

“the maximum, the minimum or something in between”:
The Mi'kmaq and federal electoral legislation, 1899-1951

by

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Dedication

*For Mom, Dorothy Walls,
and in memory of Dad, Rev. Isaac L. Walls, 1926-2001.*

Abstract

In 1899 the Department of Indian Affairs enacted legislation subjecting Native communities in Quebec and the Maritimes to a system of elected band councils. For over a half century, until the 1951 Indian Act created new electoral rules, the Mi'kmaq were subject to a three-year "triennial system" of band council elections. Modelled on the Canadas' colonial-era legislation, the triennial system was key to federal assimilation policy. Policy makers planned to replace Mi'kmaq political practices, which included life chieftainships and the Grand Council of lifetime chiefs, with electoral institutions. In pursuing this goal, they were only partially successful. This dissertation argues, based on a close reading of the primary sources, that adherence to triennial elections was far from universal. Shortcomings of Maritime Indian agencies, agents' lacking commitment to the program and Mi'kmaq opposition together undermined the federal plan. A few Mi'kmaq communities avoided the triennial system altogether. Others followed it imperfectly, accepting some tenets and rejecting others. Throughout the Maritimes Mi'kmaq political customs and structures were maintained and even strengthened in this period. When a Joint Committee of the Senate and House of Commons was struck to amend the Indian Act in 1946, Canada's Aboriginal peoples, including the Mi'kmaq, requested greater political autonomy. These requests went unheeded. Significantly, the 1951 electoral rules, based on the system imposed in 1899, were applied to the Mi'kmaq whose political practices had been influenced but not undermined by a half century of triennial elections.

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I would like also to thank the staff of the Harriet Irving Library for their courteous and helpful assistance. Siobhan Hanratty in Government Documents contributed much to this study through her extensive knowledge of government sources and her superior map-making skills. Archivists at the Library and Archives of Canada also offered much assistance for which I am thankful. Funding is essential to graduate work. I am extremely grateful to UNB's School of Graduate studies and the UNB Department of History for their generous support of my work through scholarships and travel grants. As well, this study benefitted greatly from a grant from the Social Sciences and Humanities Research Council of Canada.

It is often said that graduate work is lonely and isolating. I do not agree. The collegiality and good humour of my colleagues and friends in and out of academe have

offered much-needed support and sustaining diversion. My graduate school career has been uncommonly lucky. Most people leave grad school with a degree; however, I leave with academic credentials and a soul mate who is an outstanding scholar. My husband, Corey Slumkoski, has cheerfully read and re-read this study in its various incarnations, offering encouragement and sage advice. His sense of humour has made the sometimes difficult grad student life not just bearable, but full of joy. I could not have done this without him.

I began this process with the love and steadfast encouragement of my parents, Isaac and Dorothy Walls, my brother, Ross, and sisters Kim, Jen and Miriam. As I finish this project I am ever thankful for their unwavering support. Dad did not live to read the finished product or to attend the graduation ceremony he so looked forward to but it is my hope that his humanity and fairness – traits he sought to impart to his children – shine through in this work. It is with much love that I dedicate this to Mom and to the memory of Dad.

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List of Abbreviations

DIA	Department of Indian Affairs
IAB	Indian Affairs Branch
LAC	Libraries and Archives of Canada
PANB	Provincial Archives of New Brunswick
NAIB	North American Indian Brotherhood
NSARM	Nova Scotia Archives and Records Management
SC	Statutes of Canada
<i>SP</i>	<i>Sessional Papers</i>
UGICNS	United General Indian Council of Nova Scotia
UNB-HIL	University of New Brunswick, Harriet Irving Library

Mi'kmaq Reserves c. 1900



Geography Source: Statistics Canada
 Place Names: Dept. of Indian Affairs Annual Report 1901

Introduction

Introduction

On 23 October 1906, Prince Edward Island Indian Superintendent and Lennox Island Parish Priest J.O. Arsenault penned a letter to J.D. McLean, the long-serving Secretary of the federal Department of Indian Affairs (DIA). Arsenault forthrightly expressed his belief that the Mi'kmaq in his jurisdiction had “no need of a chief or councilors.”¹ In reply, Secretary McLean admonished Arsenault, arguing that the Mi'kmaq were “entitled” to an elected band council, and that the DIA was “not in the habit of depriving the Indians of any of their rights.”² What McLean failed to acknowledge in his letter was that the “right” of Natives to elected chiefs and councillors was imposed just seven years earlier as part of the federal government’s effort to transform Native political custom – a transformation that was not universally desired and was indeed steadfastly opposed by some Mi'kmaq.

Beginning in 1899, an Indian Act amendment directed Indian agents in the Maritimes to implement a system of elected band councils. The “triennial system,” as it came to be known, sought to establish a specific band council structure and a protocol for

¹John O. Arsenault to J.D. McLean, 23 October 1906, Library and Archives Canada (LAC), RG 10, volume 7936, file 32-57, part 1.

²J.D. McLean to J.O. Arsenault, 26 November 1906, LAC, RG 10, volume 7936, file 32-57, part 1.

electing council members. Accordingly, every three years, male community members aged twenty-one and older were obliged to assemble under the supervision of the local agent to nominate and elect a community chief and a set number of councillors. The federal government expected this process to replace existing political practices in Native communities. This study explores the implementation and impact of federal band council policy on Mi'kmaq communities in New Brunswick, Nova Scotia and Prince Edward Island from its inception in 1899 until 1951 when a revamped Indian Act ushered in new band election rules that replaced the triennial system. Newfoundland and Labrador, eastern Quebec and the state of Maine were also home to the Mi'kmaq, but these regions remain out of the purview of this study. This distinction does not reflect divisions within Mi'kmaq society. Rather, it reflects divisions in the state's administration of the Mi'kmaq. Neither Newfoundland and Labrador nor Maine were part of Canada's Indian administration apparatus. The Mi'kmaq population in Quebec were included under the rubric of a Francophone Quebec Indian administration.

This 'story' has three protagonists: the Ottawa bureaucrats responsible for developing federal Native band council policy, local federal officials charged with implementing this policy in Mi'kmaq communities and the Mi'kmaq subjected to federal directives. Between 1899 and 1951, the federal government sought to make the federally-monitored triennial electoral system the sole means by which Mi'kmaq communities generated leaders. Ultimately, Ottawa failed. Local social, economic and political realities frustrated federal designs and at the end of this fifty year span Mi'kmaq adherence to the triennial system was far from universal. Mi'kmaq communities variously accepted,

rejected, ignored and/or amended federal legislation aimed at dictating their political behaviour. Where the Mi'kmaq accepted new electoral rules they did so to achieve their own ends. Moreover, new electoral rules did not displace old political forms; the Mi'kmaq retained political practices that distinguished them from their Euro-Canadian neighbours. This is a study of the complex interchange among federal bureaucrats, the Indian agents charged with implementing federal policy and Mi'kmaq people. It demonstrates the ways in which all three groups influenced, and were influenced by, the federal attempt to install a system of triennial elections.

Changing approaches to Aboriginal history and agency

Since this study is concerned with the implementation of federal triennial election policy in the Maritimes, it necessarily explores what has become a central concern of the historiography of the federal government's efforts to impose law on Native peoples – the need to differentiate between the theoretical basis of state policy and the ways in which policy was actually implemented in the field. A number of scholars have used federal legislation to frame and understand the late nineteenth- and twentieth-century historical experiences of Canadian Natives. These studies are valuable as they have effectively exposed the contradictions and “self-serving motivations behind the humanitarian rhetoric.” However, this approach has also obscured what was the real impact of federal policy because it tends to treat federal ideals, objectives and legislation as representations

of how federal policy was literally applied to, and received by, Native communities.³ Regarding the imposition of band governments, Hugh Shewell insists that “new forms of political organization were imposed on bands; these supplanted traditional decision-making with liberal, parliamentary rules of conduct.”⁴ If policy was enacted as it was written and publicised, Shewell would be right. And so, too, would be E. Brian Titley, who contends that Indian policy was applied “more or less uniformly across the country.”⁵ There is, however, a clear distinction between the intent, rhetoric and theory of Canada’s twentieth-century federal Indian policies and the ways in which policies actually operated in Native communities. A single policy and experience of Indian Affairs administration did not span the nation. As Ken Coates astutely observes in his study of Canada’s northern Indian administration, “[n]ational directives . . . did not translate directly into local initiatives.”⁶ Canadian Indian policy was, as Katherine Pettipas has

³Robin Brownlie, “Man on the Spot: John Daly, Indian Agent for Parry Sound, 1922-1939,” *Journal of the Canadian Historical Association* 5(1994), 64. For examples of such policy-centred approaches, see J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1989); Robert Surtees, “The Development of an Indian Reserve Policy in Canada,” *Ontario History* 61, 2(June 1969), 87-98; E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia, 1986); J.L. Tobias, “Protection, Civilization, Assimilation: An Outline History of Canada’s Indian Policy,” *Western Canadian Journal of Anthropology* 6, 2(1976), 13-30.

⁴Hugh Shewell, *“Enough to keep them alive”: Indian welfare in Canada, 1873-1965* (Toronto: University of Toronto Press, 2004), 15.

⁵Titley, *A Narrow Vision*, 13.

⁶Ken Coates, *Best Left As Indians: Native-White Relations in the Yukon in the Yukon Territory, 1840-1973* (Montreal: McGill-Queen’s University Press, 1991), 160.

noted, “regionally inconsistent,” and it was often in local application that federal Indian policy was amended.⁷ Inspired by conceptual approaches that “put more of the Indian into [history],” by new understandings of colonialism which question the total hegemony of colonizers and the absolute powerlessness of the colonized, and by new methodological techniques (most notably the acceptance of oral testimony as a reliable resource), scholars have posited that a policy-centred approach fails to reflect the reality of federal Indian policy as it played out in individual Native communities.⁸ Not content to equate federal statutes and policy makers’ ideals with how Natives actually experienced federal Indian policy, scholars have recognized that many factors – geographic location, agency administrators’ personalities and Native people’s varied responses to federal legislation – influenced policy implementation at the local or community level.

Identifying Native agency in Canadian Indian policy requires a difficult balancing act. In order to reveal Natives as autonomous people who contested federal control Native agency must be acknowledged. An over-emphasis on Native autonomy can minimize the pervasiveness and destructiveness of colonization, and may, as some fear, absolve

⁷Pettipas also contends that the most remote Native populations were less influenced by federal Indian policy than were less remote ones. Katherine Pettipas, *Severing the Ties that Bind: Government Repression of Indigenous Religious Ceremonies on the Prairies* (Winnipeg: University of Manitoba Press, 1994), 39, 218.

⁸Robert F. Berkhofer, “The Political Context of a New Indian History,” *Pacific Historical Review* 40(1971), 357-382. Nicholas Thomas characterizes colonialism as an extraordinarily complex and ongoing cultural process. He notes that while colonizers certainly exploited, destroyed and dominated colonized populations, they were not infallible. Instead, in certain colonial ‘projects,’ colonizers’ objectives have been variously subverted by factors including indigenous agency, contradictions in colonizers’ own missions, and local conditions. Nicholas Thomas, *Colonialism’s Culture: Anthropology, Travel and Government* (Oxford: Polity Press, 1994).

colonizers and their damaging policies of culpability.⁹ Nevertheless, Canadian scholars have adeptly walked this line, identifying Native agency while remaining attuned to the strength of state power. Historian Douglas Harris has done this particularly well in his study of the impact of federal fishing policy on British Columbia Natives. Harris concludes that the contest between Native fishers and federal officialdom was a “lopsided clash of cultures” in which the imposition of federal law was “not in doubt,” but Harris also considers the myriad ways in which Native fishers minimized, delayed and avoided the imposition of the federal fishing rules.¹⁰ According to Harris, the eventual assertion of federal hegemony over west coast fishing practices does not mitigate the importance of Native efforts to contest and undermine them. “[T]o focus on the result,” he insists, “is to miss the processes of colonialism at work.”¹¹

In recent years a number of monographs have emphasized the vast reach of an assimilative federal policy that interfered in virtually all aspects of Native people’s lives, from their economies, languages and cultural identities, to resource usage, law and

⁹The debate over “Native Agency” versus the power of the federal state came to the fore in Mary-Ellen Kelm and Robin Brownlie’s “Desperately Seeking Absolution: Native Agency as Colonialist Alibi?” *Canadian Historical Review*, 24, 4(December 1994), 543-556. Kelm and Brownlie argue that in seeking to demonstrate Native agency and resiliency in the face of colonization historians have denied the power of colonialism, absolving its perpetrators and under-emphasizing its negative effects. They contend that historians must be cognizant of the implications of their writings and assert that historians “have . . . the potential to make a positive contribution not only to historical understanding, but also to the process of redressing past injuries.”

¹⁰Douglas C. Harris, *Fish, Law and Colonialism: The Legal Capture of Salmon in British Columbia* (Toronto: University of Toronto Press, 2001), 80.

¹¹Harris, 127.

politics.¹² Also central to this literature is the notion that Natives overwhelmingly opposed these invasive federal policies.¹³ In countering expansive assimilation policy Native resistance assumed many forms and varied by time and place. In many instances, Natives rejected outright federal assimilation plans. Some of the fishers of Harris' study, for example, simply ignored federal bans on erecting weirs and, for sixty years after the ban, continued to fish in a customary manner proscribed by Ottawa.¹⁴ Similarly, in her study of Ottawa's effort to undermine Native dancing in the west, Pettipas notes that

¹²In addition to Katherine Pettipas cited above, see Mary Ellen Kelm, *Colonizing Bodies: Aboriginal Health and Healing in British Columbia, 1900-1950* (Vancouver: UBC Press, 1998) on the repression of Native religion and cultural practices. On federal efforts to regulate Native land and resources, see Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal: McGill-Queen's University Press, 1990) and Helen Buckley, *From Wooden Ploughs to Welfare: Why Indian Policy Failed in the Prairie Provinces* (Montreal: McGill-Queen's University Press, 1992) and Douglas C. Harris, *Fish, Law and Colonialism*. On state attempts to influence Native justice practice, see Sidney L. Harring, *White Man's Law: Native People in Nineteenth-Century Canadian Jurisprudence* (Toronto: University of Toronto Press, 1996). On the assimilative agenda of residential schooling, see J.R. Miller, *Shingwauk's Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996) and John S. Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879-1986* (Winnipeg: University of Manitoba Press, 1999). Finally, J.R. Miller brings together a host of examples of federal coercion in a monograph designed to illustrate the roots of the "intractability" of contemporary Native-non-Native relations in Canada. J.R. Miller, *Lethal Legacy: Current Native Controversies in Canada* (Toronto: McClelland & Stewart Ltd., 2004).

