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Amerindians Between French and English in Nova Scotia, 1713–1763[1]

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The Treaty of Utrecht (1713) has been called "la plaque tournante" (the turntable) of the French empire in North America. Until that point, France had been aggressive and expanding; afterward, she was on the defensive, determined to prevent further dismemberment of her North American empire. Nowhere was this change more evident than along the Atlantic coast, where French peninsular Acadia was transformed into English Nova Scotia, while Ile Royale (Cape Breton) and Ile St.-Jean (Prince Edward Island), as well as adjacent mainland areas, such as the Gaspé and the St. John River, remained in the hands of the French. These regions were mostly inhabited by the Micmac, an Algonkian-speaking hunting and gathering people, with their close relatives the Malecite (including the Passamaquoddy, who spoke a variety of the same language), and later some Abenaki, living along the St. John River. To the south were Abenaki.[2] In contact with Europeans for more than two centuries, and allies of the French for half that time, these peoples were usually the ones indicated by the expression "French and Indians" of colonial war fame.

The Treaty of Utrecht profoundly modified their position, particularly that of the Micmac in Nova Scotia (with whom this paper is principally concerned). As the rival colonial powers squared off against each other in preparation for what would become the final round of imperial hostilities in the Northeast, Micmac and Malecite found that their position to play off one against

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the other had been greatly strengthened. This was a vital matter for them, because as allies of the French, they had been fighting the English ever since the first decades of the seventeenth century. At the beginning, they had fought for traditional reasons of prestige and booty, even when helping their allies, but the defeat of the French in Acadia in 1710 and the advent of English settlement had put another cast entirely upon the conflict, which at that point was already nearly one hundred years old. Micmac and Malecite were now fighting for their lands and for their very survival as a people. Not only was their struggle the longest in Canadian history (a fact which is not generally recognized); in its last phase it came the closest to fitting into the pattern of American frontier wars. It can be seen as the northern extension of the Abenaki confrontation with the British to the south, sharing with it the characteristic of being largely fought on the sea.[3]

The prolonged hostilities, combined with such factors as the slow rate of settlement in the northern regions, meant that the Micmac (as well as the Malecite, and to a lesser extent in Canada, the Abenaki), were able to maintain their traditional way of life within their aboriginal territories much longer than the coastal peoples to the south. In fact, although they were among the earliest in Canada to be colonized by Europeans, Micmac and Malecite are still to be found in their ancestral lands (although admittedly on only a tiny fraction of what had once been theirs), and retain a lively sense of their cultural identity. The pressures of colonization soon made them aware of the importance of asserting their sovereignty, which the Micmac declared very early (in 1715, and probably earlier). Viewed by the British at the time as "extravagant," such claims nevertheless influenced perceptions of Amerindian rights to their lands, and explicit acknowledgement of those rights began to appear in treaties involving the Micmac and Malecite. This in turn helped pave the way for the proclamations of 1761–1763. The definition of those rights is if anything an even thornier issue in Canada today than in 1763, a consequence of having been recognized, but not defined, in the Constitution in 1982. What was once a regional issue is now freighted with constitutional considerations. In this new context, the war assumes a historical significance that was not evident in the past; it has been transmuted from an episode in local history into a confrontation of national, and possibly even

supranational, importance (insofar as it may have an influence on aboriginals of other states). It is therefore pertinent to re-examine the conflict in the light of its role in winning recognition for aboriginal rights.[4] Winning those rights was not a result that could have been foreseen, or even contemplated, by the architects of the Treaty of Utrecht.

Consistent with the European view that conquest was primarily concerned with territorial right, Britain saw the Treaty of Utrecht as giving her clear sovereign title to Acadia, on the grounds that since it had been recognized as a French possession, France must have extinguished aboriginal title. This was not a belief shared by the original inhabitants who, far from having been conquered by the French, had welcomed them as allies. Long ago, the Micmac and their neighbors had accepted the French king as their father, because he had sent missionaries to teach them their new religion; but the idea that he had any claim on their lands, or that they owed him any more allegiance than they owed their own chiefs, was foreign to them. In Acadia, France remained too dependent upon her allies, for reasons of trade and war, to ever make an issue of these points; rather, colonial officials were carefully instructed to make sure that Amerindians were not disturbed on lands they occupied or otherwise used.[5] Nor did the Micmac consider that this alliance automatically implied their subjugation when France was defeated in Acadia in 1710. Even if they had been conquered, in the Amerindian view that would have involved a complex web of rights and obligations that related principally to persons and only secondarily, if at all, to territories.[6] The British were equally firm in their belief that whatever title the Micmac (or any other Acadian Amerindians) might have had had been lost in the two-fold process of French colonization followed by French defeat.[7] In any event, in the British view, the whole issue was irrelevant as the Micmac and their neighbors had never possessed sovereignty anyway, being migratory or semi-sedentary peoples who had not organized into a nation-state. Their difficulty, as they would quickly learn, would be in convincing the Amerindians of all this.

The irony of such a position lay in the fact that when the British took over Acadia, they had a long history of recognition of aboriginal land rights, in contrast to the French, who had never formally acknowledged such rights, except where it was useful for annoying the British. Originally, there had been little to

choose between the positions of the two colonial powers: as Christian nations, they both considered their claim to sovereignty over lands pre-eminent to that of non-Christian peoples. In principle, the French had not found it necessary to modify this position, even though in practice they took care to respect the territories of their allies, as we have already seen. The fur trade, upon which their colony was economically based, meant capitalizing on the hunting skills of the indigenous population rather than competing over territorial rights; coupled with the smallness of the French population, that had meant that land had never become an issue in New France. The English, however, first colonized in territories where the Amerindians were farmers, very much as the English were themselves; the latter soon became entangled in the legal absurdity of claiming one set of land ownership principles for themselves and a different set for Amerindians. This had become painfully evident in Virginia, where thoughtless and insensitive actions of colonists had goaded Amerindians into bloody retaliation in 1622. The Dutch had pointed to a solution in 1623 by purchasing Manhattan Island and lands along the Hudson River from the Amerindians, a move which dealt with proprietary right while sidestepping that of sovereignty. The English, after first ridiculing the idea, quickly adopted it; after all, it accorded with a traditional principle of their Common Law, that there be no expropriation without compensation. In 1629, John Endecott, governor of Massachusetts Bay Colony (1628–1630), was instructed to purchase title to desired lands.[8] The first deed which has survived dates from 1633; there are claims in the documents to earlier purchases.[9] Although the principle of compensation at that time was more honored in the breach than in the observance, it managed to survive through a morass of fraudulent dealings, some of which were difficult to distinguish from outright theft. The resultant tensions had contributed not a little to the wars between colonists and Amerindians which were to become characteristic of the American frontier; by the time the British took permanent possession of Acadia, they had already experienced several, of which King Philip's War (1675) is the best known. Despite their failure to colonize in peace, the English continued to recognize the principle of compensation; for example, Colonel Thomas Dongan, governor of New York (1682–1688), was instructed in 1683 "to take all opportunities to gain and procure from the In-

dians upon reasonable rates and terms such tracts and quantities of ground as are contiguous to any other lands or convenient for any territories in trade, . . . thereby to enlarge and secure any territories."[10]

