

## Empire, the Maritime Colonies, and the Supplanting of Mi'kma'ki/Wulstukwik, 1780-1820

John G. Reid

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Article abstract

*While accepting that the supplanting of Mi'kma'ki and Wulstukwik by the Maritime colonies entered a crucial phase during the waning years of the "long" 18th century, this article argues that the process was characterized by a complex and distinctive pattern. That dispossession was widespread is beyond doubt, even though the evidence also suggests significant spatial variations in the scale and implications of environmental change. Yet a continuing Native ability to represent complaints and demands based on longstanding treaty obligations, and to extract conciliatory responses from reluctant imperial officials, also persisted during this period.*

# Empire, the Maritime Colonies, and the Supplanting of Mi'kma'ki/Wulstukwik, 1780-1820

JOHN G. REID

*Tout en reconnaissant que le remplacement de Mi'kma'ki et de Wulstukwik par les colonies des Maritimes entra dans une phase cruciale dans les dernières années du « long » 18<sup>e</sup> siècle, cet article soutient que ce processus présentait des caractéristiques complexes et distinctives. Il ne fait aucun doute que la dépossession était une pratique répandue, même si les preuves suggèrent aussi que l'ampleur et les répercussions du changement d'environnement variaient considérablement selon le lieu. Néanmoins, on assista aussi durant cette période à la persistance d'une capacité soutenue des Amérindiens de faire valoir leurs doléances et leurs demandes en invoquant des obligations de longue date issues de traités, et d'obtenir des réponses conciliantes de la part de fonctionnaires impériaux récalcitrants.*

*While accepting that the supplanting of Mi'kma'ki and Wulstukwik by the Maritime colonies entered a crucial phase during the waning years of the “long” 18th century, this article argues that the process was characterized by a complex and distinctive pattern. That dispossession was widespread is beyond doubt, even though the evidence also suggests significant spatial variations in the scale and implications of environmental change. Yet a continuing Native ability to represent complaints and demands based on longstanding treaty obligations, and to extract conciliatory responses from reluctant imperial officials, also persisted during this period.*

IT HAS BECOME A HISTORICAL TRUISM that the effects of the Loyalist migration to the Maritime colonies, reinforced by other substantial migrations including those of the Scots, were intensely destructive for the Native populations of the territories involved. L.F.S. Upton wrote in 1979 that “the arrival of the Loyalists completed Britain’s conquest of Acadia”; the occasional “flicker of independence” notwithstanding, wholesale dispossession followed. For Upton, it quickly became clear that, “the Indians were no longer of account as allies, enemies, or people.”<sup>1</sup> In another important and influential study, Harald E.L. Prins argued in 1996 that the Loyalist influx “overwhelmed” the Native economy, and the resulting destitution –

1 L.F.S. Upton, *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867* (Vancouver: University of British Columbia Press, 1979), 78, 80, 84. An earlier version of this article was presented at the Atlantic Canada Studies Conference at the University of Prince Edward Island in May 2009. The research was funded by the Social Sciences and Humanities Research Council of Canada. I thank my research assistants Emily Burton and Kelly Chaves as well as the three anonymous readers for *Acadiensis*.

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along with the absence of support from potential diplomatic allies in France and the United States – ensured that by the 1790s “the Mi'kmaq and other tribal nations on the Atlantic seaboard were painfully aware that the old times were over.”<sup>2</sup> Depictions such as these are consistent with the more general historical narrative of an ongoing, far advanced dispossession of Native peoples in eastern North America as a whole. As Timothy J. Shannon understandably commented in a 2007 review of Alan Taylor's *The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution*, Taylor's study of the partitioning of Iroquoia between British North America and the United States brought out “the same problem that confronts other historians of Native Americans in this period, the sense that we have all heard this story before and we know that it is not going to end well.”<sup>3</sup>

This article will suggest, however, that the supplanting of Mi'kmaq'ki and Wulstukwik by the Maritime colonies, while certainly entering a critical phase during the waning years of the “long” 18th century, was characterized by a complex and distinctive pattern.<sup>4</sup> In this substantial portion of northeastern North America there were discrete though intertwined lines of development in, on the one hand,

2 Harald E.L. Prins, *The Mi'kmaq: Resistance, Accommodation, and Survival* (Fort Worth: Harcourt Brace, 1996), 161-3. Other authors who have put forward similar arguments include Daniel N. Paul, *We Were Not the Savages: A Mi'kmaq Perspective on the Collision Between European and Native American Civilizations*, 2nd ed. (Halifax: Fernwood, 2000) and, though attributing continuous dispossession to a more extended timespan rather than identifying specific turning points, Jennifer Reid, *Myth, Symbol, and Colonial Encounter: British and Mi'kmaq in Acadia, 1700-1867* (Ottawa, ON: University of Ottawa Press, 1995).

3 Timothy J. Shannon, review of Alan Taylor, *The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution* (New York: Knopf, 2006), in *New England Quarterly* 80, no. 3 (September 2007): 524-6 (quotation on 525).

4 In this article, I have used the terms Mi'kmaq'ki and Wulstukwik to refer respectively to the territories of the Mi'kmaq and Wulstukwiuk (Maliseet). Following the scheme initially set out in Emerson W. Baker and John G. Reid, *The New England Knight: Sir William Phips, 1651-1695* (Toronto: University of Toronto Press, 1998), xxii, I refer separately to the Wabanaki as a broad definition of ethnicity in the portion of the later State of Maine, extending approximately from the Saco River to the Penobscot River. Also separately identified are the Passamaquoddy who, while closely related to the Wulstukwiuk in cultural terms, occupied a territory that came to straddle the Canada-United States border, and whose population centre shifted south-westwards during the 1780s following pressure from the Loyalist migration into New Brunswick. For a thorough discussion, see William Wicken, “Passamaquoddy Identity and the Marshall Decision,” in *New England and the Maritime Provinces: Connections and Comparisons*, ed. Stephen J. Hornsby and John G. Reid (Montreal and Kingston: McGill-Queen's University Press, 2005), 53-7.

The definitions of ethnic identity in what Bruce Bourque has aptly designated “the Maritime Peninsula” were fluid, and they remain contentious among scholars of various disciplines. Bourque's contribution is crucial in distinguishing those groups that were cultural descendants of the larger grouping originally known as the Etchemin. They included both the Passamaquoddy and those increasingly identified by 18th-century European observers as “Maliseet.” See Bruce J. Bourque, “Ethnicity on the Maritime Peninsula, 1600-1759,” *Ethnohistory* 36, no. 3 (Summer 1989): 257-84 as well as Bourque, with contributions by Steven L. Cox and Ruth H. Whitehead, *Twelve Thousand Years: American Indians in Maine* (Lincoln: University of Nebraska Press, 2001), esp. 142-4. Although “Maliseet” is commonly used currently, I have preferred to use the increasingly favoured descriptor “Wulstukwiuk.”

The term “Wabanaki” raises its own complications. That there were – and are – cultural affinities among the Mi'kmaq, the Etchemin and their successors, and those once known to scholars as the Eastern Abenaki is clear enough. On the last-named term and its drawbacks, see Richard D'Abate and

environmental and territorial matters and, on the other hand, in those connected with military and diplomatic history. That dispossession was widespread is beyond doubt, even though a review of the evidence also suggests significant spatial variations in the scale and implications of environmental change. Yet this damaging process coexisted with the continuing Native ability to represent complaints and demands based on longstanding treaty obligations, and to extract conciliatory responses from reluctant imperial officials. Owing in part to the tensions prevailing during a period of recurrent conflicts embroiling Great Britain, France, and the United States, this persistent diplomatic capacity waned after 1815. While it lasted, it had not only carried through to a later era the practice of discussing treaty-based assertions with representatives of the Crown, but it also had continued an extended narrative of Native-imperial relations through a period that had seen a profound discontinuity in the form of greatly intensified pressure imposed by colonial settlement.