¹³An underlying assumption of the federal plan of assimilation was that Native customs – economic, political, religious or social – were lacking and thus needed to be moulded to accommodate western notions of civilization and progress. In countering the notion that assimilative policies would either fill a void or offer some corrective to Native societies, the saliency and importance of Native peoples' own practices have been stressed by a number of scholars. Harris, stresses that pre-European fisheries on the west coast were neither unregulated, nor operating without law, but rather turned on "alternative legal frameworks" that preceded non-Native settlement. Harris, 3.

¹⁴Harris, 42.

Natives defied such bans, holding dances either clandestinely on reserves, or, less frequently, publicly as part of non-Native exhibitions.¹⁵ Out-and-out resistance was also a Native response to residential schools. As John S. Milloy shows, a perennial problem faced by Ottawa and the churches involved in the operation of these institutions was the reluctance of parents to enroll children.¹⁶ In Mary-Ellen Kelm's study of state efforts to impose modern "scientific" healthcare on Native communities, Native resistance took the form of continued adherence to traditional healing practices.¹⁷

While outright resistance to federal plans characterized some Natives' responses to assimilation, accommodation to state policies as a means of defusing assimilative federal plans from "within" characterized others. For example, Harris' study reveals how some Natives coped with new fishery laws by adopting elements of them in order to continue their longstanding involvement in fishing and to earn livelihoods.¹⁸ In studies of federal efforts to undermine the west coast Potlatch both Katherine Pettipas and Constance Backhouse note a similar phenomenon whereby Natives accommodated bans on dancing by altering these activities to make them less offensive to federal goals. "On the surface" Pettipas explains, "this initiative might be interpreted as aboriginal acceptance of the government policy of repression, but the intent was to preserve as much of the content and integrity of the ceremonies as possible to leave the government with no

¹⁵Pettipas, 88.

¹⁶Miller, *Shingwauk's Vision*, 355; Milloy, 67.

¹⁷Kelm, *Colonizing Bodies*, 175-176.

¹⁸Harris, 77.

basis for interference.”¹⁹

Native accommodation of, and resistance to, federal policies influenced the ways in which such policies played out in the field. But Native responses were not the only factors that influenced government practices. As Harris points out, “the state” was not a monolithic presence. Competing state interests also shaped the scope of the assimilative agenda, as officials in the field and those representing different arms of the state had competing visions of Indian policy.²⁰ Interdepartmental conflict emerges in Harris’ study as one factor that limited the effectiveness of state efforts to impose its hegemony over Native peoples. Harris notes how the fervent desire of the Fisheries Branch of the Department of Marine and Fisheries to impose federal rules on Native fishers was thwarted by the Department of Indian Affairs, which valued Native exemption from such rules so that they could more readily earn livelihoods and be freed from reliance on Departmental funds. Other scholars have commented on how competing visions *within* the federal DIA influenced policy implementation. Robin Jarvis Brownlie, for example, argues that, in the hands of Indian agents, Ottawa’s Indian policy was revised locally according to the field officers’ personalities and private agendas.²¹ Pettipas also illustrates agents’ ability to influence local policy. Local agents, she argues, sought to meet the federal objective to prohibit Native dancing, not by enforcing an outright ban, but through

¹⁹Pettipas, 136. See also Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: University of Toronto Press, 1999), 63.

²⁰Harris, 5.

²¹Robin Jarvis Brownlie, *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939*, Don Mills: Oxford University Press, 2003.

“discretionary powers” by which they regulated “ceremonial activities through cooperation and negotiated compromises.”²²

Native political history

Policy-centred analyses have had a major influence on understandings of Native political history. Most policy centred analysis is fuelled by a deterministic outlook on the dreary fate of non-western societies in the wake of colonial expansion. It assumes that fragile Native political forms, deemed to be moribund by the twentieth century, inevitably succumbed to European structures imposed unilaterally by Ottawa.²³ In this scenario, federal Indian Affairs administration and Indian Act electoral rules are portrayed as having finalized an inevitable process of political change which ended, ultimately, in the political dis-empowerment of Native peoples. This idea is succinctly expressed by Adrian Tanner who asserts that “eventually the wardship system resulted in powerless Indian leaders.”²⁴ This point of view is also evident in Vic Satzewich and Linda Mahood’s important article, “Indian Affairs and Band Governance: Deposing Chiefs in Western Canada.” One of the very few works to consider in depth the impact of federally-ordained

²²Pettipas, 123.

²³Michael Asch, “Dene Self-determinism and the Study of Hunter-Gatherers in the Modern World,” *Politics and History in Band Societies*, ed. Eleanor Leacock and Richard Lee (New York: Cambridge University Press, 1982), 351-353.

²⁴Adrian Tanner, “Introduction: Canadian Indians and the Politics of Dependency,” *The Politics of Indianness: Case Studies of Native Ethnopolitics in Canada*, ed. Adrian Tanner, Social and Economic Papers, No. 12 (St. John’s: Institute of Social and Economic Research, Memorial University, 1983), 15.

band election policy upon Native politics, this article depicts electoral legislation as a *fait accompli*, suggesting that triennial elections were enacted as precisely and thoroughly as federal electoral legislation itself portended. Within this policy-oriented framework, Satzewich and Mahood portray electoral policy as being definitive, monolithic and ultimately successful.²⁵ This dissertation challenges this conclusion by looking beyond policies as written to consider policies as applied and by stressing the importance of both location and Natives' responses to legislation. This approach leads to a very different conclusion about the efficacy of federal electoral legislation and confirms the argument tentatively offered by Katherine Pettipas regarding western Canada: "To what extent the political role of ritual leaders and the elders was reduced deserves to be reexamined. It is evident, however, that their displacement by the Department may not have terminated their customary power"²⁶

Until recently, understanding of Native political structures and activities has also been distorted by a neglect of the cultural distinctiveness of Native politics. Scholars have tended to ignore, or at least underestimate, the persistence of important Native political traditions by measuring those traditions against the yardstick of non-Native political structures, traditions and activism. That Natives generally were neither involved in Euro-Canadian political organizations, nor in broadly-based Native organizations featuring European political strategies and processes, has too readily led to the conclusion that

²⁵Vic Satzewich and Linda Mahood, "Indian Affairs and Band Governance: Deposing Indian Chiefs in Western Canada, 1896-1911," *Canadian Ethnic Studies* 26, 1(1994), 40-58.

²⁶Pettipas, 226.

Native communities were therefore politically insipid, and that Native people's distinct political customs and structures were ineffective and inconsequential. The fact that the so-called 'Red Power' movement of the 1960s is generally championed not as being an outgrowth of persistent, long-serving Native political practice, but rather as the start-point of Native peoples' political relevancy, attests to this tendency.²⁷ Measuring Native political prowess in these Eurocentric terms has led to the neglect of more subtle, local and enduring political customs that have served many Native communities for centuries.

Fortunately, fatalistic ideas about the inevitable decline and replacement of Native political structures, and the misrepresentation and undervaluation of Natives' local political activities have come under scrutiny in recent decades. Increasingly, it is recognized that in the nineteenth and twentieth centuries Native political practices did not languish in limbo waiting for government initiatives to replace them. Individual case-studies have demonstrated the vitality and on-going significance of local-level politics in Native communities, even in years alleged to be marked by apathy and resignation. In much the same way that Frederick E. Hoxie's work on twentieth-century Crow political

²⁷Of course, this is not entirely the case. Arthur Ray, for example, seeks to link mid-twentieth century Native political activism with the "[h]erculean political and legal battle" launched by Native people at the turn of the twentieth century. Arthur J. Ray, *I Have Lived Here Since the World Began: An Illustrated History of Canada's Native People* (Toronto: Lester Publishing, 1996), 315. Likewise, Paul Tennant traces the evolution of British Columbia Native politics, noting that from 1849 Native political leaders on the west coast had been "constantly" involved in efforts win land title recognition. Tennant contends that although the rise of "big province-wide Indian organizations" in the 1960s and 70s revitalised the quest for land claims, this era was not the genesis of this fight. Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: University of British Columbia Press, 1990), ix-xiii.

structures demonstrated that “the interplay between the inherited political structure and the new reservation environment had altered tribal politics and modified indigenous cultural traditions,” so, too, is there a growing general recognition that Natives variously retained or amended their own political practices and that these remained positive, active forces in community life, even in the face of pressure to adopt European political ideals and structures.²⁸ Norma Sluman and Jean Goodwill have suggested that non-Natives have “tended to overestimate the influence of the [state-sanctioned] chiefs they knew while they ignored, or more likely were ignorant of the sway exercised by the traditional leaders”; scholars are correcting this erroneous understanding of Native politics.²⁹

Historian Paul Rosier challenges the idea that the introduction of European-style political processes in Native communities resulted in political powerlessness. In his study of the Blackfoot Nation’s decision to accept the electoral political system prescribed by the 1934 American Indian Reorganization Act (IRA), Rosier dismisses as too simplistic and misleading the assumption that elected councils undermined Blackfoot politics. He argues that the new political structure did not destroy Blackfoot politics and insists that the “impact of the IRA on Native American communities is too variegated to justify adopting sweeping statements that deny Indians the acuity and agency to adopt the legislation and to use intelligently its various provisions for political and economic

²⁸Frederick E. Hoxie, “Crow Leadership Amidst Reservation Oppression,” *State and Reservation: New Perspectives on Federal Indian Policy*, ed. George Pierre Castile and Robert L. Bee (Tucson: University of Arizona Press, 1992), 43.

²⁹Norma Sluman and Jean Goodwill, *John Tootoosis: A Biography of Cree Leader* (Ottawa: Golden Dog Press, 1982), 8.

change.”³⁰ The Blackfoot of Rosier’s work, much like the Mi’kmaq of this one, fashioned a syncretic political culture based on both the consensus-oriented political practice that distinguished Native political practice, and political processes mandated by federal electoral legislation. Blackfoot political leaders, Rossier argues, “became acculturated to democratic principles under IRA administration” while retaining what they called “ancient customs.”³¹ Rosier makes the important point that the imposition of Euro-American political values and structures did not as a matter of course leave Native communities politically powerless; often both forms of governance co-existed. This idea is central to the study of twentieth-century Mi’kmaq politics.

This study also embraces an approach that recognizes the complex, sometimes contradictory, responses of Natives to European political structures. Early scholars of Native-European encounter tended to characterize Native responses to the European presence in North America using binary frameworks. They suggested that Natives either rejected outright the influence of European newcomers, or, conversely, were utterly subdued by the culture, habits and life ways of Europeans. Jesuit missionaries, committed to a small, yet sustained and concerted mission effort among North American Natives in the seventeenth century, were perhaps the first to adopt a binary schema, as evidenced by

³⁰Paul C. Rosier, “‘The Old System is No Success’: The Blackfeet Nation’s Decision to Adopt the Indian Reorganization Act of 1934,” *American Indian Culture and Research Journal* 23, 1(1999), 2.

³¹Rosier, 25.

observations recorded in their *Relations*.³² Jesuits suggested that their missions were occupied by two distinct Native factions and their work hampered by tensions between Christian converts and Natives who clung to their pagan belief systems.³³ This binary understanding of Native responses to Europeans has been perpetuated over time. Not only has it resounded in mission studies, but it also more generally informs conceptualizations of Native responses to the European presence in North America. Natives have generally been cast as either progressives willing to adopt European-life ways, or as conservatives, futilely clinging to unwavering Native traditions and life ways, and scholars have stressed the tension and discord between the two.³⁴ Native responses to the Indian Act electoral legislation system of band councils have been described using this same dichotomy. Communities or segments thereof that embraced elections have been termed “progressive” and those opposing elected councils, “traditionalists.” The shortcomings of this framework for understanding Native responses to European political systems are clear. Significantly, it asserts that Natives responded in just one of two ways to the federal

³²The Jesuit Order, active in Acadia from 1611-1613 and again from 1632 to the 1660s, was not the only religious organization to work among the Mi'kmaq. The Franciscan Récollets established missions in Mi'kma'ki beginning in 1619. In 1629 they left the region but in 1629 returned to Gaspé. From 1632 until 1654, the Franciscan Capuchins ministered to the Mi'kmaq. See Luca Codignola, “Competing Networks: Roman Catholic Ecclesiastics in French North America, 1610-58,” *Canadian Historical Review* 80, 4(December 1999), 539-584.

³³E. Jane Dickson-Gilmore, ““This is my history, I know who I am’’: History, Factionalist Competition, and the Assumption of Imposition in the Kahnawake Mohawk Nation,” *Ethnohistory* 46, 3(Summer 1999), 429.

³⁴For an examination of factionalism in a mission context, see Daniel K. Richter, “Iroquois vs. Iroquois: Jesuit Missions and Christianity in Village Politics, 1642-86,” *Ethnohistory* 32, 1(1985), 1-16.

policy to install elected chiefs and councils. In addition, it suggests that the progressive supporters of council elections and traditional opponents of the system held either of these stances for different, mutually exclusive reasons.

In recent years, scholars have criticized this analytic approach which underestimates the complexity and variety that characterized Native political responses to the European presence in North America. For example, in her study of the responses of the Mohawk of Kahnawake to the introduction of band council elections, E. Jane Dickson-Gilmore argues that the distinctions between those who endorsed the elective system and those who resisted it were “more apparent than real,” that there was no clear ideological divide between the two factions and that both parts of the community shared the ultimate goal of determining its own political future, free from federal interference.³⁵ Meanwhile, in his study of the Creek legal system, Sidney Haring argues that “traditional” and federally-named leaders were not diametrically opposed. Rather, the two together “represented a balanced strategy to preserve the tribe.”³⁶ Similarly, David Lewis, in his study of politics among the Northern Utes, argues that the distinction between political traditionalists and progressives is an unrealistic dichotomy that ignores the fact that community politics did not operate on a “progressive-traditional axis” but were

³⁵Dickson-Gilmore, 440.

³⁶Sidney L. Haring, *Crow Dog's Case: American Indian Sovereignty, Tribal Law, and United States Law in the Nineteenth Century* (New York: Cambridge University Press, 1994), 82.

