Vol. 430 No. 160, PANS. <https://novascotia.ca/archives/Mikmaq/archives.asp?ID=174>
- <sup>85</sup> “Petition of Pierre Bernard asking for land for himself and his two nephews,” 1813; Nova Scotia Department of Lands and Forests — Land grant registration books series Nova Scotia Archives RG 20 Ser. A - Bernard, Pierre, PANS.
- <sup>86</sup> “Petition by John Elexey and other Mi’kmaq on behalf of themselves and twenty other Mi’kmaq families,” 1823; Nova Scotia Department of Lands and Forests — Land grant registration books series Nova Scotia Archives RG 20 Ser. A - Elexey, John; Joseph & Other Indians, PANS.



## **Chapter II: Responsible Government in Nova Scotia and the Office of Commissioner of Indian Affairs**

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The years 1834 to 1867 would prove to be a turbulent period for the colony of Nova Scotia. The political landscape and the men who worked within it would be dramatically overhauled several times in this relatively short period as Nova Scotia transitioned from imperial colony, to responsible government, to finally joining the Dominion of Canada. All the while, the lives of Mi'kmaq hung tenuously in the balance of this political game. As the Nova Scotia government was seeking out and shaping its identity, the place of Indigenous peoples within that identity was changing too. Furthermore, as is commonly the case when power rests in the hands of a small group of elites, the status of Indian Affairs in Nova Scotia was highly susceptible during this period to the fluctuating careers and concerns of politicians, both in Nova Scotia and across the ocean in the British Parliament. This chapter will integrate Nova Scotian Indian Affairs into the province's political history, revealing how the objectives and motivations of the department were deeply entangled with seemingly unrelated political events. These political events include significant changes, including the establishment of responsible government, as well as seemingly more inconspicuous events, such as the dismissal of a Lieutenant-Governor. Despite the exhibited agency and autonomy of Mi'kmaq, the most consistent and consequential factor in determining the activities of Nova Scotian Indian Affairs was the process taking place amongst the political elite.

In 1834, the Whig government in the British House of Commons produced tumultuous reforms. It would prove to be their last year in power before being replaced by

the Tories. In their final year in power, the Whigs had inconsistency in leadership, with three different members holding the position of Prime Minister. The year began under the leadership of Prime Minister Charles Grey, 2<sup>nd</sup> Earl of Grey. Grey was an old faithful member of the Whig Party, who had remained a dedicated party member throughout the Whigs' absence from government. Until Grey managed to take power in late 1830, the party had not been in government since 1783.<sup>1</sup> He was a steadfast reformer, inspired like many by the outbreak of the French Revolution to seek constitutional change. He was a founding member of the Society of the Friends of the People in 1792, which sought to bring about parliamentary reform.<sup>2</sup> Grey held the party line throughout his time in the opposition, though at times his politics were known more for their bursts of energy than their stamina. At the age of 66, he was appointed Prime Minister by William IV. His time in power brought about landslide reforms, most notably the act which is now known as the *Great Reform Act*. This act restructured the electoral system of Britain to better reflect the population distribution of the country, eliminating "rotten boroughs" where few people lived but had ample political representation and assigning members of parliaments to new, growing industrial centres. Whig reforms were also social in nature. The year 1834 was a landmark year for social reform, with the passage of the *Poor Law Amendment Act*, which completely overhauled the system of poor relief in England and Wales, and the enforcement of the *Slavery Abolition Act*, which abolished slavery in most British colonies and freed more than 800,000 slaves.

This growing movement of social reform and a renewed sense of the responsibility the British government had to its people was reflected in the launch of an inquiry into the

status of the empire's Indigenous peoples. In July 1834, in an address from the House of Commons to the King, it was stated that Parliament was "deeply impressed with the duty of acting upon the principles of justice and humanity in the intercourse and relations of this country with the native inhabitants of its colonial settlements."<sup>3</sup> A select committee was formed to examine the state of British relations with "uncivilized nations" and from the information they gathered they were "enabled to compare our actions with our avowed principles, and to show what has been, and what will assuredly continue to be, unless strongly checked, the course of our conduct towards these defenceless people."<sup>4</sup> The committee presented its findings in 1836, which were later published by the Aborigines Protection Society in 1837. The committee reported that rather than bestowing Indigenous peoples with the virtues of British society and religion, "too often, their territory has been usurped; their property seized; their numbers diminished; their character debased; the spread of civilization impeded."<sup>5</sup> This information was gathered through calls made to the colonies to send reports on the condition of their neighbouring Indigenous peoples.

In the case of Nova Scotia, the call was made to the newly appointed Lieutenant-Governor Sir Colin Campbell. Campbell took charge of Nova Scotia in July of 1834, a colony he was not overly familiar with. His arrival and time in office were characterized by a lively social life. The Campbells were renowned for their private parties and events and were patrons of the arts.<sup>6</sup> On the matter of Indian Affairs, Campbell was less responsive. In fact, the call to inquire after the status of the Mi'kmaq which arrived in 1834 was wholly ignored for two years.<sup>7</sup> Only after the formal enquiries were completed and Campbell received a direct order from the colonial secretary that he conducted any research

into the condition of the Mi'kmaq by reaching out to leading local citizens in the area for information. The reports were disparaging of government effort, demonstrating how the Nova Scotian government was failing in every category outlined by the Select Committee. Martin Wilkin of Pictou recorded: "With the destruction of their hunting grounds came vagrant and intemperate habits, and decrease of their numbers chiefly from drunkenness, partly from emigration. All Roman Catholics – low morals – settling driven away – no lands for them – attributes their degeneration to maltreatment of whites."<sup>8</sup> Ultimately, the reports were never forwarded to London. Therefore, the information on Nova Scotia presented in the "Report on Aboriginal Tribes" was acquired from Sir James Kempt, who was at the time serving as the Governor-in-Chief of British North America but had previously been posted to the Lieutenant-Governorship of Nova Scotia from 1820 to 1828. Kempt recalled the Mi'kmaq as being "disinclined to settle and in the habit of bartering their furs, 'unhappily, for rum.'"<sup>9</sup>

Indian Affairs in Nova Scotia remained stagnant until 1841, which would prove to be a monumental year. The traditional historiographical narrative explains this sudden attention to Mi'kmaw affairs by emphasizing the significance of the petition of Chief Paussamigh Pemmeenauweet to Queen Victoria. Pemmeenauweet had written a petition previously in 1831 with the assistance of Reverend William Morris. However, it did little to make an impression. Pemmeenauweet's second petition however stands out for its authentic Mi'kmaw voice and Pemmeenauweet's use of Mi'kmaw customs and metaphors. Pemmeenauweet wished well for the new queen, who had just ascended to the throne in 1837, and sent condolences for the loss of her uncle, the former King. He also sent along a

wampum belt that symbolized agreements between nations and was shared as a reminder of such agreements.<sup>10</sup> However, Pemmeenauweet did not obscure his message with the expected platitudes about improvement and settlement. He apologized for not meeting with the queen personally, but, as he stated “I cannot cross the great Lake to talk to you for my Canoe is too small, and I am old and weak.”<sup>11</sup> Pemmeenauweet addressed the immediate concerns of his people: “My people are poor. No Hunting Grounds – No Beaver – no Otter – no nothing. No Store – no Chest – no Clothes.”<sup>12</sup> Additionally, he pinned the cause of their suffering on the invasion of white settlers, who stole ownership over the land: “All these Woods once ours. Our Fathers possessed them all. Now we cannot cut a Tree to warm our Wigwam in Winter unless the White man please... White Man has taken all that was ours.”<sup>13</sup> Pemmeenauweet’s petition demonstrated the legal literacy and agency of the Mi’kmaq, despite the crushing neglect shown to them by the Nova Scotian government. The land and waterways had once been in their possessions or, more accurately, their resources to freely access. Now, with the arrival of white men, they were stripped of these. This letter has been interpreted as the spark that reignited concern for the welfare of the Mi’kmaq. Queen Victoria appeared to have been moved by Pemmeenauweet’s letter, sending a colonial despatch to Lieutenant-Governor Lord Falkland, ordering him to resume enquiries into the conditions of the Mi’kmaq under his care.

However, this interpretation of the influence of Pemmeenauweet’s petition neglects the equally significant political circumstances of Nova Scotia. While this is not meant to minimize the importance or accomplishment of Pemmeenauweet’s letter, reconstructing the political happenings of 1841 and the years immediately following better explain exactly

why and how events unfolded the way and when they did. The ousting of Sir Colin Campbell as Lieutenant-Governor of Nova Scotia over the debate around responsible government was the first political change of importance. The rebellions in Upper and Lower Canada for increased political autonomy resulted in the consultation and eventual report of Lord Durham that recommended the implementation of responsible government. Campbell would prove to be less inclined to adopt the changes recommended in the Durham Report. When the Legislative Assembly met in January 1839, it expressed a strong dissatisfaction with the composition of the Executive Council. The House of Assembly which had formed in 1837 was composed of a strong contingent of new Reformer members, who aligned with the broad Reform Movement (sometimes referred to as the Reform Party) that swept the English-speaking British North America and advocated for republicanism and, later, responsible government. Despite their strength in the House of Assembly, they were severely underrepresented in the Lieutenant-Governor's appointments. The Reformers, led predominantly by Joseph Howe, assigned most of the blame for government inefficiency to Campbell's unwillingness to cooperate with the assembly. The assembly insisted that Campbell use the authority given to him by the colonial secretary, Lord John Russell, to reconstruct his council, but Campbell refused, arguing it would be unjust to remove councillors against whom he had no complaint.<sup>14</sup> Therefore, on March 25, Howe addressed the assembly, calling for Campbell's removal, which was accepted. Lord Sydenham was sent to arbitrate the fall out and took control of the government in July. He recommended remodelling the Executive Council to include leading members from both sides in the assembly and compelling the chief government officials to sit in that house.<sup>15</sup>

The dismissal of Campbell resulted in a cascade of appointments that would greatly influence the trajectory of Indian Affairs in Nova Scotia. Under Campbell, little was done for the Mi'kmaq. His attention, especially during the rebellions, was on the military. He steadily increased the size of the provincial garrison and he personally retained command over five regiments and several companies.<sup>16</sup> However, Campbell was ultimately replaced by Lord Falkland. Falkland was described as a "thorough Whig" and far more in line with the Reformer attitude in Britain and Nova Scotia.<sup>17</sup> Falkland followed the recommendations of Russell and secured the resignations of four Executive Council members. He appointed Reformers in their place, forming a coalition government that was seen to be a practical step toward responsible government. However, outside of Russell's recommendations, Falkland knew virtually nothing of the political or social landscape of Nova Scotia. He became very dependent on and, initially anyway, friendly with Joseph Howe. Falkland assured Howe in a letter that, while he could not achieve everything the Reformers desired, he would do all "that was necessary... hereafter to carry out [their] principles."<sup>18</sup> In return, Howe advised Falkland on Nova Scotian affairs, including Indian Affairs. There had not been a Superintendent of Indian Affairs under Campbell, so up-to-date information on the Mi'kmaq was scant. Falkland found the neglected responses to Campbell's circular letter of 1836 and wrote his own letter as well, calling once again for surveys of the Mi'kmaq condition.<sup>19</sup> He forwarded these and his own thoughts to London, stating: "Most Colonies have done something for the relief of this class of their people but the records of Nova Scotia hardly shew any intention of that kind."<sup>20</sup> While he recommended that the Mi'kmaq permanently settled, he cautioned that it would be a slow process. Falkland also insisted that public money be set aside to complete accurate land surveys and provide agricultural

equipment to the Mi'kmaq, while also discouraging regular relief in the form of blankets. To oversee this project, an Indian Commissioner was appointed.

Falkland turned to Joseph Howe for further advice on the matter of Indian Affairs as he prepared to develop a formal policy on the issue. Howe generally shared the beliefs and philosophies of other Enlightened thinkers of the time; he believed Mi'kmaw civility could be achieved through settlement and agriculture. Howe was, personally, a strong proponent of education and therefore also recommended each Mi'kmaw village should be provided a school and that selected Mi'kmaq should enter white schools to learn to become teachers for their own people.<sup>21</sup> Howe's views were not wholly different from plans that had been proposed in the past, save two points. First, he argued that significant power be given to Mi'kmaw chiefs, through whom the government could operate and better reach the Mi'kmaq. Second, Howe insisted that the rise of the temperance movement in Nova Scotia would reform the Mi'kmaq, making them easier to manage.<sup>22</sup>

The result was the enactment of the *Act to provide for the instruction and permanent settlement of the Mi'kmaq*. The act adopted a two-pronged approach, encouraging settlement and education, as well as reinstating the office of Superintendent, now called the Commissioner of Indian Affairs, which could be appointed from time to time, as the Lieutenant-Governor saw fit.<sup>23</sup> Howe's influence was also reflected in the reduced power given to the executive council over Indian Affairs. Howe was not an immediate subscriber to the concept of responsible government. He was initially critical of Lord Durham and the proposal of confederation with the other colonies in British North America, particularly to have the seat government be seemingly as far from Nova Scotia as England was.<sup>24</sup>



However, after reading the Durham Report Howe was “an instant convert and a powerful expounder of its ideas to a colonial secretary who had rejected them.”<sup>25</sup> Before the *Act to provide instruction and permanent settlement of the Mi’kmaq*, the assembly had voted on the amount of money to be given to the Mi’kmaq, but decisions about how the money was to be spent was at the discretion of the executive council. With the new legislation, the money was solely accountable to the legislative assembly, whose committee on Indian Affairs became the authority on policy toward the Mi’kmaq.<sup>26</sup>

Falkland hired Howe to the position of Indian Commissioner, and he became the most active Commissioner since Monk. During his time as editor-in-chief of the newspaper the *Novascotian*, Howe had journeyed around the province to sell subscriptions and gather stories from around Nova Scotia which were later be published in the serials *The Western and Eastern Rambles*. Howe approached Indian Affairs with the same mindset. To learn about the condition of the Mi’kmaq, he met them and gathered their stories. In October 1842, Howe set out on his first of two planned tours, starting in Western Nova Scotia. Howe’s first report on the government’s “experiments” in civilizing the Mi’kmaq was a mix of pessimism, pragmatism, and optimism. He somberly noted the decline in population. In 1838, 1,425 Mi’kmaq had been counted in the province. Howe, based on his tour of Western Nova Scotia, estimated the population had decreased by ten percent and feared “our grandchildren... would find it difficult to imagine the features or dwelling of a Micmac, as we do to realize those of an ancient Briton.”<sup>27</sup> However, Howe had not lost hope:

The substitution of one kind of knowledge for another...is a work of time, that can be entered upon in a season, but which cannot be completed, or yet much advanced, even under the most favourable circumstances, but by perseverance in a series of enlightenment experiments running over a period of years.<sup>28</sup>

Howe likened the lack of progress shown by the Mi'kmaq to the German and French inhabitants of Nova Scotia, who despite their living in a British society for more than a century, were still identifiably German and French. The Mi'kmaq should not be expected to abandon their way of life over the span of a few months, but rather a long-term system must be established to ensure their gradual assimilation into British society.

A cornerstone of Commissioner Howe's long-term plan was the protection of Mi'kmaw lands for the purpose of cultivation. He was fond of the reserve system established in Bear River, which gave heads of families 30 acres of land that was guaranteed for their use for three years. Should no improvements be made to the land after the allotted time, "it [would be] given to others of more industrious habits."<sup>29</sup> He proposed that roughly 1,000 acres should be reserved in each county. Howe was very critical of the white settlers who deprived the Mi'kmaq of their property or manipulated them. He highlighted the example of a tract of land that was shared by three brothers at Indian Point that was situated on a lime-stone quarry now assessed at £500. However, the land was purchased twenty years prior from only one of the brothers, Joe Paul, without approval from the other brothers. The land was purchased by a white settler for just £10.<sup>30</sup> Howe's plan was not flawless, however. Howe also redirected relief funds to reflect the long-term goal of settling the Mi'kmaq. He believed the erection of permanent housing would "lure the Micmac from his wigwam."<sup>31</sup> However, he also cut the amount of funding for "Seeds, Implements,

Cattle” for he feared provisions such as bushels of seed potatoes would be consumed rather than planted, which ultimately undermined the Mi’kmaq’s ability to establish farms. Such a pattern would often be repeated by frugal Commissioners: long-term plans were established but short-term material needs were often cut in response (or vice versa), despite the logical need for both.

Commissioner Howe would never complete his tour of Nova Scotia. The job of Indian Commissioner, a solitary undertaking, was exhausting and garnered Howe little respect from his opponents in the press. His own home became the warehouse for all provisions distributed to the Mi’kmaq and became a site to which Mi’kmaq travelled to make their complaints heard. Howe wrote that “for many weeks in the spring my dwelling was besieged, at all hours, by Indians, who had been taught to believe that unbounded wealth was at my disposal, and that they were to be fed and clothed hereafter at the expense of the Government.”<sup>32</sup> It was an observation that reveals both Howe’s frustration with the position of Commissioner and the great need experienced by the Mi’kmaq. In the press, Howe was ridiculed for devoting his time to Indian affairs which was present as nothing more than a pet project of little consequence; this view demonstrated how negatively Mi’kmaq and their affairs, as well as Howe’s work as Commissioner, were interpreted by the public. In the Tory *Halifax Times*, a writer identified as “Quiz” laughed at the Commissioner for being made “whipper-in of the Mic-macs – general blanket distributor – Prince of all the Papooses and defender of their Faith, no doubt!!”<sup>33</sup> In another Tory newspaper, the *Pictou Observer*, a similar sentiment was stated: “always thought Joe an original... did not expect ever to find him dubbed an aboriginal.”<sup>34</sup> The *Observer*

continued, reporting the Commissioner had ‘gone native’ and assumed the traditional clothes of an Indian chief, “staining his cheek with war paint – sallying forth with the scalping knife and tomahawk.”<sup>35</sup> The insignificance attached by the public to Mi’kmaw affairs was also apparent in Howe’s salary as Indian Commissioner. Despite the long hours, Howe was paid nothing for his work.

All the while, Howe’s career as a politician was entering into one of its most stressful, uncertain periods. When Falkland became Lieutenant-Governor, an appointment assured by his liberal credentials, the Reform Party trusted him to navigate the coalition government he established. By 1843, however, the tensions between the two parties had grown. Howe was not known for being compromising or congenial in the House. He told Falkland once that more was “required to make a strong Administration than nine men, treating each other courteously at a round table.”<sup>36</sup> In 1843, the Tories had taken control of the government of Britain. As a result, Falkland began relying increasingly on the Conservative party members of the coalition executive council. Furthermore, Howe became engaged in a heated argument with Baptist Tory J.W. Johnston over his support of non-sectarian colleges and his denunciation of grants to denominational schools.<sup>37</sup> This fueled discontent between the Tory and Reform members of the coalition, particularly when Falkland appointed Johnston’s brother-in-law to the legislative and executive councils. This prompted the resignation of Howe and other leading reformers and resulted in calls for a single-party government. Falkland and Howe also had a major falling out following the events of 1843. The elections of November 1843 resulted in the breakdown of the coalition government and the Tories forming the government.<sup>38</sup>

Howe resigned as Indian Commissioner in March 1844, after only two years in the position. Historians have tended to overstate and glamourize Howe's time as Indian Commissioner of Nova Scotia. On the matter, Elizabeth Hutton wrote of Howe's tenure that: "After more than a century of uncertainty, the English government had finally evolved a system for rendering more effective their authority over the Indians, as the establishment of reservations meant the gathering together of these people in several district locations throughout the provinces."<sup>39</sup> However, the promises of 1842 were far from a major turning point in Mi'kmaq-white relations, but rather another spark of optimism that was quickly suffocated. While Howe's plan and initiative to personally survey the Mi'kmaq communities of Nova Scotia may have been admirable, he was not in office long enough to execute a plan. Additionally, without the context of Howe's political career, his resignation, as Upton suggests, was simply a matter of his disenchantment with the position.<sup>40</sup> This assessment also contradicts Upton's earlier assertion that Howe's appointment instilled a lifelong interest for Howe into the affairs of Indigenous peoples seeing how he later became the Dominion Superintendent of Indian Affairs.<sup>41</sup> Howe was a man whose interest in the affairs of Indigenous peoples seems to have been lasting. While the lack of pay and long hours are certainly attributable to his resignation as Commissioner, the specific timing of Howe's departure becomes clearer when aligned with his political career. As the Tories took power and as Howe was once again in the opposition, he also cut ties with a position that afforded him nothing by way of pay or status.

Howe had been diligent about clearing 100 acre lots and granting them to Mi'kmaq who showed interest in farming, as well as distributing seed and tools. Whether Howe's

policy would have been successfully carried out by his successor is unclear and unknowable because of the outbreak of Potato Blight that ravaged crops throughout Nova Scotia from 1846 to 1848. The disease decimated crops and flagrantly demonstrated that sedentary life was not guaranteed to provide a more stable and prosperous life. The famine which followed the Blight exposed the Mi'kmaq to high rates of tuberculosis that disproportionately impacted them compared to the white population. The system proposed by Howe, which argued education and settlement would render the need to finance the customary relief system unnecessary, was completely halted. As medical bills began pouring in from physicians treating the Mi'kmaq, the government's funds for Indian Affairs were redirected to deal with the immediate health crisis at hand and away from settlement plans.<sup>42</sup>

It would be several years after Howe's resignation before a new Commissioner was working in Halifax, but Cape was home to Indian Affairs officials. How exactly to situate the history of Cape Breton Island in this narrative has been difficult because while politicians and officers there reported to the Assembly in Halifax, many of their political dealings operated, at times, independently of, or parallel to, affairs in the capital. This was certainly the case for Indian Affairs. Cape Breton was an autonomous colony from 1785 to 1820. During this time, the same process of encroachment was taking place and Mi'kmaw people there, as on the mainland, petitioned for land grants. Several ordinances were passed to limit trespassing and preserve some traditional aspects of the Mi'kmaw way of life. *An Ordinance to prevent Trespasses upon Crown Lands in Cape Breton* (1787) was decreed to remove and punish "Sundry evil minded Persons [who] have presumed not only to take

Possession of ungranted Lands in the Island of Cape Breton and Its Dependencies, but also without leave from Government to encourage ignorant Persons to settle on such Lands without obtaining any Grant thereof.”<sup>43</sup> Additionally, *An Ordinance for the prevention of Moose & Carraboo* (1789) was enacted to limit game hunting. The sight of moose and caribou carcasses stripped of their hides but otherwise intact, was reported as unseemly by settlers. Additionally, as the 1789 ordinance stated, “the native savage Inhabitants of this Island have frequently represented their fears that they will be under the absolute necessity of quitting this Island unless some measures be pursued to preserve the Moose and Carraboo from the destruction that has of late Years taken place.”<sup>44</sup> After Cape Breton’s re-annexation into Nova Scotia, it is unclear how these ordinances were dealt with. As noted in the previous chapter, reserves were established for the Cape Breton Mi’kmaq that were on average larger than the reserves on the mainland.<sup>45</sup> Joseph Howe appears to have been the last Commissioner with full jurisdiction over the province, seeing how he had intended to tour Eastern Nova Scotia, including Cape Breton. However, two months after his resignation, the province was subdivided into two zones for Indian Affairs, one in Cape Breton, one on the mainland. Bishop William Fraser was appointed Indian Commissioner for Pictou, Guysborough, and Sydney (now Antigonish) counties.<sup>46</sup> In Cape Breton, Henry W. Crawley and Edmund M. Dodd were appointed as joint Indian Commissioners. They appear to have had equal authority over the whole island, as they were both addressed as “Indian Commissioner,” for example, when a teacher named John Pembroke in 1845, asked them both for a sum of money to assist two boys living on the Eskasoni settlement.<sup>47</sup>

Back in the mainland of Nova Scotia, Abraham Gesner was the next Indian Commissioner appointed in 1847. He took control over western Nova Scotia, which had been without a Commissioner for three years as the Potato Blight raged. Gesner was different from the typical hire for the position of Indian Commissioner. Whereas other Commissioners had been career politicians, Gesner was more of an academic and well-known physician. He had worked for both the New Brunswick and Prince Edward Island governments completing geological surveys.<sup>48</sup> As he conducted these surveys, Gesner used the knowledge of local Mi'kmaq and Maliseet. Through these interactions, he had learned to speak some of their language. It was probably this background that made him fit for the role of Commissioner. While Gesner was certainly an Enlightened thinker who believed the settlement of the Indigenous people and white immigrants was the goal of his work, he was sensitive to the hardship facing Mi'kmaq because of white settlement. He believed the Mi'kmaq were the true owners of the land and that stripping them of it without consent or compensation had been an injustice. His belief in Mi'kmaq claims was grounded in the signing of the Peace and Friendship Treaties.<sup>49</sup> Gesner wrote that nothing but "loathsome diseases, alcoholic drinks, the destruction of their game, and threatened extermination" were given in exchange for "the lands of which they were rightful owners."<sup>50</sup> Another reason Gesner supported Mi'kmaq claims was based on an anthropological theory Gesner subscribed to, which theorized the origin of native tribes of North America was a lost tribe of Israelites. This holy origin of the Mi'kmaq made in his mind their claim to lands righteous.<sup>51</sup>



In his first report, Gesner ignored the work of the past eight decades to assert that no attempt had been made to civilize the Mi'kmaq and set about drawing new settlement and education plans.<sup>52</sup> Gesner was careful to note each successful attempt at settling the Mi'kmaq in his annual reports, which he seemed to approach with enthusiasm. In 1848, he met with ten Mi'kmaw chiefs to discuss the necessity of cultivation. After their meeting, Gesner assisted the chiefs in writing and translating a petition to the government that explained the barriers to starting an agrarian life, referencing the contradictions of Howe's policies about short-term relief: "They say make farms, this is very good; but will you help us till we cut away the trees and raise the crop. We cannot work without food. The potatoes and wheat we raised last year were killed by the poison wind [Blight]. Help us and we will try again."<sup>53</sup> The government's resistance to provide both short-term relief and long-term support for the development of farms, supports they believed were contradictory, were among the root causes for the failure of Mi'kmaw farming settlements. Without the assistance of provisions, the chiefs explained, the Mi'kmaq did not have the ability to both cultivate and provide for themselves through their traditional means, if those means, such as hunting and fishing, were even viable anymore. Gesner and the chiefs' presented their petition in person, both at the Government House and Dalhousie College.<sup>54</sup> They arrived in traditional regalia, which Gesner noted was a delight to the journalists present, who wrote sympathetically of the dying race and condemned the government for their inaction. For example, the *Times and Chronicle* ran a long piece demanding legislative action to pull the Mi'kmaq from the brink of extinction.<sup>55</sup> The Mi'kmaq regained the attention of middle-class philanthropists as well. This included the Nova Scotia Philanthropic Society, established in 1834 to save the black and Indigenous peoples of Nova Scotia from

depravity. Mi'kmaq were made the centerpiece of middle-class Halifax Centennial celebrations.<sup>56</sup>

Revived public interest in the Mi'kmaq did not result in government action. Despite Gesner's interest in the Mi'kmaw people and his continued push for their settlement, Gesner's business began to interfere with his ability to serve as Commissioner. Whereas he appeared fully devoted to the position in his early career, after 1850 his attention was devoted more to his experiments which would eventually result in the invention of kerosene.<sup>57</sup> His scientific success led to his resignation in 1853 and his departure to New York. But the invention was not the only dramatic change that occurred during Gesner's time as Indian Commissioner of western Nova Scotia. In early 1848, Nova Scotia had become the first colony in the British Empire to achieve responsible government. This would be a crucial period of development in public policy as Nova Scotia took full control over its finances. As Nova Scotian politicians adjusted to the new level of power they could exercise in the province, they also needed to assess their economic priorities. Nineteenth century political rhetoric, in Britain and the colonies, supported the liberal ideal of a limited and inexpensive government. The only exception to this cost cutting was the money the Nova Scotian government committed to the construction of a railway, that would, according to Howe, allow "the capital of England [to] flow into North America" and "North America [to] rise to the rank of a second or third rate power."<sup>58</sup> Howe, now serving as provincial secretary, made it his mission to earn imperial credit to fulfill his vision of a railroad that would make Nova Scotia a crucial port in North America, and actively promoted his grandiose plan throughout England. But his plan to receive credit failed.

Therefore, to pursue the construction of the railway, Nova Scotian taxpayers and investors had to fund it as a public works. As Rosemarie Langhout argued in her article “Developing Nova Scotia: Railways and Public Accounts, 1849-1867,” “[the] interest payments were the direct result of a radical policy of government intervention which led to a more than ten-fold rise in per capita indebtedness during the period of Responsible Government.”<sup>59</sup> The financial woes that would plague the Nova Scotia government until (and after) Confederation became the defining characteristic of the Responsible Government-led Indian Affairs. With new financial responsibilities, the Indian Affairs budget became increasingly tight. It was easy to deny Mi’kmaq people aid on the basis that the funds were not available even while incredibly expensive public works were under way.