In important respects, the Mi'kmaq and Wulstukwiuk shared common or analogous histories. Interaction and intermittent military cooperation with French imperial officials characterized the late-17th and early-18th centuries for both, and reached further into the 18th century for Mi'kmaq who maintained a relationship with Louisbourg. The Mi'kmaw experience, and to a lesser degree that of the Wulstukwiuk, also included a relationship of general though not uninterrupted peaceful coexistence with Acadian colonists while the disruptions created by the Planter migrations of the 1760s had also proved to be have limited environmental

Victor A. Konrad, "General Introduction," in *American Beginnings: Exploration, Culture, and Cartography in the Land of Norumbega*, ed. Emerson W. Baker et al. (Lincoln: University of Nebraska Press, 1994), 316n10. It is equally clear that diplomatic contacts linked all of these groups, and intense scholarly discussion has centred on whether all were members of the Wabanaki Confederacy from at least the early-18th century to the mid-19th century. Willard Walker has argued that the Confederacy "was, and continues to be, an authentic northeastern Algonquian institution . . . [joining] the Penobscots, Passamaquoddies, Maliseets, and Micmacs" and maintaining a close association with the Caughnawaga Council led by the Mohawk of Caughnawaga and Kanesatake (Oka). See Willard Walker, "The Wabanaki Confederacy," *Maine History* 37, no. 3 (Winter 1998): 110-39 (quotation on 111-12). Harald E.L. Prins has argued, further, that Aboriginal-British hostilities and treaties in the northeast from the 1670s to the 1720s should be interpreted as involving actions of the Wabanaki Confederacy defined as also extending to the Wabanaki from the Saco to the Kennebec. See Harald E.L. Prins, "The Crooked Path of Dummer's Treaty: Anglo-Wabanaki Diplomacy and the Quest for Aboriginal Rights," in *Papers of the Thirty-Third Algonquian Conference*, ed. H.C. Wolfart (Winnipeg, MB: University of Manitoba, 2002), 360-77.

I remain sceptical of direct Mi'kmaw participation in a broader confederacy, largely on the basis of the distinction made in a crucial letter of 1721 between those groups that were signatories in the name of "la nation abnaquoise" and those who (including the Mi'kmaq) were listed in a separate category as allies. See letter of the Eastern Indians [to Governor Samuel Shute], 28 July 1721, Colonial Office (CO) 5/869/106-7, United Kingdom National Archives (UKNA). For a different view, see Walker, "The Wabanaki Confederacy," 121-3. Evidence of direct political ties binding the Wulstukwiuk with the Passamaquoddy and Penobscot is stronger, and there is no mistaking the linkages and frequent travel that crossed what was and is, from a Native viewpoint, an artificial Canada-US border. Likewise, it is evident that the various treaties of 1725-8 stemmed from discussions conducted in Boston by Penobscot negotiators who were empowered to represent, among others, both Mi'kmaq and Wulstukwiuk. See Emerson W. Baker and John G. Reid, "Amerindian Power in the Early Modern Northeast: A Reappraisal," *William and Mary Quarterly*, 3rd series, 61, no. 1 (January 2004): 86-8. Following that time, however, the treaty processes diverged and a distinct series of subsequent treaties was made by the Mi'kmaq, Wulstukwiuk, and/or the Passamaquoddy

consequences.<sup>5</sup> When it came to the history of diplomatic relations with the British, the Mi'kmaq, along with the Wulstukwiuk and Passamaquoddy, shared a process of evolution that from 1725 onwards diverged markedly from the experience of Wabanaki neighbours. It was characterized, in particular, by the negotiation of similar and closely linked treaties in 1760-61, which marked the last major phase of treaty-making even though further negotiations and more localized treaties followed during the era of the American Revolution.<sup>6</sup> The Mi'kmaq and Wulstukwiuk also shared an ability to meet the pressures that arose during the 1780-1820 period by drawing on two centuries of experience not only with inter-cultural trade relations but also with diplomatic engagements, including citation of treaty obligations to protect essential resource harvests and the containment of agricultural settlement. The stresses imposed by colonization during this crucial transitional era were unprecedented, with the settlement of non-Native populations characterized by land hunger and a profound sense of entitlement. The results were intensely destructive, and yet there was no military defeat, no formal land surrender, and the principle of a treaty relationship that enshrined Native-imperial peace and friendship was one that – far from weakening – continued in Native political cultures to evolve and gain strength. These are the elements that demonstrate, in this geographical and cultural

with the British Crown as represented in the colony of Nova Scotia. While the existence of these treaties does not contradict the clear evidence that diplomatic and other exchanges continued among Native groups throughout the northeast, the distinctness of Mi'kmaq'ki/Wulstukwik provides a workable unit of analysis for the purposes of considering historically an evolving Native-British relationship in what was defined by the British from 1713 as Nova Scotia and later formed the Maritime colonies.

Finally, an important recent contribution has been made by Greg Marquis, who has questioned the validity of “the Ganong line,” which has long been used to distinguish Mi'kmaq from Wulstukwiuk territory. W.F. Ganong had designated all of the land on either side of the Wulstukw (St. John) River and its tributaries as Wulstukwiuk territory, while Mi'kmaq territory bordered it to the east and Penobscot to the west, with a small subsidiary territory on either side of the St. Croix River belonging to the Passamaquoddy. Contesting the watershed theory that the Ganong map propagated, Marquis has argued convincingly that neither Wulstukwiuk nor Mi'kmaq had exclusive use of the lower Wulstukw region but that both were present there, particularly in the Kennebecasis Valley (at least until the early-19th century). See Greg Marquis, “The Story of a Map: W.F. Ganong and Tribal Boundaries in New Brunswick,” in *Papers of the Thirty-Ninth Algonquian Conference*, ed. Karl S. Hele and Regna Darnell (London, ON: University of Western Ontario, 2008), 479-517.

Thus, to summarize, this article will take Mi'kmaq'ki as extending throughout the present-day Maritime Provinces (as well as to the Gaspé and Gulf islands) with the exception of the Wulstukw Valley and territories surrounding it and to the west, while Wulstukwik is defined as including the entire Wulstukw Valley – but with the proviso in both cases that the area surrounding the mouth of that river and its lower tributaries was a borderland frequented by both Mi'kmaq and Wulstukwiuk in the relevant period. The Passamaquoddy continued to occupy territory southwest of the Wulstukwiuk, but with the primary population base now on the US side of where the still-contested boundary with British North America would eventually be drawn.

- 5 See John G. Reid, “*Pax Britannica* or *Pax Indigena*? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification,” *Canadian Historical Review* 85, no. 4 (December 2004): 669-92 (esp. 687-8).
- 6 William C. Wicken, *Mi'kmaq Treaties on Trial: History, Land, and Donald Marshall Junior* (Toronto: University of Toronto Press, 2002); Rosalie M. Francis, “The Mi'kmaq Nation and the Embodiment of Political Ideologies: Ni'kmaq, Protocol and Treaty Negotiations of the Eighteenth Century” (masters thesis, Saint Mary's University, 2003).

context as in other areas of history, that general narratives have their place but must ultimately be disciplined according to the particularities of experience.

As Upton showed many years ago, the late-18th century – especially the era following the closing stages of the American Revolution – saw not only profound changes in the non-Native demographics of the Maritime colonies but also an acceleration of territorial colonization and environmental change that exerted damaging and long-lasting pressures on Mi'kmaw society and economy. Subsequent studies have elaborated and re-emphasized this characteristic of the era for the Mi'kmaq, and the evidence yields little suggestion that the Wulstukwiuk experience differed significantly.<sup>7</sup> For all that, within a general pattern of encroachment by Loyalist refugees, Scottish rural settlers, and others there were variations. The greatest concentration of environmental pressures came on the peninsula of mainland Mi'kma'ki, where land configuration combined with encroachment and resource depletion to create by the mid-1790s a critical juncture. In early 1794, the Nova Scotia Indian Commissioner George Henry Monk wrote from Windsor to Governor John Wentworth, enclosing a petition in the name of “the Mickmack Indians.” Monk had been reluctant to have the Mi'kmaw concerns addressed to Wentworth, for “their remarks and representations were such that I wished rather to discourage than [*sic*] to communicate them,” but following a contentious meeting with Mi'kmaq from Pictou and Cape Sable and a threat that Natives would converge on Halifax to confront Wentworth directly, he finally “reduced their Representations into the form of a Petition . . . , adhering strictly to their own Observations and remarks.”<sup>8</sup>

Despite the possibility that Monk may have sanitized the content as well as shaping the form of the petition, its language was uncompromising even though polite. Contrasting Nova Scotia with New Brunswick, where “there are Countries back [i.e., back countries] for the Indians,” the petitioners declared that “all Nova Scotia is Coast and Rivers, and that the English have taken all the Coast and Rivers, and make Roads and Settlements through the Woods every where, and leave no place for the Indians to hunt in.” As a result, they continued, “a great many Mickmacks have died for want of Victuals and Cloaths.”<sup>9</sup> As the petitioners were undoubtedly aware, there was more to the dispossession of the Mi'kmaq than simply the loss of hunting territory. Fishing was another source of repeated tension. As early as in August 1784, Charles Baker of Cumberland wrote of a conversation with the Mi'kmaw leader François Argamo, who “expressed his fears of the [Loyalist] Refugees and complained of the hardship of

7 Upton, *Micmacs and Colonists*; Paul, *We Were Not the Savages*, 165-80; Prins, *The Mi'kmaq*, 153-66; Reid, *Myth, Symbol, and Colonial Encounter*, 31-45. Wulstukwiuk still awaits a detailed study of this era, but see Ann Gorman Condon, “1783-1800: Loyalist Arrival, Acadian Return, Imperial Reform,” in *The Atlantic Region to Confederation: A History*, ed. Phillip A. Buckner and John G. Reid (Toronto and Fredericton: University of Toronto Press and Acadiensis Press, 1994), 201-4.