Clear as this principle might have appeared in the Thirteen Colonies, where most of the aboriginal peoples had lived in agriculturally-based communities long before the arrival of the Europeans, the British did not at first consider it applicable to Acadia. They appear to have taken for granted that their defeat of France, besides winning them sovereignty, also had absolved them from the necessity of compensating Amerindians for lands. Never clearly enunciated as a policy, this reflected the popular colonial view that the Acadian natives, as hunters and gatherers, did not have as strong a claim to the land as did farmers. Consequently, they did not have the same proprietary rights. Proclaiming George I as King of Acadia, the British asked the Amerindians for an oath of fidelity, and to share their lands peacefully with the settlers they hoped would soon be coming. In return, they promised more generous annual gifts than the Amerindians had received from the French, but relied mainly on the prospect of better trade values at government-backed "truck-houses." They also promised not to interfere with the Amerindians' religion (the French had declared the Micmac of Acadia all Catholicized by the end of the seventeenth century). The Amerindians replied that they were pleased to have religious liberty, but also wanted to have the same in trade—they did not want truck-houses or, for that matter, any more European forts, on their lands. Trade could continue as it had for the most part in the past, from shipboard. As for the oath of allegiance, they had never taken one to the French King, and did not see why they should do so for the British. As far as the Micmac were concerned, Acadia was their land, which they called Megumaage, and which they had divided into seven districts. All they wanted was to live in their traditional territories without fear of English encroachment.[11]

Both English and French had a lively awareness of the need to maintain good relations with Amerindians. It was not their importance as allies that mattered so much as the difficulties they could cause if they were not.[12] The attempt to get the natives of Acadia to swear allegiance to the British monarch galvanized the French. Pontchartrain (minister of the marine, 1699–1715), had

visions of the unthinkable: that the Amerindians might transfer their loyalties to the British, and wage war against the French.[13] With their intimate knowledge of Acadia, Amerindians could easily isolate remaining French territories. In Pontchartrain's view, the best way to avoid such an eventuality would be to persuade the Micmac of Nova Scotia and the Abenaki of the borderlands to go live on territory that was indisputably French (at least in the European, if not the Micmac, view), preferably Ile Royale.[14] When the British heard what the French were planning, they foresaw dire consequences for themselves as such an Amerindian move would not only greatly increase Ile Royale's military strength, it would put Acadia's trade under French instead of English control.[15] Pontchartrain called upon two men with proven records for effective Amerindian relations to implement this program: the Canadian-born missionary Antoine Gaulin (1674–1740) and the half-Abenaki Bernard-Anselme d'Abbadie, Baron de Saint-Castin (1689–1720). Loyal as they both were to the French cause, and despite a lavish use of gifts,[16] neither of these men was successful. Saint-Castin could not dislodge the Abenaki from their farms on the Penobscot; as for Gaulin, the closest to French territory he could persuade his migratory Micmac flock to include regularly in their rounds was at Antigonish, on the British side of Baye d'Artigoniche (George Bay). Their claim that there was not enough game on Ile Royale to support them for any length of time appears to have been confirmed by a stay there in 1715–16. It would be a decade before the harassment of war made it possible for Gaulin to persuade the Micmac to establish a gardening community on Ile Royale's Bras d'Or Lake. Faced with this kind of intransigence, the French did the next best thing, and concentrated on the proven method of maintaining alliances by annual ceremonies featuring feasting, dancing, endless oratory accompanied by gift-giving, and awards of medals and honors. They also met English prices in trade.[17]

The French held a trump card in this contest to win Amerindian loyalties: their missionaries. Of the approximately one hundred who worked in Acadia during the French regime, three who had been sent by the Missions Etrangères to the Micmac stand out during New France's later period. Gaulin served from 1698 until 1731, when he retired because of ill-health; Spiritan Pierre-Antoine-Simon Maillard (c.1710–1762) was in Acadia from 1735 until his death in 1762; and Spiritan Jean-Louis Le Loutre

(1709–1772), whose missions included Acadians as well as Micmacs, 1737–1755. The effectiveness of these missionaries stemmed at least in part from the fact that traditionally among Amerindians, the most highly respected leaders were also shamans. This was recognized by the French: in the words of Governor Saint-Ovide, "It is only these men [the missionaries] who can control the Savages in their duty to God and the King."[18] Maillard put it another way: only through religion, he wrote, could Amerindians be rendered docile.[19] The record supports this; for one thing, the Micmac complained incessantly about the lack of missionaries, particularly after Gaulin's retirement, when the French had difficulties in finding suitable candidates.[20] In spite of such deficiencies, Micmac, Malecite, and Abenaki remained faithful to the French cause for the 150 years that France was a colonial presence in North America. To this day, most of them are Catholic.[21] All of this adds up to a record that stands in striking contrast to the popular stereotype of the "fickle" Amerindian. French success was based as much on the nature of Amerindian societies as it was on the Christian message and the character of the missionaries themselves. The seventeenth century, when the French became active in Acadia, was also the period when Catholic evangelical zeal reached its peak in the Counter-Reformation, and its message and practices struck a responsive chord among the peoples in Acadia. In the words of an eighteenth century observer, the Micmac "use ritual to fill the times that are not occupied with satisfying their needs. They had already developed much before we knew them; in modifying their orientation, we cannot claim to have entirely changed their taste in these matters."[22]

Neither can it be doubted that the French used missionary influence for political ends: this was evident with Gaulin, and above all with Le Loutre. Gaulin, born on Ile d'Orleans, near Quebec City, appears to have been something of a maverick; he espoused the interests of the Micmac so thoroughly that he managed to run afoul not only of the English, which perhaps was to be expected, but also of the French. "Sieur Gaulin is not a settled spirit in whom one can have confidence," was the verdict.[23] Still, French officials admitted, although belatedly (after his retirement), that Gaulin had been one of their most effective missionaries in the field.[24] As for Le Loutre, he concentrated so thoroughly on the political side of his functions that in 1749 the

English put a price on his head.[25] Capturing him in 1755, they took care to keep him in England until after the Peace of Paris, 1763.

The Micmac were far from being passive in this struggle for their control. Quickly realizing the strength of their position *vis-à-vis* English-French rivalry, they pressured both French and English in the matter of gifts. Presents were essential in Amerindian diplomacy, in which they had designated roles; metaphorically, they could, for example, dry tears, open doors of foreign countries, appease anger, ask for fair value in trade, or bring the dead back to life. The Micmac complained if presents were deficient in quantity or quality, in accordance with their own custom of exchanging gifts of value. In 1716, Governor Costebelle found himself in difficulties at the annual rendezvous at Port Dauphin (Englishtown, N.S.) when he had one-third less than the usual quantity to distribute: the Amerindians accused him of withholding goods, particularly powder and shot, and refused to accept anything at all. Thanking the French for having sent them missionaries, they said they would go to the English to obtain what they needed.[26] The threat was not an idle one; the year previous, Pierre-August de Soubras (commissaire-ordonnateur for Ile Royale, 1714-1719), had warned that "the policy of the Savages appears to be to maintain neutrality, conserving the liberty to go to both the French and the English to obtain merchandise at the lowest price." He hoped the missionaries would be able to use "motifs de la religion" to prevent that from happening.[27] He was to be disappointed: in 1718, Nova Scotia's Lieutenant-Governor John Doucett (1717-1726) wrote to Richard Philipps (governor of Nova Scotia, 1717-1749), that a chief had visited him at Annapolis Royal to say that if the English expected to be friends with the Micmac, they must give presents as was done every year by the French King. Doucett expected visits from other chiefs with the same message.[28]

As incidents accumulated, such as the raid and counter-raid on Canso, 1718-1720, the French were eventually led in 1720-21 to reorganize their system of distribution. Governor Saint-Ovide was informed that everything he had requested for the Amerindians was being sent in order to end their complaints.[29] The English adapted reluctantly to this form of diplomacy, placing more importance on good value in trade than on gifts as such, as they tended to regard presents as a form of bribery rather than

as an acknowledgment of an active alliance. In other words, the English considered gift distribution as paying Amerindians to keep the peace; the French looked on it as reimbursement for support against the enemy. In neither case did gifts automatically ensure success for a particular purpose, as the unsuccessful French attempt to persuade the Micmac and Abenaki to move to Ile Royale so clearly illustrates. But without presents, negotiations or alliances were hardly possible, as Philipps realized when he deferred convening chiefs to a peace conference until the arrival of gifts for the occasion.[30]