William Chearnley was Gesner’s replacement and an ideal Commissioner for a fiscally constrained government. Gesner had grounded his time as Commissioner in the typical philosophies of improvement that dominated Enlightened colonialism, with added personal and intellectual interest in the Mi’kmaq culture. Chearnley, on the other hand, approached Indian Affairs from a wholly different perspective. Chearnley was most familiar with the Mi’kmaq through his time as a big-game hunter. Guiding European hunters was a crucial part of the nineteenth century Mi’kmaq life, this work serving an important part of Mi’kmaq occupational pluralism. Chearnley’s experience undoubtedly influenced his view that the Mi’kmaq were incapable of settlement and civilization.<sup>60</sup> He believed the majority of the Mi’kmaq, by their very nature, were unwilling to settle, and those who were willing would be undermined due to the lack of viable reserve land that remained in the province.<sup>61</sup> Therefore, Chearnley determined that nothing could be done

for the dying race and the role of the Commissioner should be thus to ease the pain of the Mi'kmaq's last days by providing food, blankets, and coats, despite the view that this was "disgraceful."<sup>62</sup> Chearnley proposed to the Assembly that the Indian fund should be used to provide blankets and coats, with any of the remaining annual grant going toward a few seed potatoes.<sup>63</sup> If any additional funds were needed, they should be generated by selling off reserve lands to interested squatters. His economic proposals were approved by the Assembly and there was no critique of his lack of settlement plans.<sup>64</sup>

However, the greatest expenditure for Indian Affairs was not relief or settlement plans, but rather the charges that Overseers of the Poor drew against the Indian grants. The overseers would take on the bills for indigent Mi'kmaq for supplies and services and then charge them to the Indian grant. The cost of material goods was nowhere near the charges drawn for medical expenses, compensating the services of physicians and medicine men.<sup>65</sup> In the past, doctors treated Mi'kmaq patients and then charged the government for their services. The Assembly knew this system was corruptible. To avert this corruption, the Assembly insisted in 1850 that payments to physicians be authorized by Overseers of the Poor and attested before a justice of the peace.<sup>66</sup> But the bills kept coming. Individual physicians regularly sent bills to the government, seeking reimbursement. In 1853, for example, surgeon Dr. Jeans of Sydney Mines sought repayment for his services over the last two years. His bill came to £25-7-5.<sup>67</sup> This was excessive to the frugal government, given that just a few years prior the Commissioners in Cape Breton had spent little more than £3.<sup>68</sup> Evading these costs became the primary focus of the Commissioner of Indian Affairs.

With the Commissioner focussing all his attention on financial matters, the protection of Mi'kmaw reserves fell entirely on the shoulders of the Commissioner of Crown Lands, J. B. Uniacke. Uniacke began his political career as a Tory during the 1830s. As Tory leader, he was Howe's primary adversary. He feared the Reformer proposals would reduce the Governor to a puppet and lead to colonial separation. Furthermore, Uniacke believed the Governor could not be reliably accountable to both an elected legislative executive and an appointed colonial secretary. However, in 1839, without warning, Uniacke left the Tories and joined the Reformers just in time for them to gain political power. Ever since, Uniacke had been faithful to the party.<sup>69</sup> While Responsible Government has often been remembered as Howe's accomplishment, Uniacke was the first premier of Nova Scotia (though the term "premier" was not often used at the time). In the twilight of this career, Uniacke was made Commissioner of Crown Lands in 1854 and was therefore responsible for Mi'kmaw Reserves.

Encroachment had continued to plague reserves throughout the Potato Blight and after. In a report based on the 1852 census, Uniacke disparaged the lack of protections afforded the Mi'kmaq, stating: "It seems the law usually guarding Real Estate among civilized men does not offer the same protection to the Aborigines, and that the Indian can indict the person who steals his canoe, whilst the arbitrary occupier of the soil where the canoe rested escaped with impunity."<sup>70</sup> These statements were made against the backdrop of the calls from some members of government, most prominently the Indian Commissioner in Cape Breton H. W. Crawley, for the enfranchisement of Mi'kmaw men (the extension to them of the right to vote) as the best chance for the Mi'kmaq to defend

their land.<sup>71</sup> However, the Mi'kmaq were excluded by name in the franchise law on 1854 and were effectively excluded when the law was rewritten nine years later.<sup>72</sup> Therefore, protecting Mi'kmaw land remained the responsibility of the Commissioner of Crown Lands.

Uniacke quickly discovered the protection of Mi'kmaw lands was nearly impossible from a judicial stance because there were still no legally defensible surveys of their reserves. Uniacke fought against Chearnley's proposition that squatters pay for the lands they had stolen by recommending instead that the government regain control of all encroached lands. However, Uniacke struggled to establish legal protection for the Mi'kmaq against squatters. "I think a bill," wrote Uniacke in a letter to Provincial Secretary Lewis M. Wilkins, "should be introduced and passed making it criminal to enclose their lands and waters. Reserved for the Indians and affording a summary proceeding before a justice to dispossess intruders and to make the action transitory instead of local as the legal proceedings now are."<sup>73</sup>

Uniacke was not well during his time as Commissioner of Crown Lands. His nephew claimed that during the last seven years of his life, Uniacke was essentially paralyzed.<sup>74</sup> He had taken the commissionership to ease out of government. At the same time as his induction as Commissioner of Crown Lands, he left the Executive Council and his position as premier. The only reason he did not retire was apparently due to financial woes after poor investments in British railways.<sup>75</sup> Uniacke was simply not capable of fulfilling his governmental duties anymore. Therefore, Uniacke's initiative would have to be carried on by his successor, Samuel Fairbanks. Fairbanks was the first Tory to take the

office of Commissioner of Crown Lands since the establishment of Responsible Government, taking over in 1857. He had been opposed to Responsible Government, for what appears to have been personal gain. Lord Falkland had appointed him to provincial treasurer in 1845. Fairbanks accepted the position on the condition that the office would not become a political appointment, which would thus mean Fairbanks's position was secure regardless of the party in government. While Falkland did agree to Fairbanks's terms, Falkland did not have the support of the Reformers nor could he secure Fairbanks's position after his time as Lieutenant Governor. This matter came to a head when Responsible Government was established, and the Reformers disbanded the position of provincial treasurer entirely. Fairbanks' disgruntlement was very public. The Liberal press renounced Fairbanks as an enemy of Responsible Government, going as far as to conspire in the *Acadian Recorder* that his appointment had been a scheme by Johnston to "destroy Responsible and Departmental Government, and fasten his friends on the Treasury for Life."<sup>76</sup> Fairbanks sought compensation from the British and Nova Scotian governments but was denied on both accounts. Lieutenant Governor Sir John Harvey did recommend Fairbanks be given a government position, but Howe was unsympathetic and refused to give the Tory a role in government.<sup>77</sup> By 1857, however, the Conservatives regained control of the government and Johnston, the new premier, was quick to appoint Fairbanks to the position of Commissioner of Crown Lands after Uniacke's retirement.

Perhaps it is not a surprise then that Fairbanks rejected Reformer Uniacke's proposal to punish all squatters given his history of animosity with the Reformers. Additionally, as Commissioner of Crown Lands, Fairbanks valued plans for their feasibility

and he believed Uniacke's plan was not that. He managed to have *An Act Concerning Indian Reserves* passed in 1859. The Act established a system of compromise by which squatters could purchase the lands they were on if they could demonstrate their claim and improvement to the land. Thereafter, all encroachers would be punished. In 1858, Fairbanks previewed how the act would be enforced in a letter to the Provincial Secretary regarding encroachers in Wagmatcook. "There remain, in my Judgment," Fairbanks explained, "but two courses open for remedy - the one to dispossess these Intruders altogether, which would require the interposition of the Attorney General, & the other to enter into a compromise, requiring payment of the value of the Land in its original or present state."<sup>78</sup> The act also created a new office of Commissioner of Indian Reserves, assumed by Fairbanks, who would exclusively manage Mi'kmaw affairs regarding land while the Commissioner of Indian Affairs, which continued to be occupied by Chearnley, would provide relief. During this time, Chearnley rejoiced that he managed to bring down the cost of surplus army coats, while Fairbanks called for surveys and the setting aside of individual lots for Mi'kmaw families on long-term leases.<sup>79</sup> The division of labour did not last long, however. Chearnley retired in 1862 and Fairbanks essentially consolidated the two offices when he assumed both positions, though they did continue to occupy different titles. Fairbanks brought optimism to the Assembly, hoping that the issue of Mi'kmaw land holdings could be settled once and for all. Long-term assistance programs, like agricultural instruction programs, continued to be set aside for the more basic matter of eliminating encroachment. Fairbanks moved forward with his plan to lease lots to Mi'kmaw families, however the implementation did not go as smoothly as hoped. It was opposed by both European settlers and the Mi'kmaq. The squatters debated the cost of their lands and some did not pay at all.



The Mi'kmaq, on the other hand, fought against the lands being sold all together and saw such sales as a division of their reserves and communities.<sup>80</sup> His plans were failing to come together. In 1866, he reported: "I regret to notice that the purchasers of Indian lands under the sanction of the Legislature, are very backward in their payments, and that the Indian fund in the Treasury has not much increased since the last year."<sup>81</sup> In total, £1,531 was collected, which was from the collection of partial payments from squatters at most.<sup>82</sup> The motivation to collect these payments was also waning, with the transfer of control to a federal government approaching, as Confederation became imminent. Fairbanks prepared to pass the role of Commissioner over to a federal office and wipe his hands of any involvement with the Mi'kmaq. His final report as Nova Scotian Commissioner of Indian Affairs passed on some advice to the new federal government about the Mi'kmaq: "Their means of livelihood in other occupations are fast diminishing; and as it has been justly observed, that one of the greatest blessings conferred by Providence upon man, is the necessity for labor, it is to be hoped that the same motive may operate to assist the efforts which are made to elevate their condition."<sup>83</sup>

However, Fairbanks had not seen the last of Indian Affairs. The transition of Indian Affairs to federal control in Confederation required the knowledge of men like Fairbanks to create a new general policy that would control Indigenous affairs across the new dominion. As the following chapter will demonstrate, Nova Scotia was poorly represented in the formation of national policies on Indian Affairs and this significantly reduced the federal attention paid to the Mi'kmaq, for better or worse. The affairs of the Mi'kmaq were

going to be thrust into the hands of a new, distant group of political elites, who were even more unfamiliar with the Mi'kmaq than the current men in power.

During this period of tremendous political change and reform, the experience of the Nova Scotian Mi'kmaq as political subjects ultimately changed little. Their affairs continued to be mismanaged and underrepresented by the men who were assigned to protect and care for them. However, as the moves toward Responsible Government began, the political ebb and flow that dictated the programming and protection given to the Mi'kmaq became more erratic. During Responsible Government, Indian Affairs remained a small branch of government with a mandate controlled by the personal philosophies of the men in charge. Previously, Indian Affairs was highly reactive to international conflicts. However, the reactions were binary: during times of the war, the Commissioner was very active, and during times of peace, the office of Commissioner was often left vacant. Following the 1830s, the positions and reactions of the many Commissioners of Indian Affairs became more sporadic and inconsistent. As Nova Scotia became more secure as a British colony, it became less concerned with placating the Mi'kmaq. Therefore, the responsibility of the Commissioner of Indian Affairs was increasingly guided by the personal philosophies and commitment of whoever held the office. This ranged from devotion to settlement and improvement to assimilation of the Mi'kmaq into white society, to the belief that policies should simply ease the immediate suffering of a Mi'kmaq population that would not be able to survive colonization. With such inconsistency, there were rarely initiatives that Commissioners could build upon. The hiring of a new Indian Commissioner almost always meant a complete restart on the objectives of Indian Affairs.

Furthermore, the commitment to the office of Indian Commissioner was greatly diminished by the lack of pay. Nearly all the Commissioners left the office due to frustration with the amount of unpaid work they were expected to complete or due to better paid opportunities arising. As the British Empire was reforming their colonial practices, acknowledging the suffering of Indigenous peoples in its empire, the Nova Scotian government appeared to be doing everything in their power to deny culpability for the Mi'kmaq and their impoverished state of living. These British enlightened philosophies would manifest in appalling practices of assimilation, carried out more completely under the federal government. Moving forward, what would be the impact of the Nova Scotian government's historical disregard for the Mi'kmaq?

## Notes for Chapter II

<sup>1</sup> E. A. Smith, "Grey, Charles, Second Earl Grey (1764–1845), Prime Minister," *Oxford Dictionary of National Biography*, September 23, 2003, <https://doi.org/10.1093/ref:odnb/11526>.

<sup>2</sup> Smith.

<sup>3</sup> "Report of the Parliamentary Select Committee on Aboriginal Tribes, (British Settlements.): Reprinted, with Comments, by the 'Aborigines Protection Society.'" (London: William Ball, Aldine Chambers, Paternoster Row, and Hatchard & Son, Piccadilly, 1837), 3, <https://ia800901.us.archive.org/24/items/reportparliamen00britgoog/reportparliamen00britgoog.pdf>.

<sup>4</sup> "Report on Aboriginal Tribes," 3.

<sup>5</sup> "Report on Aboriginal Tribes," 3.

<sup>6</sup> Philip Buckner, "Campbell, Sir Colin," in *Dictionary of Canadian Biography* (Quebec and Toronto: Université Laval/University of Toronto, 1988).

<sup>7</sup> Upton, *Micmacs and Colonists*, 89.

<sup>8</sup> "Act of letters in reply to circular dated 29 October 1835," *sic* 1838; Commissioner of Public Records, Indians series, PANS, RG 1, Vol. 432, pp. 19-27.

<sup>9</sup> "Report on Aboriginal Tribes," 6.

<sup>10</sup> "Wampum" is an anglicized term referring to the *wapap*, which describes the beads, and the *asuwihtakusut*, which describes the wampum belt, worn diagonally across the body by its keeper, like a sash. "Wampum," Peskotomuhkati Nation at Skutik, 2019, <https://qonaskamkuk.com/peskotomuhkati-nation/wampum/>.

<sup>11</sup> L.F.S. Upton, "Letter of Chief Pemmeenauweet to Queen Victoria," in *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867* (Vancouver: University of British Columbia Press, 1979), 189.

<sup>12</sup> Upton, 190.

<sup>13</sup> Upton, 190–91.

<sup>14</sup> J. Murray Beck, *Joseph Howe: Conservative Reformer 1804-1848*, vol. I (Kingston and Montreal: McGill-Queen's University Press, 1982), 203–4.

<sup>15</sup> Beck, I:210–11.

<sup>16</sup> Buckner, "Campbell, Sir Colin."

<sup>17</sup> Beck, *Joseph Howe: Conservative Reformer 1804-1848*, I:215.

<sup>18</sup> Beck, I:215.

<sup>19</sup> Upton, *Micmacs and Colonists*, 89.

<sup>20</sup> Upton, 90.

<sup>21</sup> Beck, *Joseph Howe: Conservative Reformer 1804-1848*, 1:192 and Upton, *Micmacs and Colonists*, 90.

<sup>22</sup> Upton, *Micmacs and Colonists*, 90.

<sup>23</sup> "Copy of an Act to provide for the instruction and permanent settlement of the Mi'kmaq," 1842; Commissioner of Public Records, Indians Series, PANS, RG 1 Vol. 432 pp. 9

<sup>24</sup> Beck, *Joseph Howe: Conservative Reformer 1804-1848*, I:197.

<sup>25</sup> Beck, 197.

<sup>26</sup> Upton, *Micmacs and Colonists*, 91.

<sup>27</sup> "Copy of an Act to provide for the instruction and permanent settlement of the Mi'kmaq."

<sup>28</sup> "Copy of an Act to provide for the instruction and permanent settlement of the Mi'kmaq."

<sup>29</sup> "Copy of an Act to provide for the instruction and permanent settlement of the Mi'kmaq."

<sup>30</sup> "Letter from Joseph Howe to James Smith, Chester, regarding Smith's claim to valid title to land at Indian Point," 1842; Commissioner of Public Records, Indian Series, RG 1 Vol. 432 pp. 53, PANS.

<sup>31</sup> "Copy of an Act to provide for the instruction and permanent settlement of the Mi'kmaq."

<sup>32</sup> "Copy of an Act to provide for the instruction and permanent settlement of the Mi'kmaq."

<sup>33</sup> Beck, *Joseph Howe: Conservative Reformer 1804-1848*, I:248.

<sup>34</sup> Beck, I:248.

<sup>35</sup> Beck, I:361.

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- <sup>36</sup> J. Murray Beck, "Howe, Joseph," in *Canadian Dictionary of Biography* (Quebec and Toronto: Université Laval/University of Toronto, 1972), [http://www.biographi.ca/en/bio/howe\\_joseph\\_10E.html](http://www.biographi.ca/en/bio/howe_joseph_10E.html).
- <sup>37</sup> Beck, *Joseph Howe: Conservative Reformer 1804-1848*, I:249.
- <sup>38</sup> Beck, I:265.
- <sup>39</sup> Hutton, "Indian Affairs in Nova Scotia, 1760-1834," 79.
- <sup>40</sup> Upton, *Micmacs and Colonists*, 92.
- <sup>41</sup> Upton, 90.
- <sup>42</sup> Upton, 92-93.
- <sup>43</sup> *An Ordinance to prevent Trespasses upon Crown Lands in Cape Breton*, no. 27, George III, chapter 6, 1787. <https://bnald.lib.unb.ca/legislation/ordinance-prevent-trespasses-upon-crown-lands-cape-breton>
- <sup>44</sup> *An Ordinance for the prevention of Moose & Carraboo*, no. 30, George III, chapter 2, 1789. [https://bnald.lib.unb.ca/sites/default/files/CB\\_1789\\_cap%202\\_edited.pdf](https://bnald.lib.unb.ca/sites/default/files/CB_1789_cap%202_edited.pdf)
- <sup>45</sup> Kenny and Parenteau Research Associates, "Centralization of Nova Scotia's Mi'kmaq: 1918-65," 11.
- <sup>46</sup> Elizabeth Haigh, "They Must Cultivate the Land: Abraham Gesner as Indian Commissioner, 1847-1853," *Journal of the Royal Nova Scotia Historical Society* 3 (2000): 57.
- <sup>47</sup> "Bills and receipts relating to the relief of Cape Breton Mi'kmaq," 1845; Commissioner of Public Records, Indians series, PANS, MG 15 Vol. 3 No. 91.
- <sup>48</sup> Haigh, "They Must Cultivate the Land," 56-57.
- <sup>49</sup> Haigh, 61.
- <sup>50</sup> Haigh, 62.
- <sup>51</sup> Haigh, 58.
- <sup>52</sup> Upton, *Micmacs and Colonists*, 93.
- <sup>53</sup> "Petition of Pelancea Paul and nine others, Chebucto," 8 February 1849; Report on Indian Affairs, *Journal of the Legislative Assembly of Nova Scotia*, 1849, appendix 36, pp. 336-39.
- <sup>54</sup> Haigh, "They Must Cultivate the Land," 66.
- <sup>55</sup> Upton, "Indian Policy in Colonial Nova Scotia, 1783-1871," 23.
- <sup>56</sup> Upton, 23.
- <sup>57</sup> Haigh, "They Must Cultivate the Land," 66.
- <sup>58</sup> Beck, "Howe, Joseph."
- <sup>59</sup> Rosemarie Langhout, "Developing Nova Scotia: Railways and Public Accounts, 1849-1967," *Acadiensis* II, no. 1 (Autumn 1972): 5.
- <sup>60</sup> While Chearnley's view that the Mi'kmaq were, by their nature, incapable of settlement was certainly influenced by the racial hierarchies of European society, Chearnley does appear to have been very appreciative of Mi'kmaw material culture. He was a huge fan of Mi'kmaw artist Christina Morris of Stewiacke and later Halifax. He purchased two beaded costumes of hers for \$300 and historian Ruth Whitehead described the two as personal friends. This example simply highlights the complex relationships Indian Commissioners had with the Indigenous people they were supposed to represent and how philosophies of superiority, improvement, and civilization were often contradictory to real world experiences. - Ruth Holmes Whitehead, "Christina Morris: Micmac Artist and Artist's Model," *Material Culture Review* 3 (January 1, 1977): 1.
- <sup>61</sup> Upton, *Micmacs and Colonists*, 94.
- <sup>62</sup> Upton, "Indian Policy in Colonial Nova Scotia, 1783-1871," 25.
- <sup>63</sup> Upton, *Micmacs and Colonists*, 94.
- <sup>64</sup> Upton, 94.
- <sup>65</sup> Upton, 94.
- <sup>66</sup> Upton, 94.
- <sup>67</sup> "Petition of Dr. Jeans requesting reimbursement for his services to the Mi'kmaq over the years," 1855; Commissioner of Indian Affairs, Indians series, PANS, MG 15 Vol. 5 No. 45. <https://novascotia.ca/archives/mikmaq/archives.asp?ID=921&Page=201725883&Language=>
- <sup>68</sup> Haigh, "They Must Cultivate the Land," 67.
- <sup>69</sup> J. Murray Beck, "UNIACKE, JAMES BOYLE," in *Dictionary of Canadian Biography* (Quebec and Toronto: Université Laval/University of Toronto, 1985), [http://www.biographi.ca/en/bio/uniacke\\_james\\_boyle\\_8E.html](http://www.biographi.ca/en/bio/uniacke_james_boyle_8E.html).

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<sup>70</sup> “Letter from Samuel Fairbanks, Commissioner of Crown Lands, to the Provincial Secretary, . . . Includes copy of the report by Uniacke regarding trespasses on Mi’kmaq lands and return of Mi’kmaq reservations with data on number of Mi’kmaq in NS from the 1852 census,” 1858; Commissioner of Public Records, Indians series, PANS, RG 1 Vol. 431 No. 98 ½. While the copy was written in 1858, the exact date of the original report is unclear. It is based on the 1852 and PANS cite the report as coming from the same year. But sources seem to agree Uniacke did not become Commissioner of Crown Lands until 1854.

<sup>71</sup> Upton, “Indian Policy in Colonial Nova Scotia, 1783-1871,” 27.

<sup>72</sup> The franchise law of 1863 stated people who received “aid as a poor person from any public grant of Government money” from voting, which effectively disenfranchised Mi’kmaq people. Upton, 27.

<sup>73</sup> “Letter from James Uniacke, Commissioner of Crown Lands, to Lewis M. Wilkins, Provincial Secretary . . .,” 1854; Commissioner of Public Records, Indians series, PANS, RG 1 Vol. 431 No. 83. <https://novascotia.ca/archives/Mikmaq/archives.asp?ID=317&Page=201607173&Transcript=1>

In defense of Chearnley, he was not suggesting squatters should not be punished, but rather they should be allowed to purchase reserve lands. If they did not buy the land, then they should be dealt with like all other squatters.

<sup>74</sup> J. Murray Beck, *Joseph Howe: The Briton Becomes Canadian, 1848-1873*, vol. II (Montreal & Kingston: McGill-Queen’s University Press, 1983), 72.

<sup>75</sup> Beck, II:72.

<sup>76</sup> John G. Leefe, “Fairbanks, Samuel Prescott,” in *Canadian Dictionary of Biography* (Quebec and Toronto: Université Laval/University of Toronto), accessed January 19, 2020, [http://www.biographi.ca/en/bio/fairbanks\\_samuel\\_prescott\\_11E.html](http://www.biographi.ca/en/bio/fairbanks_samuel_prescott_11E.html). This is a temporary citation until I can find the issue of the *Acadian Recorder* at PANS.

<sup>77</sup> Leefe.

<sup>78</sup> “Letter from Samuel Fairbanks to the Provincial Secretary regarding trespasses on Wagmatcook,” 1858; Commissioner of Public Records, Indians series, PANS, RG 1 Vol. 431 No. 99.

<https://novascotia.ca/archives/Mikmaq/archives.asp?ID=335&Page=201607225&Transcript=2>

<sup>79</sup> Upton, “Indian Policy in Colonial Nova Scotia, 1783-1871,” 30.

<sup>80</sup> Upton, 29.

<sup>81</sup> Nova Scotia, House of Assembly, *Journal and Votes of the House of Assembly of the Province of Nova Scotia*, 1866 Session, (1866) at Appendix 42 “Indian Affairs,” p. 2.

[http://www.canadiana.ca/view/oocihm.9\\_00946\\_117/3?r=0&s=1](http://www.canadiana.ca/view/oocihm.9_00946_117/3?r=0&s=1)

<sup>82</sup> Upton, “Indian Policy in Colonial Nova Scotia, 1783-1871,” 29.

<sup>83</sup> “Report of Indian Commissioner,” 31 December 1866; Report of Indian Affairs Committee, 29 April 1867, *JLA* (1867), Appendix 39.

### Chapter III: Confederation, the Creation of the *Indian Act*, and Mi'kmaq Illegibility

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Confederation was hotly debated in the Nova Scotian Assembly. Nova Scotians were accustomed to an imperial relationship, in which the provincial government was subordinate and answered to Britain, and were used to the problems of sharing jurisdiction that accompanied it. However, Confederation promised a new joint government initially featuring Nova Scotia along with Lower and Upper Canada and New Brunswick, where the division of governance would be shared between federal and provincial bodies. How would responsibilities be shared, and how would Nova Scotia be represented on matters of national significance? “We are told by numbers of the Imperial Parliament,” one representative stated, “that it is desirable we should be separated from the British Empire and further we are told that it is not alone for the interests of Nova Scotia that the scheme has been projected - that there are reasons making it desirable that we should be connected with a large country. To secure Canada from foreign invasion the rights of Nova Scotians are to be interfered with and trampled upon.”<sup>1</sup>

These questions around federal and provincial responsibility had been reorganizing the Nova Scotian political landscape since 1864. Anti-Confederation sentiment was strong within the House however Premier Charles Tupper had long been an advocate for union. In 1860, he presented a lecture in Saint John which argued that the union of Nova Scotia with its sister Canada would offer economic advantages. Further, he wished to bring Nova Scotia more influence in the British Empire, a goal he saw as being achievable only through Confederation. “What is a British-American,” he declared, “but a man regarded as a mere dependent upon an Empire which, however great and glorious, does not recognize him as

entitled to any voice in her Senate, or possessing any interests worthy of Imperial regard.”<sup>2</sup> Tupper actively pursued Confederation, attending the conferences in Charlottetown and Quebec in 1864. At Quebec, he controversially conceded control over Nova Scotia’s customs taxes to federal authorities to ensure unity with John A. Macdonald’s vision of creating a central legislature. Tupper’s concessions at the Quebec conference resulted in a dramatic crossing of party lines in the Nova Scotia legislature. No longer was the House divided among Tories and Reformers; now the parties stood as Confederates and Anti-Confederates. By 1867, the Anti-Confederates seemed to be promoting a lost cause. Despite this, Nova Scotians elected Anti-Confederates led by Joseph Howe to eighteen of the province’s nineteen seats in the first Canadian Parliament.

As the first Prime Minister, John A. Macdonald was dealt the responsibility of bringing the anti-Confederation province into the national fold. Macdonald entered office with high-minded philosophies of creating a strong liberal state. During this period of nation-building, leaders like Macdonald envisioned a nation of capital accumulation which would ensure the young country’s greatness on the world stage. This capital economy was best represented by Macdonald’s 1876 National Policy, which established high tariffs, promoted immigration and western settlement, and laid the plans for a transcontinental railway.<sup>3</sup> Capital accumulation was also coupled with distinctly moral regulations that were intended to create a strong foundation for the Canadian society to be built upon. The wealth of the nation started by ensuring every Canadian followed the central tenets of classical liberalism, which postulates we are all rational in the sense that we can calculate our own self-interest. In the capitalist economy, self-interest was equated to wealth. The state



therefore must provide the conditions to allow this to occur through law and order. Protection of property and equality before the law were staples of the state's role in the liberal order, however there were also laws enacted that were strictly moral. The moral dominion of Canada was built around protecting the heteronormative, nuclear family that consisted of a breadwinning father, a domestic mother, and children who would grow up to be the next generation of productive citizens.<sup>4</sup> Such family structures were the basis of the capitalist economy and any deviation from the nuclear family was perceived as a threat to the liberal order. For example, before the passage of the 1867 *British North America Act*, the topic of divorce was nervously discussed by representatives. French-Catholics from Quebec feared a Protestant-controlled Parliament would be too lenient and felt provinces should retain control over the subject of divorce. However, federalists countered by explaining a law on divorce would be more difficult to pass through at the national level, therefore stalling the issue altogether and protecting the sanctity of marriage across the whole country. Furthermore, as marriage was the foundation of morality in the Dominion, it was an issue of national security and should be legislated as such.<sup>5</sup>

The binding of economic growth to moral character became the standard upon which all Canadians were judged. Some populations, however, needed to be more closely managed on such matters. As Tina Loo and Carolyn Strange explained in *Making Good: Law and Moral Regulation in Canada, 1867-1939*: "The acceptance of capitalist values was also a quality officially demanded of Native peoples. Under the *Indian Act*, aboriginals were required to take up sedentary farming, and to espouse economic individualism, in order to earn political enfranchisement."<sup>6</sup> The affairs of Indigenous peoples and their lands

across Canada were brought under the control of the federal government via section 91(24) of the *BNA Act* and they were conceived of as wards of the federal state. The traditional nomadic and semi-nomadic mobility of Indigenous peoples were seen to subvert the national improvement project. They needed to be taught to settle and improve their lands in a European style. Hunting and fishing needed to be replaced by farming, which would impart to them an appreciation of private property, competition, individualism, industry, and diligence. Farm life would also break the system of “tribal communism” that Indigenous Canadians lived under and promote the nuclear family.<sup>7</sup> Therefore, under the *British North America Act*, the “proper administration of Indian affairs” was one of the many policies “laid before [the Parliament], for the amendment and assimilation of the Laws now existing in several Provinces.”<sup>8</sup> The deviance of Indigenous peoples justified heavy government surveillance over their lives through the Secretary of State created in 1868 and later the Department of Indian Affairs (DIA), which was established 1880. As “new” Canadians, First Nations peoples had the moral obligation to meet the national economic and moral standards set by the government, which was rooted in an imagined identity and not a measured national average of the lives of white Canadians. As will be examined, the surveillance of indigeneity in Canada came in many forms and was not equally felt by all First Nations peoples. The link between Macdonald’s economic National Policy and the moral dominion of Canada would draw focus to groups whose deviance was seen to be the greatest threat to western, economic expansion. This chapter will analyse how the perception of the Maritimes, first as a place of disruption to Canadian unity and then as a place of economic and social backwardness, impacted the management of Mi’kmaw peoples and lands in Nova Scotia and ultimately how this cloaked the Mi’kmaq

in a certain invisibility in the eyes of the government. Even though Mi'kmaq as "Indians" belonged to one of the most observed demographics in Canada, the Mi'kmaq's regional location rendered them less important and less threatening than other First Nations groups in the eyes of the new federal government.