8 George Henry Monk to John Wentworth, 24 January 1794, CO 217/65/150, UKNA; on the meeting, see Report of George Monk, 12 January 1794, Monk Papers, MG 23, Letterbook, Indian Affairs, 1783-1797, pp. 1047-51, Library and Archives Canada (LAC).

9 “Petition of the Mickmack Indians,” [24 January 1794] CO 217/65/148, UKNA. See also, on Mi'kmaw exclusion from fur trapping, Julian Gwyn, “The Mi'kmaq, Poor Settlers, and the Nova Scotia Fur Trade, 1783-1853,” *Journal of the Canadian Historical Association*, new ser., 14 (2003): 65-91.

being drove from their hunting Grounds and fisheries.”<sup>10</sup> Among subsequent complaints was one directed to Wentworth from the Cape Sable Mi'kmaq in 1802, that “white people set Nets intirely across the Brooks and small rivers, which intirely prevent any Fish running up the streams,” while a correspondent of the *Pictou Colonial Patriot* recalled in 1828 that “we have heard . . . of a white man taking a fish from the river, and an Indian taking it from him, saying it was not his.”<sup>11</sup> Epidemic disease was a further danger, whether smallpox and dysentery brought directly by settlers – as at Pictou in 1801 – or measles, as reported at Remsheg in 1803.<sup>12</sup> Nevertheless, the relatively confined dimensions of the peninsula ensured that loss of territory in itself quickly became a prime threat to the Native economy and to subsistence. Monk, in subsequent reports as Indian commissioner, repeatedly took his cue – though not his tone, which focused on the need for conversion to “the Comforts resulting from Labour and Industry in Society” – from the Mi'kmaw petition of 1794 in arguing, as in 1808, that “the Province of Nova Scotia, being a Peninsula, has no back Country for the Aborigines to retreat to.”<sup>13</sup>

The problems in Cape Breton and on the Island of St. John – later known as Prince Edward Island – were distinct although related. Settlement in Cape Breton during the Loyalist era was initially sparse, with Sydney and surrounding communities remaining small in numbers.<sup>14</sup> Samuel Holland's celebrated map of Cape Breton preceded the American Revolution, but in the early years of Loyalist settlement there was little territorial encroachment that would have altered his designation of the entire northern peninsula and everything directly south of it (to a point only slightly north of the Canso Strait) as “the Savage Country or Principal Hunting District.”<sup>15</sup> Change, however, was soon precipitated through overhunting by non-Natives, although initially many of these non-Natives were not colonial residents of Cape Breton itself. While Mi'kmaw hunters responded to the earliest Loyalist settlement by selling and trading moose meat in Sydney, by March 1790 the Cape Breton Council was debating how to prevent catastrophic levels of moose kills by visiting hunters who sought hides to export to other colonies. In 1789, for instance, the council heard “near 9,000 Moose were killed in this Island . . . merely for the sake of their Skins.”<sup>16</sup> A hastily mounted military expedition reached Cape North some weeks later and apprehended a few hunters, but by that time serious damage had been done to the stock. “The Indians . . .’ reported

10 Charles Baker to Edward Barron, 7 August 1784, Monk Papers, MG 23, Letterbook, Indian Affairs, 1783-1797, p. 1032, LAC.

11 John Wentworth to Commissioners for Relief of Indians, 28 September 1802, RG 1, vol. 430, no. 117, NSARM; Letter of “Philo Antiquarius,” *Colonial Patriot* (Pictou), 11 January 1828.

12 William Nixon to Sir John Wentworth, 20 November 1801, RG 1, vol. 430, no. 88, NSARM; G. Oxley to Charles Morris and Michael Wallace, 4 February 1803, RG 1, vol. 430, no. 127, NSARM; see also Nova Scotia Council Minutes, 29 August 1801, RG 1, vol. 191, p. 80, NSARM.

13 Report of George Henry Monk, 23 April 1808, CO 217/82/204, UKNA.

14 See Robert J. Morgan, *Rise Again! The Story of Cape Breton Island, Book One* (Wreck Cove: Breton Books, 2008), 74-5 and Stephen J. Hornsby, *Nineteenth-Century Cape Breton: A Historical Geography* (Montreal and Kingston: McGill-Queen's University Press, 1992), 3-4, 25-8.

15 Samuel Holland, “A Plan of the Island of Cape Breton,” [1767?], Additional MSS, vol. 57,701, no. 7, British Library; see also Hornsby, *Nineteenth-Century Cape Breton*, 19-25.

16 Minutes of Cape Breton Council, 9 March 1790, CO 217/107/138-42, UKNA; also found at RG 1, vol. 319, pp. 313-15, NSARM.

the colony's provost-marshal, the Loyalist David Tait, in late 1792, "complain much of the whites having destroyed their Game, which is rely [*sic*] the case, the skin and fur trade having dwindled to very Little."<sup>17</sup> Less than four years later, the blame for overhunting was being put squarely on the Cape Breton settlers themselves. The colony's administrator, David Mathews, noted in the summer of 1796 that "the Native Indians were last Winter in a most deplorable situation, the Moose Deer which were their sole dependence for a Subsistence having been almost extirpated by the new Settlers."<sup>18</sup>

Worse was to come as Scottish settlement began. Increasing territorial encroachment eroded Native resource harvesting as well as raising related issues such as the desecration of sacred sites and the non-Native occupation of areas that even by colonial authorities had been designated formally or informally for Native use. By 1821 the Surveyor-General Thomas Crawley was taking aim specifically at Highland settlers as exemplifying "those who regardless of every principle of Justice, would deprive these inoffensive Savages of their Property."<sup>19</sup> In Prince Edward Island, meanwhile, the inroads made by other Scottish settlers from such tenancies as those of the former Lord Advocate for Scotland, Sir James Montgomery, led Montgomery's factor James Douglas to record in 1802 that "the Indians complain they have not a spot of ground on all these, their ancestors and their Native Coasts to make a residence upon."<sup>20</sup> In a previous letter, Douglas had obliquely revealed that overhunting was an issue there as elsewhere, commenting that "the White people . . . alledge in times of Scarcity which is pretty frequent with them, the Indians do not scruple to kill their Cattle slyly now and then to satisfy their hunger."<sup>21</sup> The heart of the matter was approached more closely in 1806, however, by the French emigré priest Jacques-Ladislas-Joseph de Calonne, who linked dispossession of the Mi'kmaq directly to the proprietary division of the Island. For "these unhappy aborigines," Calonne informed Governor Edmund Fanning, "the English government having divided up the entire Island among various proprietors, the result is that they cannot situate themselves anywhere without being quickly expelled."<sup>22</sup> In an enclosed petition in his own name but "in behalf of a part of the Mikmac Indians," Calonne dated the real turning point to the post-1780 era, since when, in addition to the basic territorial encroachment, "wild animals have . . . become exceedingly Scarce, [and] the fishery of rivers has

17 David Tait to Evan Nepean, 4 December 1792, CO 217/109/173, UKNA.

18 David Mathews to the Earl of Portland, 7 July 1796, CO 217/112/93, UKNA.

19 Crawley to Rupert George, 5 November 1821, RG 1, vol. 430, no. 158, NSARM. For a more focused treatment of the impact of Scottish settlement, see John G. Reid, "Scots in Mi'kma'ki, 1760-1820," *The Nashwaak Review* 22/23, no. 1 (Spring/Summer 2009): 527-57.

20 James Douglas to Sir James Montgomery, 26 August 1802, Blackwood and Smith Papers, GD 293/2/20/4, National Archives of Scotland (NAS); see also J.M. Bumsted, "Sir James Montgomery and Prince Edward Island, 1767-1803," *Acadiensis* VII, no. 2 (Spring 1978): 76-102.