“individualistic, fluid and issue-and economics-oriented.”³⁷ E. Brian Titley’s work on the Six Nations also illustrates the importance of recognizing the complexity and internal cleavages of Native politics. He demonstrates that by the 1890s the Six Nations, having spent decades fighting for self-government according to a tradition of hereditary chieftains, was itself politically divided. A group of reformers, representing all six groups in the confederacy, believed that “the traditional method of conducting business – which required arriving at unanimous decisions – proved increasingly cumbersome for a gathering of approximately seventy individuals,” and called for the Council to adopt the Euro-Canadian political reforms it had for so long eschewed and to embrace an elective system not in order to satisfy the federal government, but because such changes made practical sense as they were “more suited to the times” and the issues facing the Six Nations at the end of the nineteenth century.³⁸ An examination of Mi’kmaq responses to band elections reinforces the saliency of these arguments. Support for, and opposition to, band elections varied and fluctuated not only by community, but also within Mi’kmaq communities and over time, and it did not reflect an evenly-divided difference of opinion regarding community politics.

In understanding the complex relationship between Native and European political structures, the work of Loretta Fowler is particularly instructive. Fowler argues that it is

³⁷David Rich Lewis, “Reservation Leadership and the Progressive-Traditional Dichotomy: William Walsh and the Northern Utes, 1865-1928,” *Ethnohistory* 38, 2(Spring 1991), 125-127.

³⁸E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986), 112-113.

misleading to conceive of concerted state efforts to impose western political practices upon Native communities as a scenario in which western political traditions spelled the inevitable demise of Native peoples' own political agency. For example, she challenges the supposition that late-nineteenth-and early-twentieth-century efforts to impart European-style political ideas and practices to Native peoples "has resulted in the 'powerlessness' of intermediaries." She contends that the Arapahoe of Wyoming's Wind River Reservation did not view the introduction of Euro-American political forms as dooming their communities to political powerlessness. Instead, the Arapahoe used these new political forms to ensure a "sense of continuity of political ideals." By accepting a political form acceptable to state officials, the Arapahoe endeavoured to "exploit whites' commitment to assimilation" as they used political change for the seemingly contradictory goal of "perpetuat[ing] features of traditional political culture."³⁹ According to Fowler, "[f]ederal imposition of the majority vote electoral system did not alienate the Arapahoe . . . from the political process."⁴⁰

This dissertation adds to this burgeoning North American historiography concerning state efforts to supplant Native political culture. It denies that the implementation of triennial elections in 1899 eradicated existing Mi'kmaq political practice. The Mi'kmaq remained committed to their own political customs and structures while in various places, at various times and to varying degrees they adapted the triennial

³⁹Loretta Fowler, *Arapahoe Politics, 1851-1979: Symbols in Crises of Authority* (Lincoln: University of Nebraska Press, 1982), 296.

⁴⁰Fowler, 13.

rules. Triennial elections had an impact on Mi'kma'ki, but not to the extent envisioned and hoped for by federal policy makers.

The Mi'kmaq

This study bolsters a rich and growing body of literature concerning the twentieth-century Mi'kmaq. In the mid-1950s, anthropologists Wilson Wallis and Ruth Saltwell Wallis produced the first substantial monograph concerning the Mi'kmaq in the twentieth century. The Wallis' *The Micmac Indians of Eastern Canada*, a comparative study of Mi'kmaq life ways in 1910/11 and 1953, was premised on the expectation that its comparative approach would reveal "a loss of Micmac culture"; indeed, the duo concluded that "forty years have brought . . . the replacement of the apathetic looking backward to an idealized tribal past by a vigorous desire to be like the whites in all phases of material life."⁴¹ Wilson and Ruth Wallis were not merely the first to study twentieth-century Mi'kma'ki, for a decade or more they were virtually the only scholars doing such work.

Beginning in the 1980s, scholars who recognized that the twentieth-century experiences of the Mi'kmaq had been under-studied took on the task. They explored not only the architects and mechanisms of federal Indian policy as it applied to Mi'kma'ki, but also challenged earlier assumptions about Mi'kmaq apathy and cultural loss and emphasized the Mi'kmaq's culturally-rooted resistance to state policy. Antoinette

⁴¹Wilson D. Wallis and Ruth Saltwell Wallis, *The Micmac Indians of Eastern Canada* (Minneapolis: University of Minnesota Press, 1955), 5, 306.

Duplessis, for example, considered the implementation of federal Indian policy on a broad scale, arguing that a combination of faulty government planning and Native resistance ultimately thwarted state efforts to “civilize” Natives in New Brunswick.⁴² In her study of the failed effort to centralize the Nova Scotia Mi’kmaq in the 1940s, Lisa Patterson both details the federal plan and explains that Native resistance was central to its ultimate failure.⁴³ Meanwhile, Peter Twohig’s study of the Nova Scotia Mi’kmaq and their relationship to the state healthcare delivery system reveals that although physicians were part of the federal assimilative apparatus, Mi’kmaq resistance, evident, for example, in the persistence of Mi’kmaq healing traditions, ultimately limited physicians’ abilities to use their profession as a tool of assimilation.⁴⁴

A number of scholars have focussed specifically on the impact of Ottawa’s twentieth-century education policy on the Mi’kmaq. W.D. Hamilton offers a largely narrative history of the operation of federal on-reserve day schools in the Maritimes.⁴⁵ Others have studied Atlantic Canada’s only residential school, the Shubenacadie Indian Residential School, which was attended by generations of Mi’kmaq children between

⁴²Antoinette Duplessis, “The Civilization Program of the Department of Indian Affairs on New Brunswick Reserves, 1867-1932,” (M.A. Thesis, University of New Brunswick, 1993).

⁴³Lisa Lynn Patterson, “Indian Affairs and the Nova Scotia Centralization Policy” (MA Thesis, Dalhousie University, 1985).

⁴⁴Peter Twohig, “Health and the Health Care Delivery System” (MA Thesis, St. Mary’s University, 1991).

⁴⁵W.D. Hamilton, *The Federal Indian Day Schools of the Maritimes* (Fredericton: The Micmac-Maliseet Institute, University of New Brunswick, 1986).

1929 and 1967. Marilyn Millward's doctoral dissertation is most interested in the "brokerage" roles of departmental officials and school staff, arguing that both served as mediators between "two masters" – the Mi'kmaq and the Indian Affairs bureaucracy in Ottawa.⁴⁶ In my MA thesis I explore Mi'kmaq responses to the Shubenacadie school, considering the ways in which the Mi'kmaq accepted, challenged and rejected the school and its policies.⁴⁷ Briar Dawn Ransberry considers schooling in the 1950s and 1960s, arguing that despite a theoretical desire to improve the school's curriculum, ongoing federal commitment to assimilation and racist assumptions about pupils in these years effectively undermined curriculum reform at the school.⁴⁸ A first-hand account of life at the Shubenacadie residential school is provided by Isabelle Knockwood's autobiography, *Out of the Depths: The Experiences of Mi'kmaw children at the Indian Residential School at Shubenacadie, Nova Scotia*. While Knockwood's memoir reveals how traumatic school life was for the pupils, it also demonstrates the resourcefulness of students whose passive resistance strategies helped them through difficult months and years spent at the institution.⁴⁹

⁴⁶Marilyn Elaine Millward, "Researching the devils: A Study of brokerage at the Indian Residential School, Shubenacadie, Nova Scotia" (PhD diss, Dalhousie University, 1997).

⁴⁷Martha Walls, "Native Responses to the Indian Residential School at Shubenacadie, Nova Scotia, 1928-1951" (MA Thesis, Dalhousie University, 1996).

⁴⁸Briar Dawn Ransberry, "Teach your children well': Curriculum and pedagogy at the Shubenacadie Residential School, Shubenacadie, Nova Scotia, 1951-67 (MA Thesis, Dalhousie University, 2000).

⁴⁹Isabelle Knockwood and Gillian Thomas, *Out of the Depths: The Experiences of Mi'kmaw Children at the Indian Residential School at Shubenacadie, Nova Scotia*

Other autobiographies provide glimpses into the complex world of twentieth-century Mi'kma'ki, offering evidence that federal initiatives alone did not determine the twentieth-century experiences of the Mi'kmaq. For example, autobiographies by Nova Scotians J. Richard McEwan and Harold Gloade illuminate the challenges facing Mi'kmaq men living in the region. Federal Indian policies define the frameworks of neither of these memoirs; McEwan and Gloade both recall a twentieth-century Mi'kma'ki which was politically, economically and culturally distinct.⁵⁰ Other individuals connected to Mi'kma'ki have also been the objects of twentieth-century histories. Ruth Holmes Whitehead's biography of Chief Jerry Lonecloud, an influential Mi'kmaq medicine man, spokesperson and cultural advocate, illustrates that the federal bureaucracy did not suppress internally generated leaders who had visions of their own for Mi'kmaki.⁵¹ Meanwhile, M. Olga McKenna's biography of Elsie Sark, the war-bride of Chief John Sark of Lennox Island, offers a British woman's perspective of life in a twentieth-century Mi'kmaq community.⁵² While these works offer written accounts of twentieth-century life in Mi'kma'ki, another work literally puts faces to the names. Published in 2001, *Mi'kwite'Imanej Mikmaqi'k: Let Us Remember the Old Mi'kmaq* is a collection of

(Lockeport, N.S.: Roseway, 1992).

⁵⁰J. Richard McEwan, *Memories of a Micmac Life* edited by W.D. Hamilton (Fredericton: University of New Brunswick, The Micmac-Maliseet Institute, 1988); Harold Gloade, *From My Vantage Point* (Ottawa: Borealis Press, 1991).

⁵¹Ruth Holmes Whitehead, *Tracking Doctor Lonecloud: Showman to Legend Keepers* (Fredericton: Goose Lane Editions, 2002).

⁵²M. Olga McKenna, *Micmac By Choice: Elsie Sark – an Island Legend* (Halifax: Formac Publishing Company Limited, 1990).

photographs taken in Mi'kma'ki by anthropologist Frederick Johnson in 1930 and 1931.

The twentieth-century Mi'kmaq economy has also been the subject of research. A number of scholars illustrate the complex ways in which the Mi'kmaq economy interacted with, and departed from, the dominant Maritime economy during that century. Harald Prins has argued that Mi'kmaq who worked the potato fields of Maine and New Brunswick in the twentieth century did so not just for much-needed wages, but because the cross-border work afforded the Mi'kmaq an opportunity to "retain a measure of their self-ascribed identity" as a cross-border people.⁵³ Ruth Holmes Whitehead has written of the Mi'kmaq basket-making industry which, despite its decline in the twentieth-century, remained important to the Mi'kmaq economy.⁵⁴ Meanwhile, Bill Parenteau and James Kenny have challenged the prevailing idea that it has only been in recent years that the New Brunswick Native resource economy has been characterised by state-Native conflict. Parenteau and Kenny contend that through the nineteenth and into the twentieth centuries New Brunswick Natives, including the Mi'kmaq, actively resisted the usurpation of their land as well as the strident game and resource laws which undermined their hunting and fishing economy.⁵⁵

⁵³Harald E. Prins, "Tribal Network and Migrant Labor: Mi'kmaq Indians as Seasonal Workers in Aroostook's Potato Fields, 1870-1980," *Native Americans and Wage Labour: Ethnohistorical Perspectives*, ed. Alice Littlefield and Martha C. Knack (Norman: University of Oklahoma Press, 1996).

⁵⁴Ruth Holmes Whitehead, *Micmac Quillwork: Micmac Indian Techniques of Porcupine Quill Decoration: 1600-1950* (Halifax: The Nova Scotia Museum, 1982).

⁵⁵Bill Parenteau and James Kenny, "Survival, Resistance, and the Canadian State: The Transformation of New Brunswick's Native Economy, 1867-1930," *Journal of the Canadian Historical Association* 13(2002), 49-71.

On a related theme, the fight for recognition of Mi'kmaq land and resource rights, has generated a number of works which, though largely concerned with pre-twentieth-century issues, are intended to bolster twentieth-century land and resource negotiations. For example, Richard H. Bartlett outlines in legal terms the history of Mi'kmaq land dispossession from the early nineteenth century through to the twentieth with the stated goal "to determine the rights of ownership of the Indians and of the provinces."⁵⁶ Similarly, Gary Gould and Alan Semple's *Our Land: The Maritimes* informs the legal issues surrounding the Mi'kmaq struggle for land rights and forthrightly aspires to compel federal and provincial governments to "accept and redress the Indian people in the Maritimes for their aboriginal land claims."⁵⁷ Meanwhile, the 1999 *Marshall* decision has inspired a number of scholars to trace the roots of Mi'kmaq entitlement that is central to this case and other struggles for Mi'kmaq resource recognition. William Wicken's study of the Sylliboy case of 1928 serves as a timely reminder that contemporary struggles for Mi'kmaq resource rights are not new, while his monograph *Mi'kmaq Treaties on Trial: History, Land and Donald Marshall Junior* considers "the historical basis of the Mi'kmaq's claim" to fish unencumbered by state fishing regulations.⁵⁸ Although Ken

⁵⁶Richard H. Bartlett, *Indian Reserves in the Atlantic Provinces of Canada* (Saskatoon: University of Saskatchewan Native Law Centre, 1986), 1.

⁵⁷Gary P. Gould and Alan J. Semple eds, *Our Land : the Maritimes – The Basis of the Indian Claim in the Maritime Provinces of Canada* (Fredericton, Saint Annes Point Press, 1980), ix.

⁵⁸William Wicken, "'Heard It from our Grandfathers': Mi'kmaq Treaty Tradition and the Syliboy Case of 1928" *UNB Law Journal* 44(1995): 145-161; William C. Wicken, *Mi'kmaq Treaties on Trial: History, Land, and Donald Marshall Junior* (Toronto: University of Toronto Press, 2002), 3.

Coates takes up the same issue in his *The Marshall Decision and Native Rights*, his conclusion that the case “stirred regional anger in ways that few would have predicted” seems to undermine the historical roots both of this particular case and of Mi’kmaq-non-Native competition for resources more generally.⁵⁹ A goal shared by many of these studies is to convey the twentieth-century experiences of the Mi’kmaq, from a Mi’kmaq perspective. None, however, do this with more clarity and focus than does Mi’kmaq historian Daniel N. Paul in his *We Were Not the Savages*, the importance of which is suggested by the fact that this monograph is will soon be released in a third edition.⁶⁰

This study adds to this historiography of the twentieth-century Mi’kmaq as it addresses the relationship between Mi’kmaq politics and federal Indian policy after 1899. In detailing the complex political responses of the Mi’kmaq to the introduction of elected band council, this work builds on recent research which questions assumptions about political change in Native communities. It challenges Vic Satzewich’s and Linda Mahood’s assertion that Maritime Native communities “were required to change to the three year elective system”⁶¹ and argues that the federal government was not able to unilaterally impose political structures on Mi’kmaq communities.