While many Nova Scotians supported Confederation, which was closely examined in E. R. Forbes et al. in the book *The Atlantic Provinces in Confederation*, particularly by D. A. Muise in the chapter "The 1860s: Forging the Bonds of Union", Nova Scotian politicians at all levels of government also opposed it.<sup>9</sup> One Mr. McDonald, federal representative from Lunenburg, presented a resolution before the House of Commons that consisted of a petition signed by nearly 40,000 Nova Scotians who wished to leave the union. It included signatures from 52 of Nova Scotia's 57 members of the provincial legislature declaring their discontent with union and their earnest desire to be separated from Canada, and stated the belief that no federal government would be successful without the full support and participation of all its peoples.<sup>10</sup> "Peoples" referring to the country's white male population. All concessions of authority were questioned by the Nova Scotian House of Assembly. In 1870, the subject of Indian Affairs was brought before the Assembly. One representative lamented the poor care the federal government had thus far provided the Mi'kmaq and commented on the greed with which Ottawa had taken control over their affairs:

Formerly there was an Indian fund derived from the sale of certain lands reserved for that purpose. The lands and the funds in hand, together with the Indians themselves, had passed to the Dominion Government under the Union

Act, and while the lands and money were taken good care of the Indians were left to starve or beg.<sup>11</sup>

The state of the Mi'kmaq was seen as a harbinger of things to come for all Nova Scotians: "it would seem the intention was to starve the Indians before they began upon the whites."<sup>12</sup> Participation in Confederation did not mean Nova Scotia should be stripped of all its rights. The Nova Scotian government believed it should strive to maintain its institutions and take back authority over matters of provincial significance. For a province as deeply anti-Confederation as Nova Scotia, the creation of the DIA in 1880 was feared because it signalled what the surrendering of powers to the federal government meant for Nova Scotian authority and control. Potentially all Nova Scotian affairs could be categorized as second class.

On the subject of Indian Affairs, the observations made by Anti-Confederates were not unfounded. The Department of Indian Affairs was slow to establish policies for provincial agents to follow. In 1867, Samuel Fairbanks wrote to the Secretary of State to apply for the position of Dominion Agent in Nova Scotia. When his application was accepted, the exact nature of his position was immediately unclear. In a series of letters written in 1868 to Superintendent-General of Indian Affairs Hector-Louis Langevin, Fairbanks repeatedly asked for instruction regarding his duties. Clarification was not forthcoming, and Fairbanks was often left to presume what his role was. He alone decided that his duties would echo his role under the previous colonial government. On the topic of the sales of reserve land, Fairbanks wrote: "I presume that I am at liberty to complete the titles in conformity with the Nova Scotia Act, until the Dominion Legislature makes an

alteration. I should like to know from the Government whether I am to continue in the office of Indian Commissioner.”<sup>13</sup> Additionally, it became evident that Langevin was unfamiliar with Nova Scotian Indian Affairs in general. Fairbanks continually had to emphasize that the Mi’kmaq were scattered across the province and that they were all equally entitled to all reserves as they all belonged to the same band. Fairbanks explained how the Nova Scotian system had operated, how it had featured the sale of crown lands to white settlers, the moneys from which were collected in in installments, and used to support the Mi’kmaq through supplies. When the Dominion took control, Fairbanks was directed to transfer the Indian funds into a federal account and in return he was given “blanks”, as in blank cheques, to pay for the incoming bills from physicians and overseers of the poor.<sup>14</sup> However, the new federal system faltered and stalled. Land sales to squatters were suspended and even if any had completed their payments there was now no procedure, they could follow to acquire full title.<sup>15</sup> Fairbanks found transmitting the accounts to Ottawa and waiting for payment from the distant central office to be inefficient. In 1869, he wrote to Langevin praying that “in another year, some better system may be arranged.”<sup>16</sup> Fairbanks was pressured by doctors and overseers who were going unpaid due to the slow-moving DIA. Once he was even threatened with legal action.<sup>17</sup>

Complaints around the DIA’s slowness were also reported in the House of Commons. In 1869, despite his disdain for Confederation, Joseph Howe joined the federal cabinet and was selected to take Langevin’s place as Superintendent-General. Howe was questioned in the House of Commons over the slow pace of his office. “Letters had been written,” the Honourable Mr. Wood stated, “months ago by parties who had purchased land

on Indian Reserves, and the Department had never answered them.”<sup>18</sup> Howe only responded that there was more work to be done in the DIA than he had anticipated. He contended that there had not been any delays since his taking office; however, another MP disagreed, stating he knew of some letters written to the Department that had gone unanswered for three years.<sup>19</sup>

During Howe’s time as Superintendent-General, he paid special attention to the Maritime provinces in his annual reports. His opinions of Nova Scotian Indian Affairs reflected the policies he attempted to implement during his own time as Indian Commissioner of Nova Scotia. Howe was determined to have Nova Scotia’s Indian Affairs resemble what he called “the Canadian System,” which consisted of increasing the grants annually voted for Indian Affairs in the Maritime provinces, appointing local Indian agents, and to change the system and objects of expenditure. He lamented his own province’s previous treatment of reserve lands, believing that Mi’kmaq lands had been too frequently sold by the Nova Scotia government. He also criticized the Nova Scotia government’s expenditure of the Indian fund, which had been “distributed in an eleemosynary spirit” rather than tactically spent on developing programs of education or promoting industrious habits among the Mi’kmaq.<sup>20</sup> When Samuel Fairbanks “cheerfully” retired in 1871, Howe eliminated the office of Dominion Agent and set about dividing the province into districts, appointing a local agent to each, to ensure his home province more closely resembled the system established in the rest of Canada. These local agents would solve the previous problem that the commissioner had faced, as they occupied an office that was overworked and could rarely leave Halifax to observe the “progress” taking place on reserves. The more

intimate relationships local agents would have with their assigned reserves would ensure the annual grants were “no longer... given to the idle and the profligate, but only to those who show a disposition to advance and help themselves.”<sup>21</sup> Like his time as Nova Scotian Indian Commissioner, Howe’s time in office was short lived. Due to his ailing health, Howe retired from cabinet and left Ottawa to become Lieutenant-Governor of Nova Scotia in 1873. Lawrence Vankoughnet was appointed to replace Howe.

Throughout the 1870s, the DIA committee and House of Commons debated the best way to regulate First Nations peoples. The debates focussed on the enfranchisement of Indigenous men, through giving them the right to vote and the gradual elimination the Indian status, who demonstrated the ability to improve land, the selling of land to First Nations peoples, and the rights of First Nations women who married white men. Indian Affairs came to a head in 1876 when *An act respecting the Indians of Canada*, shortened to the *Indian Act*, was brought before the House. The act, which set “Indians” apart as a legal category of people distinct from “Canadians,” consolidated all the provincial and federal laws pertaining to the management of Indigenous affairs. The primary objective of the bill was to encourage First Nations to abandon traditional ways as well as encourage them to improve their own plots of land which would promote “a more civilized life.”<sup>22</sup> Once achieved, the individual would be allowed to purchase land on a three year probationary period, could apply to the band and Superintendent-General to be enfranchised, and then the person would no longer be considered “Indian” under law. Indian status gave status holders access to government financial aid, but at the cost of the right to vote. Furthermore, Indian status could be revoked if a status holder lived outside

the country for more than five years or if a woman married a non-status man, which restricted the movement and relationships of status Indians. Members of the House debated the act on three major issues. The first question posed was how much autonomy should First Nations people have before their enfranchisement? Some members of the House argued that the “Indians” of Canada were children before the law and therefore their affairs must be managed very closely by the government. Others, however, characterized them as “semi-civilized.” They did not suggest that all First Nations were prepared for the responsibility of full citizenship, but did think that “if they consider Indians as children they admit that there were big and little children, and could not treat them all alike.”<sup>23</sup> They believed the government should give more autonomy to First Nations peoples. The second principle debate was over the integration of First Nations people into white society. One side of the debate argued the First Nations peoples were too naïve and ignorant to be integrated into white society and thus argued that the government had to create as many barriers as possible between the Indians and “worthless whites” who would take advantage of them.<sup>24</sup> This included preventing Indians from leasing lands to whites and inhibiting trade between the two demographics when the commodity was produced or acquired by means of an annuity grant. Assimilation should be achieved by providing programs such as education on reserves, and then once the First Nations had elevated their level of civilization, they could enter society. However, other members argued that this separation would inhibit the ability of First Nations to assimilate to white society. “National distinctions,” one member stated, “should not be perpetuated in this country, and no legislative obstacles should be placed in the way of union of whites and Indians.”<sup>25</sup> This meant promoting the process of enfranchisement as to encourage Indians to leave their



reserves and opposing clauses that punished First Nations women for marrying white men by forcing them to relinquish their rights as a status Indian. The final major debate that occurred between members of parliament was over the definition of “Indian.” Some felt that the Act should define anyone who accepted treaty money should be considered Indian. Some representatives objected to this, believing the definition was too broad and that it ignored certain nuances of Indian Affairs in Canada. For example, under this definition “half-breeds,” who had obtained land and money under former agreements, would be considered Indian.<sup>26</sup> Furthermore, there were some men who were almost “pure-whites” who had taken treaty money under the belief that they would not be disenfranchised and it was deemed unfair to consider them Indian.<sup>27</sup> Another case brought forward was fear that a broad definition of Indian would enable some to cross the American border, only returning to collect their annuity grants. This freedom of movement should be discouraged, as it would leave them vulnerable and outside the government’s surveillance. Therefore, it was suggested if an “Indian” left the country for five consecutive years, they would lose their status. On the other hand, it was argued that a generous definition of “Indian” would encourage integration between the “uncivilized” and “semi-civilized” First Nations and help promote the cause of the DIA.

Interestingly, the sides taken during the debates over the *Indian Act* were not drawn along party lines, but rather on according to location and in reference to the groups of First Nations peoples to whom the members believed the bill should cater. On one side of the debate were members of parliament who defended the interests of groups of the Six Nations living in Southern Ontario, especially near the counties of North and South Brant. They

were primarily represented in the debates by the Members of Parliament William Paterson of South Brant and John Fleming of Waterloo. On the other side of the debate were MPs who were more familiar with Indian Affairs in Manitoba and the North-West Territory, such as the Minister of the Interior David Laird and the now former head of the DIA, Hector-Louis Langevin. First Nations of these two regions were experiencing very different colonial experiences at the time of the *Indian Act*'s enactment and were viewed quite differently by members of parliament.

Laird, Langevin, and other members who fell on their side of the debate approached Indian Affairs from a position of hostility against, and suspicion of, Indigenous peoples more generally. Recent unrest in western Canada weighed heavily on their minds as they considered how much autonomy to give the Indigenous peoples of Canada. In 1869, the transfer of Rupert's Land to the Dominion of Canada had sparked an uprising now known as the Red River Resistance. A group of primarily Métis people, who feared for their culture and land rights under Canadian control, mounted a resistance and declared a provisional government under the leadership of Louis Riel. In 1870, violence ceased with the signing of the *Manitoba Act*, which acknowledged the rights of the Métis and incorporated the province of Manitoba. The victory achieved by the Métis was hollow however as their lands were severely mismanaged, and they became so disadvantaged in their new province that many were forced to move westward. Their leaders were not granted amnesty, and many, like Riel, fled the country.<sup>28</sup> The relationship between the government and Indigenous people of the plains was strongly influenced by these events and were still highly volatile. The tension in Western Canada was the lens through which people like Laird and Langevin

approached Indian Affairs and would seem warranted when in 1885 another more violent uprising occurred to assert Métis nationality, again under the leadership of Riel. Laird and Langevin pushed for Indigenous peoples to be approached with apprehension. Their policies included defining “Indian” as narrowly as possible, excluding the Métis from obtaining status and receiving assistance from the government. As for First Nations groups, such as the Sioux, Cree, and Blackfoot, they were regarded as wholly uncivilized because they continued to “roam both sides of the boundary line” between Canada and the United States and that while “there were some Indians of the North-West who cultivated lands... they were not very numerous.”<sup>29</sup> Langevin asserted that “it must be considered that Indians were not in the same position as white men. As a rule they had no education, and they were like children to a very great extent.”<sup>30</sup> As a consequence of this perspective, members who desired for the *Indian Act* to reflect the politics of western Canada advocated for little economic and social interaction between “Indians” and whites, under the guise that this was for the protection of First Nations peoples. In reality, Laird and Langevin’s overemphasis on First Nations violence in Western Canada allowed them to portray the people most hurt by western expansion as its greatest threat. Therefore, Laird and Langevin could push for policies to control western First Nations groups.

Conversely, such members as Paterson and Fleming thought the laws should encourage interaction because it would assist with the voluntary enfranchisement program, where status Indians could apply for full Canadian citizenship. Paterson contended that one third of all First Nations peoples lived in Ontario and argued for the *Act* to reflect their situation as much as possible: “While this Act might not be applicable to the Indians of the

North-West or the tribes of other parts of Canada, there were bands in Ontario that should be given facilities to raise themselves in social scales.”<sup>31</sup> Any promotion or protection of the band system should be discouraged in favour of enfranchising individuals who proved “capable of receiving an education in the arts and practices of British civilization.”<sup>32</sup> Within his own riding of South Brant, Paterson believed that most Indigenous people were prepared to assimilate fully into white society and should be used as a model for other groups in Canada:

The endeavor to perpetuate the Indian in the Canadian nation was an anomaly. Where the Indian had not forgotten his national habits, and still lived by the chase and fishing, it would not be desirable to ask him at once to take upon himself the duties of a free man; but regarding the reserves of Ontario... it was different, and immediate steps should be taken to place these Indians in a better position. Hunting and fishing has long since ceased, and they supported themselves by agriculture and various handicrafts, in which they should be encouraged to the most possible extent.<sup>33</sup>

Paterson described how the Six Nations had adapted to living in large townships and how they no longer relied on their traditional ways of life. As a race, they were nearing “civilization.”<sup>34</sup> Fleming agreed with Paterson, believing the policy of the government must be one of preserving the “Indian” or assimilating the “Indian” into the white society and economy. For example, he criticized one clause that would prevent the sale of articles purchased with annuity money to whites, stating: “while it might apply to the Indians of the North-West, it should not have relation to those in Ontario who were semi-civilized. The Six Nations Indians chiefly obtained their subsistence by raising cattle, sheep and hogs, and how were they to sell them with this provision on the Statute Book? How were whites

to know that certain articles had been purchased with annuity money?”<sup>35</sup> Whereas in the past the government had pursued policies of preservation, Fleming saw these attempts as failing to raise Indians to the position of white men. Therefore, the new policies moving forward should lean more toward absorbing First Nations tribes into white communities. He opined that “Indians should be placed precisely on the same footing with whites; and they should be made more self-reliant and self-dependant.”<sup>36</sup> Fleming also felt the treatment of First Nations under the current policies was hypocritical, given that “Indians should be prohibited from obtaining land in the North-West, when the most ignorant and illiterate immigrant could enjoy that pre-emption right.”<sup>37</sup>

In general, Paterson, Fleming, and others supported a more *laissez-faire* approach to Indian Affairs, that suggested reducing government control over the affairs of First Nations peoples and discouraging barriers between white and First Nations peoples as it would be best means of achieving assimilation. “It was an unjust reflection on the Indians,” Paterson believed, “whose cause he was advocating, to say that they were incapable of judging for themselves and required the Government to do so for them.”<sup>38</sup> This, however, should not be misinterpreted as a defense of Indigenous ways of life or rights. In accordance with liberal philosophies, Paterson believed the First Nations would prove rational enough to understand it was in their best interest to abandon their traditional lifestyle in favour of joining “civilized” Canadian society. In Brant, Paterson believed, the Six Nations had already proved they were capable of liberal rationality and policies should reflect that. This was a perspective, which fully ignored the racial barriers to the advancement of Indigenous people. The members that opposed people such as Paterson and Fleming promoted a more

active government role as part of “civilized” Canada. “The duty of the Government was to judge as to what was best in the interest of the band... So long as the Indians maintained their distinction as a band, the Government must deal with them – deal with them, too, as they best thought.”<sup>39</sup> These judgements were based on observations of First Nations and other Indigenous groups in Western Canada, peoples who had not established towns, had not taken up farming, and were not viewed as peaceful like the Six Nations. The needs of these two groups were seen as so different that some members of Parliament suggested “some distinction should be made between the Indians in the North-West and the civilized Indians of Ontario.”<sup>40</sup> Ultimately, the *Indian Act* passed under the paradoxical premise of assimilation through segregation, maintaining that if First Nations were in controlled their access to education and healthcare they would eventually adopt European lifestyles.

Region played a significant role in the debates that shaped the *Indian Act*. Significantly though, the Maritime region was hardly ever mentioned in these critical conversations. Indeed, Nova Scotia was never mentioned at all. In the Annual Report of Indian Affairs in 1876, on the subject of the *Indian Act*, it was reported of Nova Scotia that “There is but little of special interest to mention this year in connection with Indian affairs in this Province.”<sup>41</sup> John Costigan, member of Parliament for the riding of Victoria in New Brunswick, called for attention to be paid to the distribution of funds in his province. He feared too much money was going to line the pockets of the Indian agents, rather than to the improvement of life on reserves.<sup>42</sup> The Minister of the Interior responded that nothing could be done without an official report. He admitted that he had intended on “visiting that part of the country” the previous summer but it had simply been impossible. However, he

would send an agent of the department to investigate Costigan's concerns.<sup>43</sup> This was nearly the full extent of Parliament's consideration of Maritime Indigenous peoples during the debates around the enactment of the *Indian Act*.

The oversight of Maritime Indigenous peoples was a product of the national liberal identity the new Canadian government was attempting to foster. The National Policy emphasised western expansion. The unrest in the West, where the power and influence of Métis and First Nations groups could disrupt the federal government's enterprises, drew the focus of many men operating in the DIA. Furthermore, the proximity of Six Nations groups in Ontario to places of central political and economic power along the St. Lawrence River basin made them distinctly more visible in the eyes of Parliament. They also had vocal representation in the House of Commons, though the representation was saturated in colonialism, paternalism, and white supremacy. Such a luxury was not afforded the Mi'kmaq of the Maritimes. Joseph Howe had been the last prominent Nova Scotian politician involved in the DIA. But, as Lisa Patterson addressed in her thesis "Indian Affairs and the Nova Scotia Centralization Policy," given Howe's previous discouraging experience as Indian commissioner in Nova Scotia, and in light of the Nova Scotian government's desire to maintain provincial programs and authority, perhaps the limited participation of Nova Scotians in the DIA was not surprising.<sup>44</sup> Patterson also suggested that this resulted in the DIA having less impact on the Maritime region. The Mi'kmaq were also demographically less significant to the federal government's national projects. The Mi'kmaq of Nova Scotia represented only two percent of the First Nations population of Canada and had virtually no wealth.<sup>45</sup> The total Indian fund for Nova Scotia in 1876 was

\$1,192.45. The fund was the absolute property of the Mi'kmaq and was derived largely from "the sale of timbers and stone on the Reserves."<sup>46</sup> By comparison, the Indian fund of Ontario and Quebec was \$2,884,972.44 and the balance of the Manitoba and the North-West accounts came to a total of \$64,645.39.<sup>47</sup> Although they had never signed away their territory by treaty, the Mi'kmaq were regarded as owning very little property, especially relative to other First Nations groups in the country. The Mi'kmaq were already shunted aside on reserves of substandard quality, a process still underway further west. The Mi'kmaq posed little political or economic challenge to the new nation. The *Indian Act* was not designed to manage the Mi'kmaq because they were not seen as being needed to be managed. This was not because they were self-sufficient but because, if left to their own devices, they would not cause any disturbances.

This is not a measurement of quality of life. This thesis does not suggest that the attention paid to Six Nations peoples in Ontario or the Cree, Sioux, and Blackfoot of Western Canada meant that their standard of living was higher than the that of the overlooked Mi'kmaq in Nova Scotia. Indeed, it can be argued the greater reputation and power of the Six Nations and Plains First Nations meant their lives were more closely surveyed by forces that wished to assimilate them into white society and to erase any semblance of their indigeneity. This research is not intended to make such judgements. However, the lack of consideration of the Mi'kmaq when drafting and enacting the *Indian Act* is significant for three reasons. First, it demonstrates how the federal government's enforcement of control over the Indigenous peoples of Canada was not the product of consultation with Indigenous peoples, nor an attempt to meet their needs but was rather an



expression of the government's outward and internalized racism and colonialism. Furthermore, these concepts were woven into the fabric of the national identity. The Canadian national identity that was created did not include room for indigeneity; in fact, one could not be an "Indian" and a Canadian under the *Indian Act*. Second, the governing act that would control the lives of Mi'kmaq for the following century was enacted while being totally oblivious to the unique issues faced by the Mi'kmaq. The government's neglect of the Mi'kmaq would go on to characterize the Nova Scotian Indian Affairs for nearly half a century. Third, the lack of attention paid to the Mi'kmaq established a paradoxical double periphery under Confederation for the Mi'kmaq, not experienced by some other First Nations groups. Many First Nations were part of one of the most observed populations in the Dominion. However, their small numbers and regional location for many decades cast a shadow of neglect over the Mi'kmaq throughout the Maritimes. As economic activity became increasingly centered along the St. Lawrence River and as expansion in the West, to clear the Plains and prevent American imperialism, dominated national policy making, the Maritime provinces fell into the background. It was perceived as the backwater of the country, by politicians and historians alike. The author would be remiss if she did not quote the ever-famous Frank Underhill's 1964 *The Image of Confederation*, in which he stated: "As for the Maritime provinces, nothing, of course, ever happens down there."<sup>48</sup> For Maritimers, the consequence was the perpetuation of economic hardships and extensive outmigration to economic centers in Canada and the United States. For Mi'kmaq in the Maritimes, the result was a continued mismanagement that in many ways resembled the administration of the colonial governments. Three years after Joseph Howe promised to

reform Nova Scotian Indian Affairs to reflect the “Canadian System,” the new Superintendent Lawrence Vankoughnet stated:

The duties of the Indian agents of this Province [Nova Scotia] consists, in distributing among the Indians the aid sent them every spring and autumn, in protecting their reserves from trespassing and the timber from spoliation, in seeing that the sick receive proper medical attendance, and in looking generally after the affairs and wants of the Indians.<sup>49</sup>

In other words, the structure that existed under imperial British rule and during the period of responsible government continued into the early years of Confederation.

The creation of this double periphery was also the result of external and internal colonization occurring at the same time in the same region. Externally, there was the colonial relationship between the Canadian federal government acting as a mother country and the province of Nova Scotia acting as a distant colony (though, of course, the terms “colonial” and “colony” are used here hyperbolically). This process minimized the political, economic, and social needs of Nova Scotia and the Maritime Provinces more widely. Concurrently, there was the internal colonization of the Mi’kmaq by the DIA operating in the province of Nova Scotia, which sought to appropriate the land, resources, and jurisdiction of the Mi’kmaq. This process stripped the Mi’kmaq of their direct and indirect influence. Directly, they were not considered equal citizens and did not have equal political power or representation. Indirectly, they had little opportunity to gain wealth due to the dispossession of their land and resource and, therefore, did not garner attention in the way that more economically powerful Indigenous groups did in other regions of Canada.

In the decades that followed the *Indian Act*, the Mi'kmaq and other Maritime First Nations groups experienced what Passamaquoddy historian Donald Soctomah and historian Martha Walls referred to as “the years of invisibility,” which lasted up to the 1910s and describe how *Indian Act* policies in the Maritimes were not fully enforced.<sup>50</sup> The DIA in Nova Scotia during this time gave the appearance of a large, looming administration but was ultimately hollow. In other parts of the country, the local Indian agents were subordinates to demanding “higher-ranking officials” and they exerted powerful, far-reaching influence on the everyday lives of First Nations communities.<sup>51</sup> But, as contended by Walls and as will be explored deeply in the following: “Although the new federal government had established a web of potentially powerful policies via its *Indian Act*, ineffectual oversight and weak Indian agents meant that the full impact of these policies would not be immediately felt in the Maritimes.”<sup>52</sup> Instead, change was slow as the Atlantic region tried to find its place in the new national landscape. The weak Indian Affairs in Nova Scotia resulted in the continued loss of Mi'kmaw land, employment opportunities, and life.

While the metaphor employed by Soctomah and Walls is useful, “invisible” may not be the most accurate description of the Mi'kmaq in Nova Scotia. “Invisible” suggests there was something innate about the Mi'kmaq that made them unknowable to the government and totally unseen by the DIA. However, the Mi'kmaq were seen and observed by federal agents. Furthermore, as will be analyzed in this chapter, the government's later change in policy to more closely engage with and observe the Mi'kmaq demonstrates the capacity of the government to “see” the Mi'kmaq when they chose to and when it was perceived as being in the federal state's interest to do so. The government's ability to

accurately interpret these observations was hindered by its ineffectual oversight and weak administration. Therefore, this research has chosen to consider the Mi'kmaq as "illegible" rather than "invisible." As James C. Scott examined in his book *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, one of the primary functions of the premodern state was to simplify its classic functions, like taxation and conscription, by making the society "legible." However, as Scott stated:

The premodern state was, in many crucial respects, partially blind; it knew precious little about its subjects, their wealth, their landholdings and yields, their location, their very identity. It lacked anything like a detailed 'map' of its terrain and its people. It lacked, for the most part, a measure, a metric, that would allow it to 'translate' what it knew into a common standard necessary for a synoptic view.<sup>53</sup>

As the state modernized, it created systems and metrics to achieve legibility. However, the motivation of the state to make a society legible was still to extract taxation and services from the people who lived there. The Mi'kmaq and other Indigenous groups in the Maritimes were some of the last peoples the Canadian state sought to "read" because their small numbers and little wealth made them poor subjects to extract services and taxation from. Rather, making the Maritime Indigenous peoples legible would have revealed a population in need of government assistance or, as Indian Affairs saw it, a group that would drain the economy, not support it. Furthermore, neglect shown to Maritime First Nations would not result in the resistance and rebellion that was feared of other, more powerful and populous Indigenous groups could threaten. The Mi'kmaq were not innately invisible, rather the government chose not to make them legible.

Nova Scotia was unique even in the context of the Maritime provinces though. The DIA had rationalized the Indian Administration in New Brunswick into two districts, with two full-time Indian agents and one Superintendent. In Prince Edward Island, the administration was mostly condensed into one reserve on Lennox Island that was overseen by the Prince Edward Island Superintendent, who also oversaw the couple other small reserves and several known off-reserve sites where Indigenous people lived, but did so poorly and begrudgingly. Nova Scotia, however, was initially divided into seven districts in 1870. They continued to be subdivided until there were nineteen districts. Each district was assigned a part-time Indian agent. Agents, therefore, did not live on reserves as they did in other places, which limited the surveillance the agents were capable of. Additionally, each agent was also otherwise employed. According to census data, the most common employment for an Indian agent was a reverend or priest, followed by farmer and then physician.<sup>54</sup> None of the agents listed “Indian agent” as their occupation in the census reports, which indicates the lack of gravity given to an Indian agent’s work in Nova Scotia and the small salary they were given which forced them to work addition jobs. The responsibility of an Indian agent was later articulated in a report of Nova Scotia agencies as: “He [the Indian agent] must be a man who takes an active interest in the welfare of the Indian and looks on his remuneration not as a means of livelihood, but as a means of permitting him to do a social service.”<sup>55</sup> Nova Scotian Indian agents were expected to be brought into the fold of the militant federal Indian Affairs hierarchy, however those higher up paid little attention to the goings-on in the small peripheries of the country. In Nova Scotia, the administration of Indian affairs remained small and passive and now reported to distant Ottawa instead of Halifax.

Nova Scotian Indian agents continued to report trespassing and encroachment as the most severe problem faced by the Mi'kmaq. Regardless of the reserve or the quality of its land, across the province trespassing was repeatedly reported. In some cases, trespassing came in the form of settlement and fencing. In other instances, nearby white settlers would enter reserves and poach game, cut trees, or steal livestock. The Indian agents reported not having the authority or policy to effectively deal with them. The federal government, like the colonial offices before them, continued to deal with squatters in a passive, non-confrontational manner. In one case, Indian agent Donald MacIsaac of Inverness County wrote to Ottawa in his annual report:

Trespassing seems to be considered something laudable by [the whites], where a poor Indian is the victim. Notwithstanding that, by me as Indian Agent, notices have been repeatedly served on 'squatters and trespassers' by constables from year to year, and by the high sheriff of the County, threatening them with legal proceedings, the offenders have not discontinued their depredations. Warrants have been issued by me for their apprehension and commitment to gaol, and they have up to this time eluded the officers of the law. I think it is high time that legal steps be taken for the apprehending of the guilty parties.<sup>56</sup>

However, the legal assistance was not forthcoming. The resolution from the federal government was the same as that of colonial governments: to sell the land to the encroachers and put the revenue toward the provincial Indian fund.<sup>57</sup>

Scarcity of land and lack of legal protection did little to help promote the DIA objective of creating sedentary farm communities on reserves. Given its significance in the DIA's policies, farming was consistently reported on throughout the province by Indian

agents, however it was rarely the sole or dominant source of income for the Mi'kmaq. As described by Andrew Parnaby in his article "The Cultural Economy of Survival: The Mi'kmaq of Cape Breton in the Mid-19th Century," the Mi'kmaq partook in an economy of occupational pluralism. They occupied several jobs, at the same time, to maximize their participation in the economy. "No class of people," reported Nova Scotian Indian Superintendent A. J. Boyd, "occupy themselves in more varied ways than the Indians of the maritime provinces."<sup>58</sup> In addition to farming, agents continued to report Mi'kmaw participation in the making and selling of crafts, fishing, hunting, trapping, coopering, lumbering, as well as working in factories, on the railroad, and for various other industries of manual labour. Women were also hired as domestic servants in homes.<sup>59</sup> By 1905, waged labour accounted for thirty-three percent of Mi'kmaw income in Nova Scotia.<sup>60</sup> Despite the reality of the Mi'kmaw way of life in the modern world, farming remained the only economic program funded by the DIA, and even that was to the most minimal extent by providing seed, livestock, and tools. Supporting any other mode of employment would undermine the federal government's project of limiting the First Nations' freedom of movement. The Mi'kmaq regularly left their reserves to participate in the wage labour economy and find markets to sell their crafts. For example, Duncan Campbell Scott, Deputy Superintendent of Indian Affairs, reported in 1919: "Between seed time and harvest many of the younger Indians leave their homes to work at industrial centres, such as the Sydneys, New Glasgow, and Halifax, where they readily find profitable employment."<sup>61</sup> The required mobility to pursue work reinforced the illegibility of the Mi'kmaq. As Walls concluded: "They remained 'unknowable' to federal officials, who consistently lamented their inability to even count the First Nations individuals under their charge."<sup>62</sup>

Despite the admirable “thrift” exhibited by the Mi’kmaq, they remained impoverished. This coupled with the disappearance of traditional food stuffs, such as game, and poor housing resulted in rampant health epidemics on Mi’kmaw reserves. Additionally, there was little to protect Mi’kmaw families from starvation should the breadwinner fall ill, creating incredible instability. The DIA promised to do little more than pay for the medical expenses of the Mi’kmaq, however these charges were to remain as low as possible: “the Department will furnish medical attendance to a limited extent to such of the Indians as are unable to pay for the same themselves... the charge should be the lowest made to the poorest class of white patients and... it will be absolutely necessary to keep the accounts down to the lowest possible figure.”<sup>63</sup> The weakness of the Indian Administration in Nova Scotia made providing effective health care nearly impossible. The rate of mortality remained high in Mi’kmaw communities. Reports of the Indian agents repeatedly note the spread of illness, particularly tuberculosis.