21 Douglas to Montgomery, 24 November 1800, Blackwood and Smith Papers, GD 293/2/20/2, NAS.

22 Calonne to Fanning, 16 July 1806, CO 226/21/192, UKNA (author's translation). The original French reads as follows: "ces malheureux aborigines"; "le gouvernement anglois ayant distribué toute l'Isle entre divers propriétaires, il en resulte qu'ils ne peuvent se placer nulle part sans en etre bientot chassé." See also Claude Galarnau, "Jacques-Ladislas-Joseph de Calonne," in *Dictionary of Canadian Biography (DCB)*, ed. George W. Brown et al. (15 vols. to date; Toronto: University of Toronto Press, 1966-), VI: 105-7.



been appropriated and regulated.”<sup>23</sup> Although the petition went on to request that Lennox Island be set aside for Native use, it would take many years and convoluted negotiations before this plan could make any formal progress.<sup>24</sup>

In New Brunswick, which represented the imperial claim to an important portion of Mi'kma'ki as well as to Wulstukwik, patterns of dispossession were similar in many respects, though again with distinct elements stemming from both historical and geographical factors. Here, Loyalist settlement assumed prime importance, as the 15,000 or so Loyalist refugees almost instantly outnumbered the pre-existing population – Native and settler combined – by a factor of perhaps three to one.<sup>25</sup> Dislocation of entire Native communities resulted, among the most conspicuous being the southward migration of many Passamaquoddy following the establishment of the town of St. Andrews and other encroachments.<sup>26</sup> By 1787, Governor Thomas Carleton felt able to offer the assurance that the Wulstukwiuk, as “a wandering tribe,” had been treated with “civility and kindness” and that “the plenty of fish in summer and Moose in winter has hitherto prevented the settlement of the Whites in their neighbourhood from occasioning any inconvenience.”<sup>27</sup> Less sanguine was the New Brunswick committee of the British-based missionary organization known as the New England Company, which in 1793 took note of a report originating in Maugerville regarding “the great decrease of their [Natives'] hunting grounds by the Settlement of the Country.”<sup>28</sup> Some years later, Major-General Martin Hunter likewise informed London from Fredericton that, to the cost of Native inhabitants, “the wild animals of the Country are become so few as to be no longer an adequate resource.” Hunter's interest, unsurprisingly, was based on military considerations, as he emphasized that the Wulstukwiuk – and, presumably, the Mi'kmaq elsewhere in New Brunswick – should be offered “some occasional relief” because their enmity would be a severe threat “in a Country where the settlements are made fronting on the Rivers, with a wilderness every where close upon the Rear.”<sup>29</sup>

Thus, in New Brunswick and in Cape Breton, unlike in Prince Edward Island and peninsular Nova Scotia, there was a back country – even though its value for subsistence was suffering continuous erosion through resource depletion and the expansion of settlement as immigration proceeded. While in New Brunswick rivers long continued to attract settlement, thus cutting off Native transportation routes as

23 Memorial of Abbé de Calonne on behalf of a part of the Mikmac Indians, [16 July 1806], CO 226/21/194, UKNA.

24 Upton, *Micmacs and Colonists*, 113-23.

25 See J.M. Bumsted, *Understanding the Loyalists* (Sackville, NB: Centre for Canadian Studies, Mount Allison University, 1986), 23-35; Condon, “1783-1800: Loyalist Arrival, Acadian Return, Imperial Reform,” in *The Atlantic Region to Confederation*, 184-93; and John G. Reid, *Six Crucial Decades: Times of Change in the History of the Maritimes* (Halifax: Nimbus, 1987), 61-84.

26 Wicken, “Passamaquoddy Identity and the Marshall Decision,” 53; Vincent O. Erickson, “Maliseet-Passamaquoddy,” in *Handbook of North American Indians: Volume 15, Northeast*, ed. Bruce G. Trigger (Washington: Smithsonian Institution, 1978): 124-5.

27 Carleton to Earl of Dorchester, 31 January 1787, RS 330, A7b, Letterbook of Thomas Carleton, vol. VII, 1786-1808, no. 2, Provincial Archives of New Brunswick (PANB).

28 Minutes of New Brunswick Commissioners, 5 March 1793, New England Company MSS, vol. 07954, Guildhall Library.

29 Martin Hunter to Viscount Castlereagh, 25 May 1808, CO 188/14/27, UKNA.

well as providing points of departure for the inland spread of settlement, elsewhere the building of roads represented a powerful thrust at the environmental integrity of Native economies. Among the earliest advocates of extensive road construction in Nova Scotia was Michael Francklin, an acting governor on a number of occasions during the 1760s and 1770s who had some command of the Mi'kmaq language and who served later in his career as the colony's superintendent of Indian affairs.<sup>30</sup> For Francklin, writing as early as 1766, roads would be the means by which "the Country will become fully explored, and the most valuable of the interior parts will be soon settled . . .; this once accomplished . . . will render abortive every effort the Indians can make, should they hereafter be inclined to give us trouble."<sup>31</sup> While Francklin framed the matter in terms of projecting military force as well as economic development, a later advocate of road-building, Governor John Wentworth, was frank about its environmental consequences. "The extended roads and Settlements," Wentworth commented of the Mi'kmaq in 1793, "have been the means of destroying and driving off the wild beasts which formerly Supplied them with food and rayment." Two successive mild winters, he added, had made hunting even more difficult, "and I fear some of them perished."<sup>32</sup> While this represented, in one sense, an element of the particular process by which peninsular Nova Scotia increasingly became a settler space, it also represented the more general principle that road construction could lead to rapid environmental degradation with deadly consequences.

Not that these developments went unchallenged. Remonstrances directed at officials such as George Henry Monk were frequent. One example was a group of mainland Mi'kmaq confronting Monk; they ended a tense conversation when "they Instantly took up their Packs and went away without the usual acknowledgments," and Monk reported with some concern in 1794 that "some of the more Intelligent of them make Circuitous visits to the different Tribes, and give false reasons for such long and unusual Excursions."<sup>33</sup> Beyond such responses, Native strategies for offsetting the effects of settlement and environmental change included, where possible, the addition of agricultural cultivation to other sources of subsistence as well as deliberate migration. Cultivation, however, gave no protection from encroachment, as the philanthropist and would-be centralizer of Native communities Walter Bromley stated forcefully in 1822: "You will scarcely meet an Indian, but who will tell you that he has cleared and cultivated land some time or other, but that the white men have taken it from him."<sup>34</sup> Migration away from settlement sites and environmentally affected areas was reported by, among others, the surveyor and naturalist Titus Smith, who observed following a tour of northern Nova Scotia in 1801: "I think a considerable number of them [Mi'kmaq] have left the Province, as I have been

30 See L.R. Fischer, "Michael Francklin," *DCB*, IV: 272-6.

31 Francklin to Board of Trade, 30 September 1766, CO 217/21/357-8, UKNA.

32 Wentworth to [Henry Dundas?], 3 May 1793, CO 217/64/171-2, UKNA; see also John Parr to Viscount Sydney, 8 September 1787, CO 217/60/50-1, UKNA.

33 Report of George Monk, 12 January 1794, Monk Papers, Letterbook, Indian Affairs, 1783-1797, p. 1050, LAC.

34 Walter Bromley, *An Account of the Aborigines of Nova Scotia called the Micmac Indians* (London: Luke Hansard, 1822), 10; see also Judith Fingard, "Walter Bromley," *DCB*, VII: 107-10.

informed at many different settlements, that there are not half so many Indians about them as there was some years ago.”<sup>35</sup>

As a way of turning long-established and customary mobility to advantage in the context of drastically altered environmental circumstances, migration over shorter or longer distances could enable a semblance of the traditional economy to survive in places – much to the chagrin of colonial officials such as the Nova Scotia governor the Earl of Dalhousie in 1817, who deplored in the Mi'kmaq the tenacity of “their natural habits and inclination for a wandering life.”<sup>36</sup> Even in the context of the increasing creation of reserves – systematic in Nova Scotia from 1819, more haphazard elsewhere – mobility, as Natasha Simon has pointed out, was not surrendered.<sup>37</sup> The New England Company admitted as much, albeit condescendingly, in a report of 1822 that lamented the difficulties encountered in New Brunswick in communicating “elevated Views and pure Affections” to “Indians . . . either in their original and wild or in their broken and wandering State.”<sup>38</sup> Yet the pressures that had characterized the preceding quarter-century had taken a heavy toll and continued to do so. Unlike previous colonizing thrusts in Mi'kmaq'ki and Wulstukwik, the immigration of the late-18th and early-19th centuries was too strong and persistent to be decisively turned aside or accommodated by Native populations now drastically outnumbered. It had also been rapid. Although cultural and environmental pressures had not begun in 1782, but had a more extended past, retrospectives on the era of Loyalist and then Scottish immigration contrasted strikingly the previous availability of resources with the subsequent prevalence of poverty and ill-health. Chief Louis Benjamin Pemmeenauweet in 1840, for example, contrasted the “plenty” of his youth with the existing poverty as well as the danger that it would last “for ever.” The Pictou elder Peter Paul, born in 1779, could similarly remember a childhood of productive hunting and fishing that had given way quickly to a much harsher environment.<sup>39</sup> Although dispossession had had its historical and geographical variations, its combined effects by the early 1800s had become evident not only within living memory but within a very few highly consequential decades. The discontinuity was abrupt and profound.