Looming hostilities eventually loosened British purse strings, and Philipps was able to hold a feast and distribute presents in 1722, a month before the outbreak of the English-Indian War (Râle's War or Dummer's War; the Abenaki were the principal Amerindians involved). But the occasion turned out to be a concession rather than a change of heart; it took the prospect of peace in 1725 to bring about British gift distributions on a scale calculated to influence the course of events. This occurred not only during the treaty negotiations in Boston, but continued later at the ratifications at Annapolic Royal in 1726 and 1728, at Halifax and the St. John River in 1749, and again at Halifax in 1752 and 1760.[31] In trade also, the British found themselves accommodating Amerindian preferences and customs.[32]

Adaptation was less evident in the question of sovereignty, as here the British saw no reason to equivocate with the Amerindians as the French had done. The Micmac responded by reaffirming their sovereignty over Megumaage, and by announcing that they could make war or peace as they willed.[33] As the final round of the North American colonial wars got under way, the Micmac pitched into the fray on both land and sea. Between 1713-1760, Louisbourg correspondence refers to well over 100 captures of vessels by Amerindians. This activity peaked in 1722, the year the English-Indian War broke out.[34] Revivals of lesser proportions in the fifties followed the establishment of Halifax in 1749 and the expulsion of the Acadians in 1755.[35]

The turning point came in 1725, when the British took advantage of the Abenaki suit for peace following the destruction of Norridgewock to obtain Amerindian acknowledgement of their claim that the Treaty of Utrecht had made the British Crown "the rightful possessor of the Province of Nova Scotia or Acadia according to ancient boundaries," even though the natives had not

been consulted or even informed beforehand. Such a move was made possible because the negotiations involved Micmac from Cape Sable, and Malecite from the St. John River, as well as the Abenaki. The British in return promised to respect native hunting and fishing rights. Both agreements were signed on the same day, 15 December, the one for peace known as the Treaty of Boston (or Dummer's Treaty), including hunting and fishing rights; the other known as Treaty No. 239, although sometimes called Mascarene's Treaty, detailing how the Amerindians were expected to behave as British subjects.[36] Treaty 239 is not, as has been alleged, a different version of the peace of 1725, as it is not directly concerned with the cessation of hostilities. Ratification of these agreements with the Micmac proceeded slowly, perhaps because the British were more concerned with recognition of their sovereignty claims than they were about acknowledging Amerindian rights. The process was not helped by the fact that each side had a different understanding of what a treaty meant. The European concept of a few acting for a whole people was strange to the Micmac, in whose non-state society every man was expected to speak for himself. To the Amerindians, treaties were covenants between groups of individuals that did not have to be written, and, far from being permanent, were ritually renewed from time to time with appropriate ceremonies in which gift exchanges played an essential part. The English insisted on written treaties which theoretically were to be honored in perpetuity, but conceded to Amerindian practice to the extent of arranging for ratifications and confirmations, as they had soon learned that unless all the chiefs considered themselves included, treaties of any kind were ineffective. There were also problems of language; apparently the British were not always scrupulous about how proposed terms were translated and explained during negotiations.[37] At first they sought to avoid subsequent challenges by including general statements, as they did in a treaty signed with Abenaki in 1693, to the effect that the terms had been carefully read and interpreted to the Amerindians, who had agreed they understood what was involved. By the Treaty of 1725, it was noted that the terms had been "read distinctly" by "sworn interpreters"; in 1749, a renewal with the Amerindians of the St. John River included the acknowledgement that its terms had been "faithfully interpreted to us by Madame de Bellisle, inhabi-

tant of this river, nominated by us [the native signers] for that purpose."[38] The problems, however, continued. Even when interpreters were conscientious, there were grave difficulties in translating concepts, such as that of exlcusive land ownership, which had no counterpart in native languages.[39] Neither were the two 1725 treaties always clearly distinguished. Such confusions, or deceptions, did little to allay the suspicions of Amerindians. They considered each ratification a separate agreement, which concerned the signees and their bands alone. In this they were encouraged by the French, who signed no written treaties with their allies.

The 1725 peace treaty was a blow to the French, and their immediate reaction was to disclaim that the English-Indian War had been of any concern to them, even as they arranged for 150 of the refugees to be established at Bécancour on the south shore of the St. Lawrence opposite Trois-Rivières, and at St. François on the Chaudière River. They hoped the Abenaki would use these bases to continue contributing to the French war effort.[40] An apparently unfounded report from Quebec, to the effect that Gaulin was encouraging his Micmac to sign also, so annoyed the Minister of the Marine, Maurepas,[41] that Saint-Ovide had to come to Gaulin's defence.[42] Maurepas was inclined to think the Boston peace treaty had been inspired more by war-weariness than by a weakening of Abenaki attachment to the French.[43]

But measures had to be taken to counteract the threat the treaty so obviously presented, particularly in the face of repeated Amerindian complaints that the all-important gift distributions often did not have enough goods to go around. The amount budgeted by the French for "présents ordinaires" in the early days of the British period had been 2000 *livres* a year for Acadia; not included were expenditures for "présents extraordinaires," which varied according to circumstances. The intensifying colonial conflict tended to transform the latter category of gift into the former, contributing to a steady rise in costs that was further aggravated by inflationary pressures.[44] By 1756, 37,000 *livres* was listed for "présents ordinaires"; the extra-budgetary expenditures were only hinted at by Drucour, Louisbourg's last French governor: "it is not possible to refuse certain extraordinary expenses which are entailed when we are obliged to employ Savages."[45] He added that promises of gifts to come were no

longer sufficient; the allies would be led only when they had goods in hand. What had started as a matter of protocol to cement alliances and trade agreements had ended as a means of subsistence for the Amerindians and a form of protection for the French. An increasing number of Amerindians were journeying to Port Toulouse (St. Peters, N.S.) on Ile Royale for its distributions; in the words of Edward Cornwallis, (governor of Halifax, 1749–1752), "The Micmacs go every year to Canada, to be clothed at the expense of the French King."[46] When numbers were unexpectedly large, officials sometimes took matters into their own hands. In one reported case, Commandant Des Herbiers and Commissaire-Ordonnateur Prevost personally supplemented an insufficient supply of goods from the King's stores; in other cases as well, presiding officials, English as well as French, found themselves paying for goods out of their own pockets.[47] There were also transportation costs and the need to feed Amerindians at these rendezvous, a need which became more pressing as game diminished and the size of the assemblies grew.[48] The irony of this for both French and English lay in the fact that such expenses could only increase, as the effectiveness of the gifts was relative not only to quantity and quality, but also to the numbers who received them.