The DIA was not pleased with the status of Indian Affairs in Nova Scotia. The Department felt that the lacklustre service of Nova Scotian Indian agents was the root cause for the Mi’kmaq’s suffering. The annual reports of the DIA regularly comment on the lack of progress made toward civilization year to year in the province. The Maritime region was seen to not be meeting national standards or keeping up with the progress made in Ontario. The blame for this underachievement largely fell on the shoulder of the Indian agents. The Nova Scotian agents were criticized for a lack of diligence. When Lawrence Vankoughnet was able to visit the province in 1877, he remarked that the Mi’kmaq in the eastern part of the province and Cape Breton Island were better off than those who lived in the western



part. In the eastern counties, the Mi'kmaq were "more agricultural in their tastes and industrious in their habits than the Indians of the western counties of the province; and they are proportionately more self supporting and better circumstanced."<sup>64</sup> The reason for this disparity? "I am willing to attribute this difference to a deeper interest being taken in the welfare of the Indians by the agents of the one section of the Province than by those of the other."<sup>65</sup> In 1879, Vankoughnet further scolded the agents for their continued unaccountability, stating: "The absence of reports from the majority of the Indian agents in this Province is much to be regretted, seven only of the thirteen Agents having favoured the Department with an account of the transactions within their districts during the past year."<sup>66</sup>

Was there validity to Vankoughnet's assessment of Indian Affairs in Nova Scotia? Were agents the primary barrier to a better quality of life for the Mi'kmaq? Certainly, Vankoughnet and later Superintendents were justified in criticizing the agents for their inconsistent reporting. Where some submitted long, eloquent reports to Ottawa, others submitted nothing or close to it, sometimes reusing reports. The lesser pay and salaries of Nova Scotia agents, as well as their distance from Ottawa, were also cited as reasons for a lack of commitment to the federal hierarchy. However, Vankoughnet's critiques also demonstrate some crucial misunderstandings of the hurdles faced by Nova Scotian Indian agents to meet the national standards placed upon them. For example, his lamenting of Western Nova Scotia's lack of industry and agriculture does not acknowledge the fact that the reserves of Western Nova Scotia were almost always smaller, more urban, and had a lower quality of soil. At Confederation, surveys reported Mainland Nova Scotian reserves

(the majority of which were in Western Nova Scotia) were on average 286 acres, whereas those on Cape Breton Island (the bulk of Eastern Nova Scotia) were averaging nearly 1,597 acres.<sup>67</sup> The quality of the Western reserves were also questionable. For example, P. M. Holden of Kentville reported in 1875 that “the Reserves, with few exceptions, are not suitable for farming purposes” and John Harlow of Bear River similarly found “the Reserves in this Agency are mostly unfit for cultivation.”<sup>68</sup> Additionally, because Nova Scotia was poorly represented during the debates and enactment of the *Indian Act*, there were almost no provisions made to ease the transition from the colonial to the federal regime which perpetuated the problems that had plagued the colonial Indian Affairs department. Life changed little for the Mi’kmaq in the decades immediately following Confederation.

This lack of representation continued following the enactment of the *Indian Act* as well, as the reports of agents seemed to fall on deaf ears. It would be wrong to state that Nova Scotian Indian agents unaffected by the rhetoric of paternalism, colonialism, and racism that dominated Indian Affairs across Canada and dehumanized many Indigenous peoples. However, it would also be incorrect to state the agents did not report on the poor standards of living the Mi’kmaq faced or were completely unaffected by the people they were charged to care for. They continued to witness and report on the deterioration of Mi’kmaw life, yet in return saw minimal change to national policy or acknowledgement of the Nova Scotian state of affairs. In the first decade of the twentieth century, Ottawa continued to bemoan the poor “Indians” of Nova Scotia, complaining that Mi’kmaw reserve lands were proportionately some of the least cultivated and earned significantly less

revenue than even the other Maritime provinces. It lamented too the average attendance of Mi'kmaw children at school was the lowest in the country at 40.23%.<sup>69</sup> However, rather than take action to amend the situation in Nova Scotia, the Superintendent Generals, despite their acknowledgement of the low quality of living for the Mi'kmaq, would state some level of contentment with the gradual though small steps toward civilization they had made over the previous year. "There is no doubt that the Indians are becoming more industrious from year to year; they become more and more self-reliant and they do not go about so much begging from door to door."<sup>70</sup> This contradiction is most logically understood as an excuse for not pursuing any further action on behalf of the Mi'kmaq of Nova Scotia.

During the years of illegibility, one can sense the mounting frustration exhibited by the Nova Scotian Indian agents, as they saw no action or change on the part of the DIA. For over forty-five years, J. E. Beckwith from Canning served as the Indian Agent for Nova Scotia's second district. In 1881, he addressed the structural problems he experienced within the DIA. He began by recalling the first settlements of the white immigrants in the county of Kings in 1760. No reserves were initially established for the Mi'kmaq however up until fifteen years before, there remained Crown Lands for them to inhabit. The provincial government had sold the lands to timber interests. Beckwith had not been surprised by the "supineness" of the provincial government, but the continuation of such indolence by the DIA was a source of disappointment. He described the need for intervention in the following:

Although they are possessed of a very independent nature, and will not become hired

slaves (as they would deem it) to their white masters - yet I am fully satisfied, had they rich and fertile lands to settle upon, they have plenty of energy, and are keenly enough alive to the value of property to induce them to cultivate them, with proper assistance in the first start; but good lands are far too dear and valuable, in this county at least, for me to ask, or the Government to entertain the idea of purchasing sufficient land for such a settlement, and I see no prospect ahead but destitution and misery, and finally extinction of the race here, in this county at least... The game is all gone. The timber which they require for their handiwork is becoming very scarce. The Indians settled near Kentville, having to travel some fifteen miles to procure the more valuable kinds, and even the young maples from which the females make their baskets and fancy work, are cut and drawn, or in many instances lugged home on their backs a distance of from three to five miles. When manufactured they will carry them from six to ten miles for sale to the more populous villages, selling them to the more wealthy inhabitants, at the same time begging, probably, to the amount of twice their value. By this means they subsist and eke out a scanty living. When sickness comes, destitution and starvation stares them in the face, and, I believe, were it not for the partial relief afforded by the Agent through the bounty of the General government, would, in some instances, become an actual fact. No wonder that the poor Indian becomes stolid and apathetic; no wonder he seems lazy and indolent. I am not overdrawing the picture, the reality is coming home to us every little while; the only fear is that we become too callous and indifferent to their misery. I am not at all attaching any blame to the Department, I know well that we are getting our full share per capita for the Indians, but I wish to bring to your notice and consideration, why there is more destitution, generally, among the Indians of this county than elsewhere.<sup>71</sup>

Beckwith's report was a plea to Ottawa to defend the civility and intelligence of the Mi'kmaq. While he was misguided by the romance of colonialism, agreeing that the best life for the Mi'kmaq would be one similar to white societies, he did insist that the reason

the Mi'kmaq had not fully adopted the sedentary, agricultural lifestyle was not because of their disposition but because they were not provided the resources and support to do so. Furthermore, while he avoided directly attaching blame to the DIA, Beckwith was not of the opinion that the interest of agents was the sole factor in predicting the quality of life of the Mi'kmaq.

The transition from provincial to federal control over Indian Affairs in Nova Scotia did not rapidly change the experience of Mi'kmaq people. Their region meant their existence was still not as meticulously monitored by the federal government, despite Indian agents being assigned to report and meet the national standards set by analysis of Ontario and Western First Nations groups. The years of illegibility from the DIA would not last forever, as the liberal order reorganized following the First World War to accommodate the less fortunate and the welfare state was created. During this time, the government's attention would be drawn more strongly toward the Mi'kmaq and the full extent of the DIA would be felt more strongly. However, in the decades following Confederation, the emphasis on the construction of a strong, centralized national government and identity left the Mi'kmaq in a strange periphery. In theory, they were part of one of Canada's most monitored populations, as their indigeneity was perceived as a threat to the national economy and, consequently, morality. In practice, living in one of the hinterland provinces and with relatively little wealth and influence the Mi'kmaq were not a top priority for the DIA. Therefore, a system of surveillance was created in Nova Scotia without the federal commitment to respond to the reports sent to Ottawa.

### Notes for Chapter III

<sup>1</sup> Nova Scotia, House of Assembly, *Debates and Proceedings of the House of Assembly of Nova Scotia*, 23<sup>rd</sup> Parliament, 4<sup>th</sup> session (18 March 1867) Union of Provinces (Stewart Campbell) at 5.

<sup>2</sup> Phillip Buckner, "TUPPER, Sir CHARLES," in *Dictionary of Canadian Biography*, vol. 14, University of Toronto/Université Laval, 2003–, accessed November 25, 2019, [http://www.biographi.ca/en/bio/tupper\\_charles\\_14E.html](http://www.biographi.ca/en/bio/tupper_charles_14E.html).

<sup>3</sup> Tina Loo and Carolyn Strange, *Making Good: Law and Moral Regulation in Canada, 1867-1939* (Toronto: University of Toronto Press, 1997), 17.

<sup>4</sup> Loo and Strange, 9.

<sup>5</sup> Loo and Strange, 18.

<sup>6</sup> Loo and Strange, 10.

<sup>7</sup> Carter, *Lost Harvests*, 16.

<sup>8</sup> Canada, Parliament, *House of Commons Journals*, 1<sup>st</sup> Parliament, 1<sup>st</sup> session (15 November 1867) at 31.

<sup>9</sup> D. A. Muisse, "The 1860s: Forging the Bonds of Union," in *The Atlantic Provinces in Confederation*, ed. E. R. Forbes (Toronto: University of Toronto Press, 1993), 30-2.

<sup>10</sup> Canada, Parliament, *House of Commons Journals*, 1<sup>st</sup> Parliament, 1<sup>st</sup> session (29 April 1868) at 247-8.

<sup>11</sup> Nova Scotia, House of Assembly, *Debates and Proceedings of the House of Assembly of Nova Scotia*, 24<sup>th</sup> Parliament, 3<sup>rd</sup> session (22 February 1870), Indian Affairs (Mr. Dickey) at 13.

<sup>12</sup> Nova Scotia, House of Assembly, *Debates and Proceedings of the House of Assembly of Nova Scotia*, 24<sup>th</sup> Parliament, 3<sup>rd</sup> session (22 February 1870), Indian Affairs (Hon. Mr. Troop) at 14.

<sup>13</sup> Correspondence from Samuel P. Fairbanks to Hector Louis Langevin, 27 February 1868, RG 10, Vol. 2102, File 18, 516 pt. 2, LAC, Ottawa, Canada.

[http://collectionscanada.gc.ca/pam\\_archives/index.php?fuseaction=genitem.displayItem&rec\\_nbr=2083138&lang=eng&rec\\_nbr\\_list=159097,2071166,2083138,162546,133712,103906](http://collectionscanada.gc.ca/pam_archives/index.php?fuseaction=genitem.displayItem&rec_nbr=2083138&lang=eng&rec_nbr_list=159097,2071166,2083138,162546,133712,103906)

<sup>14</sup> Correspondence from Samuel P. Fairbanks to Hector Louis Langevin, 10 October 1869, RG 10, Vol. 459, pg. 70, microfilm C-13329, LAC, Ottawa, Canada.

[http://heritage.canadiana.ca/view/oocihm.lac\\_reel\\_c13329/129?r=0&s=5](http://heritage.canadiana.ca/view/oocihm.lac_reel_c13329/129?r=0&s=5)

<sup>15</sup> Upton, "Indian Policy in Colonial Nova Scotia, 1783-1871," 30.

<sup>16</sup> Correspondence from Samuel P. Fairbanks to Hector Louis Langevin, 23 May 1869, RG 10, Vol. 459, pg. 249, microfilm C-13329, LAC, Ottawa, Canada.

[http://heritage.canadiana.ca/view/oocihm.lac\\_reel\\_c13329/129?r=0&s=5](http://heritage.canadiana.ca/view/oocihm.lac_reel_c13329/129?r=0&s=5)

<sup>17</sup> Upton, "Indian Policy in Colonial Nova Scotia, 1783-1871," 30.

<sup>18</sup> Canada, Parliament, *Parliamentary Debates: Dominion of Canada*, 1<sup>st</sup> Parliament, 3<sup>rd</sup> session (8 April 1870) at 962.

<sup>19</sup> Canada, Parliament, *Parliamentary Debates: Dominion of Canada*, 1<sup>st</sup> Parliament, 3<sup>rd</sup> session (8 April 1870) at 963.

<sup>20</sup> "Report of the Indian Branch of the Department of the Secretary of State for the Provinces" (Parliament of Canada, 1871), LAC, <http://central.bac-lac.gc.ca/.item/?id=1871-IAAR-RAAI&op=pdf&app=indianaffairs>.

<sup>21</sup> "Report of the Indian Branch of the Department of the Secretary of State for the Provinces" (Parliament of Canada, 1872), LAC, <http://central.bac-lac.gc.ca/.item/?id=1872-IAAR-RAAI&op=pdf&app=indianaffairs>.

<sup>22</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (2 March 1867) The Indians (Hon. Mr. Laird) at 342.

<sup>23</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (30 March 1867) The Indian Laws (Hon. Mr. Fleming) at 932; Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (30 March 1867) The Indian Laws (Hon. Mr. Masson) at 933.

<sup>24</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (30 March 1867) The Indian Laws (Hon. Mr. MacKenzie) at 927.

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- <sup>25</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada* (21 March 1867) The Law Respecting Indians (Hon. Mr. Laird) at 751.
- <sup>26</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (21 March 1867) The Law Respecting Indians (Hon. Mr. Schultz) at 749.
- <sup>27</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (28 March 1867) The Indian Laws (Hon. Mr. Shultz) at 872.
- <sup>28</sup> Daschuk, *Clearing the Plains*, 80.
- <sup>29</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (28 March 1867) The Indian Laws (Hon. Mr. Laird) at 870; Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (28 March 1867) The Indian Laws (Hon. Mr. Ryan) at 872.
- <sup>30</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (21 March 1867) The Law Respecting Indians (Hon. Mr. Langevin) at 752.
- <sup>31</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (21 March 1867) The Law Respecting Indians (Hon. Mr. Paterson) at 750.
- <sup>32</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (21 March 1867) The Law Respecting Indians (Hon. Mr. Paterson) at 750.
- <sup>33</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (21 March 1867) The Law Respecting Indians (Hon. Mr. Paterson) at 750-51.
- <sup>34</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (21 March 1867) The Law Respecting Indians (Hon. Mr. Paterson) at 750.
- <sup>35</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (30 March 1867) The Indian Laws (Hon. Mr. Fleming) at 932.
- <sup>36</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (21 March 1867) The Law Respecting Indians (Hon. Mr. Fleming) at 753.
- <sup>37</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (21 March 1867) Indian Legislation (Hon. Mr. Fleming) at 870.
- <sup>38</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (30 March 1867) The Indian Laws (Hon. Mr. Paterson) at 930.
- <sup>39</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (30 March 1867) The Indian Laws (Hon. Mr. Mills) at 930.
- <sup>40</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (30 March 1867) The Indian Laws (Hon. Mr. Bowell) at 933.
- <sup>41</sup> “Report of the Indian Branch of the Department of the Secretary of State for the Provinces” (Parliament of Canada, 1876), LAC, 101, <http://central.bac-lac.gc.ca/.item/?id=1876-IAAR-RAAI&op=pdf&app=indianaffairs>.
- <sup>42</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (4 April 1867) The Indian Laws (Hon. Mr. Costigan) at 1036.
- <sup>43</sup> Canada, Parliament, *Debates of the House of Commons of the Dominion of Canada*, 3<sup>rd</sup> Parliament, 3<sup>rd</sup> session (4 April 1867) The Indian Laws (Hon. Mr. Laird) at 1036.
- <sup>44</sup> Lisa Patterson, “Indian Affairs and the Nova Scotia Centralization Policy” (Master of Arts Thesis, Halifax, Dalhousie University, 1985), 17, [https://www.slideshare.net/LisaLPatterson1/indian-affairs-and-the-nova-scotia-centralization-policy?qid=9118df39-cd3c-4655-abf6-66bf2dd13b53&v=&b=&from\\_search=1](https://www.slideshare.net/LisaLPatterson1/indian-affairs-and-the-nova-scotia-centralization-policy?qid=9118df39-cd3c-4655-abf6-66bf2dd13b53&v=&b=&from_search=1).
- <sup>45</sup> Patterson, 17.
- <sup>46</sup> “Report of the Indian Branch of the Department of the Secretary of State for the Provinces” (Parliament of Canada, 1876), LAC, 123, <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=805>.
- <sup>47</sup> “Report of the Indian Branch of the Department of the Secretary of State for the Provinces” (Parliament of Canada, 1876), LAC, 119-24, <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=801>.
- <sup>48</sup> Frank Underhill, *The Image of Confederation: The Massey Lectures* (Toronto: The Canadian Broadcast Corporation, 1964), 63.

- <sup>49</sup> Lawrence Vankoughnet, "Report of the Indian Branch of the Department of the Secretary of State for the Provinces" (Parliament of Canada, 1874), LAC, 7. <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=352>
- <sup>50</sup> Martha Walls, "Confederation and Maritime First Nations," *Acadiensis* 46, no. 2 (November 1, 2017): 159.
- <sup>51</sup> Robin Jarvis Brownlie, *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939* (Don Mills, ON: Oxford University Press, 2003), 38.
- <sup>52</sup> Walls, "Confederation and Maritime First Nations," 159.
- <sup>53</sup> Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, 2.
- <sup>54</sup> Information gathered from a survey of Canadian census information from 1871-1921. Censuses of Canada, 1871-1921. Library and Archives Canada, Ottawa, Ontario, Canada. <https://www.bac-lac.gc.ca/eng/census/Pages/census.aspx#b>
- <sup>55</sup> John L. Steckley, *Indian Agents: Rulers of the Reserves*, vol. 3, Critical Indigenous and American Indian Studies (New York: Peter Lang, 2016), 12.
- <sup>56</sup> Donald MacIsaac, "Dominion of Canada. Annual Report of the Department of Indian Affairs for the Year Ended 31st December 1881" (Parliament of Canada, 1881), LAC, 32. <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=2125>
- <sup>57</sup> Walls, "Confederation and Maritime First Nations," 160.
- <sup>58</sup> A. J. Boyd, "Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1911," (Parliament of Canada, 1911), LAC, 66. <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=22829>
- <sup>59</sup> Walls, "Confederation and Maritime First Nations," 166.
- <sup>60</sup> Walls, 167.
- <sup>61</sup> Duncan Scott, "Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1919," (Parliament of Canada, 1919), LAC, 46. <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=28978>
- <sup>62</sup> Walls, "Confederation and Maritime First Nations," 168.
- <sup>63</sup> Report of Acting DIA Accountant, 5 March 1897, RG 10, vol. 2162, file 33, 613, LAC. Quote taken from Walls, 163.
- <sup>64</sup> Lawrence Vankoughnet, "Report for the Deputy Superintendent General of Indian Affairs" (Parliament of Canada, 1877), LAC, 11. <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=952>
- <sup>65</sup> Lawrence Vankoughnet, "Report for the Deputy Superintendent General of Indian Affairs" (Parliament of Canada, 1877), LAC, 11-2. <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=953>
- <sup>66</sup> Lawrence Vankoughnet, "Report for the Deputy Superintendent General of Indian Affairs" (Parliament of Canada, 1879), LAC, 9. <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=1351>
- <sup>67</sup> This calculation was derived from the figures in "Kenny and Parenteau Research Associates, "Centralization of Nova Scotia's Mi'kmaq: 1918-65," 13-14." By taking the total number of acres in each region (Cape Breton equaling 9,580 acres and Mainland equaling 11,150 acres) and dividing it by the total number of reserves in each region, these figures were found. The study lists six reserves in Cape Breton. The total number of reserves in Nova Scotia was cited as forty-five. Therefore, it was supposed there were thirty-nine reserves in Mainland Nova Scotia.
- <sup>68</sup> P.M. Holden "Annual Report of the Department of the Interior for the Year Ended 30<sup>th</sup> June, 1875" (Parliament of Canada, 1875), LAC, 21. <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=553>; John Harlow "Annual Report of the Department of the Interior for the Year Ended 30<sup>th</sup> June, 1876" (Parliament of Canada, 1876), LAC, 26. <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=784>



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<sup>69</sup> Frank Pedley, “Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended June 30, 1905,” (Parliament of Canada, 1905), LAC, xxiv. <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=17811>; Frank Pedley, “Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1908,” (Parliament of Canada, 1908), LAC, xxxiv. <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=20281>

<sup>70</sup> John Fraser, “Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended June 30, 1900,” (Parliament of Canada, 1900), LAC, 74. <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=13415>

<sup>71</sup> J. E. Beckwith, “Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended 31<sup>st</sup> December 1881,” (Parliament of Canada, 1881), LAC, 23. <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=2118>

## **Chapter IV: Post-First World War, the End of Mi'kmaq Illegibility, and Centralization**

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The turn of the twentieth century saw continued change in how the Indigenous peoples of Canada interacted with the federal government and especially the Department of Indian Affairs. A landmark event for Indian Affairs in Canada was the onset of the First World War. While First Nations men in Canada were not enfranchised and were not considered equal to whites under the law, they were viewed equally when it came time to seek volunteer soldiers to fight in Europe. Despite protest from First Nations communities, Duncan Campbell Scott, a long-time, high-ranking civil servant in the DIA and one of the architects of Canada's assimilation programs, was a supporter of the war effort and believed the national security needs were greater than any other governmental responsibility. In 1917, he stated "it should... be clearly understood that the exigencies of the military situation must be the primary consideration in dealing with such requests."<sup>1</sup> The DIA during the First World War and under the leadership of Scott perfectly embodies how the department manipulated its position to be unaccountable to First Nations populations across Canada. As examined by Tim Clarke, the DIA used the First World War to exert more control over First Nations populations by controlling their access to information. The DIA used a three-pillared approach to their communications with First Nations people to create bureaucratic lag and dismiss their calls for action. In some cases, the DIA would use its position as a middleman to control the flow of information in and out of reserves and Indigenous communities, stranding people on metaphorical islands of confusion and misinformation. Other times, the DIA neglected their responsibilities as middlemen entirely

and passed off any petitions from First Nations people to the Department of Military and Defense (DMD), which often meant First Nations people were left waiting for responses from a larger, currently very occupied office. This also added a layer of bureaucracy for Indigenous people to navigate and ultimately obscured routes for Indigenous people to receive assistance and information from the government.<sup>2</sup> All this created a system of control that Scott saw as the future of the DIA: “the beginning of a new era for them wherein they shall play an increasingly honourable and useful part in the history of [Canada].”<sup>3</sup>

As demonstrated by Tim Clarke’s research, the institutional control the DIA developed during the First World War was not experienced to the same extent by all First Nations peoples. The participation of Indigenous men in the military was praised as an example of their newfound loyalty and patriotism. This participation was lauded by Scott and others as evidence that Canada’s assimilation programs were successful and First Nations people were conforming to Anglo-Canadian society and values.<sup>4</sup> Despite the attention paid to the “forgotten Aboriginal soldiers” in Canadian historiography, Clark argued they were not the demographic most frequently impacted by the DIA’s control. Rather, it was the people left behind in Indigenous communities, predominantly women but also the elderly, who dealt most directly with the DIA during the First World War and experienced the Department’s manipulative tendencies. “Indigenous community leaders,” Clarke stated, “elders, and families actively petitioned the government for the discharge of their young Indigenous men but at every turn were subject to levels of bureaucracy that isolated them from the DMD, the Canadian state, and the British Crown, alongside the fates of their sons and relations.”<sup>5</sup> The ineffectiveness of DIA support programs forced many

Indigenous peoples to into states of poverty that made them more dependent on them. This dependence legitimized the *Indian Act*, the DIA, and Canadian sovereignty, as observed by Clarke and Katherine McGowan.<sup>6</sup>

Due to their small population and continued illegibility, it is not surprising the same level of surveillance was not active in Nova Scotia; or, if it was being conducted, it was not deemed worthy of examination in the annual reports of the DIA. In 1917, during the height of the First World War, Nova Scotia was not mentioned at all in the DIA's report on the war effort. Predominantly, praise and admiration came from agents working on reserves of the Ontario Six Nations, who congratulated the reserves on their number of enlisted men and the participation of women in home front efforts like the Red Cross.<sup>7</sup> One exception was the recognition given to the Lennox Island Mi'kmaq in Prince Edward Island, who had enlisted 25 of their total 61 male population. However, the First World War and its aftermath did signal the beginning of the end of the Nova Scotian Mi'kmaw years of illegibility. However, the transition from illegible to legible was a slow process that gradually took place over the course of roughly 25 years. Additionally, how the Mi'kmaq were "seen" was far from an accurate representation of the needs and wants of their communities, due to an intentional neglect to consult with or gather information about the Nova Scotian Mi'kmaq. This transformation is best understood as the shift from the colonial Indian administration structure, which for all intents and purposes was still in place, to attempting to bring the Nova Scotian administration into the national framework. This was first attempted by rationalizing the Indian administration in Nova Scotia and then later attempted by centralizing all Nova Scotian Mi'kmaq onto two reserves: Eskasoni in

Cape Breton and Shubenacadie on the mainland. Furthermore, the experience of this transition was felt differently at all levels of the DIA, from executive government officials, to middling Indian Agents, to the Mi'kmaq living through these policy changes. The different experiences of each of these groups was largely dictated by how Indian policy impacted their daily lives but also by how much information was accessible to them about these changes. At the top, the transition was extremely slow as government officials in Nova Scotia and the DIA were at the center of all the debates surrounding how the Indian administration in Nova Scotia should be structured. It was their influence that shifted the debate from rationalizing the Nova Scotian branch of the DIA to fully centralizing all Mi'kmaq in the province. These debates took over two decades to eventually manifest in the form of the Nova Scotian Centralization plan. For Indian Agents, working as the middlemen between the DIA and the Mi'kmaq, the transition was somewhat more sudden. While some Mi'kmaq would have partaken in consultation on the matter of rationalization and centralization, the ultimate decision was out of their hands. The retirement of nearly all Indian Agents in Nova Scotia as part of the centralization process in 1942 was foreshadowed a decade earlier when in 1932 the DIA attempted to rationalize the Nova Scotian administration through streamlining that saw seventeen of the nineteen agents let go. The 1932 decision was ultimately retracted, and agents were returned to their posts, but it was a signal of things to come. The Indian Agents were aware of policy debates taking place, however when and how the changes were implemented was largely beyond their control. Finally, the Mi'kmaq, the people most impacted by DIA policies, were the least informed about them. The rationalization and especially the centralization schemes of the DIA represented the government's lack of interest in Mi'kmaw culture and experiences.<sup>8</sup>

Very little consultation was done with Mi'kmaw communities to inquire if such policies were desirable, and if so, how they could be effectively implemented.<sup>9</sup> This combined with the restrictive control the DIA had over the flow of information through a three-pillared approach into reserve communities, a policy analyzed by Tim Clarke and that was consolidated during the First World War, left the Mi'kmaq entirely in the dark on policies that would be the most influential in governing their lives. For the Mi'kmaq, as argued by Lisa Patterson, the decision to centralize reserves would have been incredibly sudden; out of nowhere, they bore the full brunt of the DIA.<sup>10</sup> This sentiment is for the most true, with a few exceptions which will be highlighted in this chapter that demonstrate that moving Mi'kmaq off reserves was happening with increased formality, especially for Mi'kmaq living on reserves near urban, industrial centers. While the pattern of encroachment in Nova Scotia was centuries old, in the early twentieth century Nova Scotian Mi'kmaq were being forced off their reserves by acts of increased government intervention rather than being displaced gradually by settler movement that was not policed by the DIA. However, it is unclear if these events were interpreted as an indication of changing future policies by the Mi'kmaq or simply the continuation of dispossession and conquest. Certainly, in the eyes of the DIA, the Mi'kmaq of Nova Scotia went from being cast in shadows to sitting in the glaring spotlight of DIA bureaucracy.