Yet the rapid change in the relationship between colonization and the Native population did not necessarily extend to Native-imperial relations. Neither the Mi'kmaq nor the Wulstukwiuk experienced military defeat or made a formal

35 Titus Smith, “General Observations on the Northern Tour,” 1801, RG 1, vol. 380, pp. 113-14, NSARM. For another example, see Minutes of New Brunswick Commissioners, 5 March 1793, New England Company MSS, vol. 07954, Guildhall Library.

36 Draft letter of Dalhousie, 8 March 1817, Dalhousie Papers, sect. 1, pp. 26-9, NAS.

37 Natasha Simon, “Towards a Just Relationship: The Role of Treaty Negotiations in Mi'kmaq Reserve Formation in New Brunswick” (paper presented to Canadian Historical Association Annual Meeting, Saskatoon, SK, 2007), 1-2.

38 “General Report to the New England Company,” 9 May 1822, New England Company MSS, vol. 07969, p. 5, Guildhall Library.

39 Petition of Louis Benjamin Pemmeenauweet, [1840], CO 217/179/406-08, UKNA, reproduced in Upton, *Micmacs and Colonists*, 188-92; “Biography of Peter Paul – Written February 16th, 1865, from his own Statement by an Amanuensis” (unattributed newspaper clipping), MG 9, vol. 5, “Scrapbook of Dr. George Patterson on Indians,” NSARM.

surrender of territory. And both had extended experience of diplomatic relations with French and British imperial officials based on the principle of reciprocity. In these areas, there were important elements of continuity rather than discontinuity and thus a more elongated historical narrative. It is true, of course, that the overlay of colonial settlement on Mi'kma'ki and Wulstukwik during the late-18th and early-19th centuries had its own far-reaching effect on the entire process of British-Native interaction, especially in matters affecting land use and occupancy. Most noticeably at first in those areas where back countries ceased to exist, Mi'kmaw and Wulstukwiuk access to land was narrowed and Native economies hollowed out accordingly. Varying by locality, special arrangements might be made to safeguard Native use of particular areas. These included the issuing of a series of licenses of occupation in Nova Scotia in late-1783 for eight tracts of land, such as the 2550 acres on the Stewiacke River that also carried for local Mi'kmaq the guarantee of "Hunting and fishing as Customary."<sup>40</sup> Grants of land were made to individuals such as "Benwa the Indian," who in 1810 received 140 acres on Boularderie Island in Cape Breton, while some grants to non-Natives contained survey references to lands designated – as at Pugwash – as "Indian land" or – as at Chester – as "Land Claimed by the Indians."<sup>41</sup> In Cape Breton, a number of land documents referred without explanation to "the Indian Line" or "the Indian Boundary," or in other cases made grants that were qualified by such statements as "if it do not interfere in the Indians Settlement."<sup>42</sup> More formal was the setting aside of Chapel Island for Mi'kmaw use by the Cape Breton Council in 1792 and the ten reserves of varying size created by the Nova Scotia Council in 1820.<sup>43</sup> A report of the New Brunswick surveyor-general in 1803 referred to a total of some 116,000 acres "allotted to the different Indian Tribes Throughout the Province."<sup>44</sup> What all of these arrangements, formal or less formal, had in common was that they offered no immunity from further encroachment.

At a more general level, however, the legitimacy of the entire settlement project was frequently brought into question in Native-imperial dialogue, either explicitly or through diplomatic demands for reciprocity. The most direct statements were reported by imperial officials in Cape Breton. Lieutenant-Governor William Macarmick reported to London in 1790 that the Cape Breton Mi'kmaq were "a fierce, restless and uncontrollable Tribe continually claiming an exclusive right to the possession of the whole Island," and the Cape Breton Council supported Macarmick's assessment some weeks later in declaring that "it is well known that the native Indians have ever held up

40 Licences of Occupation, 17-18 December 1783, RG 1, vol. 430, no. 23½, NSARM.

41 Grant to Benwa the Indian, 22 January 1810, RG 20, ser. B, vol. 3, no. 550, NSARM; Pugwash Survey, n.d., RG 20, ser. C, vol. 86, no. 236, NSARM; "Survey of the Indians Claims at Chester by William Nelson, 25 April 1791, RG 20, ser. C, vol. 90a, no. 60, NSARM.

42 See, for example, Petition of Angus MacDonald, [1806], RG 20, ser. B, vol. 2, no. 245, NSARM; Petition of Alexander and Norman MacLeod, [1822], RG 20, ser. B, vol. 13, no. 2864, NSARM; Petition of William Mathewson, 1814, and Council endorsement, 3 October 1814, RG 20, ser. B, vol. 5, no. 1067, NSARM.

43 Minutes of Cape Breton Council, 28 November 1792, CO 217/109/20-1, UKNA; Minutes of Nova Scotia Council, 8 May 1820, RG 1, vol. 193, pp. 450-6, NSARM. On equivalent measures in New Brunswick and Prince Edward Island, see Upton, *Micmacs and Colonists*, 99-101, 114-15.

44 "State of His Majesty's Lands in the Province of New Brunswick taken from the Records in the Surveyor Generals and Auditors Office, Fredericton," 12 July 1803, CO 188/12/56, UKNA.

the Idea of an intrusion being made on their property by the many Settlements forming on the Island.”<sup>45</sup> The newspaper correspondent “Philo Antiquarius” recalled that early settlers at Pictou “were constrained to submit to numerous indignities from the aborigines, who viewed their operations with no very friendly eye: these considered the settlers as usurpers of their national rights, who had encroached on their undoubted property,” while the Cumberland settler Edward Barron informed George Henry Monk with some dismay in 1784 that his Mi'kmaw informants had told him that colonization could in any event extend no further than the tidal limits of the rivers. “In that case,” Barron added, “the interior of the Country can never be settled.”<sup>46</sup> The Native demand for reciprocity, meanwhile, raised the question of legitimacy by connecting the non-Native presence with the fulfilment of promises made in return – most often, though not exclusively, in terms of the presents that underpinned diplomatic activity.<sup>47</sup> From the period immediately following the 1760-61 treaties, imperial officials found this connection inescapable and directly tied to the treaties. John Cunningham declared in 1767 that the purpose of his capacity as agent in Nova Scotia for distributing presents was “to supply the Tribes of Indians with Provisions and the Usual Presents in Virtue of Treaties of Peace,” and a few months later the acting governor, Michael Francklin, wrote of the need to find a Roman Catholic priest to minister to Native groups “Conformable to the promises made them at their first making Peace.”<sup>48</sup>

By the 1780s and beyond, such issues had lost none of their potency. In 1780 Lieutenant-Governor Richard Hughes of Nova Scotia noted that “the expediency of preserving the Indians in their present Sentiments of Allegiance and Tranquility (which can only be done by these Supplies) remains still in its full Force.”<sup>49</sup> That Hughes chose to couch his observation in terms of “allegiance” during a time of warfare, and to make it explicitly contingent on the supply of presents, made his statement all the more striking. Francklin, meanwhile, who was now superintendent of Indian Affairs for Nova Scotia, confirmed that presents were essential to diplomacy. “It has ever been the Custom,” Francklin reported later in 1780, “even in times of the most Profound Peace, to Assist the Indians Occasionally with Provisions from the Kings Stores, but now it is indispensably necessary, for it is totally impossible to see, or be seen by the Indians, or can a Messenger be sent to, or from

45 Macarmick to Lord Grenville, 30 April 1790, CO 217/107/118, UKNA; Minutes of Cape Breton Council, 31 May 1790, CO 217/107/120, UKNA.

46 Letter of “Philo Antiquarius,” *Colonial Patriot* (Pictou), 11 January 1828; Edward Barron to Monk, 12 August 1784, Monk Papers, Letterbook, Indian Affairs, 1783-1797, pp. 1030-1, LAC.