When the British besieged and took Louisbourg in 1745, they felt they had won the day in Acadia. But the French had taken Madras from the British in India, so an exchange was effected at the bargaining tables in Europe, and Louisbourg was returned to the French in the Treaty of Aix-la-Chapelle in 1748. The British reacted by founding Halifax in Chebouctou (Chebucto) Harbor in 1749, partly to appease the New Englanders who had played a major role in Louisbourg's fall. But in doing so, they again neglected to consult with the Micmac, whose territory (a district they called Segepenegatig) was involved. Asking, "where can we go, if we are to be deprived of our lands?" the Micmac claimed that the area was particularly good for hunting, and declared war.[49] The English reciprocated by calling the Micmac "rebels," on the grounds that they were British subjects, whether they agreed or not.[50] The ensuing harassment of settlers hampered the plans of Governor Cornwallis, who asked that arms be provided the colonists as "at present above ten thousand people are awed by two hundred savages."[51] Lawrencetown, a palisaded settlement to the east of Halifax, had to be abandoned

for a time.[52] Cornwallis issued a proclamation commanding all "to Annoy, distress, take or destroy the Savages commonly called Mic-macks, wherever they are found," and encouraged soldiers to stay in Nova Scotia and homestead after they had finished their service. For a short while, marriage with Amerindian women was officially encouraged.[53]

That fall, the Micmac again attacked Canso, taking twenty prisoners whom the French eventually released; when the English attempted to build a fortification at Minas, Micmac killed nine of the workers.[54] Suspecting French complicity, the English responded by stepping up their efforts to counter French gift diplomacy and to boost trade. This was effective, and a group of Micmac under a ranking chief defected and signed a peace treaty at Halifax in 1752.[55] Major Jean-Baptiste (Joseph) Cope (Coppe, d. 1758/60), chief of a Shubenacadie band, told the Halifax Council during negotiations that peace could be renewed if "the Indians should be paid for the land the English had settled upon in this country."[56] The final treaty made no mention of such a payment, but did explicitly acknowledge the right of Amerindians to the "free liberty of Hunting and Fishing as usual" (presumably on their lands, although it does not explicitly say so), acknowledged the natives' right "to trade to the best Advantage," and provided for regular gift distributions, the first of the treaties to do so.[57] In these measures, it was a precursor of things to come: in the first case, of the Proclamation of 1763, and in the second, of the numbered treaties of the West. Only recently, in 1985, the Supreme Court of Canada ruled that its guarantee of hunting and fishing rights is still valid.[58] At the time of its signing, its concessions were discounted by Rouillé, Minister of the Marine, who believed that the peace treaty did not reflect general Micmac sentiment, but was the fruit of gifts lavished on certain individuals, and that in any event it would not be observed for long.[59] And in truth, the Halifax Council had presented Cope with a gold belt and two lace hats for himself and his son, along with a promise of "handsome presents of such Things whereof you have the most need."[60] Rouillé's judgment proved sound for the short run, as within a few months an incident in an English fort set off another series of reprisals and counter-reprisals with the Micmac.[61]

In the midst of these mounting rounds of vengeance, or perhaps pursuit of scalp bounties (both English and French by

this time were paying such bounties, no questions asked),[62] the fall in 1755 of Forts Beauséjour and Gaspareaux on Chignecto Peninsula marked the opening of the last phase of the French-English colonial wars in North America. The English expulsion of the Acadians also played a part; their blood ties with Micmac, Malecite and Abenaki triggered a series of vengeance raids. As Louisbourg prepared itself for its second and final siege, which came in 1758, a full scale war dance was staged, the last of its kind in Nova Scotia. The arrival of the French navy in the harbor provided the occasion. Continuing for several days, it featured both Catholic and Amerindian ritual, including the endless speeches characteristic of such events. Abbé Maillard sang a High Mass, accompanied by a choir of Amerindians. The appearance of Charles Deschamp de Boishébert et de Raffetot (1727-1792) with a detachment of Malecites and Canibas (Abenaki), "strong men, very tall, who had already fought with distinction in Canada," added a striking note. The chiefs prostrated themselves at the feet of the naval squadron commander, Comte Dubois de la Motte, who raised them up. A Malecite chief advanced and placed at the Comte's feet four scalps woven into a wampum collar, which the commander received, expressing the hope that there would be more to come. He added that the moment was near when the French would be counting on their allies' bravery and valor. The assembled warriors responded with their cry "heur." Several days later Drucour held a feast, consisting of salt pork, raisins, wine and biscuits, which the warriors received with a restraint that impressed the naval officers; the warriors kept most of their food to take to their wives and children. More speeches were followed by war games and finally a dance, which to the audience was characterized by the "singularity of [the dancers'] postures and cries, the strangeness of their accoutrements." Their war paint added to the colorfulness of the occasion.[63]

A major role as scouts and coastal lookouts was seen for these Amerindians.[64] But in the hurly-burly of events, plans miscarried or were not carried out at all; for example, when Boishébert had arrived with 500 Acadians and Amerindians, he had found that expected food and ammunition depots had not been set up, which had caused his men considerable hardship.[65] The influx of Le Loutre's Amerindians to Ile Royale after the loss of Beauséjour and Gaspareaux put unforeseen demands on sup-

plies,[66] a situation that was not eased when Maillard's Amerindians helped themselves without permission from a depot outside the fortress.[67]

Growing sentiment that the presence of Amerindians within the fortress was a liability as far as treating with the British was concerned reached its climax at this time. In 1757, Louisbourg learned of the recent massacre of English prisoners by French allies at the fall of Fort William Henry (at Lake George, New York). When Louisbourg in its turn fell the following year, capitulation terms offered by the English made no mention of Amerindians, which was interpreted as not boding well for them.[68] When the British took over the fortress, none was present.

If the Amerindian factor had simply faded away at Louisbourg during its capitulation, the same could not be said for Acadia generally. As with the 1725 treaties, the British had to make sure that all the chiefs felt themselves to be included in this new arrangement. Accordingly, the British set about obtaining submissions through the intercession of French missionaries such as Maillard, Jesuit Joseph-Charles Germain (1707–1779), and Jean Manach (c. 1717–1766) of Les Missions Etrangères, all of whom were allowed to stay with their Amerindian flocks after 1760. The British officer in charge of this mission eventually reported that he had received the submissions of Paul Lawrence (Laurent in the French documents) of La Hève (La Have, N.S.) and of Augustine Michael (Michel) of Richibouctou and had sent them to Halifax to complete formalities. Along with two other submissions he had received previously, he hoped these would clear up the Amerindian question. Alas, it was not to be so. He was taken aback to be informed by Abbé Manach that there were others to be seen "upon the same business, as soon as their spring hunting is over; and enquiring upon how many, he gave me a list of fourteen chiefs, including those already mentioned, most of which he said would come." Surprised to hear of such a number of chiefs in this part of America, the colonel added that "Mr. Manach further told me they were all of one nation, and known by the name of Mickmackis."[69] Despite this collaboration with British authorities, Manach was eventually accused of causing unrest among the Amerindians, arrested, and sent to England in 1761. The British also doubted Germain, and in 1762 detained him in Quebec. Maillard was allowed to remain, but died in August, 1762.

Ratifications finally completed, the ceremonial conclusion of peace between the British and the Micmac took place 25 June 1761, with Lieutenant-Governor Jonathan Belcher presiding. Micmac confirmed their acknowledgment of British sovereignty and promised good behavior; they were assured that British laws would "be a great Hedge about your Rights and properties."[70] The peace was to be effective "As long as the Sun and the Moon shall endure."

Thus concluded the military phase of the long fight of the Micmac, Malecite and Abenaki of Acadia to remain masters of their own territories. In this struggle, they had shown themselves to be astute in turning imperial rivalries to their own advantage. When it came to self-interest, there was not much to choose between the Amerindians and the colonial powers.[71] The difference lay in the fact that both France and Britain were building empires, whereas the Amerindians, after a brief initial period when some attempted to use European alliances to expand their own hegemonies, had soon found themselves struggling simply to survive. French and English encouraged Amerindian alliances because of the commercial and imperial benefits they would bring; Amerindians sought trade alliances because of the usefulness of European goods, and also because of the prestige these brought in fulfilling social obligations within their communities as well as in their diplomatic relations with other tribal groups. At first, such goods enhanced traditional lifestyles. But as the growth of European settlement exacerbated colonial rivalries, particularly in Acadia, Amerindians became aware that the trading aspect of the alliance had become eclipsed by its military aspect, and that they could best assure their survival as a people by acting as guerrillas for the colonial powers. Their capacity to keep those powers off balance was their most formidable weapon.[72] In this context, Louisbourg's role was vital: for the French, whatever their original intentions for building the fortress, its greatest military usefulness turned out to be as headquarters for the maintenance of Amerindian alliances, and in encouraging and abetting guerrilla warfare; for the Micmac and Malecite, it represented a reprieve from European economic and cultural domination, because as guerrillas they were able to dictate to a surprising extent their own terms as allies, particularly with the French.