The governmental changes taking place in the Nova Scotian branch of the DIA from the First World War until the 1950s was not occurring in a bubble. As with the other policies analyzed in this paper, rationalization and centralization were conceived of in relation to the philosophical, political, and economic period at the regional, national, and international

levels. In the following chapter, the events of rationalization and centralization will be analyzed for their causes and impacts but also, they will be resituated into the broader narrative of Indigenous affairs in Canada and the political history of the early twentieth century. Throughout the analysis, several themes emerge as important influences over the discussion and implementation of these policies. Firstly, the policies of rationalization and particularly centralization found support predominantly from the executive level of the DIA and did not originate with employees such as Indian agents who were working in the field. Successful implementation of these policies demanded executive enthusiasm as well as support from the federal government. Secondly, the turbulence of the early twentieth century created significant financial insecurity. Economic concerns were at the heart of the rationalization and centralization plans, as well as other policies produced by the DIA during this period and especially following the Great Depression. Thirdly, the transition from Mi'kmaw illegibility to legibility occurred while many Western nations were transforming their policies on social welfare and security. The *laissez-faire* notion that poverty was largely a product of laziness and that charity discouraged independence were beginning to be replaced by new social liberal ideologies that encouraged a more interventionist state. Public services and social security programs were increasing following the First World War and the government was taking a more active role in the everyday lives of people. Whereas most First Nations people had long felt the influence and surveillance of the federal government in their communities, the Mi'kmaq of Nova Scotia would only feel the same pressure when the economic, political, and ideological trends aligned to produce an extremely interventionist DIA. This transformation was also

slow and inconsistent and continued opposition contributed to the abandonment of the project in 1950.

Throughout the world, particularly in the British commonwealth and empire, the period from 1880 to 1920 was marked by the development of social policies and welfare. Beginning in Britain and then moving westward to Canada, social policies began to shift from being proscriptive to prescriptive. As described by Alan Sears, the term *laissez-faire* government would falsely suggest the government did not engage with the social welfare of needy citizens, namely the working and lower classes. On the contrary, the government was highly interventionist with its working-class citizens, however it operated from a stance of proscriptive policy meaning in this case to suppress alternatives to wage work and to prohibit or constrain a wide range of working-class activities.<sup>11</sup> However, perceptions of poverty began to change. Ideas about pauperism, whereby poverty was viewed as the result of unproductivity and an immoral work ethic which did not deserve support, shifted to ideas featuring notions of the “respectable poor,” which included people such as the elderly, widows, and children who could not help their impoverishment and therefore deserved assistance. These changes first happened through philanthropic, women’s, and church organizations, and then later occurred at the state level. This shift in public policy was an abandonment of proscriptive models of intervention to acceptance of prescriptive models, which aimed to shape working-class life through education, health, income, and social programs.<sup>12</sup> Such programs were more classically interventionist and designed to make the working class as economically productive as possible. Sears used the example of public health nurses working door to door to educate and inspect cases of



tuberculosis, venereal diseases, and birth.<sup>13</sup> These developments were triggered by economic hardships during the 1880s and acted as the seeds of early forms of state welfare and poor programs.

Since Confederation and the inception of the *Indian Act*, the Mi'kmaq were dealt proscriptive social policies. The motivations for such policies were not always economic. Barriers were established to disincentivize Mi'kmaq, particularly women, from leaving their reserve communities and become enfranchised. However, a shift to prescriptive policies, or at least a blend of the two, can be observed in the DIA arguably before other arms of the Canadian government began to implement similar policies. The *Indian Act* created industrial and residential schools throughout Canada to instruct and assimilate Indigenous peoples to uphold traditional, Anglo-Canadian values. In western Canada especially, schemes were established in the 1870s to instruct and fund Plains groups to settle and farm as an attempt to eradicate their semi-nomadic lifestyles.<sup>14</sup> These policies, however, were less prevalent in Nova Scotia and the rest of the Maritimes. As examined earlier in this study, the weight of the DIA was not fully felt in Nova Scotia leading up to the First World War. The regional invisibility of the Mi'kmaq created a lag in the establishment of similar prescriptive policies.

Against this backdrop of changing national opinions about social and public policy, Duncan Campbell Scott became the Deputy Superintendent of the DIA. Scott was fiscally conservative and a staunch believer in the philosophies of improvement and assimilation that created the *Indian Act*. Scott took office while the DIA was facing waves of criticism, attacking the assimilation policies of the *Indian Act* for being ineffective.<sup>15</sup> Scott was

determined to make sure DIA policies worked by doubling the Department's efforts. His administration would be remembered for a series of *Indian Act* amendments that increased the power of DIA through new coercive policies and techniques of surveillance.<sup>16</sup> For instance, in 1920 Scott's administration passed an amendment that briefly allowed for the involuntary enfranchisement of men with Indian status.<sup>17</sup> Under Scott it became mandatory for children between seven and fifteen to attend schools. By 1927, people with Indian status could not hire someone to represent them in a court of law. These policies, unlike in the past, would not be avoidable for the Mi'kmaq of Nova Scotia. This was partly due to the character of Scott and his administration, which was committed to installing a uniform system across Canada and improving methods and communications between reserves. More interventionist policy also came at the insistence of white Nova Scotians. White people in Nova Scotia pressured the DIA for increased surveillance of and interference with the Mi'kmaq and Scott was happy to oblige them during his time in office.<sup>18</sup>

Non-First Nations Nova Scotians had always been primary influencers on the province's Indian policy. Furthermore, as early as the days of George Henry Monk, the most significant concern of Euro-Nova Scotians was personal – it was their access to valuable lands. The Mi'kmaq were constantly forced to defend their lands from white encroachment, without any powerful legal assistance from the government. This had not changed with Confederation and the formation of the federal DIA. In 1879, a series of incidents occurred in Whycocomagh between the Mi'kmaq, local farmers, and the Indian Agent Donald McIsaac. Farmer Donald McLean planted, cultivated, and harvested crops on the reserve lands of the Mi'kmaq. His actions were reported on by Donald McIsaac that

year and again in 1882. The second time McIsaac had McLean and his son arrested. The two were later found guilty before a stipendiary magistrate of occupying reserve lands, fined, and later jailed because of failure to pay the fine.<sup>19</sup> Upon release, McLean sued McIsaac for damages, claiming McIsaac's authority as Indian Agent did not extend to laying complaints about the local white farmers nor the ability to seize property (which in this case were the crops harvested by McLean). Despite the advice of the judge, the jury sided with McLean. McIsaac would later take the case to the Supreme Court of Nova Scotia, who set aside the original verdict and confirmed McIsaac's authority to arrest McLean. In another case, local white residents of Inverness Country successfully pressured the DIA into surrendering the lands reserved for Mi'kmaq in Malagawatch in 1879. The residents succeeded at winning the surrender by claiming the lands were largely unoccupied by the Mi'kmaq, which did not account for seasonal movement. A similar case occurred on the Wagmatcook reserve, in which lands first rented to local farmers were and eventually sold off.<sup>20</sup>

These cases demonstrate, the power and persuasion non-First Nations people had over the DIA. They were highly successful in protesting and petitioning for intervention from DIA, even when there was not a legal basis for doing so. These cases also were predominantly rural. Agriculture remained the center of capital accumulation and economic growth in Nova Scotia and therefore the attention of the DIA was fixed on rural communities. Historically, conflict between white encroachers and Mi'kmaq occurred in rural communities arose over shortages of arable land. Finally, these cases also demonstrate the historic class dimension of the DIA's interventions. Nova Scotia was, and had long

been, suffering from a rural crisis due to the dearth of arable land. This drove farmers on to increasingly marginal plots of land, which often meant they were forced to take up secondary wage labour jobs to remain financially secure. It also drove farmers on to the reserve lands of the Mi'kmaq. Mi'kmaw land was literally fenced off so the Mi'kmaq no longer had access. White farmers also simply ignored land boundaries, allowing cattle and other livestock to graze on Mi'kmaw land. This occurred, for example, on the Shubenacadie reserve.<sup>21</sup> However, the farmers who encroached there were of the lower classes. The mismanagement of land by the DIA and incursions onto Mi'kmaw land was exacerbated by the lack of social assistance for the rural poor in Nova Scotia. Without government assistance, less prosperous farmers were driven to prey upon some of the only people lower than them on the economic food chain.

During the twentieth century and especially following the First World War, contested lands shifted from rural to urban areas and no longer featured people of roughly the same economic class. Rather, as the economy of Nova Scotia began to shift from agrarian to industrial, the location of the conflicts became increasingly urban. This was also observed by Martha Walls, who contributed this phenomenon additionally to the physical expansion of urban centers and the need for more space. The reserve land of urban Mi'kmaq was increasingly coveted and valuable.<sup>22</sup> Additionally, the petitioners of the DIA were no longer somewhat equals of the Mi'kmaq but were now significantly more powerful than them. They came from middle to upper classes of society. These people were far more familiar with government policy and managed to manipulate and change the legal precedent for the seizure of Indigenous reserve lands, such as Member of Parliament Joseph A.

Gillies. This was one of the earliest instances of the affairs of Nova Scotia influencing the national legal codes of Indian Affairs. However, these changes were made at the demand of white citizens and their economic interests, rather than the interests of the Mi'kmaq.<sup>23</sup> These physical encroachments were mirrored by legal encroachments from the DIA. Historian Jacob Remes uses the theory of political scientist James C. Scott to explore how the Mi'kmaq were "illegible" to the Canadian state. "Legibility" (or what Walls alternatively describes as "visibility") allows the state to extract taxes, labour, and resources from the subject population and is the core objective of the state. However, to successfully "read" or "see" a population, the government needs stable and consistent information about said population, which is most easily derived from sedentary living (i.e. if they know where you are, they can gather your information). As Remes explained: "[James] Scott further argues that denying this legibility, through transience, informal leadership, and other cultural practices, has been a form of anti-state resistance by people on the edges of state territory."<sup>24</sup> Whether consciously or not, the Mi'kmaq's traditional mobile lifestyle and their maintenance of their own political systems was a rejection of the DIA's encroachment schemes under the leadership of Duncan C. Scott. Therefore, during the early twentieth century there was mounting pressure from both the social elite and the federal government to remove urban reserves. Combined, this resulted in new legal tools to move and resettle Mi'kmaq and was a precursor to rationalization and centralization plans.

Land seizures happened in both of Nova Scotia's largest urban centres: Halifax and Sydney. Near Halifax, the Mi'kmaq settled on the Dartmouth side of the harbour. Their encampment was to the north and called Kebeceque, but in English was referred to as Tufts

Cove or Turtle Grove. The land was not an officially designated reserve however it was almost continuously occupied throughout the year by Mi'kmaw residents, especially during the winter. Their legal claims to land, expressed by Mi'kmaw advocate Germain Bartlett Alexis, was through squatters' rights but more accurately through rights of first possession.<sup>25</sup> Additionally, the DIA provided a medical physician and endorsed the volunteer work of George Richardson, the son of a local businessman, who ran a school there. Attempts were made to remove the Mi'kmaq from the Kebeceque settlement as early as 1879, however the real legal battle did not begin until 1912. The government was looking to build a dry dock on the traditional lands of the Mi'kmaq, greatly increasing the land's value for property owner Vincent Farrell. Farrell was a wealthy petroleum dealer who grew frustrated at the lack of revenue earned from the lands. The doctor hired to care for the Mi'kmaq at Tufts Cove believed the land or some plot of land should be purchased so that the Mi'kmaq could live on an official reserve. An attempt was made to purchase Tufts Cove from Farrell, but the deal was scuttled after he demanded more money than the government was willing to pay. This would remain the state of negotiations for the next several years. In 1916, Farrell began charging rent for the land the Mi'kmaq were occupying and threatened the community with eviction. The government paid Farrell \$1000.00, which accounted for \$200 per annum dating back to 1911.<sup>26</sup> Meanwhile, the government was in the slow process of buying a 94.5 acres plot of land from Gersham Tufts. The title was disputed which dragged out the transaction. Farrell became increasingly annoyed by the presence of the Mi'kmaq as the value of Tufts Cove property mounted. He kept increasing the amount of rent he wanted from the government, first to \$200 and then to \$250 and finally to \$300.<sup>27</sup> Farrell also escalated his complaints, aiming them at ever higher placed

officials in the DIA. Farrell wrote a series of letters to the federal DIA office in Ottawa, stating: "I cannot tolerate any longer this treatment or the continual annoyance from the Indians to say nothing of the neighbours, who are continually bringing to my notice matters that are not very pleasant to hear of the conduct of the Indians, to say nothing of the damage they are doing to the property."<sup>28</sup> The neighbours Farrell referenced were people such as William Dumaresq, who lived closest to the Mi'kmaq. Farrell claimed Dumaresq had threatened him with legal action if he did not have the Mi'kmaq removed.<sup>29</sup> On this account, Farrell told Scott that he would protest directly to Prime Minister Robert Borden, who represented Halifax in Parliament. "I am entirely disgusted with your Department's backing and filling and dastardly humbugging. This matter has gone far enough, and I now propose to have any end of tjis [sic] infernal annoyance," Farrell complained.<sup>30</sup> Here the negotiations stalled, with Farrell furious over the presence of the Mi'kmaq, the government slowly negotiating between the two parties, and the Mi'kmaq persistently declaring their rights to remain at Kebeceque. A resolution was never formally reached. On the seventh of December 1917, the *Imo*, a Norwegian relief ship leaving the Halifax Harbour for Belgium, collided with the *Mont Blanc*, a French munitions ship laden with cargo destined for the European front. The resulting explosion killed 2,000 people, injured over 9,000, and left an estimated 25,000 homeless.<sup>31</sup> The explosion also generated a tsunami, destroying the homes at Tufts Cove. Only twelve residents at Kebeceque survived the explosion, just over half of the community's population. In the wake of this catastrophe, Farrell got his wish to have the Mi'kmaq removed. Following the explosion many of them scattered throughout the province to other reserves. The government shortly after initiated a plan to have all Mi'kmaq living in and around Halifax moved and settled on the newly acquired Millbrook

reserve, just outside Truro and roughly fifty miles from their current home. To accomplish this, the DIA sold all reserve lands in Halifax county.<sup>32</sup>

The Halifax Explosion prevents us from ever knowing what would have happened between the Mi'kmaq and Farrell. Would he have finally evicted them? Would the lands of Gersham Tufts have been purchased and the Mi'kmaq moved to the nearby plot? Would the legal stalemate have continued? While we will never know what may have been, the closure of Kun'tewiktuk or the Kings Road Reserve in Sydney could be a good indication of how legal proceedings may have unfolded. The circumstances of the two settlements were remarkably similar. The draw of both Kebeceque and Kun'tewiktuk for the Mi'kmaq were their proximity to water, which allowed for seasonal fishing, and their closeness to urban centers, which allowed for the sale of handicrafts. Also, like Kebeceque, calls were made as early as the 1870s to have the Mi'kmaq living at Kun'tewiktuk removed. Joseph A. Gillies was a prominent Sydney lawyer and a one-time member of Parliament. He purchased lands south of the reserve in 1877.<sup>33</sup> A significant difference between these two urban Mi'kmaw settlements was their legal status. Whereas Tufts Cove was not legally a reserve and the Mi'kmaq could be evicted, the Kings Road Reserve was protected under the *Indian Act* and therefore the Mi'kmaq could not be forced to leave without a formal surrender of the property. As the city of Sydney grew, the land of Kun'tewiktuk increased in value and Gillies was determined to obtain and develop the lands. Gillies began a smear campaign to portray the Mi'kmaq as poor stewards of the land and was in constant discussion with local and federal DIA representatives. In an 1899 correspondence between an Inspector for the DIA and the Assistant Deputy and Secretary of Indian Affairs, the



Inspector (whose name was not legible in the archival document) wrote the following in reference to the sanitary closet installed by the Department:

During my visit to the place last April it was in such a filthy state that I would not venture inside of it. Our present Agent, Dr. Sparrow endeavored, last fall, to put it into shape for use again but has been compelled to have it nailed up as the Indians will not make proper use of it. The result is that the Indians make use of the property adjoining the reserve as a common dumping ground. In doing this they have also destroyed the fence which separates their reserve from the land owned by Mr. Gillies. The north end of Mr. Gillies apartment is, therefore, practically valueless. Otherwise it would be a very valuable property.<sup>34</sup>

Gillies presented himself as the victim of the Mi'kmaq's uncivil, potentially threatening behaviour. His complaints led to the DIA negotiating with Grand Chief John Denny to have the lands surrendered. Denny said the relocation would only be accepted if Kun'tewiktuk would be replaced with an urban tract of land within one mile of the existing reserve.<sup>35</sup> In the end, Ottawa refused to agree to Denny's terms and Denny retracted his conditional support of the relocation, which seemingly ended the matter until 1910.<sup>36</sup>

When the negotiations with Denny stalled, Gillies pursued different tactics to evict the Mi'kmaq and clear the Kings Road Reserve. Gillies leveraged his voice in Parliament to present his own personal goals. He warned that the DIA should take more direct control over Indian Affairs, in case the Mi'kmaq should prove "unreasonable."<sup>37</sup> At the time, the *Indian Act* stipulated that a reserve could not be sold unless 50% of the band agreed to the sale. Once again, this demonstrates how the Mi'kmaq of Nova Scotia were overlooked in the writing of the *Indian Act*. In Nova Scotia, the Mi'kmaq belonged to a single band,

meaning any land sale needed to be approved by half the Mi'kmaq in the province.<sup>38</sup> Consensus was hard to achieve locally, let alone across the entire province. One solution would have been to better organize the band system in Nova Scotia by increasing the number of bands and providing local Mi'kmaw communities with more representation. Instead, in 1911, the *Indian Act* was amended to include Section 49A. As John Giokas explained, this allowed “an application [to] be made to a judge to have a reserve within or adjoining a municipality of at least 8,000 people moved without band consent or surrender if a judge found on application that it was ‘expedient’ to do so.”<sup>39</sup> After thirty-seven years of campaigning for relocation, Gillies and the Sydney City Council managed to pass a resolution requesting the federal government to take the necessary steps to remove the Mi'kmaq. The first case taken to the Exchequer Court under Section 49A was *Gillies v The King* in 1916.<sup>40</sup>

The case was predominantly a character study of the Mi'kmaq living at the Kings Road Reserve. Martha Walls's 2016 article “The Disposition of Ladies: Mi'kmaw Women and the Removal of the Kings Road Reserve” demonstrated how critical gender was to ensuring the Mi'kmaq were represented as negatively as possible. Whereas men were shown to be drunk, lazy, and unproductive, women were portrayed as the highly derogatory caricature of the “squaw.” This caricature, while also thought to be lazy and drunken, was more menacing due to their perceived promiscuity. John McLean testified the women's character under the influence was “bad immorally... I mean they will go with anybody, sleep with them, and have sexual intercourse.”<sup>41</sup> Gillies additionally testified that the women of the Kings Road Reserve were frequently “very debauched” and while in this

condition would go with “negroes and disreputable characters... into the woods.”<sup>42</sup> Sydney was home to a large non-white population located in Whitney Pier, a working-class community situated near the steel plant and coke ovens.<sup>43</sup> Work in the plant attracted a large migrant population, all of whom (but especially black migrants) were considered easily corrupted by the “drunken squaw.”<sup>44</sup> The proximity of these two communities allegedly allowed for the behaviour of the Mi’kmaw women to be characterized as a negative force that reached beyond the borders of the reserve and negatively impact the surrounding area. The “drunken squaw” caricature, as Walls examined, was exploited by Gillies and his witnesses and the term was regularly used on the stand. Furthermore, it portrayed the issues of the Mi’kmaw community as one not to be pitied, but rather feared. The Mi’kmaq were defended by witnesses called to the stand, including two women who worked as teachers on the reserve who denied the claims that life on the reserve was immoral and unsanitary and a stipendiary magistrate named Daniel Cameron who testified the Mi’kmaq were in good standing with the court.<sup>45</sup> However, the defence was unsuccessful in saving the Kings Road Reserve. The decision was made to relocate the Mi’kmaq in March of 1916, but it would not be until 1924 that the Mi’kmaq officially moved. The Mi’kmaq resisted the relocation but were in part forced to leave due to the DIA invoking a building moratorium at Kings Road and the reserve became too crowded.<sup>46</sup> The former reserve lands were sold and developed to match the rest of the growing municipality. The community was relocated to what is now Membertou.

The cases of Kebeceque and Kun’tewikuk demonstrated the increased willingness of the DIA to involve itself in the affairs of the Mi’kmaq of Nova Scotia. The years of

illegibility were coming to an end and the reasons are evident to us if we consider the circumstances of the period. Nationally and internationally there was an increasing demand and movement for the state to engage with the social welfare of their people in a proactive manner, preventing harm to the society before the issues could occur. The Mi'kmaq, especially near urban centres, were seen to be a negative influence on the society and therefore needed to be isolated to contain this behaviour. In this isolation, programs could be established to root out the endemic problems of their population. From a regional perspective, the urbanization that had earlier swept other Canadian provinces was beginning to take a firmer hold in Nova Scotia, especially during the First World War. As a result, the complaints of wealthy industrialists and professionals became more influential. While issues presented to the DIA by these men of status who could vote were framed by race and prejudice, particularly in the sense that the Mi'kmaq were stereotypically presented as lazy, immoral, and dirt. The aim of these men was always material. They sought financial gain from dispossessing the Mi'kmaq and justified this dispossession on account of the allegedly uncivilized behaviour and attitudes of the Mi'kmaq negatively impacting the surrounding people or resources. These men also sought to protect their capital by avoiding taxations. The Canadian taxation laws were expanding to pay for the growing national social services. Generally, there was resistance from the tax-paying population to pay for services for "freeloaders." However, this resistance had a racist dimension as well. As Shirley Tillotson examined in *Contributing Citizens Modern Charitable Fundraising and the Making of the Welfare State, 1920-66*, a "racist exclusion of a particular category of people from citizenship" resulted in the "characterization of those people as non-contributors" and, therefore, undeserving of social services.<sup>47</sup> The

Mi'kmaq were seen not only as non-contributors, but also occupying untaxed lands. Furthermore, the new industrial economy created wealth for the Mi'kmaq who lived on urban reserves due to new opportunities but mostly due to their lands increasing in value. Though limited, this wealth generation contributed to the end of invisibility, which was previously upheld in part due to the significant poverty of the Nova Scotian Mi'kmaq, even relative to other First Nations groups in Canada. It was also still believed that a rural, agrarian condition would be the most beneficial lifestyle for the Mi'kmaq and other First Nations as it would promote the independence and civility of white society. Kebeceque and Kun'tewikuk set the standard that Nova Scotian Mi'kmaq would no longer be able to escape federal policy or surveillance. Additionally, the people who sought to dispossess them had the resources, influence, and connections to successfully achieve their goal on a large, systematic scale.

During the final year of the First World War, major reforms were proposed to the Nova Scotian Indian Affairs administration. Canada was devoting a massive portion of its resources to support the Allied Forces in Europe. Inflation was soaring. All Canadians became subject to “anti-loafing” laws, with no exceptions permitted.<sup>48</sup> The government was taking increased actions to intervene in the social and economic lives of citizens to control resource management. Amidst this economic crisis, Duncan Campbell Scott launched an investigation into the operational costs of the Nova Scotian Indian Agencies. Scott was curious to see what the cost benefit would be of reducing the nineteen agencies to just four.<sup>49</sup> Later he added that he had also been concerned with improving efficiency and bringing about “a more business-like manner” to Nova Scotian Indian Affairs.<sup>50</sup> Scott was

not yet interested in moving the Mi'kmaq systematically, but rather was committed to reorganizing the system at an administrative level. J.D. McLean, Assistant Deputy Secretary of Indian Affairs, was charged with completing a report on the matter. He outlined his findings in a letter to Scott in April 1918. He reported on the number of agencies, which he mistakenly counted as twenty rather than nineteen (this may have resulted from including the position of Superintendent A. J. Boyd among the agents, though this is not clear), and the cost of managing the administration including salaries, medical costs, relief, and travel.<sup>51</sup> He roughly reconfigured the province into four agencies, each with a full-time agent managing its affairs.<sup>52</sup> While McLean agreed that a reconfiguration would improve the efficiency of the administration, he did not believe this rationalization process would reduce costs in any meaningful way. The most significant cost of the new system would be the salaries of the four agents. McLean estimated a salary of at least eight hundred dollars per year for each would be necessary, which would not meaningfully change the expenditure for the province.<sup>53</sup> McLean also sought the advice of H. J. Bury, a DIA Timber Inspector, and A. J. Boyd, the Superintendent of Nova Scotia. Both Bury and Boyd supported the rationalization of the administration, however suggested the number of agents be reduced to just three, two stationed on the Mainland and one (the Superintendent) on Cape Breton Island.<sup>54</sup> Boyd also argued that while the salary expenses would be similar to the current system they would be able to attract more competent employees with the higher wages for each position and the promise of full-time work.<sup>55</sup> Bury further provided a rough map of where the new agencies would be located and how the Mi'kmaq could be centrally moved to be in close proximity to the headquarters. McLean sent a revised plan to Ottawa in July 1918, however no plan for rationalization was implemented following

this project. The exact reason is unknown, however Patterson argued it was likely due to the sudden end of the war and the less immediate need for the federal government to limit expenditure.<sup>56</sup>

It would still be more than two decades before centralization plans were initiated in Nova Scotia, during which time relatively little changed for the vast majority of Mi'kmaq in their day-to-day living. However, at the administrative level, the interests of the federal government and the Nova Scotia Indian Affairs branch were divided. As the following will demonstrate, between 1920 and 1940 the Nova Scotia Indian Administration was consistently committed to advocating and planning for an extensive reconfiguration of how the province was managed and operated. Such advocacy particularly came from the highest offices of the administration, as well as the occasional report or memo from physicians who worked with the Mi'kmaq communities. The federal DIA, on the other hand, was far more reluctant to engage with Nova Scotian affairs. While D. C. Scott was devoted to policies of reform, only sporadically did the Minister of Indian Affairs act upon those recommendations. Despite the difference in commitment to a program of reorganization, the federal and provincial DIA were motivated by the same cause: financial crisis. Whenever financial concerns were prevalent, the DIA would respond with new plans for rationalization and centralization in Nova Scotia. For the Nova Scotian Administration, the financial crisis was constant. As E. R. Forbes examined, the 1920s was not the decade of hope and optimism that many had thought would follow the war. The province was afflicted by "a critical and lingering depression, bankruptcy, wage-cuts, strikes, violence and emigration."<sup>57</sup> Following the First World War, the financial and industrial sectors of

Canada were consolidated in Montreal and Toronto, furthering the lack of economic growth.<sup>58</sup> Between 1920 and 1926 alone, 42 percent of manufacturing jobs in Nova Scotia disappeared.<sup>59</sup> This crisis afflicted the entire province but was most severely felt by populations that lived on the margins of society, such as the Mi'kmaq. They were some of the first to lose their jobs during the economic recession, due to both racial discrimination and the kind of jobs they occupied in the wage economy. The severity of the Mi'kmaq situation was exemplified in the deteriorating health of many Mi'kmaq communities, who increasingly could no longer afford sufficient food and supplies without government assistance.<sup>60</sup> So, as the Mi'kmaq were needing more assistance from the government, the province was the poorest it had ever been. Conversely, the federal government's financial woes were not as consistent. Following the First World War the economy generally improved, at least in Central Canada. As Patterson noted earlier, the lessened financial pressure on the federal government was likely why they stopped pursuing rationalization plans. Continuing under that logic, it is not surprising that invasive federal policies were not pursued again until the economic climate demanded financial reform. The policies were first and foremost designed to produce the most cost-efficient system of Indian Administration in Nova Scotia that would either in the short term or long term make the department cheaper to run. The illegibility of the Mi'kmaq was breaking down, but they were only seen through in the scope of improving the bottom line.

After the initial plans for centralization were cast aside, DIA Timber Inspector H. J. Bury became the voice of centralization in Nova Scotia. He fervently advocated and planned for the consolidation of reserves and agents in the province. In 1919, Bury wrote a



memo supporting the decision to remove the Mi'kmaq from Halifax County and place them near Truro and Millbrook. He organized the purchase of one hundred additional acres to ensure there would be sufficient room for the "wandering Indians."<sup>61</sup> Furthermore, he encouraged a program to sell the unoccupied lands owned by the Crown to limit the scope of the DIA.