⁵⁹Kenneth Coates, *The Marshall Decision and Native Rights* (Montreal: McGill Queen’s University Press, 2000), 197.

⁶⁰Daniel N. Paul, *First Nations History: We Were Not the Savages, Third Edition* (Black Rock N.D.: Fernwood Publishing, 2007):

⁶¹Satzewich Mahood, “Deposing Indian Chiefs in Western Canada, 1896-1911,” 44.

Layout and sources

Federal Indian Affairs reports, as well as more candid correspondence between Indian Affairs officials in Ottawa and those in the field, are central to this study. The bias inherent in these sources clearly places the Mi'kmaq and their experiences off centre stage, and it becomes a challenge to portray them not as passive recipients of change, but as dynamic players in their own right. Careful use of these official records can, however, tell us about more than just federal interests in implementing triennial band elections. Changes in federal policies and attitudes over time are, in part, a reflection of how Mi'kmaq reactions to federal policies could, and did, influence federal designs. By 1900 Native voices were increasingly discernible, even in Indian Affairs records. In an era of growing literacy, some Mi'kmaq were in the position to put pen to paper and to express to the federal government their ideas on elected band councils.

This dissertation sheds light on the relationship that evolved between the Mi'kmaq and federal policy makers in the first half of the twentieth century. In seven chapters it traces the development, implementation and impact of the federal government's triennial system of band elections upon Mi'kma'ki. The first three chapters provide important background information and contextualize the process. Chapter one establishes the social and economic conditions prevailing in Maritime Mi'kmaq communities at the turn of the twentieth century, at the time when the triennial system of band councils was introduced. The Mi'kmaq world at the end of the nineteenth century was a complex one in which Euro-Canadian influences, as well as Mi'kmaq ideals, guided economic, cultural and religious activities. Chapter two focusses more specifically

on Mi'kmaq politics as an object of European influence and argues that although the era from encounter to 1899 was marked by important political adaptation and change in Mi'kma'ki, Mi'kmaq political practices also persisted and these differentiated Mi'kmaq politics from those of Euro-Canadians. Chapter three situates triennial electoral policy within the framework of legislation aimed at assimilating Natives in Canada. As it traces colonial and then federal efforts to dictate political structures and processes in Native communities, this chapter argues that state devotion to the triennial electoral system at the turn of the century reflected the broader assimilative goals of Canada's Indian Affairs department.

Chapters four, five and six consider the impact of federal electoral rules on Maritime Mi'kmaq communities in the first half of the twentieth century. Chapter four illustrates the federal government's inability to universally and unilaterally impose the triennial system on Mi'kmaq communities by explaining how certain Mi'kmaq political customs, structures and leadership practices survived the federal system. While some Mi'kmaq communities nominally adopted the triennial system, they did so imperfectly, and they managed to discard certain features of the federal electoral mandate and blend those they retained with local political customs. Chapter five examines the processes by which the federal government tried to impose the triennial elections on Mi'kmaq communities and details the extent to which Mi'kmaq community politics were subject to federal interference. Chapter six argues that the Mi'kmaq avoided the full impact of federal efforts to replace community political traditions with the triennial system because of four broad factors. First, confusion and misunderstanding surrounded electoral

legislation, slowing and discouraging its implementation. Second, conditions prevailing in Maritime agencies assured that Mi'kmaq chiefs, whether elected or appointed according to band custom, remained important to over-worked government officials. Third, Mi'kmaq refusal to surrender community politics and attendant community affairs to Ottawa guaranteed some continued autonomy in leadership selection. Finally, successful, active and strong-willed electoral contests and incumbents took the wind out of federal electoral policy sails.

The seventh and final chapter returns the study to the process of federal policy-making featured in chapter three, as it examines the five year period between 1946 and 1951, when a retinue of federal civil servants overhauled the Indian Act. Concluding with the 1951 Indian Act amendments, chapter seven explores this legislative process, its influence upon Native community politics, and Mi'kmaq responses to it. Although largely excluded from electoral policy reform between 1946 and 1951, the Mi'kmaq made clear to the DIA their desire for greater political independence. Despite these clear demonstrations, however, the electoral rules that were part of the 1951 Indian Act showed little recognition of Mi'kmaq political aspirations. Like the triennial system, federal electoral legislation enacted in 1951 sought to undermine political practices that did not conform to Ottawa's assimilative goals. These 1951 efforts at the political assimilation of Native people reaffirms the central idea of this study: despite a concerted effort to displace Mi'kmaq political practices with those mandated by the legislation of 1899, the federal government failed in large measure to do so.

Chapter 1: The Mi'kmaq World in 1900

Introduction

Mi'kmaq communities reacted in various ways to the federal electoral rules of 1899. To fully understand the complexity of this response, it is necessary to consider more generally the nature of Mi'kmaq society of the turn of the twentieth century. A central tenet of this work is the notion that Mi'kmaq culture, like any culture, is not static but rather evolves and changes over time according to specific social, economic and political circumstances. Before attempting to understand the nature of early twentieth century Mi'kmaq politics, therefore, it is imperative to place Mi'kmaq people and their communities within contexts particular to this era.

In 1899, the Maritime portion of Mi'kma'ki, the Mi'kmaq homeland, was an extraordinarily complex place.¹ (See Map 1) To a significant extent, the Mi'kmaq world was intricately connected to the non-Native Maritime society around it. In his study of the Great Lakes territory shared from the mid-seventeenth century by Algonquian-speaking

¹Mi'kma'ki is the term that describes "the geographical area inhabited by the Mi'kmaq both at the time of contact and afterward." This territory includes southern Newfoundland, Cape Breton, Mainland Nova Scotia, Prince Edward Island, the east coast of New Brunswick from the headwaters of the rivers flowing into the Gulf of Saint Lawrence and Quebec's Gaspé Peninsula. William C. Wicken, *Mi'kmaq Treaties on Trial: History, Land, and Donald Marshall Jr.* (Toronto: University of Toronto Press, 2002), 16. Because of the parameters of this study as outlined in the Introduction my use of the term Mi'kma'ki refers to the Maritime Canada portion of the Mi'kmaq homeland.

Native peoples and European immigrants, Richard White offers up the idea of the “middle ground” – a model of Native-non-native integration that is useful for understanding Mi’kma’ki at the start of the twentieth century. White contends that Natives and Europeans did not inhabit isolated and independent communities; rather, their lives overlapped and “shaded into each other” to the point that in many ways “no sharp distinctions between Indian and white worlds could be drawn.”² Like this “middle ground,” the Mi’kmaq and their non-Native neighbours were part of the same Maritime society and their lives intertwined. At the same time, however, distinctly “Mi’kmaq” economic, social and cultural customs remained important in Mi’kmaq life. This blend of old and new, of traditional and non-traditional, of isolation from and integration into non-Native communities, characterized Mi’kmaq society in 1899. These features of Mi’kma’ki profoundly influenced the ways in which Mi’kmaq communities received federal political rules.

Historiography of the Mi’kmaq: twentieth-century change and adaptation

This dissertation is built upon a particular understanding of Mi’kmaq cultural change and adaption as it occurred in the first half of the twentieth century. Early studies of late-nineteenth- and early-twentieth century Mi’kmaq society emphasized cultural displacement and despondency. The first scholars to chronicle Mi’kmaq society sought evidence of cultural disruption and disintegration; not surprisingly, they found what they

²Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (Cambridge: Cambridge University Press, 1991), xi.

were looking for. They placed the genesis of dramatic cultural upheaval in the early fur trade era, and suggested that this contact engendered immediate and irreversible cultural changes which led, inevitably, to the wholesale loss and corruption of Mi'kmaq culture. Numerous studies support this assertion. The ethnologist team of William and Ruth Saltwell Wallis, for example, offered a morbid assessment of twentieth-century Mi'kmaq culture based upon their 1911-12 and 1953 visits to various Mi'kmaq communities. The couple suggested that a principal goal of their work was to "discover how extensive has been the loss of Micmac culture" in the years between their two rounds of field work.³ Similarly, anthropologist Phillip Bock, writing in the 1960s, suggested that the twentieth century had been especially tough on Mi'kmaq cultural traditions. Of the Mi'kmaq at Restigouche, he wrote: "The conditions of life have changed so drastically . . . during the last sixty years that almost all sense of cultural continuity has been lost."⁴ Similarly, Dorothy Moore's 1983 *Micmac Culture and the Multiculturalism Policy* painted a picture of a Mi'kmaq culture that was "apathetic and dependent."⁵ Moore's is a portrait of a Mi'kmaq population that had learned to "accept without question the policies and 'I know what's best for you' attitude of the white culture."⁶ Published over a thirty year period,

³Wilson D. Wallis and Ruth Saltwell Wallis, *The Micmac Indians of Eastern Canada* (Minneapolis: University of Minnesota Press, 1955), 3.

⁴Philip K. Bock, *The Micmac Indians of Restigouche: History and Contemporary Description* (Ottawa: Canada National Museum, 1966), 88.

⁵Dorothy E. Moore, *Micmac Culture and the Multiculturalism Policy* (Halifax: International Education Centre, Saint Mary's University, 1983), 25.

⁶Moore, 25.

these works all pronounced cultural loss and despondency as a defining feature of twentieth-century Mi'kma'ki.

In more recent years this interpretation has been challenged. Scholars such as Eleanor Leacock acknowledge that the documentation of Native cultural loss is unsatisfactory and that “for ethical and political as well as scientific reasons, it is equally necessary to note and to document the resiliency and creativity with which different peoples moved to survive in, cope with, and take advantage of the new situations in which they found themselves.”⁷ Although cultural change remains central, the assertion that the direction of cultural change is necessarily toward loss has been abandoned. In his important 1996 book *The Mi'kmaq: Resistance, Accommodation and Cultural Survival*, Harald Prins sets out not to document the loss of Mi'kmaq culture, but to “trace the stunning changes that have taken place in Mi'kmaq society” and to “shed light on this radical cultural transformation.”⁸ Additionally, scholars have challenged the assumption that the sixteenth-century fur trade marked the beginning of fundamental Mi'kmaq cultural change, suggesting instead that Mi'kmaq culture and ways of life remained vibrant, intact and fundamentally unchanged until the twentieth century. William Wicken is a staunch proponent of this concept. In his 1994 dissertation Wicken argues that Mi'kmaq society remained largely unaltered “until the early part of the twentieth century when the enforcement of provincial game laws and a more concerted attempt by the

⁷Eleanor Leacock, “Relations of Production in Band Society,” *Politics and History in Band Societies* (New York: Cambridge University Press, 1982), 168.

⁸Harald E. L. Prins, *The Mi'kmaq: Resistance, Accommodation and Cultural Survival* (Toronto: Harcourt Brace College Publishers, 1996), 41.

Department of Indian Affairs (DIA) to marshal families on to reserves, led to a gradual abandonment of traditional lifestyles.”⁹ It is this interpretation of Mi’kmaq cultural change, a model of change that highlights cultural continuity, that is embraced by this study. To borrow words from anthropologist Regna Darnell, Mi’kmaq people in 1900 were a people who had “employed – and continue to employ – adaptive strategies deriving quite directly from pre-contact ways of life.”¹⁰

Population, territory and federal administration

In part, the disjointed manner in which the federal government administered Mi’kmaq communities may have facilitated cultural continuity. Like most Native communities in Canada after Confederation, Mi’kmaq communities were administered by the federal Department of Indian Affairs. In total, there were 54 Mi’kmaq reserves in the Maritimes – 35 were in Nova Scotia, 17 in New Brunswick and 2 on Prince Edward

⁹William Wicken, “Encounters With Tall Sails and Tall Tales: Mi’kmaq Society, 1500-1760,” (PhD diss., McGill University, 1994), 16. Wicken is not alone in this assessment. Satzewich and Wotherspoon also contend that the “the economic marginalisation of Indian people began not with the end of the furtrade, but rather some time in this [twentieth] century.” Vic Satzewich and Terry Wotherspoon, *First Nations: Race, Class and Gender Relations* (Regina: Canadian Plains Research Centre, 2000), 49. Similarly, Fred Wien argues that until the 1920s and 30s, “the Micmac were able to establish a reasonable degree of self-sufficiency through their own self-employment and through wage labour on the fringes of the non-Indian economy.” Fred Wien, *Rebuilding the Economic Base of Indian Communities: The Micmac in Nova Scotia* (Montreal: The Institute for Research on Public Policy, 1986), 28.

¹⁰Regna Darnell, “Rethinking the Concepts of Band and Tribe, Community and Nation: An Accordion Model of Nomadic Native American Social Organization,” *Papers of the Twenty-Ninth Algonquian Conference*, ed. David H. Pentland (Winnipeg: University of Manitoba, 1998), 95.

Island. The total surveyed acreage of these reserves was 54,389.16 (22,010.5 hectares) Geographically, the largest reserve in the region was Tabusintac in New Brunswick at 8,077 acres (3,268.6 hectares), while the smallest was the 2.73 acres (1.1 hectares) reserved at Sydney, Nova Scotia.¹¹ In each province the Mi'kmaq were subject to distinct administrative agencies. In Nova Scotia, 17 Indian agencies, each headed by a part-time Indian agent, corresponded to county boundaries.¹² In New Brunswick, Indian Affairs was administered by two large agencies, each headed by a single, full-time Indian agent. The South-West Agency was devoted to New Brunswick's Maliseet population while the North-East Agency administered the province's entire Mi'kmaq population.¹³ On Prince Edward Island, just one agency oversaw the two Mi'kmaq communities at Lennox Island and Morrell.

The number of Mi'kmaq administered by the federal government was relatively small. By the end of June 1901, the DIA census placed the total Mi'kmaq population of New Brunswick, Nova Scotia and Prince Edward Island at 3,308. This figure is probably

¹¹"Schedule of Indian Reserves in the Dominion," Annual Report for the DIA for year ended June 30, 1900, Canada, *Sessional Papers (SP)* 35, 11(1901), 48-53.