The Peace of Paris of 1763 did not exorcise the spectre of French return to Canada, which remained to haunt the British, and to

give hope to the Micmac, until the defeat of Napoleon in 1815. Upon hearing of the French investment of St. John's, Newfoundland, in 1762, the Micmac became restive, and gave the settlers of Lunenburg a severe fright (Lunenburg was near La Hève, a major settlement for Amerindians and Metis). Such fears were fueled by reports that the Micmac were being supplied secretly from St. Pierre and Miquelon, islands off the southern coast of Newfoundland that were France's only remaining foothold in Canada. These reports have not been substantiated; officially, at least, France instructed her representatives on the two islands not to receive Micmac from Cape Breton as that "would only be disagreeable to the English, and expensive and useless to the French."[73] The Micmac appear to have gone to the islands in search of the services of priests, as much as anything. They were also looking for new hunting grounds; thrown back on their own resources when their traditional territories on the mainland had long since been overhunted, they further alarmed British authorities by going to southern Newfoundland.[74] The movement, which had been desultory as long as colonial rivalries provided Micmac with the means of subsistence, took on a new dimension with the loss of French support. Despite attempts of British officials in Newfoundland to dislodge these unwanted immigrants, they had come to stay.

The American War of Independence led the Micmac to investigate its potentialities for their interests, and in 1776 a group of them even signed a treaty at Watertown, Massachusetts, to send men to the American army. But the majority of their people opposed the idea, and the treaty was quickly disavowed on the grounds of misunderstanding. Hope again flickered when the French joined the American cause, but by this time it was all too clear that whatever happened in the south, the British were going to be in Nova Scotia for a long while. During the War of 1812–14, the Micmac promised the British to be neutral in return for not being required to take up arms.

The major effect of this protracted period of uncertainty was to persuade the British to continue with gift distributions, albeit in fits and starts. A scare or a crisis turned on the flow, its resolution reduced it, or even turned it off. No longer in a position to bargain, the Micmac had to take what they could get. This once-assertive, far-ranging people now asked only to be left alone, to live their lives in their own way. But the pressures of

incoming settlers would not allow for even that, and the long-neglected need to regulate land transfers and titles became urgent. The principle that Amerindians had a right to the use of their lands (expressed as hunting and fishing) had been explicitly recognized in the Treaty of Portsmouth, New Hampshire (1713), the Treaty of Boston (1725), and the Halifax treaty (1752), as well as implicitly in others.[75] The move to realize this in practice came in the Proclamation of 1761. This was in the form of instructions to "the Governors of Nova Scotia, New Hampshire, New York, Virginia, North Carolina, South Carolina and Georgia, forbidding them to Grant Lands or make Settlements which may interfere with the Indians bordering on those Colonies."[76] The governors were told they were no longer to grant licenses to individuals for the purchase of Amerindian lands without the express approval in each case of the Commissioners for Trade and Plantations in London.[77] Whitehall hoped that this reaffirmation of a long-standing policy would encourage its enforcement.

The proclamation had little effect in Nova Scotia; among other things, Amerindians complained that their relatives and erstwhile allies, the Acadians, were invading their lands and disrupting their hunting. Lieutenant-Governor Belcher saw this as a move on the part of the Acadians to keep the Amerindians stirred up against the English;[78] it is also possible that since their dispossession and expulsion by the English, the few Acadians who remained were simply moving onto Micmac lands, to which they considered they had a claim because of their blood ties with the natives. There is evidence that Acadians were not always considerate of their Amerindian relatives.[79]

Belcher issued a second proclamation, specifically for Nova Scotia, in 1762.[80] It ordered the removal of all persons illegally settled on Amerindian lands, and reserved the colony's northeastern coast from the Musquodoboit River to the Baie des Chaleurs for the Micmac to hunt, fowl and fish. The good intentions of this measure did not last past the scare caused by the French occupation of St. John's that summer. Memories of Micmac depredations were much too recent to allow for such a gesture; if the Micmac were to be given land anywhere, so the argument went, it should be in the interior, away from the strategic coast. The reference in the proclamation to lands of Amerindians "the Property of which they have by Treaties reserved to themselves . . . " may refer to clauses in earlier agreements assuring Amerindians of their rights to hunt and fish as usual on

their lands. In Nova Scotia and the Maritimes generally, treaties were not used as vehicles for the acquisition of Amerindian lands. It is possible that the much more sweeping Proclamation of 1763, which designated lands west of the Appalachians as Amerindian territory and reserved to the Crown the sole right to extinguish Amerindian title, was foreseen by Belcher as applying to the Atlantic colonies. There are some grounds for believing that this had been Whithall's intention; but on the scene in the Maritimes, as in the St. Lawrence Valley, colonial officialdom stood firm in its position that the French had extinguished aboriginal title, and there was no need to repeat the process.

When Loyalist refugees from the English colonies flooded into Nova Scotia and the St. John River following the Peace of Paris of 1783, lands were opened for homesteads without further ado. Aboriginal proprietors had to protest very loudly for their voices to be heard. There were those who listened, however, and lands were set aside for the Micmac as well as for the Malecite, but by government grants or legislative acts, not by negotiated treaties. Any compensation Micmac or Malecite received for land used for settlers' homesteads was by sale of portions of these reserves.

Thus ended the last, and perhaps most intense, phase of the hundred-and-fifty-year-old fight of the Micmac, which had started in the traditional pattern of raiding the enemy and had ended as a struggle for the right to continue to live in their own way on their own lands. The war remains a unique episode in Canada's history, as it was the only one in which Amerindians fought on their lands for their lands. Other confrontations that might be considered comparable, such as the clashes during the gold rush in British Columbia (1857–1864), were isolated incidents that did not develop into warfare, despite some hysterical reporting. The conflict of the French with the Iroquois (1609–1701), which certainly was a war, was fought for reasons of trade and power; and not only did the Iroquois not lose territory because of it, they even managed to keep most of the fighting off their lands, at least until toward the end. The 1885 confrontation with the Metis in the Canadian Northwest must also be placed in another category: in that case the struggle was for a recognized place within the dominant society. The Amerindian participation in that showdown, which was minimal, was a desperate protest against Ottawa's parsimony at a time when starvation stalked the plains as a consequence of the near-extermination of the buffalo.

If the Micmac's success was not unqualified as far as they

themselves were concerned, their long struggle did much to set the scene for the Proclamation of 1763, which was issued two years after they had signed the peace.[81] Although the disturbances in the Ohio Valley known as "Pontiac's Uprising" may have precipitated matters, they did not initiate its policy. Rather, it had slowly developed as Amerindian land rights came to be acknowledged in earlier treaties arising out of the eastern war, and out of earlier proclamations, particularly the one of 1762. The implementation of the Proclamation of 1763 began in southern Ontario, when incoming settlers obtained lands by means of negotiated treaties. In this case, at least, the native peoples of Central and later of Western Canada benefited from the protracted confrontation that had been fought out in the East. European settlement also benefited, as a way had been found to avoid a repetition of a costly exercise. And in the long view, the Proclamation would be a factor in incorporating Amerindians into the Canadian mosaic, as the process of negotiated settlement that it inaugurated has meant that almost all Amerindians in Canada have a continuing presence in their aboriginal homelands. But aboriginal right still remains to be defined; in this, Canada has the unique distinction of having raised the issue to the constitutional level.

NOTES

1. This paper is an expansion and reinterpretation of research originally done for "Louisbourg and the Indians: A Study in Imperial Race Relations 1713–1760," *History and Archaeology* 6 (1976): 3–206; the French edition appeared in 1979. This version was prepared with the aid of a grant from the Social Sciences and Humanities Research Council of Canada.