47 On reciprocity as a principle, see Katherine Hermes, “Justice Will be Done Us’: Algonquian Demands for Reciprocity in the Courts of the European Settlers,” in *The Many Legalities of Early America*, ed. Christopher L. Tomlins and Bruce H. Mann (Chapel Hill: University of North Carolina Press, 2001), 123-49; see also John G. Reid, “Imperial-Aboriginal Friendship in Eastern British America, 1775-1815” (paper presented to conference on “Loyalism and the Revolutionary Atlantic World,” University of Maine, Orono, ME, 5 June 2009).

48 Memorial of John Cunningham, 14 December 1767, CO 217/45/3, UKNA; Francklin to Lord Hillsborough, 20 July 1768, CO 217/45/165-6, UKNA.

49 Richard Hughes to Lord George Germain, March 1780, CO 217/55/33-4, UKNA. For an example of the continuing significance of providing Crown-subsidized Roman Catholic clergy, see the comments of Governor Thomas Carleton of New Brunswick in Carleton to Dundas, 14 June 1794, CO 188/5/184, UKNA.

them, without an Expence of Provisions.”<sup>50</sup> And so it continued. The later superintendent, George Henry Monk, recorded early in 1794 a conversation with the Mi’kmaq Francis Emable, who had recently found the hunt disappointing in the Canso-Antigonish region and demanded to know what measures the Nova Scotia governor proposed to take in order to ensure a living for the Native population.<sup>51</sup> Cape Breton Mi’kmaq, meanwhile, exerted another form of pressure. Cape Breton’s acting governor, David Mathews, complained to London in 1796 that outside of the presents more readily covered by provincial funds, “they have cost me Privately double that sum; many families of them, during the last Winter, remained at my House for Weeks.” A year later, Mathews again reported that Mi’kmaq visitors considered his house “a rightful home” for the leaner months of the year, or whenever they wished to visit Sydney.<sup>52</sup> Governor John Wentworth of Nova Scotia later reinforced the importance of reciprocity by again linking it with mutual fidelity in wartime: “The Micmacs . . . had formerly exhibited by me some assistance for their support, from His Majesty which they considered as an obligation of Loyalty. This Gratuity I discontinued toward the close of the late war and they, according to their savage customs, would not refuse presents from the French.”<sup>53</sup>

As Wentworth implied, betrayal of reciprocity – in the view of his Mi’kmaq contacts – would jeopardize any legitimacy in the British colonial presence, which existed without a formal surrender of territory and so created a reciprocal obligation. Loss of legitimacy in turn would – for them – deserve an armed response, bringing into play the absence of any military defeat inflicted on either Mi’kmaq or Wulstukwiuk. The ability of Native forces to police the relationship affirmed in the treaties of 1760-61 had thus become evident in the era immediately following the treaties.<sup>54</sup> In subsequent years, and notably as Scottish and Loyalist migrations gathered force, the independent military capacity of Native groups inevitably declined. Population levels, although reliable numbers are unavailable, were clearly being affected by environmental degradation and resource depletion. Poor health and the struggle for subsistence further eroded the potential for sustaining hostilities. Governor Wentworth, in 1804, was sceptical of rumours that 2000 warriors were assembling to travel west to confront Iroquoian adversaries, “in which case they [the Mi’kmaq] must be joined by the Marisite indians of New Brunswick, and Penobscots who inhabit in the eastern districts of Massachusetts, near to Passamaquoddy. All of these cannot, I think, send more than twelve hundred Men, of which the Micmacs cannot exceed, three hundred, very inferior Warriors, badly armed in quantity and quality – almost naked – with little ammunition.”<sup>55</sup> Whether or not Wentworth’s

50 Francklin to Germain, 4 May 1780, CO 217/55/37, UKNA.

51 Report of George Henry Monk, 26 February 1794, Monk Papers, Letterbook, Indian Affairs, 1783-1797, pp. 1067-8, LAC.

52 David Mathews to the Earl of Portland, 7 July 1796, CO 217/112/93, UKNA; Mathews to Portland, 2 August 1797, CO 217/113/211, UKNA.

53 John Wentworth to Lord Hobart, 3 May 1804, CO 217/79/16, UKNA.

54 See Reid, “*Pax Britannica or Pax Indigena?*”; for alternative interpretations, see those cited on pages 671-2 of that article as well as the more recent John Grenier, *The Far Reaches of Empire: War in Nova Scotia, 1710-1760* (Norman, OK: University of Oklahoma Press, 2008), esp. 207-15.

55 Wentworth to Hobart, 3 May 1804, CO 217/79/15, UKNA.

estimation was accurate in its details – non-Native enumerations of a highly mobile population were notoriously arbitrary – the deterioration identified and its connection with colonial settlement were realities that could not be discounted. A magazine article some years earlier, although estimating the Mi'kmaq at proportionally more, had given generally similar overall numbers of fighting men.<sup>56</sup> Nevertheless, the later years of the “long” 18th century were characterized by extended periods of imperial warfare and almost continuous tensions between, on the one hand, Great Britain and, on the other, France and the United States. For imperial officials operating in Mi'kma'ki and Wulstukwik, who had increasing numbers of vulnerable settlements to defend as immigration accelerated, it was impossible to ignore either the localized inroads of which Native forces were capable or the potentially wider significance of such disruptions in the context of other enmities. The Cape Breton councillor and former military officer Ingram Ball, for example, worried in 1794 that in the event of war with the United States, Cape Breton might quickly find itself “in the midst of three [fires], a French one, an American one, and an Indian one.”<sup>57</sup>

Such considerations figured consistently in imperial approaches to Mi'kmaw and Wulstukwiuk diplomatic representations and to demands for reciprocity. Of the four colonies, Prince Edward Island was the one in which these issues surfaced the least. The Island's acting governor Phillips Callbeck reported to London during the American Revolutionary War that “the Indians avowed Dispositions to Rebellion in these parts” had meant that “I am obliged to give provisions and presents.”<sup>58</sup> By 1806, however, despite the complaints of Sir James Montgomery's factor regarding Mi'kmaw killing of settlers' cattle, Governor Edmund Fanning was praising the “orderly peacable, and inoffensive Behaviour” that led him to endorse the setting aside of Lennox Island for Native use.<sup>59</sup> Cape Breton, not surprisingly in view of the limited extent of initial settlement, saw much more urgently phrased assessments of the extent and the implications of shows of force by the Mi'kmaq. Macarmick, in 1790, complained of their “frequently assembling in Bodies of four or five hundred and Boasting of the Force they could procure” and remarked on “the impossibility in such case of enforcing the power of the civil authority and the Laws.”<sup>60</sup> Some two years later, the provost-marshal David Tait declared bluntly that “the Indians talk very high” and that, in the absence of presents and the ministry of a British-supplied priest, “at present they have in their Power to destroy the whole Colony.”<sup>61</sup> It was within this

56 See “General Account of the Characters, Dispositions and Numbers of the Indians in North America,” *Nova-Scotia Magazine* 3, no. 5 (November 1790): 349-51. This article had put the number of “Amelistes” (Maliseet) warriors at 550, Mi'kmaq at 700, and Abenaki at 350. See also John Coffin to Edward Winslow, 14 July 1806, in *Winslow Papers, A.D. 1776-1826*, ed. W.O. Raymond (Saint John, NB: New Brunswick Historical Society, 1901), 555.

57 Minutes of Cape Breton Council, 30 April 1794, CO 217/110/180, UKNA. On Ball, see R.J. Morgan, “Ingram Ball,” *DCB*, V: 53-4. I thank Jim Phillips for making the point to me regarding the increasing vulnerability of proliferating settlements.

58 Callbeck to Germain, 2 September 1777, CO 226/6/188, UKNA.

59 Certification of Edmund Fanning, 14 July 1806, CO 226/21/196, UKNA; Douglas to Montgomery, 24 November 1800, Blackwood and Smith Papers, GD 293/2/20/2, NAS.