¹²Auditor General's Report, 1898-1899 "Indian Affairs: Expenditure," Annual Report of the DIA for year ended June 30, 1899, Canada, *SP* 34, 11(1900), G9-10. An Indian Superintendent was added to the Nova Scotia administration in 1907. According to the first Nova Scotian Superintendent, A.J. Boyd, his job was to "[investigate] particular cases affecting the interests and welfare of different bands under my supervision, and [report] the results to the department." A.J. Boyd to Frank Pedley, Deputy Superintendent General of Indian Affairs, 31 March 1908, Annual Report of the DIA for the year ended 31 March 1908, Canada, *SP* 34, 15(1909), 72.

¹³Annual Report of the DIA for year ended June 30, 1899, Canada, *SP* 34, 11(1900), 57.

an underestimation. As James C. Saku has pointed out, the values, assumptions and biases that determined what data was collected reflected those of Euro-Canada, not those of the Native people being counted.¹⁴ Bill Parenteau and James Kenny, meanwhile, note that DIA reports give no indication of the data collection methods used by agents, or whether certain methods were used consistently over time. The census-taking of Indian agents indeed, leaves a “variety of other unanswered questions.” For example, the time of year in which agricultural and livestock data were gathered is extremely important, and yet agent reports do not disclose this information.¹⁵ Agents themselves recognised obstacles to accurate enumeration. In 1896, Agent William C. Chisholm of Antigonish and Guysborough counties noted that “[t]he nomadic instinct is still strong in the Indian, and it is next to impossible to follow him in his various wanderings. Hence it is exceedingly difficult to compute the population with any exactness.”¹⁶ Agents were also aware that budgetary constraints undermined accurate counts. In 1889 Nova Scotia Agent A.P. Desmond submitted his census of Native people living in Halifax county with the warning that “it may be a little incorrect, as it would cost too much to visit the different

¹⁴James C. Saku, “Aboriginal Census Data in Canada: A Research Note,” *The Canadian Journal of Native Studies* 19, 2(1999), 365-379.

¹⁵Bill Parenteau and James Kenny, “Survival, Resistance, and the Canadian State: The Transformation of New Brunswick’s Native Economy, 1867-1930,” *Journal of the Canadian Historical Association* 13(2002), fn. 14, 54

¹⁶Report of William C. Chisholm, 15 August 1896, Annual Report of the DIA for the year ended June 30, 1896, Canada, *SP* 31, 11(1897), 56.

settlements.”¹⁷ The diennial census of 1901 is likewise not without its shortcomings. The returns of the 1901 census reflected the fact that enumerators were unlikely to spend much energy accounting for Native people. The seasonal mobility of Mi’kmaq people, the isolation of their communities, and the fact that not all Mi’kmaq lived on federal reserves were all obstacles to accurate census figures.

Of the Mi’kmaq counted by enumerators, the majority, 2,020 individuals or 61.1 percent, lived in Nova Scotia. New Brunswick was home to 973 Mi’kmaq or 29.4 percent of the region’s total. Just 315, fewer than ten percent of the total, lived on Prince Edward Island.¹⁸ Proportionately, the Mi’kmaq population was small. As Table 1 shows, relative to the region’s total population of 893,953, Mi’kmaq people accounted for just 0.4 percent.¹⁹ The Mi’kmaq population was also young: 50.6 percent of the Mi’kmaq were 20 or younger while just 5.7 percent were age 65 or older.²⁰ For the Maritimes as a whole, 45.6 percent of the population was 19 years of age or younger and 6.4 percent was 65 or older (See Table 2).²¹

¹⁷A.P. Desmond to Superintendent General, 19 November 1889, Annual Report of the DIA for the year ended December 31, 1889, Canada, *SP* 23,10(1889), 175.

¹⁸“Census Return of Resident and Nomadic Indians,” Annual Report of the DIA for the Year Ended June 30, 1901, Canada, *SP* 36, 11(1902), 152-159.

¹⁹F.H. Leacy, ed. *Historical Statistics of Canada* (Ottawa: Statistics Canada, 1983), A2-14.

²⁰“Census Return of Resident and Nomadic Indians,” Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP* 36, 11(1902), 152-159.

²¹Fourth Census of Canada, 1901, Volume 4, 1901, “Ages of the Population by Sex,” 1-19.

Table 1: Mi'kmaq/ non-Mi'kmaq populations, 1901

	Mi'kmaq Population*	% total Mi'kmaq population	Total Provincial Population 1901**	% total population
NB***	973	29.4	331120	0.29
NS	2020	61.1	459574	0.44
PEI	315	9.5	103259	0.31
Total	3308	100	893953	0.37

Sources: *DIA Census for the Year Ended June 30, 1902, *SP 36, 11(1902)*; **F.H. Leacy, ed, *Historical Statistics, 2nd Edition* (Ottawa: Statistics Canada, 1983), "Population of Canada, by province, census dates, 1851-1967," Series A2-14. ***New Brunswick figures include the Northeastern and Richibucto Agencies.

Table 2: Maritime Mi'kmaq/Non-Mi'kmaq populations by age, 1901

Mi'kmaq Population: ≤ 20 years	Total Maritime Population: ≤ 19 years	Maritime Mi'kmaq Population: ≥ 65 years	Total Maritime Population: ≥ 65 years
50.6	45.6	5.7	6.4

Sources: DIA Census for the Year Ended June 30, 1902, *SP 36, 11(1902)*; Leacy, Canada, "Ages of the Population by Sex," *Fourth Census of Canada (4) 1901, 1-19*.

Despite a relatively small population, the Mi'kmaq were widely dispersed in the Maritimes. (See tables 3, 4 and 5) In 1901, the DIA reported that the Mi'kmaq in New Brunswick lived in six of the province's 15 counties. Mi'kmaq lived in all 18 counties in Nova Scotia, and in two of Prince Edward Island's three counties. In New Brunswick the highest concentration of Mi'kmaq was in Northumberland County while Kent County's Big Cove Reserve was the community with the largest Mi'kmaq population in the province. In Nova Scotia, the highest concentration of Mi'kmaq was in Cape Breton County which was also home to the largest Mi'kmaq community, Eskasoni, with a

population of 140 recorded in 1900.²² On Prince Edward Island, Lennox Island was by far the largest Mi'kmaq community – 255 of 315 island Mi'kmaq lived on the Prince County reserve.

Table 3: Mi'kmaq Population, New Brunswick, by county and community, 1901

New Brunswick		973
<u>Kent</u> (county total)	Big Cove	(348) 281
	Indian Island	40
	Buctouche	27
<u>Northumberland</u>	Burnt Church	(419) 230
	Eel Ground	139
	Red Bank	50
<u>Gloucester</u>	Bathurst	(37) 37
<u>Restigouche</u>	Eel River	(48) 48
<u>Westmorland</u>	Fort Folly and vicinity	(74) 74
<u>King's</u>	Norton Station	(47) 47

Source: Annual Report of the DIA for the year ended June 30, 1901, DIA Annual Report, "Census Return of Resident and Nomadic Indians," SP 37, 11(1902), 153-154.

²²The DIA census for 1901 did not record the population breakdown for the Mi'kmaq in Cape Breton County. However, the year before Eskasoni was the most populated Mi'kmaq community in the province with a population of 140. "Census Return of Resident and Nomadic Indians," SP 35, 11(1901), 148.

Table 4: Mi'kmaq Population, Nova Scotia, by county and community, 1901

Nova Scotia (total)	2,020	<u>Richmond</u>	Chapel Island	(130) ₁₃₀
<u>Shelburne</u> (county total)	(76) ₁₆	<u>Annapolis</u>	Lequille	(77) ₂₂
Jordan River				
Shelburne River	8		Mochelle	12
Sable River	12		Bridgetown	3
Barrington River	8		Paradise	13
Clyde River	1		Lawrencetown	3
Mi'kmaq living elsewhere	31		Middleton	24
<u>Hants</u>	(85) ₈₅	<u>King's</u>	Kentville	(74) ₂₀
Indian Brook Reserve				
<u>Inverness</u>	(153) ₁₃₁		Berwick	10
Whycocomagh				
Malagawatch	22		Blue Mountain	6
<u>Colchester</u>	(109) ₁₀₁		Greenland	6
Millbrook Reserve				
Carr's Brook	6		Middleton	10
Stewiacke	2		Kingston	7
<u>Cumberland</u>	(102) ₇₂		Gaspereaux	10
Franklin Manor Reserve				
Springhill Junction	9		Black Rock	5
Amherst	16	<u>Antigonish</u>	Summerside	(155) ₂₃
River Philip	5		Afton Reserve	82
<u>Victoria</u>	(100) ₁₀₀		Pomquet	50
Middle River Reserve				
<u>Digby</u>	(127) ₁₀₁	<u>Lunenburg</u>	New Germany Reserve	(94) ₅₄
Bear River Reserve				
Weymouth	26		Bridgewater	18
<u>Pictou</u>	(154) ₁₁₆		Lunenburg Town	12
Fisher's Grant Reserve				
Chapel Island	38		Gold River	10
<u>Guysborough</u>	(31) ₃₁	<u>Cape Breton</u>	Cape Breton	(250) ₂₅₀
Guysborough				

<u>Queen's</u>	(87)	<u>Halifax</u>	(132)
Milton	56	Sheet Harbour	33
Mill Village	13	Cow Bay, Cole Harbour Reserve	16
Wild Cat Reserve	7	Elmsdale	32
Greenfield	11	Wellington, Bedford, Windsor Junction	51
<u>Yarmouth</u>	(84)		
County	84		

Source: Annual Report of the DIA for the year ended June 30, 1901, DIA Annual Report, "Census Return of Resident and Nomadic Indians," SP 36, 11(1902), 155-156.

Table 5: Mi'kmaq Population, Prince Edward Island, by county and community, 1901

Prince Edward Island Total	315
<u>Prince</u> (county total)	(255)
Lennox Island Reserve and vicinity	255
<u>King's</u>	(60)
Morell Reserve	60

Source: Annual Report of the DIA for the year ended June 30, 1900, DIA Annual Report, "Census Return of Resident and Nomadic Indians," SP 36, 11(1904), 158.

The economy

Throughout the region, Mi'kmaq economic undertakings reflected a syncretic blend of cultural change and continuity. Subsistence activities remained important to Mi'kmaq livelihoods. DIA reports filed around the turn of the century make clear that the Mi'kmaq remained devoted to lifeways connected to their historic occupations as gatherers, hunters and fishers, and that they relied to a significant extent upon craft production. Mi'kmaq workers were also integrated into the wage work of non-native industries, and farming, long held to be the domain of non-Native settlers, was becoming

an ever-increasing source of Mi'kmaq subsistence.²³ In some respects, Mi'kmaq people drew on their own economic heritage as they sought to make ends meet. In other respects, the economic and work worlds of Mi'kmaq people were not so very different at all from those of many of their non-Native neighbours who were also occupational pluralists (See Tables 6-8).

²³It should be noted that some scholars speculate that agriculture was practised by the Mi'kmaq before contact with Europeans. See D.W. Moodie and Barry Kaye, "The Northern Limit of Indian Agriculture in North America," *Geographical Review* 59(October 1969), 513-529 and Calvin Martin, *Keepers of the Game: Indian-Animal Relationships and the Fur Trade* (Los Angeles: University of California Press, 1978), 29.

Table 6: Mi'kmaq income in Nova Scotia, 1897-1905 (in dollars)

	Farm Products	Wages	Fishing	Hunting	Other	Total
1897	7540.5	4479	2675	1878.6	16075	33380.84
1898	7397.4	8825	3730	3613	20110	46551.21
1899	10205	10770.5	3400	4970	19640	49091.5
1900	12104	14562.1	4530	4316	21122	56735.4
1901	14062.7	25097	5545	6333	27645	78777.7
1902	14272.15	26189	5905	3800	23520	73787.15
1903	10282.9	20170	5760	3195	21426	60952.9
1904	13147.5	27750	4510	5505	20320	71323.5
1905	14815.5	23851.5	5140	5590	22775	72260.5

Sources: "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1897, Canada, SP 32, 11(1898), 422; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the Year Ended 30th June 1898, Canada, SP 33, 12(1899), 468-469; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the Year Ended June 30, 1899, Canada, SP 34, 11(1900), 544-545; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1900, Canada, SP 35, 11(1901), 213; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1901, Canada, SP 36, 11(1902), 218-219; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1902, Canada, SP 37, 11(1903), 140-141; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1903, Canada, SP 38, 11(1904), 146-147; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1904, Canada, SP 39, 11(1905), 136-137; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1905, Canada, SP 40, 11(1906), 134-135.

Table 7: Mi'kmaq income in Prince Edward Island, 1897-1905 (in dollars)

	Farm Products	Wages	Fishing	Hunting	Other	Total
1897	938	300	310	35	9200	11246.23
1898	1185	250	330	30	8800	11407.85
1899	1146.8	260	375	55	9600	11426.8
1900	1372	280	380	40	9600	11652
1901	1544	280	385	64	15780	18053.25
1902	1698	350	490	84	15780	18402
1903	1747	300	680	60	17153	19940
1904	1830	280	1250	60	17400	20820
1905	1145	230	845	55	17400	19675

Sources: "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended 30th June, 1897, Canada, *SP 32*, 11(1898), 422; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended 30th June 1898, Canada, *SP 33*, 12(1899), 469; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP 34*, 11(1900), 545; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1900, Canada *SP 35*, 11(1901), 212; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP 36*, 11(1902), 218; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1902, Canada, *SP 37*, 11(1903), 140; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1903, Canada, *SP 38*, 11(1904), 146; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1904, Canada, *SP 39*, 11(1905), 136; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1905, Canada, *SP 40*, 11(1906), 134.

Table 8: Mi'kmaq income in New Brunswick, 1897-1905 (in dollars)

	Farm Products	Wages	Fishing	Hunting	Other	Total
1897	5525	4425	5050	475	3475	20123.88
1898	6395	9350	7000	550	4500	29125.07
1899	5395	9050	6800	600	4150	26095
1900	6300	11250	6600	550	4800	29400
1901	7400	14600	7175	725	5200	35100
1902	4935	15150	8500.5	525	6650	35750.5
1903	6175	17600	8325	900	7450	40450
1904	7425	23750	8500	1050	6525	47250
1905	4670	24850	9625	600	9700	49445

Sources: "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP 32*, 11(1898), 411; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1898, Canada, *SP 33*, 12(1899), 468; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP 34*, 11(1900), 544; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP 35*, 11(1901), 213; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP 36*, 11(1902), 218; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1902, Canada, *SP 37*, 11(1903), 140; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1903, Canada, *SP 38*, 11(1904), 146; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1904, Canada, *SP 39*, 11(1905), 136; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1905, Canada, *SP 40*, 11(1906), 134.