2. Concerning the fluidity of tribal boundaries, see Harald E. L. Prins, "Micmacs and Maliseets in the St. Lawrence Valley," *Actes du dix-septième Congrès des Algonquinistes*, ed. William Cowan, (Ottawa: Carleton University Press, 1986), 263–278.

3. On the Abenaki war, see Kenneth M. Morrison, *The Embattled Northeast*, (Berkeley: University of California Press, 1984).

4. The best general account of the war to date is that of L.F.S. Upton, in *Micmacs and Colonists* (Vancouver: University of British Columbia Press, 1979), 31–60. The war's marine aspect is dealt with by Olive Patricia Dickason, "La 'guerre navale' contre les Britanniques, 1713–1763," in *Les Micmacs et la Mer*, ed. Charles A. Martijn, Quebec, Recherches amérindiennes au Québec, 1986, 233–248. See also Horace Palmer Beck, *The American Indian as a Colonial Sea Fighter* (Mystic, Conn.: Maine Historical Association Publication #35, 1959) and John S. McLennan, *Louisbourg from its Foundation to its Fall 1713–1758* (Toronto, Macmillan, 1918), ch. IV.

5. For example, the King's instructions in 1665 to Daniel Rémy de Courcelle

(governor of New France, 1665–1672). (*Collection de manuscrits contenant lettres, mémoires et autres documents historiques relatif à la Nouvelle-France*, 4 vols. (Québec: Coté, 1883–85), I:175.)

6. Public Archives of Canada (PAC), Archives des Colonies(AC) C11B 1:340–341, lettre de Michel Bégon de la Picardière, (intendant of New France, 1712–1714), 25 septembre 1715, dans déliberations de Conseil, 28 mars 1716; ibid., lettre de Philippe Pastour de Costebelle (first governor of Ile Royale, 1713–1717) 7 septembre 1715, 335–336; *Collection de manuscrits*, I:46–47, lettre des sauvages à Monsieur le Général Philipps, aux Mines, 2 octobre 1730.

7. PAC Colonial Office (CO) 217/31:115–115, Lt. Col. Lawrence Armstrong (lieutenant-governor of Nova Scotia, 1724/25–1739), to Board of Trade, 19 June 1736. See also Upton, *Micmacs and Colonists*, 37–39; and R. O. MacFarlane, "British Indian Policy in Nova Scotia to 1760," *Canadian Historical Review* XIX –2 (1938), 154–167.

8. Francis Jennings, *The Invasion of America* (Chapel Hill, N.C.: University of North Carolina Press, 1975), 135.

9. Ibid., 138.

10. Peter A. Cumming and Neil H. Mickenberg, eds., *Native Rights in Canada* (Toronto: General Publishing, 1972), 67.

11. PAC CO 217/1:364–66, "Answer of Indians of Penobscot to the Commissioners," April 1714; PAC AC C11B 1:340v–342, lettre de Bégon, 25 septembre 1715, dans les déliberations de Conseil, 28 mars 1716; ibid., lettre de Costebelle, 7 september 1715, 335–336. Amerindian hostility worried the British, who warned Philippe de Rigaud de Vaudreuil (governor-general of New France, 1703–1725), that unless guerrilla harassment ceased, they would respond in kind. (PAC Nova Scotia A 3:22.) See also Upton, *Micmacs and Colonists*, 37–38.

12. "Les sauvages sont peu de chose, étant nos alliées, mais pourraient devenir quelque chose de considérable, étant nos ennemis." (PAC AC C11B 4:251–256, 17 novembre 1719.)

13. PAC AC B 35/3:239, Louis de Phélypeaux, Comte de Pontchartrain et de Maurepas (known as Pontchartrain), à Saint-Ovide, 20 mars 1713. See *Collection de manuscrits* III:399–400, de la Galisonnière, 6 novembre 1747.

14. Dickason, "Louisbourg and the Indians," 82–85; PAC AC F3 50: 4v, 10 avril 1713; PAC AC B 35/3:262v–263, à Baron de Saint-Castin, 8 avril 1713.

15. Thomas B. Akins, ed., *Selections from the Public Documents of the Province of Nova Scotia* (Halifax, Annand, 1869), 6; letter from Colonel Samuel Vetch (commander at Annapolis Royal, 1710–1713) to Lords of Trade, 24 November 1714. A facsimile edition of this work was published by Polyanthos in 1972 under the title *Acadia and Nova Scotia. Documents Relating to the Acadian French and the First British Colonization of the Province, 1714–1758*.

16. PAC AC B 35/3:239, Pontchartrain à Saint-Ovide, 20 mars 1713; ibid: 260v, à Gaulin, 29 mars 1713; PAC AC B 36/7:430, à Jacques l'Hermitte (king's second lieutenant and engineer at Ile Royale, 1714–1715), 21 mars 1714; ibid: 443–443, à Costebelle, 22 mars 1714; PAC AC B 36/1:84, Conseil à Besnard, 26 février 1716.

17. PAC AC C11B 1:343–344, Conseil, 3 mars 1716.

18. PAC AC C11B 12:37v, Joseph de Monbeton de Brouillan *dit* Saint-Ovide (governor of Ile Royale, 1718–1739), à Jean-Frédéric Phélypeaux, Comte de Maurepas (minister of the marine, 1723–1749), le 25 novembre 1731.

19. PAC Nova Scotia A 32:222, Maillard to Peregrine Hopson (governor of

Nova Scotia, 1752-1755), 11 September 1748. French civil officials concurred: "Religion is a rein which truly holds them in our interest." (PAC AC B 64/3:425, Maurepas à Charles de La Boische, Marquis de Beauharnois (governor-general of New France, 1726-1746), et Gilles Hocquart (commissaire-ordonnateur for New France, 1729-1731; intendant, 1731-1748), 17 avril 1736.) Maillard was not always so positive, however. See his "Lettre sur les missions de l'Acadie et particulièrement sur les missions Micmaques," *Les Soirées canadiennes*, III (1863), 294. Similar doubts were expressed by others: "Were it not for other concurring circumstances that indispose the savages against the English, religion alone would not operate, at least not so violently, to that effect." ("Letter from Mons. de la Varenne," in *An Account of the Customs and Manners of the Micmakis and Maricheets, Savage Nations Now Dependent on the Government of Cape Breton* (London: Hooper and Morley, 1758), 86.)

20. PAC AC C11B 12:36-39, Saint-Ovide au ministre, 25 novembre 1731; ibid. 14:55-55v, 15 octobre 1733; ibid. 18:38-38v, 23 octobre 1736; ibid. 20:85-90v, François Le Coutre de Bourville (king's lieutenant for Ile Royale, 1730-1744) à Maurepas 3 octobre 1738.

21. According to Abbé Noël Alexandre de Gléfien, Micmac regarded non-Catholics as enemies. (Letter from Mons. de la Varenne, *Customs and Manners*, 85).

22. Thomas Pichon, *Lettres et Mémoires pour servir à l'histoire Naturelle, Civile et Politique du Cap Breton* (London: 1760), 101-102. The Amerindians "ont besoin d'un culte qui remplisse la durée des momens qu'ils ne donnent pas à leurs besoins. Ils en avoient déja trouvé l'emploi de ces momens avant que nous les connussions, et en changeant le genre de leurs occupations à cet égard, nous ne devons pas prétendre changer entièrement les goûts qui leurs avoient fait choisir."

23. PAC AC C11B 2:44-44v, Conseil, 10 avril 1717; ibid. 1:337v, 345-66, Conseil, 28 mars 1716; ibid. 2:39, lettre de Soubras, 8 janvier 1717, dans les déliberations du Conseil, 10 avril 1717. One observer thought that missionaries generally appeared to be under the control of the Amerindians. (PAC AC C11B 29:367, de Jean-Pierre Roma (fisheries entrepreneur, fl. 1715-1757), 11 mars 1750.)