60 Macarmick to Grenville, 30 April 1790, CO 217/107/118, UKNA.

61 Tait to Evan Nepean, 4 December 1792, CO 217/109/173, UKNA.

context, later in the 1790s, that the acting governor David Mathews – a Loyalist and a former mayor of the city of New York – found it necessary to submit to Mi'kmaw demands that they should stay at his house while in Sydney, adding in one letter to London that “the Old Man who was their Leader when the french possessed this Island is still alive and has much influence with the whole Tribe, he has always appeared much attached to the french and has on some occasions recently manifested a Disposition to be troublesome, from which Consideration I cannot help deeming it both prudent and Political to Endeavor to conciliate and keep them quiet during the War, and our present defenceless state, by incurring a triffling Expence in affording to such of them as are the most infirm and Distressed a few Necessaries.”<sup>62</sup>

In Nova Scotia, concerns on the part of Monk, Wentworth, and others regarding Mi'kmaw unrest arose frequently, and were consistently bracketed with a sense of urgency in offering presents. Late in 1793, for example, Wentworth directed Monk to the Windsor area, where a Mi'kmaw assembly had led to sheep seizures and, in Wentworth's view, “audacious intentions.” Monk's instruction was to try to seize Mi'kmaw hostages – men, women, children – or “on the other hand and which I should prefer, if you can attach them to our cause in such a manner that the peace of our scattered inhabitants may not be disturbed by them, and also that they will join us, in case of an invasion you may promise they shall have some provisions and cloathing for their women and children.” Monk, in turn, despatched an officer who downplayed the threat of “any immediate hostilities,” but who also confirmed that “supplies” represented the key to resolving the situation.<sup>63</sup> During the ensuing winter, Monk had a series of further confrontations with Mi'kmaq who asserted, as did one group in March 1794, “that the Governor gave [*sic*] the Indians Blankets, Guns, Powder and everything as much as they pleased to take.”<sup>64</sup> Although Monk was at a loss to satisfy the immediate demand, over the next two years Wentworth launched an increased distribution of supplies that he justified not only on humanitarian grounds but also on the ground that “these People would probably otherwise have been disaffected and required Coercion.”<sup>65</sup> Challenged by London when the approved budget for these distributions was handsomely exceeded, Wentworth vigorously defended his actions by explaining “the Supply could not be withheld, but they should be driven by irresistible necessity to plunder the dispersed Settlers, which would soon have brought on murders and devastation in the interior Settlements and occasioned a necessity to employ at least one good Regiment to protect the Scattered Inhabitants and destroy the Indians.” He had met, Wentworth added, with “some of the old men,” who had used “affecting and strong language” in expressing Mi'kmaw needs.<sup>66</sup>

Thus, although it would be entirely wrong to portray Mi'kmaw leaders as

62 Mathews to Portland, 2 August 1797, CO 217/113/211, UKNA; on Mathews's background, see Morgan, *Rise Again! The Story of Cape Breton, Book One*, 70.

63 Wentworth to Monk, 18 October 1793, Letterbook of Wentworth, 1792-3, RG 1, vol. 50, NSARM; George Deschamps to Monk, 4 November 1793, Monk Papers, Letterbook, Indian Affairs, 1783-1797, p. 1040, LAC.

64 Report of George Monk, 7 March 1794, Monk Papers, Letterbook, Indian Affairs, 1783-1797, p. 1072, LAC.

65 Wentworth to Portland, 8 October 1796, Letterbook of Wentworth, 1793-6, RG 1, vol. 51, NSARM.

66 Wentworth to Portland, 21 April 1797, CO 217/68/106, 108, UKNA.



negotiating with Nova Scotian officials from a position of strength at the turn of the 19th century, it remained true that they had enough remaining strengths to be able to negotiate. Recurrent periods of tension had similar results. Late in 1807 Wentworth reported that Monk had set off in an attempt to “collect and secure the obedience of these People [Mi'kmaq], and their aid in case of necessity. Otherwise, they might prove very mischievous upon the scattering unprotected settlements.” Some weeks later, he commented again in the context of a possible United States invasion that “the Indians having observed there are preparations making for defence, manifested a disposition to be considered of some importance” and that immediate provision of supplies “will tend to relieve the scattering settlers from apprehensions of mischief, that might retard the Levies of Militia.”<sup>67</sup> Even so, by April 1808, Monk was warning that Mi'kmaq from Cape Breton and Nova Scotia were coordinating their response to the likely invasion, opting to remain neutral until they had decided who was the stronger side. Citing the threat of some to devastate Pictou, Monk cited with approval the intention of Mi'kmaq in the Cumberland area to remain neutral and perhaps even to take the British side if pressed. Since the real difficulty, in his view, lay in the undermining of the traditional economy by “the Improvements of their Conquerors,” the solution lay not only in “management and relief” but ultimately in restricting the Native population to sedentary agricultural settlement. A by-product of Monk's report, however, was to make it clear – even though Native *démarches* were not necessarily united or consistent, as the Cumberland example revealed – that the “Conquerors” still had some way to go before making “orderly subjects” of the Indigenous population.<sup>68</sup>

Governor Thomas Carleton of New Brunswick, meanwhile, was initially dismissive of both the Wulstukwiik and the Mi'kmaq. Although 1786 saw a hostile Wulstukwiik presence at Fredericton (during the trial of two Loyalist settlers for the murder of a Wulstukwiik man) as well as the apprehensions of upriver settlers later that year “of being reduced to the necessity of quitting their settlement” because of Native threats, Carleton was confident of the success of forceful measures to be taken the next year “for the removal of all future apprehensions of danger, from either the insolence or any more serious unfriendliness of the Savages.”<sup>69</sup> But the Loyalist and half-pay officer Daniel Lyman was not so sure: “On the subject of the Indians, although they are not so formidable as to threaten any ruin or imminent danger to the province, yet they are sufficiently numerous to be very troublesome, particularly if they are encouraged by our enemies. . . . I would here suggest the idea, of cultivating their friendship, by the usual mode of gaining indians.”<sup>70</sup> Although no system of gift-giving comparable to that of Nova Scotia emerged in New Brunswick, the ensuing years saw a series of intermittent tensions that yielded equally intermittent negotiations. Carleton, finding that Wulstukwiik interventions were capable of

67 Wentworth to Castlereagh, 26 October 1807, Letterbook of Wentworth, 1805-7, RG 1, vol. 54, NSARM; Wentworth to Castlereagh, 3 January 1808, CO 217/82/19-20, UKNA.

68 Report of George Monk, 23 April 1808, CO 217/82/202-5, UKNA.

69 Carleton to Dorchester, 5 December 1786, RS 330, A7b, Letterbook of Thomas Carleton, vol. VII, 1786-1808, no. 1, PANB. On the Fredericton incident, see W.S. MacNutt, *New Brunswick: A History, 1784-1867* (Toronto: Macmillan, 1963), 78.

70 Memorial of Daniel Lyman, c.1790, CO 188/4/391, UKNA; on Lyman's background, see List of MLAs, CO 188/6/141, UKNA.

making communications between New Brunswick and Lower Canada “precarious and unsafe,” persuaded London to authorize an additional regiment to maintain key outposts. Yet by 1794 he was warning that, in the context of tensions with the United States that might bring about an active Wabanaki alliance, “it is certainly requisite to guard against their disaffection.” Carleton’s chosen course was to employ a French emigré priest as a missionary, although with results that were just as unreliable as those deriving from the Protestant schools and missions maintained by the New England Company.<sup>71</sup> Efforts by such prominent New Brunswick figures as Robert Pagan and Ward Chipman to draw on Native expertise on the geography of the disputed border with the United States yielded respectful exchanges, notably with Passamaquoddy elders, but in 1808 Major-General Martin Hunter observed “the Indian Natives of New Brunswick,” in the event of war, “would be formidable as Enemies,” and that distribution of presents was needed.<sup>72</sup> All in all, when the War of 1812 finally began, it seemed to be a matter for profound relief to Hunter’s successor as military commander in New Brunswick, Major-General George Stracey Smyth, that not only was an agreement reached “with the Indians in the neighbourhood of the County of Charlotte, for the purpose of securing their Neutrality,” but also that – as Smyth had “the satisfaction to state” – similar agreements had been concluded with “the Indians of the River Saint John, Miramichi, and other parts of the Province.”<sup>73</sup> That the negotiation of Native neutrality was cause for celebration was an eloquent comment on the persistence of an armed capacity that was residual but still significant.