It seems to me in my humble opinion as soon as the [DIA] can impress upon the Indians the necessity of realising in cash, the value of their unoccupied lands... and encourage them to concentrate on lands where they are content to live and become progressive citizens, the sooner will the whole problem of the Indian administration become simplified and productive of good results.<sup>62</sup>

Five years later, Bury reflected on the creation of the Truro Reserve as "the first experiment on the part of the Department to concentrate the Indians of Nova Scotia on a central reserve."<sup>63</sup> He viewed the experiment as a major success and the community was a model for the rest of the Mi'kmaq in Nova Scotia. The DIA, he encouraged, should do everything in its power to promote such concentrations throughout the province, which would allow Mi'kmaq to not only access centralized churches, schools, and community interests but prevent them from living on the private woodlots of residences and there "they will... receive closer supervision."<sup>64</sup> Bury's sentiments were reiterated by other officials working with the Indian Administration in Nova Scotia, particularly physicians. The economic crisis that left many Mi'kmaq unemployed had resulted in a spike in diseases such as smallpox and tuberculosis. H. S. Trefry, M. D, who serviced the reserves near Tusket informed the Department of the resurgence of "Gallopings T.B."<sup>65</sup> His diagnosis was that the illness was directly related to the "deplorable condition" many of the Mi'kmaq lived in, both physically

and socially. He used the example of “the Gravel Pit” Reserve, located near Yarmouth. The name rightfully suggests the lands were not suitable for cultivation and sedentary living. They also only had access to a “poor apology for forestry” and unsanitary brooks. But furthermore, the settlement did not expose the Mi’kmaq to good, civilized influences. Trefry stated:

I do not know who reserved it or for what reason or purpose. It fulfills but one object to keep the Indian in fairly close relationship to the wild abode of his forefathers and yet half civilized. The Gravel Pit does not even accomplish this for it is situated on the outskirts of the colored settlement of the Town of Yarmouth. Here the Indians are supposed to grow up good and loyal citizens and yet retain their faculty of preservation and self support, by wood craft and trapping.<sup>66</sup>

The only solution in the mind of Trefry was to do away with the small scattered reserves in Nova Scotia in favour fertile, larger reserves that should be acquired by the Crown. The communities built there should be modeled after Western Canadian mining towns, that included churches, schools, and a community hall.<sup>67</sup>

With the backing of officials in Nova Scotia, Bury submitted another plan for centralization in 1925 entitled “The Indian Situation in the Province of Nova Scotia as it Exists at the Present Time.” The report outlined the current state of Indian Affairs in the province reiterating his belief that the small, poor quality reserves discouraged settlement and agriculture among the Mi’kmaq, therefore prevented their improvement. Specifically, he listed only three of the forty-three reserves in the province that were suitable for farming: Truro, Shubenacadie, and Whycomagh.<sup>68</sup> Furthermore, the financial situation for the

Nova Scotian Mi'kmaq was the worst of any province, by Bury's calculations. While his assessment does not include Prince Edward Island, Bury found that of the remaining provinces not only did Nova Scotia have the smallest provincial Indian fund, but also the lowest funds per capita. At \$19.50 per capita, the Nova Scotian Mi'kmaq were only close to their New Brunswick neighbours who possessed \$25.50 per capita and miles behind Albertan First Nations who enjoyed \$240.00 per capita.<sup>69</sup> He also highlighted how the provincial administration was distinct from the Ottawa headquarters. The biggest problem in the administration was the practice of hiring many part-time agents rather than employing just a few full-time agents. "The local Indian agent," as Bury explained, "has interests of his own which are to him of paramount importance, and his Indian work is purely subsidiary, consequently it is often the case that the Indian considers, with a certain amount of justification, that his own interests are frequently neglected."<sup>70</sup> To resolve these problems, Bury offered eight recommendations. While Patterson stated the plan Bury proposed was the debut of new ideas, the general plan consisted of recommendations that had long been made to the DIA. Bury proposed selling the unused reserve lands to increase their funds, providing incentives for the Mi'kmaq to move to three central reserves located near Dalhousie, Truro, and Cape Breton, and create services like schools on those reserves. Bury also strongly advocated for the gradual elimination of part-time Indian agents, ultimately creating an administration of Indian Affairs that would be directed by three agents "who will devote their entire time to the work."<sup>71</sup>

Bury's criticisms of the Indian Agents of Nova Scotia are difficult to verify for accuracy. This is largely due to the scope of the archival record which remains on the topic

of centralization. Two principal collections exist to study the development and implementation of centralization: the Headquarters – Correspondence Regarding the Amalgamation and Reorganization of Agencies in the Maritime Provinces collection and the digitized Department of Indian Affairs Annual Reports. Both are housed and hosted by Library and Archives Canada. The problem with the first collection is its scope. The collection consists of correspondences within the DIA headquarters. Based on the correspondences included in the collection, it appears that Nova Scotian agents may not have directly corresponded with Ottawa. Rather, their reports were likely sent to either Superintendent Boyd or Inspector Bury who then personally reported to headquarters, with their own objectives in mind. Another possibility may have been the agents were not reporting with centralization in mind. Given that the collection pertains to centralization specifically, if their reports did not contain information about this project they would not be included in the scope of the collection. Seeing how eliminating their positions would be the consequence of centralization, it is understandable why agents would not encourage it. A final hypothetical reason the agents are not included in the scope of this collection would be some agents denounced centralization, but their reports were not forwarded to Ottawa by Bury or Boyd. However, this is purely speculative. Regardless, the Headquarters collection does not give any indication to prove or disprove the claims of Bury.

As for the Annual Reports of the Department of Indian Affairs, the format of the report during the early twentieth century changed. Previously, the reports allocated a generous amount of space for the personal reports of local agents across Canada. From these early reports, Bury's claims, that the failure of the Mi'kmaq to "progress" was in part

due to the laziness of part-time Indian Agents, were not so black and white. There were a significant number of agents, nearing half usually, who did not forward any information about the local Mi'kmaq under their administration. However, these absent agents were contrasted by the diligent, consistent reporting of other agents. Following the pattern of Nova Scotian Indian Affairs, the quality of service given to the Mi'kmaq was very much dependent on the personal aptitude and character of the people who were supposed to promote what was in their best interest. Beginning in 1909, however, the Annual Reports became more strictly formatted. Instead of local agents reporting as they wished, the formats prescribed specific topics that the agents needed to address. The Provincial Superintendent took over most of the descriptive analysis instead, generalizing the reports of local agents. Eventually, in 1918, all provincial reporting was completed entirely by the Deputy Superintendent. Therefore, it is unknown whether the commitment of the local agents was as universally irresponsible as Bury claimed. However, it is safe to assume their dependability was mixed.

Despite Bury's insistence that the system needed to change, no immediate action was taken. Bury again wrote to Scott in 1926, insisting that reducing the number of agents would be more economical, ensure a more efficient administration, and tend to centralize the Mi'kmaq onto three main reserves where they could be given "proper and effective supervision."<sup>72</sup> Scott had previously objected to any outright plans for centralization. However, in 1927, he reversed his earlier opinion and agreed with Bury. The reason for his change of heart may have been due to pressure from more powerful ministers. The memo he wrote to Minister of Indian Affairs Charles Stewart was not on behalf of Bury, but rather

the Minister of National Defense, Colonel James Ralston, who was also the member of parliament for the Shelburne-Yarmouth riding.<sup>73</sup> Ralston had requested that both a residential school be built and the departmental establishment be reorganized.<sup>74</sup> To Charles Stewart, Scott explained that the two proposals were not intrinsically linked and could be dealt with separately. Stewart was in favour of establishing the residential school, which would eventually become the first and only residential school in Atlantic Canada called the Shubenacadie Residential School.<sup>75</sup> He did not support the plans to centralize, however.

Neither Bury nor Scott were able to enact any plans to centralize the Mi'kmaq for another five years. Headquarters was not looking to begin a project that, as Scott acknowledged, it "may [have] difficulties in carrying out."<sup>76</sup> Difficulties were wide ranging, from resistance from the Mi'kmaq and local Indian Agents to logistical planning. Indeed, during the 1920s Ottawa began engaging less and less with Indian Affairs in general. The federal government became solely concerned with the financial aspect of the Department, best exemplified by the Annual Reports of the DIA. As previously mentioned, the format of the reports had changed in 1918 to include less descriptive examinations of the circumstances on reserves and in First Nations communities. Reporting only continued to deteriorate. In 1925, by which point the Department was also responsible for the Inuit populations in the North, Scott's annual report stated that in Nova Scotia the Mi'kmaq "follow various occupations, but, as a rule, do not confine themselves to any particular one."<sup>77</sup> This statement was repeated, word for word, until 1936. Only, it was not just this sentence. Scott's entire report, for twelve years, was unchanged. The duty to report was taken extremely lightly and fulfilled to the least possible extent. Furthermore, the only

reason Scott's report was modified in 1937 was because the Department was enveloped by the Department of Mines and Resources. His report was modified to fit the new format and then was repeated for several years after that. The Annual Reports were, thus, overwhelmingly financial documents, outlining the expenditure of the DIA. Meanwhile, in Nova Scotia, the Mi'kmaq were at the center of what would become one of Canada's most important legal cases. Grand Chief Gabriel Sylliboy was arrested in 1927 for hunting and possessing pelts out of season near the Whycocomagh reserve. He was convicted under Nova Scotia's *Lands and Forests Act*. In *R. v. Sylliboy*, Chief Sylliboy appealed, arguing his right to hunt was protected under the 1752 Peace and Friendship Treaty. Judge George Patterson ruled against Sylliboy, stating treaties were signed by "independent powers" however the Mi'kmaq and other Indigenous groups were never regarded as such.<sup>78</sup> Therefore, stating the ruling, the Mi'kmaq could not have entered into a treaty with the Crown. This ruling was later reversed in after 1985 when *R. v. Simon* appealed to the Supreme Court of Canada under similar circumstances.<sup>79</sup> So, as the Mi'kmaq were fighting for their basic rights, the DIA was not even reporting on it or any of the developments taking place. The DIA was uneducated on Nova Scotian affairs or deliberately ignored the growing strength of Mi'kmaw self-advocacy. As Karen Murray examined in "The Violence Within: Canadian Modern Statehood and the Pan-territorial Residential School System Ideal," while the international discourse of sovereignty and self-governance was growing, the DIA was amending the *Indian Act* to "directly undermined Indigenous self-rule, specifically those concerning the tightening of coercive penal codes and new terms for involuntary loss of Indian status."<sup>80</sup> Murray concludes the DIA was fully aware of Mi'kmaw affairs and resistance and established its assimilatory institutions such as the

Shubenacadie Residential School to violently control the Mi'kmaq with impunity.<sup>81</sup> Therefore, considering Murray's analysis, the DIA's neglect of the Mi'kmaq was not only negligent, but it was direct and malicious.

The DIA was purely concerned with finances. Therefore, it is not surprising the conversation about centralization picked up steam during the Great Depression of the 1930s. Charles Stewart was replaced as minister of Indian Affairs when the Liberals were beaten in the 1930 election by R. B. Bennett's Conservatives. T. G. Murphy replaced Stewart and would serve as Minister for five years. The Conservatives are largely remembered for favouring compulsory enfranchisement rather than the liberal model of voluntary loss of Indian status. Murphy was also willing to reopen the discussion of centralization at the federal level. In December 1931, Bury once again reminded Scott of the cost benefits of centralizing the Mi'kmaq in Nova Scotia.<sup>82</sup> Scott then sent a memorandum to Murphy proposing a centralization plan similar to the one presented in 1924. With the current nineteen agents and two inspectors, the total cost of salaries was \$7,407. Scott outlined a department that hired two inspectors and two clerks that would cost \$4,968, saving the DIA a total of \$2,439. During the worst year of the Depression, Murphy approved of the plans to consolidate the Nova Scotian Indian Administration. The Assistant Deputy Superintendent of Indian Affairs, A. S. Williams, wrote to the Secretary of the Civil Service Commission, William Foran Scott, including a full list of all the agents who would be let go. Williams wrote the matter was done "for reasons of public economy" and announced on March 10, 1932, that the positions of part-time Indian agents were abolished in the Province of Nova Scotia.<sup>83</sup> Two inspectors were appointed, J. W. Maxner



who serviced most of the Mainland and C. J. McNeil who was responsible for Cape Breton Island, as well as Guysborough, Pictou, and Antigonish.<sup>84</sup> The changes did not last long. Within three months, the plan was reversed. All nineteen agencies were reinstated, though seven new agents were appointed. Maxner and McNeil were dismissed. The reason for this decision is not explicitly stated. Patterson argued it was likely that “the Minister failed to anticipate the political consequences of dismissing the farmers, priests, doctors, merchants, and tradesmen who had grown accustomed to supplementing their incomes by acting as part-time Indian agents.”<sup>85</sup> This would have been even more significant during the height of the Depression, when jobs were scarce. Her assessment is supported by several copies of a document in the Centralization collection that lists all the part-time agents in Nova Scotia and their electoral districts that was written in May of 1932, though the documents themselves reference no specific reason for their production other than a verbal enquiry from a Miss Allan. Additionally, Duncan Campbell Scott retired in the weeks following the March announcement, however it is unknown if this was connected to the failure of the 1932 rationalization attempt. In his stead, A. S. Williams became the Acting Deputy Superintendent General of the DIA. Without the strong support from Scott in Ottawa, the DIA may have been less committed to completing the arduous program, especially when combined with complaints from respected citizens who saw it as a loss of job during an economic crisis.

For the next decade, Nova Scotia had neither a full-time superintendent nor an inspector. Rather, Ottawa sent Ontario-based inspectors to assess the province’s situation.<sup>86</sup> An inspector in 1932 reported on the Mi’kmaq quality of life, stating “I find the Nova

Scotia Indians to be the poorest class that have to deal with in the East... They appear to be completely dependent upon the Government for sustenance.”<sup>87</sup> The reports submitted during this time reiterate common themes. The focus of the reports were the high costs of relief and medical care during the Depression and the need to carefully manage expenditures in the future. One report highlighted a visit to reserves at Shubenacadie and Cambridge, recounting meetings with several Mi’kmaq families who were living in homes “unfit for habitation” and were fully dependent on the government to provide materials and assistance. The inspector remarked this was not fully the fault of the government, for “unless the Indians are made to go as far as possible to help themselves in the building of homes I do not think that the Department is warranted in giving everything free.”<sup>88</sup> The solution most commonly suggested by the inspectors was some kind of rationalization along the lines of Bury’s recommendations, or even in some cases centralization.<sup>89</sup>

Major Harold Wigmore McGill took over as Deputy Superintendent General in the fall of 1932. McGill was committed to investigating the potential of reorganizing the Mi’kmaq of Nova Scotia. In 1935, he assembled a committee of men chiefly concerned with reorganization, selecting Bury, G. Armstrong (from the DIA’s Trust Fund and Relief Branch), and E. L. Stone (Director of Medical Services). Bury and Armstrong passionately proposed the relocation of Mi’kmaq to central reserves, with Armstrong additionally advocating that any Mi’kmaq who refused to move onto the central reserves be enfranchised. Stone, on the other hand, was a proponent of reorganizing the administration but not centralization. Rather, he supported an older plan of the DIA in which every effort should be made to support agriculture on reserves. McGill forwarded the reports to the new

Minister of Indian Affairs, Thomas Crerar, but no reply has been located, nor was any immediate action taken.<sup>90</sup>

For the remainder of the 1930s, similar reports would be written by waves of inspectors and committee members. The idea of centralization had grown significantly in popularity since 1918. While it was promised to provide better service and supervision, the height of its popularity was principally due to the belief that it would economize the Nova Scotian branch of the DIA. Federal officials only feared the electoral backlash that would potentially accompany administrative reorganization, both from the part-time agents, who had grown dependent on the DIA to supplement their income, and local merchants, who feared the consolidation of reserve lands would result in the loss business when their supplies were no longer needed on local reserves. During the economic crisis, the popularity of centralization was only diminished by the potential negative economic impact on the electoral base.<sup>91</sup> The 1930s also brought political restructuring of the DIA. In 1936, the DIA was amalgamated with several other departments to become the Department of Mines and Resources. Until 1950, the administration was now regulated and controlled by the Indian Affairs Branch (IAB). The IAB adopted the programs and policies of the DIA, however it does represent the government's attempts to shrink the size and therefore costs of the Indian administration. Following 1950, the IAB was transferred again to the Department of Citizenship and Immigration.<sup>92</sup>

This tension in economic priorities ended with the beginning of the Second World War in 1939. The government again felt increased pressure to save funds for an international war effort. However, the war strengthened the economy through job creation,

minimizing the concerns of political backlash. Additionally, the Canadian Indigenous population was suddenly increasing, demanding more attention from the Indian Affairs Branch. Superintendent McGill also acknowledged that the goal of the IAB to fully integrate all First Nations into white society was incredibly unlikely. The IAB was shifting away from assimilation policies, concluding the First Nations were not suited for the “white mold.”<sup>93</sup> The IAB proposed spending its resources to better control the activities of the First Nations to make them as productive as possible. In this way, First Nations would become less of a financial burden. While the rhetoric of improvement remained with the IAB, with their mandate remaining “to render possible a continuous and consistent administrative policy directed towards civilization,” pure assimilation was, at most, a secondary objective now. Pursuing policies that encouraged the Mi’kmaq to live on reserve or made life off reserve extremely difficult made the surveillance of Indigenous activity easier. As Patterson argued: “In reality, reserve life meant living by the whims of legislators and administrators which included prohibitions of Indian political and cultural practices.”<sup>94</sup> It was under these co-occurring circumstances that the centralization of the Nova Scotian Administration was finally realized.<sup>95</sup>

In 1941, W. S. Arneil was assigned to report on the condition of each agency in Nova Scotia. Crerar’s intentions with the report are made evident by his decision to hire Arneil, who had no previous experience working Indigenous communities and had no prior knowledge of the circumstances in Nova Scotia. However, Arneil had nearly twenty years worth of experience working with the Soldier Settlement Board, which was created in 1917 to assist returning white or enfranchised “Indian” servicemen set up farms throughout

Canada. Arneil was tasked with suggesting ways to improve the welfare of the Mi'kmaq while also keeping the cost of relief and the administration to a minimum. Additionally, his report pertained to the situation in Prince Edward Island and determining the feasibility of moving all Mi'kmaq to one reserve in Lennox Island. As Patterson described, the report Arneil submitted in August of 1941 was not particularly thorough, nor did it suggest anything new. The report made the predictable, oft-repeated recommendations that reports had been making for decades. Arneil suggested that two large reserves be created, one on Cape Breton Island at Eskasoni and the other on the mainland at Shubenacadie. All remaining reserves would be sold. Any Mi'kmaq who were not receiving relief or who resisted moving to the new centralized reserves should be enfranchised and no longer receive funds from the government. Given white employers were resistant to hiring Mi'kmaq employees, Arneil felt there was no immediate solution to Mi'kmaq poverty. However, centralization was "a step in the direction of a solution that in my judgement," Arneil stated, "could be worked out over a period of years."<sup>96</sup> Centralization would also have some immediate cost benefits. Replacing the nineteen part-time agents permanently with fewer full-time agents would improve the administration. By concentrating the Mi'kmaq, fewer medical staff would be needed and white communities would be less exposed to disease. Furthermore, limiting interaction between the Mi'kmaq and whites would also limit immoral behaviour, likely reducing the number of illegitimate children born and therefore the costs of supporting them. The church would have more influence over isolated reserves and teach the Mi'kmaq to have better hygiene, morals, and trades. Fewer schools would also be needed if many, small reserves were eliminated. Materials could more economically be purchased in bulk and, with the construction of sawmills on

each reserve, building materials would be far less expensive. Arneil concluded, stating: “If centralization is rejected I can think of no alternative policy worthy of submission or indeed worthy of consideration.”<sup>97</sup>

Centralization was an idea Indian Affairs had been infatuated with for nearly two decades. Arneil was simply reiterating a policy that had long been theorized and planned. In 1941, the difference lay in the circumstances around Arneil’s report. The Governments of Canada and Nova Scotia were both receptive to the idea and motivated by the pressure to operate as economically as possible. This time, there was not enough public disapproval to prevent the plan’s initiation. On April 2, 1942, an Order in Council authorized the centralization in Nova Scotia. It was a plan largely shaped by the complaints of white citizens and was designed to further isolate the Mi’kmaq from other Nova Scotian communities, all while being motivated by frugality.<sup>98</sup>

However, the centralization plan ultimately failed to be fully implemented. Lisa Patterson’s “Indian Affairs and the Nova Scotia Centralization Policy” remains the principal historical authority on the collapse of centralization. Briefly, over the next decade, part-time agents were phased out and replaced by two full-time agents, J. A. MacLean and H. A. Rice. Additional lands were purchased by the IAB for both the Eskasoni and Shubenacadie reserves. However, the plan to move or enfranchise the Mi’kmaq was incredibly slow and ineffective, resulting in a muddled administration that failed to provide basic needs to the Mi’kmaq of Nova Scotia. The centralization plan promised to provide more consistent services to more Mi’kmaq. However, school attendance reached a ten-year low between 1943-1945 due to the closure of small, local schools and the new, larger

schools not being ready at Eskasoni and Shubenacadie.<sup>99</sup> Additionally, no hospitals nor any doctors were ever provided on the centralized reserves. Comparatively, across Canada, Indigenous health care was modestly improving. To this day, accessing health care is a problem for Mi'kmaq living at Eskasoni and Shubenacadie.<sup>100</sup> Furthermore, the “moral improvements” the IAB claimed centralization would promote did not occur. As Patterson notes, illegitimacy, alcoholism, and other social problems were persistent on both centralized reserves.<sup>101</sup> Mi'kmaw residents also made regular complaints of corruption among the staff and agents, mirroring the complaints made by centralization proponents before the 1940s.

Centralization had been enacted with support from some Mi'kmaq, notably including Grand Chief Gabriel Sylliboy. However, as plans dragged on and failed to fulfill their promises, the project faced increasing opposition. Between 1942 and 1943 alone, petitions and letters of objection were submitted by the reserves at Wagmatcook, Sydney, Millbrook, Membertou, and Barra Head. The Whycomagh reserve objected to centralization, though largely because they would have preferred their location to have been chosen over Eskasoni. Sylliboy also retracted his support for centralization by attempting to leave Eskasoni for Whycomagh in 1945. Chief Ben Christmas of Membertou was another very vocal opponent, who had resisted the King's Road Reserve removal as well as centralization from the beginning.<sup>102</sup> The centralization policy was starting to be viewed as a failure from the government perspective as well because the program proved to be far more expensive than anticipated. Additionally, throughout the 1940s, the government assigned a joint committee of the Senate and House of Commons to study the *Indian Act*

and suggest amendments. During their consultations in Nova Scotia, Mi'kmaq from Millbrook voiced their objection to the centralization plan, as did Christmas who submitted a brief on behalf of the United General Indian Council of Nova Scotia (UGICNS), a Nova Scotia organization founded in 1945 to "coordinate political activity with First Nations across Canada."<sup>103</sup> The revised *Indian Act* that passed 1951 reflected the DIA's desire to detach itself from the "Indian Problem." The sentiments that grew from the First World War to provide prescriptive social policies for their populations was beginning to subside. The looser hand of the IAB did result in the removal of previous bans on ceremonies, ritual dances, and legal bans. Women were also allowed to vote in band council elections. However, it also resulted in increased compulsory enfranchisement through marriage and education, as well as removing the status of individuals who had previously obtained it through their maternal line. Labour-intensive programs, such as centralization, were, within a decade of its implementation, no longer the objective of the IAB. Furthermore, the project failed to achieve its primary object: save money. The project had cost 1.3 million dollars by March 1950, an astronomical level of spending for the IAB during this period and following centralization welfare costs soared.<sup>104</sup> This was partly because the centralization plan had not accounted for the Mi'kmaw population to increase. Arneil believed, due to outmigration to the United States, the Mi'kmaw population would remain stable, rather than jump from 2,100 in 1940 to 2,641 in 1949, and then to 3,002 in 1954.<sup>105</sup> In addition to a financial failure, centralization also failed to centralize the Mi'kmaq. Barely half of the Mi'kmaw population were relocated by 1949.<sup>106</sup>



Centralization was never strongly supported by the Mi'kmaq. As Christmas examined, the Mi'kmaq had “not agitate for [centralization], were not even consulted with the scheme was contemplated, and ... had no choice in the matter.”<sup>107</sup> The loss this small Mi'kmaw support, the change in governmental philosophies, and the failure to relocate and achieve financial viability prompted the agents at Eskasoni and Shubenacadie to suggest the policy be rolled back. In 1949, Rice asked for a clearer policy regarding centralization and proposed, due to escalating costs, that only the elderly and infirmed be moved to Shubenacadie. In the same year, McKay agreed with Rice's recommendation and from then on, any Mi'kmaq who were employed, even if it were just part-time, were no longer considered a top priority for government assistance or surveillance. They were asked to remain in the current location where they would continue to receive usual services. This was the end of centralization in Nova Scotia.<sup>108</sup>

Centralization failed to assimilate the Mi'kmaq as well as to make their communities more self-sufficient. Additionally, it broke down the system of exchange that would have been the most likely route to achieving their goal of self-sufficiency, and possibly integration as well. In 1951, Sheila Steen wrote the thesis “The Psychological Consequences of Acculturation Among Cape Breton Micmac,” in which she observed centralization had weakened the former Mi'kmaw way of life by displacing the settlements and informal bands that had grown throughout the island. Steen stated:

Prior to the centralization program, the Indians were fairly self-sufficient. They worked their small farms, hunted a little, and procured jobs on their own initiative. The reserves on which they lived had been home to them and their forebearers [sic] for generations. Their forced migration away from these

homes was, to the least an unsettling experience... Individuals are becoming increasingly dependent upon the government, not only for their support, but for the very ordering of their lives.<sup>109</sup>

This cultural economy of survival was undermined by centralization. This was not the case for all Mi'kmaq, as some had managed to build an adequate income that was dependent on employment from or sales to white communities. Work was found on farms, in lumber camps, and in sawmills; seed and fertilizer were acquired to support some farming on reserve; tourism created demand for knowledgeable hunting and fishing guides and canoemen; there was always some market for goods like baskets, handles, hockey sticks, butter tubs, churn, and barrels.<sup>110</sup> Centralization not only cut these ties between Mi'kmaq and white communities but failed to provide sufficient employment on reserves, leaving many of the Mi'kmaq who relocated in a worse economic state than before.

As Patterson examined, the national crisis of the Second World War sparked centralization in 1942. Its failure, however, was the product of an older problem. Once again, the IAB had conflated the Mi'kmaq experience with other regions of Canada, denying the Nova Scotian Mi'kmaq of their regional, cultural, demographic, and economic uniqueness. Arneil wrote:

There may be those who will contend that a policy of centralization as outlined in this report will tend to retard assimilation which should be our ultimate goal. My reply to this contention is that on the Six Nations Reserve in Ontario, with a population of approximately 6,000 and on the Tyendinaga Reserve with a population of 1,500, a large number of young Indians proceed with high school courses of study and take up responsible positions in white communities this to a far greater extent than Indians living in comparatively small groups.<sup>111</sup>

The DIA and later IAB had never properly understood the Mi'kmaw culture and experience, nor had they ever intended. They had failed to devise an effective strategy, nor did they procure the necessary financial backing to successfully implement a centralization plan. Once their plan was underway, the IAB also failed to monitor and to accordingly adjust its plan in ways that could have made it more effective in Nova Scotia.<sup>112</sup>

Centralization was the ultimate consequence of renewed interest in the Nova Scotian Mi'kmaq, spurred initially by the fiscal concerns of wealthy, white capitalists near industrial urban centres, such as Gillies and Farrell, and then continued by provincial representatives who were concerned with the state of the provincial economy following the First World War, such as Bury and Boyd. The federal department was slow to respond, given the Mi'kmaq's illegibility and Nova Scotia's political and economic weakness on the national scene. Pressure to reform Nova Scotia's Indian Affairs was only applied when the fiscal crisis reached the national level during the 1930s. Even then, the electoral support of voters, who were of course non-Indigenous, was prioritized over a reorganization of the Nova Scotian Administration that cut valuable jobs. Only the Second World War could successfully focus the attention of the state, at the provincial and federal level, to plan and enforce a wide-spread project to reorganize the Indian Administration and physically relocate the Mi'kmaq. The plan itself was plagued by the kind of mismanagement and lack of commitment that had become typical of the DIA and IAB. Importantly though, following the First World War, trends of industrialization and urbanization reached Nova Scotia and shifted the priorities of the DIA again. The fiscal landscape more than ever before controlled the provincial administration. The faltering provincial economy resulted in

consistent calls for change, however it would take national-level crises for reform to occur. Meanwhile, fiscal concerns did little to motivate the DIA to thoroughly examine and survey the Mi'kmaq population, which inhibited the development of a suitable and effective plan to reform the Nova Scotian administration. Despite the DIA and IAB acting seemingly to make the Mi'kmaq more legible to their government, they did not take advantage of this opportunity. The Mi'kmaq remained just as illegible despite the concerted efforts made by the government to settle them and make them more knowable, resulting ultimately in the failure of centralization and the DIA's other plans to reduce the expenditure of the Nova Scotian Indian Administration.

## Notes on Chapter IV

<sup>1</sup> The Department of Indian Affairs, “Duncan Campbell Scott Response to Isaac Ogden”, 26 November 1917, RG 10, Vol. 6768, pg. 452-20 pt.1, LAC, Ottawa, Canada.

<sup>2</sup> Tim Clarke, “‘The Exigencies of the Military Situation Must Be the Primary Consideration’: The Department of Indian Affairs, Communication Control, and Indigenous Families in the First World War,” *Journal of Military and Strategic Studies* 19, no. 2 (2018): 19.

<sup>3</sup> “The Canadian Indians and the Great World War,” in *Canada in the Great War: Vol. III, Guarding the Channel Ports*, vol. III (Toronto: United Publishing of Canada, 1919), 272.

<sup>4</sup> Clarke, “‘The Exigencies of the Military Situation Must Be the Primary Consideration,’” 35.

<sup>5</sup> Clarke, 35.

<sup>6</sup> Katherine McGowan, “‘We Are Wards of the Crown and Cannot Be Regarded as Full Citizens of Canada’: Native Peoples, the *Indian Act* and Canada’s War Effort” (PhD Dissertation, University of Waterloo, 2011), 232.

<sup>7</sup> Duncan C. Scott, “Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended 31<sup>st</sup> March 1917,” (Parliament of Canada, 1917), LAC, 17. <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=28397>

<sup>8</sup> Patterson, “Indian Affairs and the Nova Scotia Centralization Policy,” 159.

<sup>9</sup> Kenny and Parenteau Research Associates, “Centralization of Nova Scotia’s Mi’kmaq: 1918-65,” ii.

<sup>10</sup> Patterson, “Indian Affairs and the Nova Scotia Centralization Policy,” ii.

<sup>11</sup> Alan Sears, “Before the Welfare State: Public Health and Social Policy,” *The Canadian Review of Sociology and Anthropology* 32, no. 2 (1995): 173.

<sup>12</sup> Sears, 173.

<sup>13</sup> Sears, 179.

<sup>14</sup> Carter, *Lost Harvests*, 79.

<sup>15</sup> Walls, “Confederation and Maritime First Nations,” 168.

<sup>16</sup> Walls, 168.