24. PAC AC C11B 1:249v, "Mémoire sur la mission des Sauvages Mikmak et de l'acadie," sans signature, c. 1739.

25. Gérard Finn, "La carrière de l'Abbé Jean-Louis Le Loutre et les derniers années de l'affrontement anglo-français en Acadie," (thèse de doctorat, troisième cycle, Université de Paris I, 1974, 86-91); Akins, ed., *Public Documents of Nova Scotia*, 178-179, Cornwallis to Captain Sylvanus Cobb, 13 January 1749.

26. Louis Chancels de Lagrange, "Voyage fait a Lisle Royalle ou du Cap Breton en Canada," *Revue d'histoire de l' Amérique française*, XIII #3 (1959), 431; PAC AC C11B 2:188-189v, de Costebelle au Conseil, 1717.

27. "La politique des Sauvages semble estre de s'entrenir neutres et de se conserver la liberté d'aller chés les françois et les anglois prendre les marchandises ou ils le trouvent à plus bas prix." (PAC C11B 1:343-343v, lettre de Soubras, le 19 décembre 1715, en déliberations du conseil, le 28 mars 1716.)

28. PAC CO 217/31:63, Doucett to Philipps, 1 November 1718.

29. Dickason, "Louisbourg and the Indians," 83; PAC AC B 45/2:267. B 45/2:267, 13 mai 1722.

30. Akins, ed., *Public Documents of Nova Scotia*, 33, Philipps to British Secretary of State for the Southern Department, James Cragg, Annapolic Royal, 26 May 1720. The Jesuits had learned this very early. In 1636, they had come empty-handed to a parley in Huronia, and had been rebuked by an Old Man. (Reuben Gold Thwaites, ed., *The Jesuit Relations and Allied Documents* (Cleveland: Burrows Bros., 1896-1901), IX:231.) In the realms of trade and politics, French governors quickly learned to give back speech for speech and present for present. (Thwaites, ed., *Jesuit Relations*, XL:165-169.) For the English view, see E.B.O'Callaghan and J. R. Brodhead, eds., *Documents Relative to the Colonial History of the State of New York*, 15 vols. (Albany, N.Y.: Weed, Parsons, 1853-1887), VII:650, Sir William Johnson (superintendent of Indian Affairs for the Northern Department, 1755-1774) to Lords of Trade, 30 August 1764. For a general, although somewhat dated, treatment of the subject, see Wilbur S. Jacobs, *Diplomacy and Indian Gifts* (Stanford, Calif.: Stanford University Press, 1950).

31. PAC CO 217/30:14, abstract of letter from Doucett, 16 August 1729; *Canadian Indian Treaties and Surrenders*, 3 vols. (Ottawa: 1891-1912; facsimile, Coles Canadiana Collection, 1971), II: 199-204; William Daugherty, *Maritime Indian Treaties in Perspective* (Ottawa: Indian and Northern Affairs Canada, 1983), 81-93. The negotiations for the 1749 ratification are reported in Akins, ed., *Public Documents of Nova Scotia*, 573-574, Council aboard the *Beaufort*, 14 August 1749. The French were especially annoyed with the St. John River people, as they had been courting them with particular care. A recent influx of Abenaki from New England may have been a factor, as well as substantial gifts from the English. (Ibid., 581, Council aboard the Beaufort, 1 October 1749.) Governor Raymond sent René, Micmac chief from Naltigonish, to break the ratification. (PAC AC C11B 31:62-63, Raymond à Rouillé, 19 novembre 1751.)

32. PAC CO 217/30: 14-14v, abstract of letter from Colonel Armstrong, 24 Nov. 1726. Thomas Caulfield, lieutenant-governor at Annapolic Royal 1711-1717, complained: "The Indians of Pennobscot, St. Johns, and Cape Sables, trade chiefly on ye several coasts with furrs and feathers, who never come here but when necessity obliges them and ye reasons they assign are that there is noe Kings Magazine here for them, as was in ye time of ye french, or as there is now at Cape Breton, wch: if there was they would bring in their peltery to us and I believe would prove a great advantage. . . . " (Akins, ed., *Public Documents of Nova Scotia*, 9, Caulfield to Board of Trade and Plantations, Annapolis Royal, 1 November 1715.)

33. PAC CO 217/2:5 extract of letter from David Jefferies to Captain Robert Mears, 6 July 1715.

34. PAC AC C11B 6:46, Saint-Ovide to minister, 4 novembre 1722.

35. At one point the British were urged to be cautious about "extirpating the French Neutrals that inhabit the Coast from Mirimachi to Canso for fear of giving umbrage to the Indians." (Akins, ed., *Public Documents of Nova Scotia*, 486, General Edward Whitmore to Lawrence, Louisbourg, 20 June 1760.)

36. The texts of these treaties are in Daugherty, *Maritime Indian Treaties*, 75-78; Cumming and Mickenberg, eds., *Native Rights in Canada*, 300-304; *Canadian Indian Treaties and Surrenders*, II: 198. The chief British negotiator was army officer Paul Mascarene, administrator for Nova Scotia (1720-1751, off and on). The Cape Sable Micmac, supplied with arms and equipment from Louisbourg,

had been particularly effective as sea-raiders against English shipping. (PAC AC CO 217/31:46, extract of letter from Joseph Dudley (governor of Massachusetts 1702-1715), 31 July 1719.) A Malecite view of these agreements, particularly in regard to hunting and fishing rights, is by Andrea Bear Nicholas, "Maliseet Aboriginal Rights and Mascarene's Treaty, not Dummer's Treaty," *Actes du dix-septième Congrès des Algonquinistes*, 215-229. The first treaty affecting Canadian Amerindians that specifically acknowledged hunting and fishing rights had been signed in 1713, of which more later.

37. Concerning the Abenaki's difficulties in this regard, see David L. Ghere, "Mistranslations and Misinformation: Diplomacy on the Maine Frontier, 1725 to 1755," *American Indian Culture and Research Journal*, Vol. 8, No. 4 (1984): 3-26.

38. Daugherty, *Maritime Indian Treaties*, 69, 77, 83.

39. Nicholas, "Maliseet Aboriginal Rights," 225-226. Eventual acceptance of British sovereignty is witnessed by the treaty of the Miramichi Micmac of 1794, in which the Micmac "King" John Julian and his brother "begged His Majesty to grant them a portion of land for their own use." The request was granted. (Cumming and Mickenberg, ed., *Native Rights in Canada*, 308-309.)

40. *Collection de manuscrits*, III:125, Charles Le Moyne de Longueuil (acting governor of New France, 1715-1726), et Bégon au ministre, 31 octobre 1725; ibid., 111-114, lettre de Vaudreuil au ministre, de Québec, 16 novembre 1725.

41. PAC AC B 49/2:705-707, de Maurepas, 28 mai 1726. The charge was in a letter from Longueuil and Bégon, 31 octobre 1725. (*Collection de manuscrits*, III: 126).

42. PAC AC C11B 8:34-38v, 18 septembre 1726.

43. PAC AC B 52/2:487-487v, Maurepas à Saint-Ovide, 20 juin 1728.

44. When the Micmac asked that the extra gifts they had been receiving be included in the regular distribution, the request was granted. (PAC AC C11B 31:63, Jean Louis, Comte de Raymond et Seigneur d'Oye (governor of Ile Royale 1751-1753), au ministre, 19 novembre 1751.)

45. PAC AC C11B 35:125, Chevalier Augustin de Boschenry de Drucour (governor of Ile Royale, 1754-1758), au ministre, 18 novembre 1755.

46. Akins, ed., *Public Documents of Nova Scotia*, 183, Cornwallis to the Duke of Bedford, 19 March 1749/50.

47. PAC AC C11B 28:40v, Charles Des Herbiers, Sieur de La Ralière (commandant at Ile Royale, 1749-1751), et Jacques Prevost de La Croix (commissaire-ordonnateur for Ile Royale, 1749-1758), au ministre, 19 octobre 1749; PAC CO 217/30:14, abstract of letter from Doucett, 16 August 1721.