Fishing, hunting and gathering

Mi'kmaq people at the turn of the century derived a significant portion of their annual incomes from the exploitation of natural resources. In the nineteenth century especially, these resources were under siege as people of European descent settled the region, forests were cleared for farming, and game and fish habitat was destroyed.²⁴

Although access to natural resources declined, fishing, hunting and the gathering of feral

²⁴Parenteau and Kenny, 52.

crops such as berries nevertheless contributed significantly to Mi'kmaq household incomes at the turn of the century.²⁵

Beginning in 1897 the DIA itemized the sources of Mi'kmaq income, including the revenue generated by the sale of fish and game. DIA figures do not provide an entirely accurate measure of the importance of these resources since they consider only the dollar value generated by the sale of some of these products and not the value of the resources used in individual households. Given the existence of increasingly repressive fishing and game laws, it is also highly likely that significant portions of both the fishing and hunting harvests were unreported to Agency officials. As Parenteau and Kenny note, "the developing resource management regime created disincentives for Native people to fully report the extent of their catch."²⁶ Nevertheless, these figures suggest that fishing and hunting remained valuable sources of Mi'kmaq income.

Fishing was especially important. In 1900, the fisheries generated 11.8 percent of Mi'kmaq revenues recorded by the DIA. The scope of the Mi'kmaq fishery varied widely between provinces and regions. As Table 9 shows, fishing was most important in New Brunswick where 26.2 percent of the total Mi'kmaq income for 1899 was derived from fishing. In contrast, in Nova Scotia less than seven percent and in Prince Edward Island just 3.3 percent of revenues came from fishing.²⁷

²⁵Bill Parenteau, "Care, Control and Supervision: Native People in the Canadian Atlantic Salmon Fishery, 1867-1900," *Canadian Historical Review* 79, 1(March 1998), 6.

²⁶Parenteau and Kenny, 65.

²⁷Compiled from "Agricultural and Industrial Success," Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 544-545.

Table 9: Percentage Mi'kmaq income from fishing, 1897-1905

	N.S.	N.B.	P.E.I
1897	8.01	25.09	2.76
1898	8.01	24.03	2.89
1899	6.93	26.06	3.28
1900	7.98	22.37	3.26
1901	7.04	20.44	2.13
1902	8	23.78	2.66
1903	9.45	20.58	3.41
1904	6.32	17.99	6
1905	7.11	19.47	4.29

Sources: DIA Annual Reports, 1898-1906: "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP* 32, 11(1898), 411, 422; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1898, Canada, *SP* 33, 12(1899), 469-469; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 544-545; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 212-213; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP* 36, 11(1902), 218-219; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1902, Canada, *SP* 37, 11(1903), 140-141; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1903, Canada, *SP* 38, 11(1904), 146-147; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1904, Canada, *SP* 39, 11(1905), 136-137; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1905, Canada, *SP* 40, 11(1906), 134-135.

The Mi'kmaq communities of New Brunswick's North-East Agency, situated along the Atlantic coast and including freshwater resources such as the Miramichi River, were home to a particularly lucrative fishery. In 1897, the agent for the region noted that the fishery was thriving and that the Mi'kmaq "[did] quite as well as their white neighbours engaged in the business."²⁸ The Bathurst and Big Hole reserves had "valuable

²⁸Report of William D. Carter, 15 July 1896, Annual Report of the DIA for the year ended June 30, 1896, Canada, *SP* 21, 11(1897), 51.

salmon-fishing privileges,²⁹ which doubtless contributed to the success of the industry in this region. Fishing was also important in Nova Scotia's North Eastern counties. The Cape Breton reserve at Malagawatch, which, according to the agent, meant "fish in abundance" in Mi'kmaq, was significantly involved in fishing the Atlantic coast.³⁰ Although the land had been deemed "inferior" and "marshy," the community was reportedly "well-adapted for the prosecution of the fisheries."³¹ On Prince Edward Island, the Mi'kmaq harvested cod in the summer and oysters in the fall.³² Meanwhile, the Island's winter season saw a thriving smelt fishery. In 1902, the Lennox Island agent reported that "[i]t is a pretty sight to see all their little buildings on the ice during the winter months. They sell the smelts to buyers who ship them to the States. They get a fair price for them and make a considerable amount of money."³³ Departmental assertions of the lucrativeness of fishing at some locales are corroborated by the 1901 census. Although spotty in its coverage, the manuscript version of the 1901 diennial census contains valuable information about Mi'kmaq work. This record suggests that fishing was

²⁹Report of William D. Carter, 17 July 1900, Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 60.

³⁰Report of D. MacIsaac, Inverness Co., 28 July, 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 68.

³¹Report of D. MacIsaac, Inverness Co., 28 July, 1899, Annual Report of the DIA Report for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 68.

³²John. O. Arsenault, 24 July 1896, Annual Report of the DIA for the year ended June 30, 1896, Canada, *SP* 31, 11(1897), 66.

³³John O. Arsenault, 4 August 1902, Annual Report of the DIA for the year ended June 30, 1902, Canada, *SP* 37, 11(1903), 77.

especially important in coastal Richmond County. Across all of Nova Scotia, just 13 of 308 Mi'kmaq listed their professions as fishers, with 11 of these residing in Richmond County.³⁴

Over the course of the nineteenth century hunting became increasingly difficult for the Mi'kmaq as game was depleted and hunting territories assumed by non-Native settlers. Nevertheless, from 1897 until 1905, hunting remained persistent in Mi'kmaq economies. In 1897, 3.7 percent of Mi'kmaq incomes were derived from hunting.³⁵ Eight years later, in 1905, this figure had increased to 4.4 percent. Like fishing, the significance of the hunt varied by region.³⁶ The spoils of hunting were most significant in Nova Scotia where, in 1899, it accounted for just over 10 percent of Mi'kmaq income. Indeed, hunting was more lucrative than fishing in Nova Scotia. Meanwhile, in New Brunswick, hunting accounted for 2.3 percent of the total Mi'kmaq income while Prince Edward Island's dearth of game animals meant that only 0.5 percent of Mi'kmaq income in that province

³⁴University of New Brunswick, Harriet Irving Library (UNB-HIL), 1901 Federal Census, Nova Scotia. Though valuable, the manuscript census is an imperfect source. Conducted by non-Native people, the biases of some census takers are evident. In some communities, for example, no effort was made to record anything but the most basic vital statistics of Native people. Thus while census takers diligently filled in information for the non-Native communities in their jurisdictions, when it came to Native people, census categories like "profession" and "wages earned" were simply left blank.

³⁵Compiled from "Agricultural and Industrial Statistics," Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP* 32, 11(1898), 411 and 422.

³⁶Compiled from "Agricultural and Industrial Statistics," Annual Report of the DIA for the year ended June 30, 1905, Canada, *SP* 40, 12(1906), 134-135.

came from hunting (See Table 10).³⁷

Table 10: Percentage Mi'kmaq income from hunting, 1897-1905

	N.S.	N.B.	P.E.I
1897	5.63	2.36	0.31
1898	7.77	1.89	0.26
1899	10.12	2.3	0.48
1900	7.61	1.86	0.34
1901	8.04	2.07	0.35
1902	5.15	1.47	0.46
1903	5.24	2.22	0.3
1904	7.72	2.22	0.29
1905	7.74	1.21	0.28

Sources: DIA Annual Reports, 1898-1906: "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP 32*, 11(1898), 411, 422; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1898, Canada, *SP 33*, 12(1899), 469-469; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP 34*, 11(1900), 544-545; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP 35*, 11(1901), 212-213; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP 36*, 11(1902), 218-219; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1902, Canada, *SP 37*, 11(1903), 140-141; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1903, Canada, *SP 38*, 11(1904), 146-147; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1904, Canada, *SP 39*, 11(1905), 136-137; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1905, Canada, *SP 40*, 11(1906), 134-135.

Maritime Indian agents painted a conflicting picture of the economic importance of hunting to Mi'kmaq communities. While Agent William Carter of New Brunswick

³⁷Compiled from "Agricultural and Industrial Statistics," Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP 34*, 11(1900), 544-45.

noted in 1899 that “very few [Mi’kmaq people] engage in hunting,”³⁸ others such as George Wells of Annapolis County, Nova Scotia, acknowledged that hunting was important to the local Mi’kmaq economy.³⁹ These discrepancies undoubtedly reflect regional variations in the significance of the hunt, and also the judgement of various census takers. Ideological issues might also have discouraged agents from too loudly lauding the economic import of successful hunts. Since Confederation, federal Indian Affairs policy had as part of its assimilationist objective the replacement of traditional economic pursuits such as hunting with more “civilised” undertakings such as farming.⁴⁰ Officials might well have downplayed Mi’kmaq hunting as part of their effort to encourage farming and to fulfill the DIA’s assimilative mandate. Although it may have received only a lukewarm reception from federal officials, hunting nevertheless remained important, particularly because it sustained Mi’kmaq people in lean winter months. In 1895, Agent F. McDormand of Bear River noted that the community had been “very fortunate in hunting the last fall and winter, having killed a great many moose, which

³⁸Report of Wm. D Carter, N-E Agency, 17 July 1900, Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 60.

³⁹Report of George Wells, Annapolis Co., 8 August 1900, Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 66.

⁴⁰For consideration of this policy in the west, see Sarah Carter and Helen Buckley, *From Wooden Ploughs to Welfare: Why Indian Policy Failed in the Prairie Provinces* (Montreal-Kingston: McGill-Queen’s University Press, 1992). For this policy in the Maritimes, see Antoinette Duplessis, “The Civilization Program of the Department of Indian Affairs on New Brunswick Reserves, 1867-1932,” (M.A. report, University of New Brunswick, 1993).

helped them live through the winter very comfortably.”⁴¹ In 1896, Agent Rand of Cumberland County, Nova Scotia, noted that in his agency a “few [Mi’kmaq people] spend most of their time hunting and trapping, and the large game, such as moose, killed by them, furnishes a large supply of food.”⁴²

By the turn of the century Mi’kmaq fishing and hunting industries were enhanced by the growth of sport hunting and fishing. Wealthy American sport hunters and fishers, driven by an “‘anti-modern’ impulse”⁴³ to secure authentic wilderness experiences, sought Mi’kmaq men to guide expeditions into the forests and along waterways. Across the region, agents reported that Mi’kmaq men were employed as guides. Historian Bill Parenteau stresses the significance of this industry in the region, noting that “[Native] men from nearly every band . . . were engaged in this work.”⁴⁴ In 1896, Agent F. McDormand of Digby County claimed that “most of the men on the reserve were constantly employed [as hunting guides] for several weeks last fall.”⁴⁵ The 1901 Canadian census corroborates the importance of hunting in some regions of the Maritimes. The Mi’kmaq enumerated in Shelburne/Queen’s County were, it seems, especially devoted to

⁴¹Report of F. McDormand, Digby County, 6 August 1895, Annual Report of the DIA for the year ended June 30, 1895, Canada, *SP* 29, 10(1896), 40.

⁴²Report of F.A. Rand, Cumberland County, 29 July 1896, Annual Report of the DIA for year ended June 30, 1896, Canada, *SP* 21, 11(1897), 59.

⁴³Parenteau, “Care, Control and Supervision,” 29.

⁴⁴Parenteau, “Care, Control and Supervision,” 23.

⁴⁵Report of F. McDormand, Digby County, 16 August 1896, Annual Report of the DIA for year ended June 30, 1896, Canada, *SP* 31, 11(1897), 65.

this line of work. Of the 27 different occupations named by Mi'kmaq workers in that county, four were "trappers" and three were "guides."⁴⁶

Other natural resources were used by the Mi'kmaq to sustain their economies. The harvesting of berries, for instance, remained an important Mi'kmaq industry. In 1899, Cumberland County Agent F.A. Rand suggested the significance of this activity when he stated in his annual report that "the women and children pick berries in the summer and autumn."⁴⁷ Mi'kmaq berry harvesting was, however, probably under-reported. Feminist scholars have explained that because such work "contributed to the family well-being but was not easily reckoned worth in cash," it was devalued and ignored.⁴⁸ Ellice B. Gonzalez observes that as waged work grew in importance for Mi'kmaq men after the turn of the century, the domestic-based subsistence work (such as berrying) of Mi'kmaq women was devalued, but it was not unimportant. Indeed, Gonzalez notes that over the course of the twentieth century the economic importance of harvesting berries and other crops grew. Increasingly, Mi'kmaq families travelled to participate in harvests of crops such as blueberries and potatoes.⁴⁹ According to Fred Wien, participation in these harvests could "provide a family with enough cash in a good year to see them through the winter

⁴⁶UNB-HIL, 1901 Federal Census of Nova Scotia, Shelburne/Queen's County.

⁴⁷Report of F.A. Rand, 26 August 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 67.

⁴⁸Beth Light and Joy Parr ed, *Canadian Women on the Move 1867-1920* (Toronto: New Hogtown Press, 1983), 3.

⁴⁹Ellice B. Gonzalez, *Changing Economic Roles for Micmac Men and Women: An Ethnohistorical Analysis* (Ottawa: National Museums of Canada, 1981), 91.

months.”⁵⁰

Handcrafts

While resource gathering activities remained important, if modest, sources of Mi’kmaq livelihoods, handcrafts, including quill work, basketry and woodwork which were peddled door to door, sold in urban markets or used to barter for clothing or other commodities, figured prominently in the Mi’kmaq economy of the turn of the twentieth century.⁵¹ After 1860, tourism expanded in Maritime Canada and Mi’kmaq people became part of the tourist draw. Mi’kmaq baskets, quill-decorated items and moccasins

⁵⁰Wien, 27.