<sup>17</sup> Walls, 168.

<sup>18</sup> Walls, 168.

<sup>19</sup> Wicken, *The Colonization of Mi’kmaq Memory and History, 1794-1928*, 175.

<sup>20</sup> Wicken, 175-6.

<sup>21</sup> Wicken, 175.

<sup>22</sup> Walls, “Confederation and Maritime First Nations,” 173-74.

<sup>23</sup> This was the case across Canada and is well document by historians. For example, in Brownlie, *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939*.

<sup>24</sup> Jacob Remes, “Mi’kmaq in the Halifax Explosion of 1917: Leadership, Transience, and the Struggle for Land Rights,” *Ethnohistory* 61, no. 3 (2014): 446. Referencing: Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*.

<sup>25</sup> Remes, “Mi’kmaq in the Halifax Explosion of 1917,” 456.

<sup>26</sup> Remes, 454.

<sup>27</sup> Remes, 454.

<sup>28</sup> The Department of Indian Affairs, “V. F. Farrell to D. C. Scott”, 16 January 1917, Department of Indian Affairs Red Series, reel C-11332, Department of Indian Affairs and Northern Development Fonds, RG 10, file 10, pg. 838-1, LAC, Ottawa, Canada.

<sup>29</sup> Remes, “Mi’kmaq in the Halifax Explosion of 1917,” 455.

<sup>30</sup> The Department of Indian Affairs, “V. F. Farrell to D. C. Scott”, 17 October 1917, Department of Indian Affairs Red Series, reel C-11332, Department of Indian Affairs and Northern Development Fonds, RG 10, file 10, pg. 838-1, LAC, Ottawa, Canada. As Remes noted, Farrell’s rage was evident in the messily type-written letter and many spelling errors.

<sup>31</sup> Remes, “Mi’kmaq in the Halifax Explosion of 1917,” 445.

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- <sup>32</sup> Remes, 459.
- <sup>33</sup> Martha Walls, "The Disposition of the Ladies: Mi'kmaw Women and the Removal of the Kings Road Reserve, Sydney, Nova Scotia," *Journal of Canadian Studies* 50, no. 3 (Fall 2016): 559.
- <sup>34</sup> Letter, "Inspector of Indian Agencies" 1899, MG 7A.17.4, King Road Reserve Collection, Beaton Institute, Cape Breton University, Sydney. <https://beatoninstitute.com/kings-road-reserve>
- <sup>35</sup> Walls, "The Disposition of the Ladies," 545.
- <sup>36</sup> Walls, 545.
- <sup>37</sup> "Kings Road Reserve 100 Years Later."
- <sup>38</sup> Wicken, *The Colonization of Mi'kmaw Memory and History, 1794-1928*, 216.
- <sup>39</sup> John Giokas, "The *Indian Act*: Evolution, Overview, and Options for Amendment and Transition" (Ottawa: Government of Canada), 49, accessed January 3, 2020, [http://publications.gc.ca/collections/collection\\_2016/bcp-pco/Z1-1991-1-41-130-eng.pdf](http://publications.gc.ca/collections/collection_2016/bcp-pco/Z1-1991-1-41-130-eng.pdf).
- <sup>40</sup> Walls, "The Disposition of the Ladies," 539.
- <sup>41</sup> Transcript of Proceedings, *Gillies v The King*, 21 September 1915, Exchequer Court of Canada, Case 2787, Volume 7762, File 27061-F, RG 10, Library and Archives Canada. 106.
- <sup>42</sup> *Gillies v The King*, 25-6.
- <sup>43</sup> Walls, "The Disposition of the Ladies," 549.
- <sup>44</sup> Walls, 549.
- <sup>45</sup> *Gillies v the King*, 554.
- <sup>46</sup> Walls, "The Disposition of the Ladies," 558.
- <sup>47</sup> Shirley Tillotson, *Contributing Citizens: Modern Charitable Fundraising and the Making of the Welfare State, 1920-66*, (Vancouver: UBC Press, 2008), 105.
- <sup>48</sup> Patterson, "Indian Affairs and the Nova Scotia Centralization Policy," 21.
- <sup>49</sup> Patterson, 21.
- <sup>50</sup> The Department of Indian Affairs, "D. C. Scott to Hon. Thomas G. Murphy", 24 December 1931, RG 10, Vol. 3220 file 563-764-1, LAC, Ottawa, Canada.
- <sup>51</sup> Kenny and Parenteau Research Associates, "Centralization of Nova Scotia's Mi'kmaq: 1918-65," 16.
- <sup>52</sup> The new agencies would have had an agent stationed in Yarmouth and be responsible for all reserves up to Wolfville. A second agent would be in Halifax would service all reserves in Halifax, Hants, and Colchester counties. A third would be placed in either New Glasgow or Pictou and would be responsible for Pictou and Antigonish counties. The final agent would be the Superintendent of the province. They would be based in Cape Breton and assume the duties of the Superintendent as well as service the Mi'kmaq living on Cape Breton Island. - Kenny and Parenteau Research Associates, 17.
- <sup>53</sup> Kenny and Parenteau Research Associates, 17.
- <sup>54</sup> Kenny and Parenteau Research Associates, 17.
- <sup>55</sup> Kenny and Parenteau Research Associates, 18.
- <sup>56</sup> Patterson, "Indian Affairs and the Nova Scotia Centralization Policy," 22.
- <sup>57</sup> E. R. Forbes, "Prohibition and the Social Gospel in Nova Scotia," *Acadiensis* 1, no. 1 (10 October 1971): 35.
- <sup>58</sup> Acheson, "The National Policy and the Industrialization of the Maritimes, 1880-1910," 27.
- <sup>59</sup> Patterson, "Indian Affairs and the Nova Scotia Centralization Policy," 24.
- <sup>60</sup> Peter L. Twohig, "Health and the Health Care Delivery System: The Micmac in Nova Scotia" (Master's Thesis, Saint Mary's University, 1991), 143-4.
- <sup>61</sup> The Department of Indian Affairs, "Memo from H. J. Bury to the Deputy Minister", 30 May 1919, RG 10, Vol. 3220, File 536,764-1, LAC, Ottawa, Canada.
- <sup>62</sup> The Department of Indian Affairs, "Memo from H. J. Bury to the Deputy Minister", 30 May 1919.
- <sup>63</sup> The Department of Indian Affairs, "Memo from H. J. Bury to the Deputy Minister", 23 January 1924, RG 10, Vol. 3220, File 536,764-1, LAC, Ottawa, Canada.
- <sup>64</sup> The Department of Indian Affairs, "Memo from H. J. Bury to the Deputy Minister", 23 January 1924.
- <sup>65</sup> The Department of Indian Affairs, "Letter from H. S. Trefry, M. D. to the Department of Indian Affairs", 20 December 1924, RG 10, Vol. 3220, File 536,764-1, LAC, Ottawa, Canada.
- <sup>66</sup> The Department of Indian Affairs, "Letter from H. S. Trefry, M. D. to the Department of Indian Affairs", 20 December 1924.

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- <sup>67</sup> The Department of Indian Affairs, "Letter from H. S. Trefry, M. D to the Department of Indian Affairs", 20 December 1924.
- <sup>68</sup> H. J. Bury, "The Indian Situation in the Province of Nova Scotia as it Exists at the Present Time", 1924, RG 10, Vol. 3220, File 536,764-1, LAC, Ottawa, Canada.
- <sup>69</sup> Interestingly, the dispersal of funds in Canada was highly variable. Ontario, Alberta, and Saskatchewan First Nations all had over \$200 per capita. Meanwhile, the remaining provinces all had \$35 or less.
- <sup>70</sup> H. J. Bury, "The Indian Situation in the Province of Nova Scotia as it Exists at the Present Time."
- <sup>71</sup> H. J. Bury, "The Indian Situation in the Province of Nova Scotia as it Exists at the Present Time."
- <sup>72</sup> H. J. Bury, "Indian Administration: Province of Nova Scotia", 16 December 1926, RG 10, Vol. 3220, File 536,764-1, LAC, Ottawa, Canada.
- <sup>73</sup> There is no other mention of the Minister of Defense's involvement. It may have been a favour to Boyd and Bury.
- <sup>74</sup> Duncan Campbell Scott, "Memorandum: Honourable Charles Stewart", 6 May 1927, RG 10, Vol. 3220, File 536,764-1, LAC, Ottawa, Canada.
- <sup>75</sup> Kenny and Parenteau Research Associates, "Centralization of Nova Scotia's Mi'kmaq: 1918-65," 6.
- <sup>76</sup> Duncan Campbell Scott, "Memorandum: Honourable Charles Stewart."
- <sup>77</sup> Duncan C. Scott, "Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended 31<sup>st</sup> March 1925," (Parliament of Canada, 1925), LAC, 20.
- <sup>78</sup> Wicken, *The Colonization of Mi'kmaq Memory and History, 1794-1928*, 4.
- <sup>79</sup> Wicken, 7.
- <sup>80</sup> Karen Murray, "The Violence Within: Canadian Modern Statehood and the Pan-territorial Residential School System Ideal," *Canadian Journal of Political Science* 50, no. 3 (Sept. 2017): 756.
- <sup>81</sup> Murray, "The Violence Within," 766.
- <sup>82</sup> H. J. Bury, "Administrative Service Nova-Scotia", 18 December 1931, RG 10, Vol. 3220, File 536,764-1, LAC, Ottawa, Canada.
- <sup>83</sup> Quotation taken from "Letter from A. S. Williams to Wm. Foran", 26 March 1932, RG 10, Vol. 3220, File 536,764-1, LAC, Ottawa, Canada. And D. C. Scott, "Correspondence from D. C. Scott to C. J. McNeil", 17 March 1932, RG 10, Vol. 3220, File 536,764-1, LAC, Ottawa, Canada.
- <sup>84</sup> "Memo to Records Branch", 18 March 1932, RG 10, Vol. 3220, File 536,764-1, LAC, Ottawa, Canada.
- <sup>85</sup> Patterson, "Indian Affairs and the Nova Scotia Centralization Policy," 31.
- <sup>86</sup> Kenny and Parenteau Research Associates, "Centralization of Nova Scotia's Mi'kmaq: 1918-65," 29.
- <sup>87</sup> Inspector, "Report to A. S. Williams", 3 September 1932, RG 10, Vol. 3220, File 536,764-1, LAC, Ottawa, Canada.
- <sup>88</sup> Inspector, "Report to A. S. Williams", 3 September 1932, RG 10, Vol. 3220, File 536,764-1, LAC, Ottawa, Canada.
- <sup>89</sup> Kenny and Parenteau Research Associates, "Centralization of Nova Scotia's Mi'kmaq: 1918-65," 29.
- <sup>90</sup> Kenny and Parenteau Research Associates, 34-35.
- <sup>91</sup> Kenny and Parenteau Research Associates, 39.
- <sup>92</sup> Library and Archives Canada, "Indian Affairs Annual Reports, 1864-1990," March 19, 2013, <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/introduction.aspx>.
- <sup>93</sup> Patterson, "Indian Affairs and the Nova Scotia Centralization Policy," 44.
- <sup>94</sup> Patterson, 44.
- <sup>95</sup> Patterson, 43.
- <sup>96</sup> W. S. Arneil, "Investigation Report on Indian Reserves and Indian Administration, Province of Nova Scotia", 1941, Indian Affairs Branch, Department of Mines and Resources, Government of Canada.
- <sup>97</sup> Arneil, "Investigation Report on Indian Reserves and Indian Administration, Province of Nova Scotia."
- <sup>98</sup> Patterson, "Indian Affairs and the Nova Scotia Centralization Policy," 52-54.
- <sup>99</sup> Patterson, 153.
- <sup>100</sup> Patterson, 154.
- <sup>101</sup> Patterson, 154.
- <sup>102</sup> Martha Walls, "Mi'kmaq Politicism and the Origins of the Micmac Community Development Program, 1899-1957," *Journal of the Royal Nova Scotia Historical Society* 20, (2017): 2.
- <sup>103</sup> Walls, "Mi'kmaq Politicism and the Origins of the Micmac Community Development Program," 9.

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<sup>104</sup> Patterson, 150.

<sup>105</sup> Patterson, "Indian Affairs and the Nova Scotia Centralization Policy," 154.

<sup>106</sup> Patterson, 1.

<sup>107</sup> Walls, "Mi'kmaw Politicism and the Origins of the Micmac Community Development Program," 11.

<sup>108</sup> Patterson, "Indian Affairs and the Nova Scotia Centralization Policy," 88-9.

<sup>109</sup> Sheila Steen, "The Psychological Consequences of Acculturation Among the Cape Breton Micmac" (M. A., Philadelphia, University of Pennsylvania, 1951), 79.

<sup>110</sup> "Canada Department of Mines and Resources Report of Indian Affairs Branch for the Fiscal Year Ended March 31, 1941," (Parliament of Canada, 1941), LAC, 175.

<sup>111</sup> Arneil, "Investigation Report on Indian Reserves and Indian Administration, Province of Nova Scotia."

<sup>112</sup> Patterson, "Indian Affairs and the Nova Scotia Centralization Policy," 159.



## Conclusion

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Centralization marked the end of an era of Indigenous and government relations, both in Nova Scotia and across Canada, and a new order emerged in the period immediately following the Second World War. For the first time, the Canadian government through the Special Joint Committee of the Senate and the House of Commons consulted with First Nations communities over some proposed changes to be made to the *Indian Act*. However, even this was a weak compromise of what First Nations people of Canada wanted. Chief Andy Paull, President of the North American Indian Brotherhood (NAIB), had requested not a Special Joint Committee, but a Royal Commission Review of the *Indian Act*.<sup>1</sup> The Special Joint Committee resulted in the revised *Indian Act* of 1951. The revisions represented the federal government's shift in assimilation away from acculturation of First Nations peoples and toward political and legal homogeneity of all Canadian citizens, which meant the elimination of special statuses.<sup>2</sup> While cultural distinctions would be tolerated, political distinctions based on them would no longer be a policy of the federal government. For example, the revisions removed some of the more egregious political, cultural, and religious restrictions imposed by the *Indian Act*, such as the bans on dances, ceremonies, and some legal claims. Additionally, women were given the right to vote in band council elections. However, the *Indian Act* was still fundamentally discriminatory through its restrictions of Indian status. Incentives and barriers were prevalent to induce or force compulsory enfranchisement and the loss of status. For example, Indigenous peoples who received degrees or became doctors, clergymen, or lawyers were subject to enfranchisement. Furthermore, the *Act* also replaced the concept of "Indian blood" with

one of status through registration. First Nations blood relations and heritage was no longer enough to qualify someone for Indian Status and these restrictions particularly targeted women and their children. The “double mother” rule, for instance, revoked the status of an individual whose mother and grandmother had not qualified for status once the individual reached the age of twenty-one. Women could lose their Indian Status through marriage to a non-status man. A status woman who married a status man had her band membership tied to his, so she was no longer a member of her own band, and she lost her status entirely if she was widowed or abandoned by her husband. In the same year Inuit people were given the right to vote, however ballot boxes were not placed in the north until 1962, effectively denying them the ability to vote. All these revisions made Indian Status harder to maintain and pressured “Indians” toward enfranchisement. The 1951 *Indian Act* promoted, at least on the surface, full citizenship for First Nations peoples and equal treatment of First Nations within the Canadian nation-state.<sup>3</sup>

In doing so, however, the *Indian Act* served to undermine the First Nations’ inherent right to self-government. The 1951 revisions also shifted control over Indigenous affairs toward provincial jurisdiction. The federal government’s lack of resolve and commitment to the project of centralization was an early indicator of its desire to shed the special responsibilities they owed to First Nations peoples. Hugh Shewell also attributed this attempt to devolve responsibility to provinces to a recommendation that was made during an influential brief presented by the Canadian Welfare Council and the Canadian Association of Social Workers in 1948. This presentation suggested that the provinces be encouraged to extend their health and social services on to the reserves.<sup>4</sup> “This

recommendation,” Shewell explained, “set in motion a new - though never very well organised - effort on the part of Indian Affairs to involve the provinces in First Nations’ welfare matters. Importantly, this effort also moved the federal administration of social assistance into a more modern phase so that increasingly the federal social assistance program began to look more and more like a generalised copy of its provincial counterparts.”<sup>5</sup> Meanwhile, jurisdiction over First Nations’ affairs was not extended toward First Nations peoples. In order to be assimilated into Canadian citizenship, Indigenous political units needed to be undermined.

Reform would continue to characterize Indigenous affairs well into the 1960s. Prime Minister John Diefenbaker, who was a long-time critic of Indian administration and especially of the 1951 *Act*, launched an investigation and established a Joint Committee of the Senate and House of Commons on Indian Affairs in 1959. The Canadian *Bill of Rights*, which Diefenbaker began drafting in 1958, emphasized equal rights for all Canadians. Therefore, denying Indigenous Canadians the vote was becoming increasingly contradictory to the Canadian philosophies of rights and liberties. On March 31, 1960, portions of Section 14(2) of the *Canada Elections Act* were repealed in order to grant the federal vote to status Indians.<sup>6</sup> Status Indians could now vote in federal elections without having to surrender their Indian status. However, voter turnout remained low for many years. Voting remained inaccessible to many rural, Indigenous communities. Furthermore, many Indigenous people feared that the act of voting may be used to infringe upon their special rights as status Indians, given the trend toward legal integration of status rights.<sup>7</sup>

Their concerns would prove to be legitimate. Throughout the 1960s, under the guise of multiculturalism and equality, protections for special status of Indians and First Nations jurisdiction was increasingly questioned. Under Prime Minister Lester B. Pearson, the entrenched paternalism that had dominated the Department of Indian Affairs and then the Indian Affairs Branch began to be phased out in favour of the growing spirit of cooperative federalism. Cooperative federalism is, in essence, a series of pragmatic and piecemeal responses by the federal and provincial governments to the circumstances of their mutual interdependence.<sup>8</sup> The spirit of cooperation and consultation did not extend any jurisdiction of Indian affairs toward Indigenous communities. Rather, the cooperation took place between the federal and provincial governments, expanding upon the revisions of 1951. Under Pearson, the 1964 Treasury Board Minute (TBM) permitted Indian Affairs to provide social assistance to Indians in a manner comparable to local municipal and provincial jurisdictions. While the federal government initiated the Community Development Program in 1965, which aimed in part to have the provinces extend their welfare services onto the reserves, the extension to provincial jurisdiction was only successfully adopted in Ontario. So, to create a nearly identical system of co-operative federalism that treated status Indians comparably to their non-Indian counterparts in each province as well as to deflect the growing criticisms of the extreme poverty faced by reserve communities, the federal government implemented the 1964 TBM.<sup>9</sup> It was a *de facto* transfer of jurisdiction as it established a system where the federal government simply followed the lead of each provincial government with respect to social assistance. First Nations had little or no influence over the provincial policies and the federal government

would not, for constitutional reasons, interfere in an area of provincial responsibility.<sup>10</sup> This is the system, largely unchanged, that is presently in place in Nova Scotia.

Harry B. Hawthorn, an anthropologist, was commissioned by the federal government to investigate the social conditions of Indigenous communities in Canada. The resulting Hawthorne Report found the Indigenous people of Canada were the most marginalized, disadvantaged population in the country, creating the label of “citizen minus” as well as advocating the idea of a “citizen plus” for conceptualizing First Nation’s citizenship.<sup>11</sup> The government of Pierre Trudeau responded by consulting with Aboriginal leaders to determine solutions. The leaders expressed their historical grievances, that their treaty and special rights had never been properly acknowledged by the Canadian government, and that in general Indigenous peoples were constantly ignored by federal policy. The government’s response was less than satisfactory. In 1969, Trudeau and the Minister of Indian Affairs and Northern Development Jean Chrétien released the “Statement of the Government of Canada on Indian Policy,” now known as the White Paper. The White Paper considered special policies created to govern the Indigenous populations of Canada, not as affirmative action nor the fulfillment of treaty agreements, but discriminatory and exclusionary. Therefore, Indian status was to be eliminated, making Indigenous people equal in name alone to all other Canadians. The White Paper also proposed dismantling the Department of Indian Affairs, repealing the *Indian Act*, and eradicating all treaties between First Nations peoples and the federal government.<sup>12</sup> Reserve lands would be converted to private property owned by bands and band members, responsibility for services would be transferred back to provincial governments as it had

been before Confederation, and commissioners would be appointed to oversee land claims and provide funds for economic development. Ultimately, the White Paper was another, though larger scale, instance of the federal government attempting to eliminate the rising costs of administering Indian Affairs and denying treaty responsibilities.

The White Paper would prove to be less monumental than the response it prompted from Indigenous peoples. The White Paper had promised to eliminate the differences between Indigenous and other Canadians and break from the colonialist status quo. Instead, the White Paper became synonymous with continued assimilationist policies and an ignorant government. Oddly, it became a catalyst for the modern Indigenous rights movement. Aboriginal groups across Canada called for its retraction and published their own papers to counter the White Paper's colonialist philosophy. Most notable the response of the then-president of the Indian Association of Alberta Harold Cardinal's "Red Paper," which popularized Hawthorne's "citizen-plus" term to describe the rights and freedoms Indigenous people in Canada should be afforded, due to their citizenship and the rights promised them in treaties.<sup>13</sup> Modern scholarship is divided over the significance of the White Paper regarding the Indigenous Rights Movement that flourished during the 1970s. Traditionally, it was understood as the catalyst for the movement and promoted unity among Indigenous peoples provincially and nationally. More recent scholarship has questioned this narrative, however. Sarah Nickel in her article "Reconsidering 1969: the *White Paper* and the Making of the Modern Indigenous Rights Movement" challenged the dominance of the White Paper in our understanding of the modern Indigenous movement and suggested that the policy has been used as landmark for separating the Indigenous

movement into pre- and post-eras. This division effectively erased or at least minimized pre-1969 political movements of Indigenous peoples and overemphasized a sense of national and provincial unity on the part of Indigenous political groups.<sup>14</sup> While the significance of the White Paper is debated, the Indigenous civil rights movement did expand throughout the 1970s, including in Nova Scotia. In 1969, the Union of Nova Scotia Indians was formed (now known as the Union of Nova Scotia Mi'kmaq). The UNSI was created to “provide a unified political voice for the Mi'kmaq people of the province in the face of a proposed federal government policy to assimilate Canada's First Nations people into mainstream society.”<sup>15</sup> Academic interest in Indigenous history also began to emerge during the 1970s, reshaping the colonialist and national histories of Canada.

Indigenous history and histories about Indigenous peoples grew out of and continues to be written in a politically charged environment, and as such historians must acknowledge and recognize the political ramifications and consciousness of their work. In 1994, Robin Brownlie and Mary-Ellen Kelm published an article entitled “Desperately Seeking Absolution: Native Agency as Colonialist Alibi?” which reflected on some of the political consequences of historians' search for Indigenous agency during the nineteenth and early twentieth centuries in settler societies. In social theory “agency” refers to the capacity of individuals to act as agents on their own behalf, either individually or collectively. One of the oldest debates in sociology is determining whether decisions made by groups or individuals are largely influenced by agency or “structure,” which refers to all those factors that limit humans' ability to act as autonomous agents. Structure encompass things such as social class, education, religion, gender, ethnicity, customs, norms,

geography, environment, and much more, including basic biological and genetic factors.<sup>16</sup> Indigenous history was partly founded to dispel the myths of colonial histories, one of which being the notion that Indigenous peoples lack agency. Following first contact, their actions were characterized by many to have been ethnically determined. Their colonization, therefore, was pre-determined by their ethnic inferiority. Later, historians shifted the discourse to presume Indigenous peoples were hindered by the cultural structures of their lives. For example, the Indigenous peoples of the plains could not adapt to the sedentary, agricultural lifestyle, which resulted in the failure of agricultural programs and the decline of their civilization. Indigenous history fought against the stereotype that Indigenous people were passive victims of the era of settlement and favoured a perspective that analyzed Indigenous peoples as active participants in the worlds of economics, politics, and society after first contact.

“Desperately Seeking Absolution” provides warnings against an overemphasis on agency. Firstly, within social theory, some modern sociologists have questioned the usefulness of distinguishing between agency and structure. The two become so interwoven most times we cannot determine whether sociologically a person or collective is driven by agency or structure at any particular moment.<sup>17</sup> Secondly, and more specific to the discussion of Indigenous history, over-emphasizing agency can distort the oppressive structures that contributed to the Indigenous experience. Brownlie and Kelm studied three pieces written by historians Douglas Cole and Ira Chaikin, J. R. Miller, and Tina Loo. The works were unified by their analysis of the federal government’s banning of the potlatch and other elements of a general policy aimed to force acculturation and assimilation.



Brownlie and Kelm also connected these works as examples of the field of Indigenous history that seek out Indigenous agency, despite the weight of the state's authority. According to Brownlie and Kelm, within the works they studied, "the First Nations continued to assert themselves, to resist the power of colonialism, and to maintain the vibrancy of their cultures."<sup>18</sup> Brownlie and Kelm (and this author) recognize the inherent value in this analysis. Seeking Indigenous agency presented a more holistic, accurate historical understanding of the process of colonization in North America. In the present, Indigenous agency also legitimizes legal claims to the validity of treaties signed between Indigenous groups and colonists, who should be regarded as nations of equal agency and legitimacy upon signing. Indeed, this research found through Nova Scotia's history, the Mi'kmaq were politically active and attempted to assert their rights to property through both treaty and colonialist means, such as petitioning. This was contradictory to the stereotypical presentation of Mi'kmaq being indifferent to European law and customs, especially around land ownership. This research found by the eighteenth century, at least a portion of the Mi'kmaq had adapted to British law and attempted to obtain land through those avenues, although they were regularly shut down by government officials.

However, the works of Cole, Chiaki, Miller, and Loo extended beyond the general trend, as Brownlie and Kelm observed, by suggesting agency was evidence of Indigenous resilience and ability to soften, even deny, the forces of colonization. Whether done implicitly or not, such a narrative partially absolves the perpetrators of colonialism of their crimes against Indigenous peoples, both historically and contemporarily. Because, unlike some other fields of history, Indigenous history continues to directly influence the current

legal discourse in post-colonial countries. Additionally, Loo in her article in the *Canadian Historical Review* “Dan Cranmer’s Potlatch: Law as Coercion, Symbol, and Rhetoric in British Columbia, 1884 – 1951” extended the argument further by interpreting the agency of Indigenous peoples as resistance to oppressive tactics from colonizers. In this way, the colonizers were written to contribute to the empowerment of Indigenous peoples. “These writers gloss over,” Brownlie and Kelm stated, “the suffering of First Nations under the federal ‘wardship,’ minimize the extent of the very real and observable damage inflicted on Aboriginal societies, and continually emphasized the altruistic intent of the colonizers.”<sup>19</sup> Hunting for Indigenous voices and actors meant researching in a body of documentation that required historians to often find new sources or read against the grain of the colonist perspective. By doing so, historians at times undermine the real oppression faced by expansive colonialist forces.

In principle, this research agrees with the stance of Brownlie and Kelm, though perhaps views the works of Cole, Chiaki, Miller, and Loo with slightly less scepticism. The softening of colonial governments and the absolving of their actions against Indigenous peoples was not done with intent. However, historians who seek to find resilience within Indigenous history commit several errors. The most egregious error of historians was summed up neatly by Brownlie and Kelm: “Though all four scholars seem to acknowledge the colonial oppression experienced by the First Nations, they nonetheless concur that through poor implementation, Native resistance, and the peculiarities of legal process, the negative effects of colonization were mitigated, even nullified.”<sup>20</sup>

This study concludes something similar. It has argued that the poor implementation and ill-define legal structures which were rampant and consistent throughout the development of Nova Scotia Indian Affairs from 1760 to 1950 were, in reality, the main source of Mi'kmaw oppression. Living under the conditions of neglect shown created hardship and suffering more than resilience; Indian Affairs was a tool of colonization and oppression. Direct, interventionist, assimilatory policies did not typify the history of Nova Scotia Indian Affairs. During the early period of British consolidation, the Superintendent General of Indian Affairs was responsible for quieting Mi'kmaq during periods of conflict. This was manifested in providing relief and foodstuffs, but inconsistently and without any long-term plan to support or assimilate the Mi'kmaq. Following the 1830s, the Commissioner of Indian Affairs was more consistently filled, however the lack of mandate and instruction resulted in dramatically different policies being implemented depending on the man who occupied the office. Following Confederation, the gaze of the new federal Department of Indian Affairs was not upon the Mi'kmaq, rather it observed the more turbulent, wealthy, and powerful First Nations bands through southern Ontario and the Prairies. The failure of Indian Affairs to see and know the Mi'kmaq has been described the years of invisibility by Martha Walls, also called a period of illegibility. The more typical tools of acculturation, such as residential schools and centralization, dominated Mi'kmaw life following an economic shift that put the Mi'kmaq against the financial interests of upper-class capitalists and businessmen. Therefore, the Mi'kmaq were at the mercy of people with more political power, which resulted in increased pressure from the federal government. It would still take economic crises in the form of the Great Depression and the Second World War for the federal government to fully intervene in the affairs of the

Mi'kmaq of Nova Scotia, establishing and attempting a plan to centralize them on two reserves. However, ultimately the plan failed due the decades of neglect and failure to appreciate the cultural, political, and economic nuances of the Mi'kmaw situation in Nova Scotia.