When the wars ended, changes followed. As non-Native immigration continued and accelerated, the pace of dispossession quickened with it. Walter Bromley, whose primary goal was to induce “transient Indians” to “become settlers” by cultivating the land, was blunt in public statements regarding the violence with which force of numbers enabled non-Natives to take control of essential Native territories. As a part of the “gross barbarities” committed by the settlers, he reported that even a burial ground had been “lately ploughed up.”<sup>74</sup> At the same time, the significance for imperial officials of any armed threat presented by Native warriors receded with the ending of any immediate external danger. Indeed, through the preceding years, there had been remarkably little outright violence offered by either Mi’kmaq or Wulstukwiuk, and few specific threats of it had found their way into the written record. Thomas Carleton had written of the Wulstukwiuk in 1792 that “many acts of violence were committed by them” to the point of making upriver settlements precarious, but that “they were not supposed to meditate any . . . [general]

71 Carleton to Dundas, 20 November 1792, RS 330, A3b. Letterbook of Thomas Carleton, vol. III, 1791-5, no. 16, PANB; Carleton to Dundas, 14 June 1794, CO 188/5/184-5, UKNA; Missionary List, 29 June 1807, CO 188/13/289, UKNA. See also Judith Fingard, “The New England Company and the New Brunswick Indians, 1786-1826: A Comment on the Colonial Perversion of British Benevolence,” *Acadiensis* I, no. 2 (Spring 1972): 29-42.

72 Chipman to Carleton, 12 August 1796, CO 188/7/211-15, UKNA; Pagan to Chipman, CO 188/10/289, UKNA; Hunter to Castlereagh, 25 May 1808, CO 188/14/27-8, UKNA.

73 Smyth to Bathurst, 31 August 1812, CO 188/18/70, UKNA. On Smyth, see D.M. Young, “George Stracey Smyth,” *DCB*, VI: 723-8; on Hunter, see D.M. Young, “Sir Martin Hunter,” *DCB*, VII: 428-30.

74 Bromley, *An Account of the Aborigines of Nova Scotia*, 7-8 (and passim).

hostilities.”<sup>75</sup> The threat by an individual in 1808 that “in case of War, he, and a few others, could scalp all the Inhabitants [of Pictou] in two Nights” was duly reported by Monk, but in a context that primarily emphasized the more general pressure exerted by the possibility that an invasion might attract widespread and potentially decisive Mi'kmaw support.<sup>76</sup> The evident mobility of Native forces and the coordination that was identified by observers such as the River Philip settler George Oxley (who noted that local Mi'kmaq had “an allmost continual intercourse” with compatriots in Prince Edward Island and Cape Breton), added to the reality that for Native demands to be taken seriously on the imperial side there was very little need for physical violence.<sup>77</sup> After 1815, however, such considerations weighed much less heavily.

Nevertheless, from the early-1780s until 1815, a military and diplomatic continuity had been preserved that co-existed with the territorial and environmental discontinuity of that era. That Native leaders could readily capture the attention of imperial officials and make demands for reciprocity with conviction was a longstanding state of affairs that had persisted through many vicissitudes of both British and French assertions in both Mi'kma'ki and Wulstukwik. These demands had long depended on the threat, and sometimes the reality, that territory would be defended or reclaimed by force. Since the onset of Loyalist and other large-scale migrations, the threat of force had come to depend increasingly both on localized potential to disrupt settlements and on imperial apprehensions of invasion by French or US forces, following which Native intervention – local or more general – might prove crucial one way or the other. At the same time, as demands for reciprocity – or what might be seen on the non-Native side as “relief” – necessarily became more urgent and insistent, officials such as Wentworth saw no alternative but to comply even at the risk of disputes with London over budgetary excesses. As a result, the distinctive tenor of Native-imperial exchanges, far from being eroded by territorial encroachment and environmental change, was extended and entrenched. Some forms of leadership were new in style if not in substance, as in the case of the Bear River chief Andrew Meus, who spoke successfully to the Nova Scotia House of Assembly in 1821 in defence of the Mi'kmaw porpoise fishery in the Digby Gut, and subsequently journeyed to London in a less fruitful effort, according to the *Halifax Journal*, “to solicit permanent grants of land to the Indians, in order that they may become cultivators of the soil.”<sup>78</sup> Other methods were tried and true, as when Joseph Howe complained in 1843 while he was Indian commissioner for Nova Scotia that his home 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>79</sup> Rather than more general appeals to

75 Carleton to Dundas, 20 November 1792, RS 330, A3b, Letterbook of Thomas Carleton, vol. III, 1791-5, no. 16, PANB.

76 Report of George Monk, 23 April 1808, CO 217/82/202, UKNA.

77 Letter of George Oxley, 16 April 1801, RG 1, vol. 430, no. 66, NSARM.

78 *Halifax Journal*, 27 December 1824; Petition of Andrew Meus, 16 January 1821, *Journal and Proceedings of the House of Assembly of the province of Nova Scotia*, 1821, p. 36; Upton, *Micmacs and Colonists*, 88.

79 Joseph Howe, “Report on Indian Affairs,” 25 January 1843, *Journal and Proceedings of the House of Assembly of the province of Nova Scotia*, 1843, Appendix 1, p. 4.

the principle of reciprocity, officials such as Howe and his successor Abraham Gesner reported more explicit references to the treaties as embodiments of the Native-imperial relationship. Gesner noted that treaty principles were “stamped upon the minds of each succeeding generation,” as he had frequently been reminded by the Mi’kmaq with whom he dealt.<sup>80</sup>

The era from 1780 to 1820, therefore, saw the interplay of two important though distinct processes. In a territorial and environmental sense, the Mi’kmaq and Wulstukwiuk experienced rapid, unprecedented damage and constraint. Even allowing for geographical particularities, the process was abrupt and the effects long-lasting. In terms of the ability to make diplomatic use of armed capacity, however, another process drew upon a long-established pattern of Native-imperial relations in Mik’ma’ki and Wulstukwik that extended backwards in time through the treaty-making years and beyond. The two processes were not disconnected. Although colonization would ultimately erode the threat of force that underpinned Native demands for reciprocity, the wider warfare of the era joined with the vulnerability of proliferating settlements to lend strength to these demands while the critical results of dispossession gave them added urgency. As a result, the narratives to which the two processes gave rise did not conform to any over-arching narrative of Mi’kmaq or Wulstukwiuk decline in Native-imperial affairs. Even the members of a group of Nova Scotia commissioners, which included George Henry Monk, were willing to admit in 1800 that there were moral obligations towards “the aboriginal proprietors of this country,”<sup>81</sup> but the claims on the Crown that were advanced from the Native side went far beyond moral obligation and with time they became more insistent and more explicitly focused on the treaties. While the realities of the 19th century would prove inhospitable to the realization of such claims – at least in any form that could effectively offset the depredations of land loss, economic struggle, and the social and health-related dislocations that came with them – the long version of this narrative nevertheless stretched forward into the legal evolutions of the 20th century that would bring these issues before the Supreme Court of Canada.

That the narrative persisted was also owed in part to historical circumstances that distinguished Mi’kma’ki and Wulstukwik from other portions of North America. In particular, in contrast to most of the Aboriginal groups of eastern North America, the Mi’kmaq and the Wulstukwiuk experienced the aftermath of the American Revolution without either a forced migration or the need to deal with an entirely new imperial regime. Although the disruptions associated with colonial settlement in Mi’kma’ki and Wulstukwik were far from unusual in themselves, the long and evolutionary diplomatic response to the same Crown on the same territory was distinctive. Earlier in the 18th century, imperial and colonial interventions had been more complex and yet highly manageable, with both French and British regimes exerting significant but localized influences while the largely coastal and compartmentalized colonial populations of the Acadian and Planter eras had proved

80 Abraham Gesner, “Report on Indian Affairs,” 29 September 1847, *Journal and Proceedings of the House of Assembly of the province of Nova Scotia*, 1847, Appendix 24, p. 117.

81 “Report of Commissioners,” 15 April 1800, RG 1, vol. 430, no. 33½, NSARM.

generally able to co-exist with Native neighbours.<sup>82</sup> The influx of settlers that marked the closing years of the American Revolution, an influx that only accelerated, was not manageable in the same sense. Yet the skills of those whom Wentworth referred to as “the old men,” or of younger leaders such as Andrew Meus, remained relevant. Even when, after 1815, the attention of imperial officials was harder to gain and the damage wreaked by colonization was unavoidable, the demand for reciprocity was too strongly entrenched to do otherwise than persist. That it did so spoke of a narrative of Native-imperial relations that had originated long before the period from 1780 to 1820 and would extend into a future far beyond – a narrative that this limited, 40-year era confirmed rather than muted. The colonial inroads of these years had irrevocably moved the Maritime colonies away from preceding territorial and environmental characteristics and in the direction of being colonies of settlement, with all the damage to Mi'kmaq and Wulstukwiuk subsistence that these developments implied. Yet this was no simple extension of an ineluctable, continent-wide process. In this place and in an elongated span of time, there were continuities that, for whatever they might prove to be worth, accompanied the more immediate and ruinous discontinuity.

82 See Reid, “*Pax Britannica or Pax Indigena?*” 687-8.