⁵¹Ruth Holmes Whitehead argues that quill work was an important source of income from 1750. Although she suggests that the once-thriving quill work industry experienced a relative decline in importance by 1900 as numbers of women capable of production decreased, and as low prices did not adequately compensate for the time-consuming work, she also stresses that the manufacture of these goods continued into the twentieth century. Ruth Holmes Whitehead, “Micmac Porcupine Quill Work, 1750-1950,” in Richard J. Preston, ed. *Papers from the Fourth Annual Congress Paper 40, 1977* (Ottawa: National Museum of Canada, 1978), 164. See also, Harald E. Prins, “Tribal Network and Migrant Labor: Mi’kmaq Indians as Seasonal Workers in Aroostook’s Potato Fields, 1870-1980,” *Native Americans and Wage Labour: Ethnohistorical Perspectives*, ed. Alice Littlefield and Martha C. Knack (Norman: University of Oklahoma Press, 1996), 49. Until just before the turn of the century, canoes were also an important part of the Mi’kmaq craft repertoire. According to Bunny McBride by the late nineteenth century the white birch needed for canoe-building was being over harvested by lumbering activities and as a result was very scarce. In addition, store-bought canvas replaced birchbark canoes. Indian Island produced its last birchbark canoe in 1894, while the Mi’kmaq at Shubenacadie produced their last vessel a year later. The demise of birchbark increased Mi’kmaq emphasis on splint basketry as the ash needed for that craft was still available, although increasingly difficult to obtain. Bunny McBride, *Our Lives in Our Hands: Micmac Indian Basketmakers* (Halifax: Nimbus Publishing, 1990), 15-17. The sale of Mi’kmaq-made goods by their non-Native neighbours is discussed in Darlene A. Richter, *L’sitkuk: The Story of the Bear River Mi’kmaw Community* (Lockeport, Nova Scotia: Roseway Publishing, 1997), 117-118.

were popular with tourists. Women seem to have been particularly involved in this aspect of the market. In 1896, Agent F. McDormand noted that basket-making was an “industry . . . chiefly carried on by the women, who are adepts in that line.”⁵² In 1903, the agent at Pictou noted that “while at home the industrious squaws make dainty baskets and deftly ply the busy needle, making indoor footwear, which they sell at good prices in the neighbouring towns.”⁵³ Mi’kmaq manufacturers also found other niches, crafting wooden items for use in the mining and sporting industries. For example, a “principal resource” for the Mi’kmaq of Cape Breton County was the manufacture of “pick-handles, &c” for the use in nearby coal mines.⁵⁴ Meanwhile, the community at Indian Brook was noted for its production of “goods for the sporting market,” most notably, hockey sticks.⁵⁵ The agent commented in 1903, “the principal occupation of those residing on the reserve during the year has been the manufacture of the popular Micmac hockey stick, which is becoming every year a more permanent industry among those who are not prominent in agriculture.”⁵⁶ This sector of the market, it appears, was handled by male artisans.

⁵²Report of Agent F. McDormand, Digby County, 16 August 1896, Annual Report of the DIA for the year ended June 30, 1896, Canada, *SP* 31, 11(1897), 65.

⁵³Report of John D. McLeod, Pictou County, 7 July 1903, Annual Report of the DIA for the year ended June 30, 1903, Canada, *SP* 38, 11(1904), 75.

⁵⁴Report of A. Cameron, Parish Priest, 18 September, 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 65.

⁵⁵Report of Alonzo Wallace, Hants County, 20 July 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 68.

⁵⁶Alonzo Wallace, June 30, 1903, Annual Report of the DIA for the year ended June 30, 1903, Canada, *SP* 38, 11(1904), 73.

Mi'kmaq men were also adept coopers and probably found buyers for their product among farmers, particularly in the apple and potato industries.

Data collected by census takers in 1901 further suggest the significance of the handcraft industry. A cursory examination of the livelihoods reported in Nova Scotia by 308 Mi'kmaq people shows that 66 were basket makers, 69 were coopers, one a tub maker, and one made oars. All told, 44.5 percent of the Mi'kmaq whose "professions" were counted in the census earned their principal livelihoods by making some sort of craft. The significance of the handcraft industry permeated the region. At Prince Edward Island's Lennox Island, the only "profession" apart from farming to be cited was "basket making" and six of the 38 men whose professions were given for the community made baskets for a living. In New Brunswick, the Mi'kmaq likewise impressed upon federal census takers the importance of craft production. At Big Cove, New Brunswick's largest Mi'kmaq community, 27 of the 59 professions enumerated were connected to crafting. Among these, 16 were basket makers, seven were handle makers and two were coopers.⁵⁷

The DIA recognized the importance of Mi'kmaq handcrafts. In 1900 the Annual Report of the DIA's Superintendent General made special mention of handcrafts noting that "[i]n the Maritime Provinces, in addition to the ordinary fancy wares, the manufactures consist chiefly of baskets, snow-shoes, moccasins, tubs, mast hoops, canoes

⁵⁷In all, 308 individuals were described as "Micmac" on the 1901 federal census for Nova Scotia. UNB-HIL, 1901 Federal Census of Nova Scotia; Provincial Archives of New Brunswick (PANB), 1901 Federal Census, Weldford Parish, Kent County, New Brunswick.

and boats.”⁵⁸ Maritime Indian agents recounted, almost without exception, the importance of this “handicraft” industry to local Mi’kmaq economies. For instance, in 1896, Agent F. McDormand of Digby County explained that “basket-making is a permanent employment with them; when other work fails they can always get a sale for their baskets.”⁵⁹ In his 1899 report, Agent MacIsaac of Inverness County, Nova Scotia, remarked matter-of-factly that Mi’kmaq “skill in woodworking is proverbial; and hence it is that merchants and traders receive almost all the woodenware they use from the Micmac of the reserve who are fairly well paid for their labour in this line.”⁶⁰ In 1898, Agent Cameron reported with a dramatic flare that “native handicraft, such as coopering, basket-making etc, is what [the Mi’kmaq at Eskasoni] chiefly rely upon to keep the wolf from the door.”⁶¹ And another agent, who clearly would have preferred the Mi’kmaq in his agency to farm, rather disparagingly noted that “[m]any of the [Mi’kmaq] . . . still prefer making baskets, tubs and mast-hoops to tilling the soil.”⁶²

Men, women and children alike participated in the production of crafted products.

⁵⁸Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), xxix.

⁵⁹Report of Agent F. McDormand, Digby County, 16 August 1896, Annual Report of the DIA for the year ended June 30, 1896, Canada, *SP* 31, 11(1897), 65.

⁶⁰Report of Agent D. MacIsaac, 28 July 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 68.

⁶¹Report of A. Cameron, 7 September 1898, Annual Report of the DIA for the year ended June 30, 1898, Canada, *SP* 33, 11(1899), 63.

⁶²Report of F.A. Rand, 26 August 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 67.

The 1901 census returns for Nova Scotia show the preponderance of women in the handcraft industry. Of the 66 basket makers identified in Nova Scotia, 43 were women. As well, this industry was important enough that some Mi'kmaq families were willing to relocate in its pursuit. In 1899, William Carter of New Brunswick's North-East Agency reported that Mi'kmaq people in his district who were "engaged chiefly in the manufacture and sale of Indian wares" had "settled at various points along Intercolonial Railway where they have better opportunities of shipping and disposing of their wares."⁶³ Similarly, Mi'kmaq people living near Sussex, New Brunswick, petitioned in 1913 for a reserved tract near that town, in part for the expressed purpose of accessing that town's market for Mi'kmaq-made goods.⁶⁴ Meanwhile, it seems that settlement at Rocky Point, Prince Edward Island, was largely inspired by the close proximity of Charlottetown and its choice access to the tourists who had a particular fondness for Mi'kmaq baskets.⁶⁵

While the Department of Indian Affairs compiled statistics that demonstrate the importance of handcrafts to Mi'kmaq communities, it is impossible to attach a precise dollar value to this activity. There was no systematic market in place; goods were

⁶³Report of William D. Carter, Report for year ended June 30, 1899, Canada, *SP* 34, 10(1900), 58. Harald Prins notes the significant impact of the railway on Mi'kmaq people explaining that "[t]rains reinforced and reshaped the migratory traditions of the Mi'kmaqs, facilitating quicker, more far reaching travel to work opportunities." Prins, "Tribal Network and Migrant Labor," 50.

⁶⁴Wilsey Henshaw, MD, to R.A. Irvine, 11 November 1913, LAC, RG 10, volume 3174, file 434,478.

⁶⁵See for example, David Laird, Indian Commissioner to J.D. McLean, 23 July 1912, LAC, RG 10, volume 7760, file 27057-5. Here Laird explains how families living at Rocky Point relied on sale of handcrafts to tourists, and how they refused to relocate from Rocky Point because of the lost revenues that such a move would entail.

produced on a small scale and sold by individual producers, often directly to private purchasers. When census takers managed to document returns from handcraft activities they were included in DIA income tabulations under “other.” While this “other” category might have included the sale of non-hunted and non-fished natural resources, Gonzales maintains that it was largely composed of handcraft sales.⁶⁶ An examination of this “other” category of Mi’kmaq incomes confirms the economic significance of Mi’kmaq handcrafts. (See Table 11) In 1897, Mi’kmaq people from across the region derived 44.4 percent of their total income from this “other” category.⁶⁷ In 1905, this figure was a smaller but significant 35.3 percent.⁶⁸ Like fishing and hunting, the record reveals regional discrepancies in the predominance of “other” industries. The Mi’kmaq people of Prince Edward Island were by far the most dependent on this category of income. In 1899, 84 percent of that province’s Mi’kmaq income came from such industries. In Nova Scotia, 40 percent of the total 1899 income came from “other” industries while in New Brunswick a less significant 15.9 percent of the total Mi’kmaq income was recorded as being from “other” resources.⁶⁹

⁶⁶Gonzalez, *Changing Economic Roles for Micmac Men and Women*, 85.

⁶⁷Compiled from “Agricultural and Industrial Statistics,” Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP* 32, 11(1898), 411 and 422.

⁶⁸Compiled from “Agricultural and Industrial Statistics,” Annual Report of the DIA for the year ended June 30, 1905, Canada, *SP* 40, 12(1906), 134.

⁶⁹Compiled from “Agricultural and Industrial Statistics,” Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 544-545.

Table 11: Percentage Mi'kmaq income from "other" sources, 1895-1905

	N.S.	N.B.	P.E.I
1897	48.16	17.27	81.81
1898	43.2	15.45	77.14
1899	40	15.9	84.01
1900	37.33	16.27	82.39
1901	35.09	14.81	87.41
1902	31.88	18.6	85.75
1903	35.31	18.42	86.02
1904	28.49	13.81	83.57
1905	31.52	19.62	88.14

Sources: DIA Annual Reports, 1898-1906: "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP* 32, 11(1898), 411, 422; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1898, Canada, *SP* 33, 12(1899), 469-469; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 544-545; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 212-213; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP* 36, 11(1902), 218-219; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1902, Canada, *SP* 37, 11(1903), 140-141; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1903, Canada, *SP* 38, 11(1904), 146-147; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1904, Canada, *SP* 39, 11(1905), 136-137; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1905, Canada, *SP* 40, 11(1906), 134-135.

At the turn of the century, then, the economy of the Mi'kmaq remained, to a significant degree, centred upon undertakings that had long been part of Mi'kmaq lifeways. Like their ancestors, they relied on the "long-established seasonal rhythms in the pursuit of fish and game."⁷⁰ Handcrafts likewise had a long pedigree, though they were by the twentieth century being sold as part market economy. Taken together, in 1899 the fishing, hunting and handcraft undertakings in all three provinces accounted for over half

⁷⁰Parenteau and Kenny, 50.

– 57.3 percent – of Mi'kmaq revenues for that year. By the turn-of-the-century, the Mi'kmaq also relied on agriculture and waged labour for the balance of their income.

Agriculture

Since its establishment in 1880, Canada's Department of Indian Affairs asserted that agriculture should form the economic base of Canada's Native communities. According to policy makers, agriculture would not only assist the federal government's assimilative agenda by imparting to Native peoples allegedly appropriate notions of labour, land ownership and family structure, but would also improve Native peoples' economic self-sufficiency and thus ease the financial burden associated with federal Indian Affairs administration.⁷¹ The federal government assumed that the tracts earmarked for Mi'kmaq people at Confederation would form the basis of a farm-centred Mi'kmaq society. By 1900 federal officials at all levels were advancing agriculture both as the key to Mi'kmaq assimilation and as a solution to Mi'kmaq impoverishment. These same officials were displeased with what they saw as the limited extent to which the Mi'kmaq were farming. Policy makers perennially blamed perceived agricultural failures upon the Mi'kmaq themselves and they alleged that Mi'kmaq disinterest caused weak agricultural returns. In 1895, Agent J.C. Chisholm of Cape Breton voiced such an opinion when he wrote in his annual report that "[t]he transition from a potato patch in burnt land to a clover field is usually slow in the land of the 'red man' although he himself does not

⁷¹Regarding the significance of agriculture to federal Indian policy, see Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal: McGill-Queen's University Press, 1990).

find the time long.”⁷² In 1896, Agent F.A. Rand of Cumberland County, Nova Scotia, likewise concluded that the dismal agricultural returns were attributable to Mi’kmaq antipathy to farming. The Mi’kmaq would, he argued, “rather do almost any other work than cultivate the land.”⁷³ Such complaints about Mi’kmaq farming failures belie the fact that by the turn of the century agriculture was indeed an important and growing source of Mi’kmaq income and sustenance.

Where Mi’kmaq people did not embrace farming, it had little to do with an inherent “Indian” antipathy to agriculture. As Parenteau and Kenny suggest regarding New Brunswick, “[t]he achievement of the status of independent yeoman farmer . . . required sufficient quantities of capital, labour, knowledge, and arable land” which was “a combination of conditions that occurred infrequently.”⁷⁴ Much of Maritime reserve land was widely acknowledged to be agriculturally untenable. In 1843, Nova Scotian Indian Commissioner Joseph Howe remarked of reserve tracts that:

[I]t is to be regretted that so little judgement has been exercised in the selection of [the reserved lands] – the same quantity if reserved in spots where the soil is good, on navigatable streams, or in places where fish was abundant and game within reach, would be a valuable resource. All the land reserved in this county [Halifax] is sterile and comparatively valueless.⁷⁵

⁷²Report of J.C. Chisholm, 16 August 1895, Annual Report of the DIA for the year ended June 30, 1895, Canada, *SP* 29, 10(1896), 34.

⁷³Report of F.A. Rand, 29 July 1896, Annual Report of the DIA for the year ended June 30, 1896, Canada, *SP* 31, 11(1897), 65.

⁷⁴Parenteau and Kenny, 55.