Was nearly two-hundred years of neglect and mismanagement a source of empowerment and resilience for the Mi'kmaq of Nova Scotia? Historians have documented the tactics and methods through which the Mi'kmaq were able to survive despite the government's lack of attention and support, developing unique economies to make income and preserving their culture through resistance to colonial laws, such as the preservation of the Mi'kmaw language and the continued practice of hunting following treaty law. That said, Mi'kmaw resistance toward oppressive government policy should not undermine the severity of their oppression. Interpreting poor implementation of government policies and legal peculiarities primarily as avenues to liberation ignores how neglect was the main source of Mi'kmaq oppression in Nova Scotia. Such research demonstrates why regional, Atlantic reviews of our national paradigm of Indigenous history or works of history that deal with Indigenous topics are so fundamental and valuable. The scope of this research revealed the unevenness and inconsistency with which Mi'kmaw Affairs were managed by different iterations of the colonial government. Such levels of inconsistency and lack of oversight meant throughout the vast majority of its history, Nova Scotia Indian Affairs was not defined by the militant, oppressive programs until the mid-1910s at the earliest, though it could be argued it was not prevalent until centralization of the 1940s. Yet, the oppression experienced by Nova Scotian Mi'kmaq was crippling and produced severe hardships. Nova

Scotia's historic mismanagement of Indian Affairs resulted in the Mi'kmaq becoming the poorest First Nations group in the country. Still, child poverty rates are highest among First Nations peoples in Nova Scotia.<sup>21</sup>

In other words, the structures of oppression in the Nova Scotian Indigenous experience were powerful and while evidence of resistance exists, this should not undermine the oppressiveness of Nova Scotian Indian Affairs. Furthermore, these structures did not exactly resemble the structures of oppression in other regions of Canada. Whereas other regions of Canada experience more direct oppression through interventionist means, the Nova Scotian Mi'kmaq were regularly ignored by the government agencies designed to monitor them. However, this neglect still resulted in similar levels of suffering and destruction. Neglect should be considered another method through which the colonial government in Canada committed cultural genocide against Indigenous peoples, alongside policies of assimilation. By analyzing the Nova Scotian context, it is therefore concluded that framing the Department of Indian Affairs and its predecessors as an agency of assimilation is not wholly accurate. While direct, interventionist assimilation was part of the DIA's national mandate, this representation is flawed for it most accurately represents certain regional experiences. The case study of Nova Scotia and the conclusions drawn from it suggest that a reconsideration of our national paradigm concerning Indian Affairs is necessary. Firstly, the power of structures should not undermine Indigenous people's ability to act as agents nor disregard their participation in the formation of post-colonial Canada. However, such structures should also be recognized for their strength and no intellectual room should be given to theories that give colonists an alibi. Secondly, regional

studies of indigeneity must be expanded and explored by historians. By doing so, historians dispute the conflation of all Indigenous experiences as well as acknowledge the complex plural identities of Indigenous people in Canada and allow for a better understanding of regional Indigenous identities. Finally, by repositioning colonial agendas and the accumulation of capital at the core of the Department of Indian Affairs' philosophies, procedures, and policies, historians open the narrative of colonization to more Indigenous populations in Canada. This narrative also more accurately accounts for the government's shifting emphasis on assimilation while not allowing for periods of lessened assimilation to be interpreted as an easing of the colonial experience. Furthermore, it allows for the trends in colonization in Nova Scotia and Canada to be interwoven with the greater, global narrative of imperialism and reinforce unity with Indigenous groups across the world. Direct or indirect, the colonial policies enacted by imperial regimes were designed to root out indigeneity in settler society, eradicate Indigenous culture and knowledge, and extract resources that rightfully belonged to Indigenous peoples. The Nova Scotian Mi'kmaq experience was the same; it just looked different on the surface.

## Notes for Conclusions

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<sup>1</sup> Keith Smith, *Strange Visitors: Documents in Indigenous-Settler Relations in Canada from 1876*, (Toronto: University of Toronto Press, Higher Education Division, 2014), 236-40.

<sup>2</sup> Hugh Shewell, "Why Jurisdiction Matters: Social Policy, Social Services and First Nations," *The Canadian Journal of Native Studies* 36, no. 1 (2016): 182.

<sup>3</sup> Shewell, 183.

<sup>4</sup> Shewell, 183.

<sup>5</sup> Shewell, 183.

<sup>6</sup> J. I. Little, "Courting the First Nations Vote: Ontario's Grand River Reserve and the Electoral Franchise Act of 1885," *Journal of Canadian Studies/Revue d'études Canadiennes* 52, no. 2 (November 16, 2018): 538.

<sup>7</sup> John F. Leslie, "Assimilation, Integration, or Termination? The Development of Canadian Indian Policy, 1943-1963" (PhD Dissertation, Carleton University, 1999).

<sup>8</sup> Eugénie Brouillet, "The Supreme Court of Canada: The Concept of Cooperative Federalism and Its Effect on the Balance of Power," in *Courts in Federal Countries*, ed. Nicholas Aroney and John Kincaid, Federalists or Unitarists? (University of Toronto Press, 2017), 135-64, 152, <https://www.jstor.org/stable/10.3138/j.ctt1whm97c.9>.

<sup>9</sup> Shewell, "Why Jurisdiction Matters," 184.

<sup>10</sup> Shewell, 184.

<sup>11</sup> Sarah Nickel, "Reconsidering 1969: The White Paper and the Making of the Modern Indigenous Rights Movement," *Canadian Historical Review* 100, no. 2 (May 2019): 235, <https://doi.org/10.3138/chr.2018-0082-2>.

<sup>12</sup> Nickel, 226.

<sup>13</sup> Nickel, 235.

<sup>14</sup> Nickel, 223.

<sup>15</sup> "About Us | Union of Nova Scotia Mi'kmaq," accessed March 13, 2020, <https://www.unsm.org/about-us>.

<sup>16</sup> Ronald J. Angel, "Agency versus Structure: Genetics, Group Membership, and a New Twist on an Old Debate," *Social Science & Medicine* 73, no. 5 (September 1, 2011): 632-35, <https://doi.org/10.1016/j.socscimed.2011.06.039>.

<sup>17</sup> Angel.

<sup>18</sup> Brownlie and Kelm, "Desperately Seeking Absolution: Native Agency as Colonialist Alibi?"

<sup>19</sup> Brownlie and Kelm.

<sup>20</sup> Brownlie and Kelm.

<sup>21</sup> Lesley Frank and Laura Fisher, "2019 Report Card on Child and Family Poverty in Nova Scotia: Three Decades Lost" (Nova Scotia: Canadian Centre for Policy Alternatives Nova Scotia Office, 2019), <https://www.policyalternatives.ca/sites/default/files/uploads/publications/Nova%20Scotia%20Office/2020/01/2019%20report%20card%20on%20child%20and%20family%20poverty.pdf>.

## Bibliography

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- “About Us | Union of Nova Scotia Mi’kmaq.” Accessed March 13, 2020.  
<https://www.unsm.org/about-us>.
- Acheson, T. W. “The National Policy and the Industrialization of the Maritimes, 1880-1910.” *Acadiensis*, April 4, 1972, 3–28.
- Angel, Ronald J. “Agency versus Structure: Genetics, Group Membership, and a New Twist on an Old Debate.” *Social Science & Medicine* 73, no. 5 (September 1, 2011): 632–35. <https://doi.org/10.1016/j.socscimed.2011.06.039>.
- Beck, J. Murray. “Howe, Joseph.” In *Canadian Dictionary of Biography*. Vol. 10. Quebec and Toronto: Université Laval/University of Toronto, 1972.  
[http://www.biographi.ca/en/bio/howe\\_joseph\\_10E.html](http://www.biographi.ca/en/bio/howe_joseph_10E.html).
- . *Joseph Howe: Conservative Reformer 1804-1848*. Vol. I. 2 vols. Kingston and Montreal: McGill-Queen’s University Press, 1982.
- . *Joseph Howe: The Briton Becomes Canadian, 1848-1873*. Vol. II. 2 vols. Montreal & Kingston: McGill-Queen’s University Press, 1983.
- . “UNIACKE, JAMES BOYLE.” In *Dictionary of Canadian Biography*. Vol. VIII (1851-1860). Quebec and Toronto: Université Laval/University of Toronto, 1985.  
[http://www.biographi.ca/en/bio/uniacke\\_james\\_boyle\\_8E.html](http://www.biographi.ca/en/bio/uniacke_james_boyle_8E.html).
- Bittermann, Rusty. “The Hierarchy of the Soil: Land and Labour in a 19th Century Cape Breton Community.” *Acadiensis* 18, no. 1 (Autumn 1988): 33–55.
- Brebner, J. B. *The Neutral Yankees of Nova Scotia: A Marginal Colony During the Revolutionary Years*. New York: Columbia University Press, 1937.
- Brouillet, Eugenie. “The Supreme Court of Canada: The Concept of Cooperative Federalism and Its Effect on the Balance of Power.” In *Courts in Federal Countries*, edited by Nicholas Aroney and John Kincaid, 135–64. University of Toronto Press, 2017.
- Brownlie, Robin Jarvis. *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939*. Don Mills, ON: Oxford University Press, 2003.



- Brownlie, Robin Jarvis, and Mary-Ellen Kelm. "Desperately Seeking Absolution: Native Agency as Colonialist Alibi?" *Canadian Historical Review* 75, no. 4 (1994): 543–56.
- Buckner, Philip. "Campbell, Sir Colin." In *Dictionary of Canadian Biography*. Vol. 7. Quebec and Toronto: Université Laval/University of Toronto, 1988.
- Canada, Library and Archives. "Indian Affairs Annual Reports, 1864-1990," March 19, 2013. <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/introduction.aspx>.
- Canada. Royal Commission on Aboriginal Peoples. *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada*. Ottawa: Royal Commission on Aboriginal Peoples, 1996.
- Carless, J. M. S. *Canada: A Story of Challenge*. New York: Cambridge University Press, 1953.
- Carlson, Leonard. *Indians, Bureaucrats and Land: The Dawes Act Decline of Indian Farming*. Westport: Greenwood Press, 1981.
- Carter, Sarah. *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy*. Montreal & Kingston: McGill-Queen's University Press, 1990.
- Clarke, Tim. "'The Exigencies of the Military Situation Must Be the Primary Consideration': The Department of Indian Affairs, Communication Control, and Indigenous Families in the First World War." *Journal of Military and Strategic Studies* 19, no. 2 (2018): 18–40.
- Craft, Aimée. "Living Treaties, Breathing Research." *Canadian Journal of Women and the Law* 26, no. 1 (May 2, 2014): 1–22.
- Creighton, Donald. *The Commercial Empire of the St. Lawrence, 1760-1850*. Toronto: Ryerson Press, 1956.
- Daschuk, James. *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life*. Regina: University of Regina Press, 2013.
- Drinnon, Richard. *Facing West: The Metaphysics of Indian-Hating and Empire Buildings*. Norman: University of Oklahoma Press, 1997.

- Dyck, Noel. "An Opportunity Lost: The Initiative of the Reserve Agricultural Programme in the Prairie West." In *1885 and After: Native Society in Transition*, edited by F. Laurie Barron and James B. Waldram. Regina: Canadian Plains Research Centre, 1986.
- Eberts, Mary. "Still Colonizing After All These Years." *University of New Brunswick Law Journal* 64 (Jan. 2013): 123-59.
- Faragher, John Mack. "'A Great and Noble Scheme': Thoughts on the Expulsion of the Acadians." *Acadiensis* 36, no. 1 (2006): 82-92.
- Fingard, Judith. "The Relief of the Unemployed Poor in Saint John, Halifax, and St. John's, 1815 -1860." *Acadiensis* 5, no. 1 (Autumn 1975): 32-53.
- Forbes, E. R. "Prohibition and the Social Gospel in Nova Scotia." *Acadiensis* 1, no. 1 (10 October 1971): 11-36.
- Forbes, E. R., D. A. Muise, L. D. McCann, and Bill Parenteau. *The Atlantic Provinces in Confederation*. Toronto: University of Toronto Press, Scholarly Publishing Division, 1993.
- Frank, Lesley, and Laura Fisher. "2019 Report Card on Child and Family Poverty in Nova Scotia: Three Decades Lost." Nova Scotia: Canadian Centre for Policy Alternatives Nova Scotia Office, 2019.  
<https://www.policyalternatives.ca/sites/default/files/uploads/publications/Nova%20Scotia%20Office/2020/01/2019%20report%20card%20on%20child%20and%20family%20poverty.pdf>.
- Gibson, James R. *Farming the Frontier: The Agricultural Opening of the Oregon County*. Vancouver: University of British Columbia Press, 1985.
- Giokas, John. "The Indian Act: Evolution, Overview, and Options for Amendment and Transition." Ottawa: Government of Canada. Accessed January 3, 2020.  
[http://publications.gc.ca/collections/collection\\_2016/bcp-pco/Z1-1991-1-41-130-eng.pdf](http://publications.gc.ca/collections/collection_2016/bcp-pco/Z1-1991-1-41-130-eng.pdf).
- Greer, Allan. "1837-38: Rebellion Reconsidered," *Canadian Historical Review* 76, no. 1 (March 1995): 1-18.

- Griffiths, Naomi. *The Contexts of Acadian History, 1686-1784*. Montreal: McGill-Queen's University Press, 1992.
- Gywn, Julian. *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870*. Montreal: McGill-Queen's University Press, 1998.
- Haigh, Elizabeth. "They Must Cultivate the Land: Abraham Gesner as Indian Commissioner, 1847-1853." *Journal of the Royal Nova Scotia Historical Society* 3 (2000): 54–71.
- Hanks, Lucien M., and Jane Richardson Hanks. *Tribe under Trust: A Study of the Blackfoot Reserve of Alberta*. Toronto: University of Toronto Press, 1950.
- Hollingsworth, Samuel. *The Present State of Nova Scotia*. 2nd ed. Edinburgh, 1787.
- Howe, Stephen. *Empire: A Very Short Introduction*. Oxford: Oxford University Press, 2002.
- Humphreys, R. *No Fixed Abode: A History of Responses to the Roofless and the Rootless in Britain*. Springer, 1999.
- Hutton, Elizabeth. "Indian Affairs in Nova Scotia, 1760-1834." In *The Native Peoples of Atlantic Canada: A History of Indian-European Relations*, edited by Michael Gnarowski, 63–80. The Carleton Library Series. Ottawa: Carleton University Press, 1983.
- Innis, Harold. *The Fur Trade in Canada: An Introduction to Canadian Economic History*. New Haven: Yale University Press, 1930.
- Jennings, Francis. *The Invasion of America: Indians, Colonialism, and the Cant of Conquest*. New York: Penguin, 1975.
- Kenny and Parenteau Research Associates. "Centralization of Nova Scotia's Mi'kmaq: 1918-65." Historical Report. Specific Claims Branch, Department of Indian and Northern Affairs, November 2000.
- Langhout, Rosemarie. "Developing Nova Scotia: Railways and Public Accounts, 1849-1967." *Acadiensis* II, no. 1 (Autumn 1972): 3–28.
- Leefe, John G. "Fairbanks, Samuel Prescott." In *Canadian Dictionary of Biography*. Vol. 11. Quebec and Toronto: Université Laval/University of Toronto. Accessed

January 19, 2020.

[http://www.biographi.ca/en/bio/fairbanks\\_samuel\\_prescott\\_11E.html](http://www.biographi.ca/en/bio/fairbanks_samuel_prescott_11E.html).

Leslie, John F. "Assimilation, Integration, or Termination? The Development of Canadian Indian Policy, 1943-1963." PhD Dissertation, Carleton University, 1999.

Little, J. I. "Courting the First Nations Vote: Ontario's Grand River Reserve and the Electoral Franchise Act of 1885." *Journal of Canadian Studies/Revue d'études Canadiennes* 52, no. 2 (November 16, 2018): 538–69.

Longley, R. S. "The Coming of the New England Planters to the Annapolis Valley." In *They Planted Well: New England Planters in Maritime Canada*, edited by Margaret Conrad, 14-28. Fredericton: Acadiensis Press, 1988.

Loo, Tina and Carolyn Strange. *Making Good: Law and Moral Regulation in Canada, 1867-1939*. Toronto: University of Toronto Press, 1997.

Lower, Arthur. *Colony to Nation: A History of Canada*. Toronto: Longmans, Greene & Company, 1946.

Mackintosh, William. *The Economic Background of Dominion-provincial Relations: Appendix III of the Royal Commission Report on Dominion-provincial Relations*. Toronto: McClelland and Stewart, 1964.

MacNutt, W. S. *The Atlantic Provinces: The Emergence of Colonial Society, 1712-1857*. Toronto: McClelland and Stewart, 1965.

Manuel, George, and Michael Posluns. *The Fourth World: An Indian Reality*. Don Mills, ON: Collier, 1974.

Maracle, Lee. *Bobbi Lee, Indian Rebel*. Toronto: Women's Press, 1990.

McGowan, Katherine. "'We Are Wards of the Crown and Cannot Be Regarded as Full Citizens of Canada': Native Peoples, the Indian Act and Canada's War Effort." PhD Dissertation, University of Waterloo, 2011.

Merrell, James H. "Some Thoughts on Colonial Historians and American Indians." *William and Mary Quarterly* 46, no. 1 (1989): 94–119.

Moorsom, William. *Letters from Nova Scotia*. London: H. Colburn and R. Bentley, 1830.

- Morton, W. L. "Clio in Canada: The Interpretation of Canadian History." *University of Toronto Quarterly* 15, no. 3 (April 3, 1946): 227–34.  
<https://doi.org/10.3138/utq.15.3.227>.
- Mrazek, Courtney. "'after Planting Their Few Potatoes They Wander about the Island': The Mi'kmaq and British Agricultural Policies in Nineteenth-Century Nova Scotia 1." *Journal of the Royal Nova Scotia Historical Society; Halifax* 20 (2017): 18-36, XI.
- Munro, John. "Interwoven Colonial Histories: Indigenous Agency and Academic Historiography in North America." *Canadian Review of American Studies* 44, no. 3 (December 12, 2014): 402–25.
- Murray, Karen. "The Violence Within: Canadian Modern Statehood and the Pan-territorial Residential School System Ideal." *Canadian Journal of Political Science* 50, no. 3 (September 2017): 747-72.
- Nickel, Sarah. "Reconsidering 1969: The White Paper and the Making of the Modern Indigenous Rights Movement." *Canadian Historical Review* 100, no. 2 (May 2019): 223–38. <https://doi.org/10.3138/chr.2018-0082-2>.
- Parnaby, Andy. "The Cultural Economy of Survival: The Mi'kmaq of Cape Breton in the Mid-19th Century." *Labour/La Travail* 61 (Spring 2006): 68–98.
- Patterson, Lisa. "Indian Affairs and the Nova Scotia Centralization Policy." Master of Arts Thesis, Dalhousie University, 1985.  
[https://www.slideshare.net/LisaLPatterson1/indian-affairs-and-the-nova-scotia-centralization-policy?qid=9118df39-cd3c-4655-abf6-66bf2dd13b53&v=&b=&from\\_search=1](https://www.slideshare.net/LisaLPatterson1/indian-affairs-and-the-nova-scotia-centralization-policy?qid=9118df39-cd3c-4655-abf6-66bf2dd13b53&v=&b=&from_search=1).
- Patterson, Stephen E. "1744-1763: Colonial Wars and Aboriginal Peoples," in *The Atlantic Region to Confederation: A History*, eds. Phillip A. Buckner and John G. Reid, 125-55. Toronto and Fredericton: University of Toronto Press and Acadiensis Press, 1993.
- . "Indian-White Relations in Nova Scotia, 1749-61: Study in Political Interaction," *Acadiensis* 23, no. I (Autumn 1993): 23-59.

- Paul, Daniel. *We Were Not the Savages: A Mi'kmaq Perspective on the Collision Between European and Native American Civilizations*. Halifax: Fernwood, 2000.
- Peskotomuhkati Nation at Skutik. "Wampum," 2019.  
<https://qonaskamkuk.com/peskotomuhkati-nation/wampum/>.
- Plank, Geoffrey. "The Two Majors Cope: The Boundaries of Nationality in Mid-18th Century Nova Scotia." *Acadiensis* 25, no. 2 (Spring): 18–40.
- Ray, Arthur J. *Indians in the Fur Trade: Their Role as Trappers, Hunters, and Middlemen in the Lands of the Southwest of Hudson Bay 1660-1870*. Toronto: University of Toronto Press, 1980.
- Reid, John G. *Acadia, Maine, and New Scotland: Marginal Colonies in the Seventeenth Century*. Toronto: University of Toronto Press, 1981.
- . "Pax Britannica or Pax Indigena? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification." *The Canadian Historical Review* 85, no. 4 (Dec. 2004): 669-692.
- . *The 'Conquest' of Acadia, 1710: Imperial, Colonial, and Aboriginal Constructions*. Toronto: University of Toronto Press, 2004.
- Reid, John G., and Emerson W. Baker. *Essays on Northeastern North America, Seventeenth and Eighteenth Centuries*. Toronto: University of Toronto Press, 2008.
- Remes, Jacob. "Mi'kmaq in the Halifax Explosion of 1917: Leadership, Transience, and the Struggle for Land Rights." *Ethnohistory* 61, no. 3 (2014): 445–66.
- "Report of the Indian Branch of the Department of the Secretary of State for the Provinces." Parliament of Canada, 1871. LAC. <http://central.bac-lac.gc.ca/.item/?id=1871-IAAR-RAAI&op=pdf&app=indianaffairs>.
- "Report of the Parliamentary Select Committee on Aboriginal Tribes, (British Settlements.): Reprinted, with Comments, by the 'Aborigines Protection Society.'" London: William Ball, Aldine Chambers, Paternoster Row, and Hatchard & Son, Piccadilly, 1837.  
<https://ia800901.us.archive.org/24/items/reportparliamen00britgoog/reportparliamen00britgoog.pdf>.

- Rogers, E. S. and Flora Tobobondung. "Parry Island Farmers: A Period of Change in the Way of Life of the Algonkians of Southern Ontario." *Contributions to Canadian Ethnology*, Mercury Series, no. 31 (1975).
- Samek, Hanna. *The Blackfoot Confederacy, 1880-1920: A Comparative Study of Canadian and U.S. Indian Policy*. Albuquerque: University of New Mexico Press, 1987.
- Samson, Daniel. *The Spirit of Industry and Improvement: Liberal Government and Rural-Industrial Society, Nova Scotia, 1790-1862*. Montreal & Kingston: McGill-Queen's University Press, 2008.
- Scott, James C. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. Paperback. New Haven: Yale University Press, 1999.
- Sears, Alan. "Before the Welfare State: Public Health and Social Policy." *The Canadian Review of Sociology and Anthropology* 32, no. 2 (1995): 169–88.
- Shewell, Hugh. "Why Jurisdiction Matters: Social Policy, Social Services and First Nations." *The Canadian Journal of Native Studies* 36, no. 1 (2016): 179–202.
- Silko, Leslie Marmon. *Ceremony*. New York: Penguin, 1986.
- Smith, E. A. "Grey, Charles, Second Earl Grey (1764–1845), Prime Minister." Oxford Dictionary of National Biography, September 23, 2003.  
<https://doi.org/10.1093/ref:odnb/11526>.
- Smith, Keith D. *Strange Visitors: Documents in Indigenous-Settler Relations in Canada from 1876*. Toronto: University of Toronto Press, Higher Education Division. 2014
- Stanley, G. F. G. *The Birth of Western Canada: A History of the Riel Rebellions*. Great Britain: Longmans, Green and Co. Ltd., 1936.
- Steckley, John L. *Indian Agents: Rulers of the Reserves*. Vol. 3. Critical Indigenous and American Indian Studies. New York: Peter Lang, 2016.
- Steen, Sheila. "The Psychological Consequences of Acculturation Among the Cape Breton Micmac." M. A., University of Pennsylvania, 1951.
- Susan A. Miller. "Native America Writes Back: The Origin of the Indigenous Paradigm in Historiography." *Wicazo Sa Review* 23, no. 2 (2008): 9–28.  
<https://doi.org/10.1353/wic.0.0013>.

- “The Canadian Indians and the Great World War.” In *Canada in the Great War: Vol. III, Guarding the Channel Ports*, Vol. III. Toronto: United Publishing of Canada, 1919.
- Tillotson, Shirley. *Contributing Citizens: Modern Charitable Fundraising and the Making of the Welfare State, 1920-66*. Vancouver: UBC Press, 2008.
- Todorova, Miglena S. “Co-Created Learning: Decolonizing Journalism Education in Canada.” *Canadian Journal of Communication* 41, no. 4 (November 8, 2016). <https://doi.org/10.22230/cjc.2016v41n4a2970>.
- Tricoire, Damien. “Introduction.” In *Enlightened Colonialism: Civilization Narratives and Imperial Politics in the Age of Reason*. Cambridge Imperial and Post-Colonial Studies Series. London: Palgrave Macmillan, 2017.
- Trigger, Bruce. “Ethnohistory: Problems and Prospects.” *Ethnohistory* 29, no. 1 (1982): 1–19.
- Tully, James. “The Struggles of Indigenous Peoples for and of Freedom.” In Duncan Ivison, Paul Patton & Will Saunders, eds, *Political Theory and the Rights of Indigenous Peoples*. New York: Cambridge University Press, 2009. 36-59.
- Twohig, Peter L. “Health and the Health Care Delivery System: The Micmac in Nova Scotia.” Master’s Thesis, Saint Mary’s University, 1991.
- Underhill, Frank. *The Image of Confederation: The Massey Lectures*. Toronto: The Canadian Broadcast Corporation, 1964.
- Upton, L. F. S. “Indian Policy in Colonial Nova Scotia, 1783-1871.” *Acadiensis* 5, no. 1 (1975): 3–31.
- . *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867*. Vancouver: University of British Columbia Press, 1979.
- . “Letter of Chief Pemmeenauweet to Queen Victoria.” In *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867*, 188–92. Vancouver: University of British Columbia Press, 1979.
- Van Kirk, Sylvia. *Many Tender Ties: Women in Fur-Trade Society in Western Canada, 1670-1870*. Winnipeg: Watson, 1980.
- Wallace, Anthony. *The Death and Rebirth of the Seneca*. New York: Vintage, 1969.



- Walls, Martha. "Confederation and Maritime First Nations." *Acadiensis* 46, no. 2 (November 1, 2017): 155–76.
- . "The Disposition of the Ladies: Mi'kmaw Women and the Removal of the Kings Road Reserve, Sydney, Nova Scotia." *Journal of Canadian Studies* 50, no. 3 (Fall 2016): 538–65.
- . "Mi'kmaw Politicism and the Origins of the Micmac Community Development Program, 1899–1957." *Journal of the Royal Nova Scotia Historical Society* 20, (2017): 1-17.
- Whitehead, Ruth Holmes. "Christina Morris: Micmac Artist and Artist's Model." *Material Culture Review* 3 (January 1, 1977): 1–14.
- Wicken, William C. *The Colonization of Mi'kmaw Memory and History, 1794-1928: The King V. Gabriel Sylliboy*. University of Toronto Press, 2012.
- Zinn, Howard. *A People's History of the United States, 1492-Present*. New York: Harper, 1995.

### Archival Materials

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*An Ordinance to prevent Trespasses upon Crown Lands in Cape Breton, 1787, 27 George III Chapter 6, Colony of Cape Breton. British North American Legislative Database, 1758-1867, University of New Brunswick.*  
<https://bnald.lib.unb.ca/legislation/ordinance-prevent-trespases-upon-crown-lands-cape-breton>

*An Ordinance for the Preservation of Moose and Carraboo [Caribou] in the Island of Cape Breton and Its Dependencies, 1787, 28 George III Chapter 9, Colony of Cape Breton. British North American Legislative Database, 1758-1867, University of New Brunswick.* <https://bnald.lib.unb.ca/legislation/ordinance-preservation-moose-and-carraboo-caribou-island-cape-breton-and-its>

Census of Canada Databases, 1825-1926. Library and Archives Canada, Ottawa, Ontario, Canada. <https://www.bac-lac.gc.ca/eng/census/Pages/census.aspx#b>

Commissioner of Public Records, Indian Series, RG 1, Vol. 430-2. Public Archives of Nova Scotia, Halifax, Nova Scotia, Canada.

George Henry Monk's 'Indian Accounts:' 1784, 1793-1799, 1807-1809, Monk family, MG 1. Public Archives of Nova Scotia, Halifax, Nova Scotia, Canada.

Indian Affairs Annual Reports, 1864-1990. Library and Archives Canada, Ottawa, Ontario, Canada. <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/introduction.aspx>

Indian Affairs, Red Series, RG 10. Library and Archives Canada, Ottawa, Ontario, Canada. <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-rg10/Pages/introduction.aspx>

Journals and Debates of the House of Commons. Canadian Parliamentary Historical Resources, Library of Parliament and CRKN, Ottawa, Ontario, Canada.  
<https://parl.canadiana.ca/>

Journal and Votes of the House of Assembly for the Province of Nova Scotia, 1767-1867, identifier 9\_00946. Canadiana by Canadian Research Knowledge Network, Ottawa, Ontario, Canada. [https://www.canadiana.ca/view/ocihm.9\\_00946](https://www.canadiana.ca/view/ocihm.9_00946)

Kings Road Reserve Collection, MG 7A. 17. Beaton Institute, Cape Breton University, Sydney, Nova Scotia, Canada.

Lieutenant Governor of Nova Scotia, Petition Series, RG 5, Series GP, Vol. 1-13. Public Archives of Nova Scotia, Halifax, Nova Scotia, Canada.

Nova Scotia Commissioner of Crown Lands, Journal of Titus Smith, RG 1, Vol. 380a+b, reel 15441. Public Archives of Nova Scotia, Halifax, Nova Scotia, Canada.

Peace and Friendship Treaties, [O/S No. 511-516], [RG 1, Vol. 284, No. 17], [RG 1, Vol. 346, No. 2], and [RG 1, Vol. 430, No. 2, 5, 6 and 20a]. Public Archives of Nova Scotia, Halifax, Nova Scotia, Canada.

Records of the Commissioner of Indian Affairs, MG 15, Vol. 3-6. Public Archives of Nova Scotia, Halifax, Nova Scotia, Canada.

Records of the Department of Lands and Forests, Land Grant and Registrations Books Series, index MFM 12926-7. Public Archives of Nova Scotia, Halifax, Nova Scotia, Canada.