48. PAC AC C11B 15:12-14, Conseil, 25 janvier 1735.

49. There are two versions of this declaration. The earlier one is reproduced in *Report Concerning Canadian Archives, 1905*, 3 vols., (1902), 2: Appendix A, pt. III in "Acadian Genealogy and Notes" by Placide Gaudet, 293. The later one is in *Collection de documents inédits sur le Canada et l' Amérique publiés par le Canada Français*, 3 vols. (Québec, Demers, 1888-90), I:17-19. Similar complaints had been heard when the English had planned Lunenburg. (PAC AC C11B 10:187-192, Saint-Ovide à Maurepas, 1 novembre 1729.)

50. Akins, ed., *Public Documents of Nova Scotia*, 581, Council aboard the *Beaufort*, 1 October 1749; ibid., 581-582, Proclamation of Governor Cornwallis, October 1749.

51. PAC Nova Scotia A 35:4, Cornwallis to Secretary of State, 20 August 1749.

52. Adam Short and Arthur G. Doughty, eds., *Canada and its Provinces*, 23 vols. (Toronto: Glasgow Brook, 1914-1917), XIII:99.

53. PAC Nova Scotia A 17:129-132; Nova Scotia B 1:53-55; J. B. Brebner, "Subsidized intermarriage with the Indians," *Canadian Historical Review* VI #1 (1925): 33-36.

54. PAC AC C11B 28:84, de Des Herbiers, 5 novembre 1749; Beamish Murdoch, *History of Nova Scotia or Acadie*, 3 vols., (Halifax: James Barnes, 1865-67), II:161.

55. PAC AC C11B 32:163-166, Prevost à Antoine Louis Rouillé,Comte de Joüy, (minister of the marine, 1749-1754), 10 septembre 1752; ibid. 33:159v, Prevost à Rouillé, 12 mai 1753; Akins, ed., *Public Documents of Nova Scotia*, 672-674, Council minutes, Halifax, 16 September 1752; Murdoch, *History of Nova Scotia*, II:219-22.

56. Akins, ed., *Public Documents of Nova Scotia*, 671. Council minutes, Halifax, 14 September 1752. Amerindian resistance to land surveys had long been troubling the British. (Ibid., 99, Council minutes, Halifax, 4 September 1732.)

57. Akins, ed., *Public Documents of Nova Scotia*, 682-685; Daugherty, *Maritime Treaties, 50-51, 84-85; Cumming and Mickenberg, eds., Native Rights in Canada*, 307-309.

58. "Court rules 1752 Treaty still valid," *Micmac News* (December, 1985), 1, 5; "Ruling says Indian Treaty has priority over N.S. law," *Edmonton Journal*, 22 November 1985.

59. PAC AC B 97:313, Rouillé à Raymond, 17 juillet 1753.

60. Akins, ed., *Public Documents of Nova Scotia*, 673.

61. PAC AC C11B 33:160-161, Prevost à Rouillé, 12 mai 1753. See also *Collection de documents* II: 111-126, Anthony Casteel's Journal.

62. Akins, ed., *Public Documents of Nova Scotia*, 682. Hopson to the Lords of Trade, 16 April 1753.

63. PAC Archives de la Marine B4 Article 76:41-42, Mémoire concernant les Sauvages Mickmacs, malechites et Cannibas rassembler sur la côte de L'ile Royale en 1757, de Emmanuel-Auguste de Cahideuc, Comte du Bois de la Motte, lieutenant général des armées navales.

64. PAC AC C11B 37:289-291, Louis Franquet (military engineer in New France, 1750-1758), au ministre, 18 juin 1757; Pre-Conquest Papers, L8, letter from Captain Henry Pringle, 31 July 1757, 54.

65. PAC AC C11A 103:140-141, Vaudreuil au ministre, 3 août 1758.

66. PAC AC C11B 35:59-61v, Drucour et Prévost à Machault, 11 novembre 1755.

67. PAC AC C11C 10: 52-53, Journal du siège du Louisbourg, 1758.

68. Le Courtois de Surlaville, *Les derniers jours de l'Acadie*, ed., Gaston du Boscq de Beaumont (Paris: Emile Lechevalier, 1899), 223-224, 238.

69. Colonel Frye to the Governor of Nova Scotia, dated Fort Cumberland, Chignecto, 7 March 1760. *Massachusetts Historical Society Collections*, First series, X:115.

70. PAC CO 217/18:277-284, "Ceremonials at Concluding a Peace . . . ," 25 June 1761.

71. That the French were well aware of this is evident in official correspondence. Typical was the observation that "au fonds, tous ces gens là ne sont amis de personne" "fundamentally, these people are not friends of anyone." (PAC AC C11B 29:367, mémoire de Roma, 11 mars 1750.)

72. Dickason, "Louisbourg and the Indians," 31–32. See also Upton, *Micmacs and Colonists*, 39.

73. PAC AC C12, 1:30, Mémoire du Roy pour servir d'instruction au Sr Dangeac nommé au gouvernment des Iles St. Pierre et de Miquelon, 23 février 1763.

74. While there is no doubt that Amerindians had crossed Cabot Strait in prehistoric times, it is also evident that the eighteenth-century migration to Newfoundland was facilitated by sea-going shallops acquired from Europeans. The Micmac had been using such craft since the beginning of the seventeenth century. (Samuel Purchas, *Hakluytus Posthumus or Purchas His Pilgrimmes*. 20 vols. (Glasgow, McLehose, 1906), XVIII:304; R. T. Pastore, "Micmac Colonization of Newfoundland," paper presented at Canadian Historical Association conference, Fredericton, N.B., 1977).

75. Although the Portsmouth treaty principally concerned New England Abenaki, it included some St. John River Amerindians. Its partial nature prevented it from being effective. There is some irony in the fact that it was signed in the same year as the Treaty of Utrecht, which ignored Amerindian rights. The text is in Daugherty, *Maritime Indian Treaties*, 70–72; and Cumming and Mickenberg, eds., *Native Rights in Canada*, 296–298.

76. Cumming and Mickenberg eds., *Native Rights in Canada*, 285.

77. Ibid., 286.

78. Ibid., 286–287, letter of Jonathan Belcher (lieutenant-governor of Nova Scotia, 1761–1763) to the Lords of Trade, 2 July 1762.

79. For instance, in 1717 Doucett reported that as far as Acadian claims that fear of Amerindian reprisals prevented them from taking the oath were concerned, "I am far from believing what they [the Acadians] say, for to my knowledge if an Indian is att any time insolent in their House's, they not only turn them out, but beat them very severely . . . " However, Amerindians did not "revenge themselves on 'em for such usage . . . " The most likely explanation for such behavior on the part of the Micmac would be that they considered the Acadians kin. (PAC CO 217/2:175v–176.)

80. The text of this proclamation, along with Belcher's explanatory letter, is in Cumming and Mickenberg, eds., *Native Rights in Canada*, 286–288.

81. See, for example, the letter of the Earl of Egremont (Sir Charles Wyndham, 1710–1763), to the Lords of Trade, 5 May 1763, and the latters' response, 8 June 1763. These letters make clear the official desire to avoid placing colonists in the unpleasant position of facing "frequent Incursions of Amerindians" such as had occurred in Acadia and on the fishing grounds following the Treaty of Utrecht. (Adam Shortt and Arthur G. Doughty, *Documents Relating to the Constitutional History of Canada 1759–1791*, 2 vols., (Ottawa: King's Printer, 1918), I: 127–147.) Egremont's concern that Amerindian land rights be respected had no parallel in the negotiations for the Treaty of Utrecht.