⁷⁵Joseph Howe, Indian Commissioner, *LA of Nova Scotia Journal*, 1843, 6, cited in Ellice Becker Gonzalez, “The Changing Economic Roles for Micmac Men and

At the turn of the twentieth century, the poor quality of Mi'kmaq land remained a concern of agents whose duty it was to encourage agriculture. In 1894, Agent William Carter advised the DIA that farming efforts at Eel River, New Brunswick, were thwarted by the fact that the "land is poor and sandy." The reserve at Fort Folly was also revealed to be uncultivable – a condition made even more apparent by the fact that the reserve bordered a quarry. In 1900, an agent reported that much of the Malagawatch reserve was "so marshy that only in the winter season, when ice has formed, surveyors can delimit all its boundaries with decision." Regarding Nova Scotia's Fisher's Grant reserve, the agent wrote "it takes a great deal of labour to cultivate it."⁷⁶ Meanwhile, in 1901 Agent John McLeod of Pictou noted that this same reserve, the largest in his agency, was "strewn with rocks and boulders and a great amount of labour is required to make it fruitful. A whiteman could hardly wrest a living from the entire reserve for his individual family."⁷⁷

In addition to land sterility, a myriad of agent reports around the turn of the century attest to the fact that Mi'kmaq farmers faced additional agricultural challenges. In 1894 Agent John C. Chisholm suggested that Mi'kmaq people in his agency lacked the

Women: An Ethnohistorical Analyses," (PhD diss., State University of New York at Stony Brook, 1979), 139.

⁷⁶Report of William Carter, 27 July 1894, Annual Report of the DIA for the year ended June 30, 1894, Canada, *SP* 28, 9(1895), 35; Report of William Carter, 27 July 1894, Annual Report of the DIA for the year ended June 30, 1894, Canada, *SP* 28, 9(1895), 35; Report of D. McIsaac, Inverness County, 3 August 1900, Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 70; Report of Roderick McDonald, 26 September 1900, Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 72.

⁷⁷Report of John D. McLeod, 20 August 1901, Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP* 36, 11(1902), 68.

tools needed to farm their land. The Mi'kmaq farmer, he noted, was "not provided with the means, how well so ever disposed, to cultivate his land to any considerable extent."⁷⁸ Weather also wreaked havoc with Mi'kmaq farming. In 1894, Agent D. McIsaac noted that in Cape Breton the "long continued drought of 1893, together with the ravages of the potato bug affected [Mi'kmaq crops] injuriously."⁷⁹ These conditions persisted into 1895.⁸⁰ Agent McIsaac of Inverness County reported in 1897 that the potato crop raised by the local Mi'kmaq people was "a total failure," not because of mismanagement but, rather, "in spite of all their diligence and care."⁸¹ Given the dubious quality of reserve farm land, more lucrative means of livelihood competed for and won over Mi'kmaq peoples' time and effort during the agricultural season. Fishing, hunting and sales of handcraft items demanded Mi'kmaq attention at precisely at the time that harvests on marginal land necessitated the same.

Despite these serious impediments to farming, the Mi'kmaq nevertheless managed to eke out some agricultural successes on what was, in many places, substandard land. As Table 12 shows, by 1899 farming comprised a significant 19.3 percent of the total Mi'kmaq revenues for that year, and had indeed become a relatively stable source of

⁷⁸Report of John C. Chisholm, 1 September 1894, Annual Report of the DIA for the year ended June 30, 1894, Canada, *SP* 28, 9(1895), 42.

⁷⁹Report of D. McIsaac, 19 June 1894, Annual Report of the DIA for the year ended June 30, 1894, Canada, *SP* 28, 9(1895), 47.

⁸⁰Report of D. McIsaac, 6 August 1895, Annual Report of the DIA for the Year Ended June 30, 1895, *SP* 29, 10(1896), 36.

⁸¹Report of D. McIsaac, 17 August 1897, Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP* 32, 11(1898), 62.

Mi'kmaq income.⁸² Compared to other industries, agricultural production was fairly consistent across the region. In 1900, 21 percent of Nova Scotia's Mi'kmaq income was attributable to farming. In New Brunswick and Prince Edward Island it accounted for 21.4 percent and 11.8 percent of revenues respectively.⁸³

⁸²Derived from Department of Indian Affairs report. "Agricultural and Industrial Statistics," Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 10(1900), 544-545. Parenteau and Kenny, 54.

⁸³Tabulated from Indian Affairs figures. "Agricultural and Industrial Statistics," Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 240-241.

Table 12: Percentage Mi'kmaq income from farming, 1895-1905

	N.S.	N.B.	PEI
1897	22.59	27.45	8.34
1898	15.89	21.96	10.39
1899	20.79	20.67	10.04
1900	21.33	21.36	11.77
1901	17.85	21.08	8.55
1902	19.34	13.78	9.23
1903	16.87	15.27	8.76
1904	18.45	15.71	8.79
1905	20.5	9.44	5.82

Sources: DIA Annual Reports, 1898-1906: "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP 32*, 11(1898), 411, 422; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1898, Canada, *SP 33*, 12(1899), 469-469; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP 34*, 11(1900), 544-545; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP 35*, 11(1901), 212-213; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP 36*, 11(1902), 218-219; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1902, Canada, *SP 37*, 11(1903), 140-141; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1903, Canada, *SP 38*, 11(1904), 146-147; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1904, Canada, *SP 39*, 11(1905), 136-137; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1905, Canada, *SP 40*, 11(1906), 134-135.

Agriculture was an important industry to the Mi'kmaq in all three Maritime Provinces at the end of the nineteenth century. The 1901 census endorses this conclusion. Of the 308 Mi'kmaq in Nova Scotia listed under "professions," 70 were "farmers" or "farm sons." Another 11 were "farm labourers," apparently in the employ of a farmer. In 1899, Agent MacIsaac of Inverness County, Nova Scotia, reported that "farming is the

principal occupation” of the Mi’kmaq under his jurisdiction.⁸⁴ That same year, Agent McDonald of Guysborough and Antigonish counties wrote that:

While the Indians cannot wholly be induced to depend upon the cultivation of the soil for a means of livelihood, still there has been a marked improvement in this direction during the past year. Their crops, so far, look promising, and if a good yield is obtained, it will go far in encouraging them to pay attention to farming.⁸⁵

In Victoria County, the agent hazarded that “[a]bout thirty percent of the Indians live almost exclusively by farming” and the agent in Cape Breton noted that the Mi’kmaq-raised crops were “fully as good as that of their white neighbours.”⁸⁶ Finally, Thomas Smith, Agent in Colchester County, reported that on the Millbrook reserve, one of the largest in Nova Scotia, “[t]he Indians...appear to be willing to improve their condition by raising crops of potatoes and garden stuff.”⁸⁷ A similar scenario emerges from New Brunswick and Prince Edward Island. New Brunswick’s Agent William D. Carter reported that “all” the Mi’kmaq in his agency “do more or less farming” and indicated that the best, most fertile soil was to be found at the Mi’kmaq communities of Big Cove,

⁸⁴UNB-HIL, 1901 Federal Census of Nova Scotia; Report of D. MacIsaac, Inverness Co, 28 July, 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 68.

⁸⁵Report of J.R. McDonald, Antigonish and Guysborough Counties, 23 October 1899 Annual Report of the DIA for year ended June 30, 1899, Canada, *SP* 34, 10(1900), 64.

⁸⁶Report of A.J. MacDonald, Victoria County, 30 September 1899, Annual Report of the DIA for year ended June 30, 1899, Canada, *SP* 34, 10(1900), 73; Report of A. Cameron, Cape Breton Co., NS, 9 October 1900, Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 67.

⁸⁷Report of Thos. B. Smith, 27 July 1900, Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 68.

Eel Ground, Tabusintac and Buctouche.⁸⁸ The 1901 census return affirms the prevalence of farming in Big Cove where 10 of the 59 Mi'kmaq recorded under "profession" were "farmers" or "farmer sons."⁸⁹ In Prince Edward Island, farming was also important. In 1898, Agent Jean O. Arsenault recorded that the Island's Morrell reserve contained "two hundred and four acres of superior land" and the Mi'kmaq in his agency "raise good crops every year."⁹⁰ The Canadian census taken in the spring and summer of 1901 also points to the significance of farming at Lennox Island. The 1901 census assigned a "profession" to 38 of the community's 128 enumerated inhabitants. Of these listed professions, the vast majority, 32 in total, were noted as being "farmers" or "farmer sons."⁹¹

Wage labour

Significantly, the value and proportion of Mi'kmaq earnings derived from waged income was rising dramatically at the turn of the century. As Bill Parenteau and James Kenny note, after Confederation, "factors [were] working against the continuation of traditional pursuits" and Natives in New Brunswick followed a "range of . . . labouring activities."⁹² Nevertheless, non-waged work still accounted for a significant element of

⁸⁸Report of William D. Carter, 6 July 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 57-58.

⁸⁹PANB, 1901 Federal Census, Weldford Parish, Kent County, New Brunswick.

⁹⁰Report of Jean O. Arsenault, 26 August 1898, Annual Report of the DIA for the year ended June 30, 1898, Canada, *SP* 33, 12 (1899), 69.

⁹¹UNB-HIL, 1901 Federal Census, Lennox Island, Prince Edward Island.

⁹²Parenteau and Kenny, 55.

Mi'kmaq incomes as the twentieth century dawned. The ethnographer Wilson Wallis observed in 1911 that "most Micmac men had been thrown among the whites by economic necessity."⁹³ In 1897 Mi'kmaq people in Nova Scotia and New Brunswick earned \$4,479.00 and \$4,425.00 from the avails of waged labour, amounts that accounted for 13.4 and 21 percent of all income respectively (See Table 13).⁹⁴ This sector of the Mi'kmaq economy grew significantly over the next two years and by 1899 Nova Scotia Mi'kmaq earned \$10,770.50 in wages, or 22 percent of their total income. Similarly, in New Brunswick, Mi'kmaq people earned \$9050.00 in wages in 1899, an amount that accounted for 34.7 percent of that province's total Mi'kmaq income.⁹⁵ By 1905, earned wages were the single largest source of Mi'kmaq income in Nova Scotia and New Brunswick. That year, 33 percent of Nova Scotia's Mi'kmaq income was derived from waged work. Meanwhile, in New Brunswick, 50.3 percent of that province's total Mi'kmaq income was attributed to wages earned.⁹⁶ In predominantly agricultural Prince Edward Island, Mi'kmaq people were much less influenced by waged work. In 1897, none of the income of the Mi'kmaq in that province counted by the DIA was associated

⁹³Wallis and Wallis, 7.

⁹⁴Compiled from "Agricultural and Industrial Statistics," Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP* 32, 11(1898), 411, 422.

⁹⁵Taken as a whole, the Native population of New Brunswick, consisting of the Mi'kmaq and Maliseet people, earned over 40 percent of their income by waged labour in 1900. Parenteau and Kenny, 10.

⁹⁶Compiled from "Agricultural and Industrial Statistics," Annual Report of the DIA for the year ended June 30, 1905, Canada, *SP* 40, 12(1906), 134.

with waged labour.⁹⁷ In 1899 however, Mi'kmaq people on Prince Edward Island earned \$250.00 at waged labour, an amount accounting for 2.2 percent of their total income.⁹⁸

Unlike New Brunswick and Nova Scotia, the proportion of wage-earned livelihoods on Prince Edward Island did not increase in succeeding years. In 1905, when the Mi'kmaq of the province earned wages amounting to a reported \$230, this accounted for just 1.2 percent of the Mi'kmaq population's total income.⁹⁹

⁹⁷Compiled from "Agricultural and Industrial Statistics," Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP* 32, 11(1898), 422.

⁹⁸Compiled from "Agricultural and Industrial Statistics," Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 545.

⁹⁹Compiled from "Agricultural and Industrial Statistics," Annual Report of the DIA for the year ended June 30, 1905, Canada, *SP* 40, 12(1906), 134.

Table 13: Percentage Mi'kmaq income from wages, 1895-1905

	N.S.	N.B.	P.E.I
1897	13.42	21.99	0
1898	18.96	32.1	2.63
1899	40.27	34.68	2.19
1900	25.67	38.14	2.23
1901	31.86	41.6	1.55
1902	35.49	42.38	1.9
1903	33.09	43.5	1.5
1904	38.91	50.26	1.34
1905	33	50.25	0.12

Sources: DIA Annual Reports, 1898-1906: "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP* 32, 11(1898), 411, 422; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1898, Canada, *SP* 33, 12(1899), 469-469; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 544-545; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 212-213; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP* 36, 11(1902), 218-219; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1902, Canada, *SP* 37, 11(1903), 140-141; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1903, Canada, *SP* 38, 11(1904), 146-147; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1904, Canada, *SP* 39, 11(1905), 136-137; "Agricultural and Industrial Statistics, Sources and Value of Income" Annual Report of the DIA for the year ended June 30, 1905, Canada, *SP* 40, 11(1906), 134-135.

Part of the reason for the relative unimportance of waged labour in Prince Edward Island stems from the fact that the Island's main reserve at Lennox Island was isolated from non-Native settlement. Location had a profound effect on Mi'kmaq waged labour. The degree to which the Mi'kmaq were able to participate in waged work depended to a large extent upon their proximity to sources of waged labour. In some cases, Mi'kmaq people relocated to secure waged work, just as they travelled to access the handcraft market. In 1899, Agent A. Cameron recorded that some of the Mi'kmaq of Cape Breton County who formerly had lived at Eskasoni "moved to the vicinity of the towns and coal

mines of the county.”¹⁰⁰ Likewise, in 1899 the Agent at Richmond County, Nova Scotia, noted that 12 people had left the main Chapel Island reserve settlement “having been discouraged by the failure of the crops and the fishing during the last few years. They sought a means of livelihood in the coal mines and in public works.”¹⁰¹ Agent William C. Chisholm also recognized the relationship between livelihood and residence, when he noted in 1897 that “[t]he cause of emigration lies in the greater facilities for money-making offered by the lumbering and mining districts, whither they generally resort.”¹⁰² Similarly, in his report of 1899, New Brunswick’s Agent William Carter noted that “[m]ost of the Eel River Band had left their reserve and settled at New Mills and other stations on the Intercolonial Railway, where they can more easily gain employment.”¹⁰³ In 1902, the agent at Truro, Nova Scotia reported that “on account of living near the progressive town of Truro, [the Mi’kmaq] are able to obtain good wages any time they wish to work.” Some of the Mi’kmaq from this area, the agent reported, were “working on the government gravel train, and some are working on the town sewers.”¹⁰⁴ In 1903,

¹⁰⁰Report of A. Cameron, 18 September 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 65.

¹⁰¹Report of John Fraser, Richmond Co, 11 September 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 71.

¹⁰²Report of Agent William C. Chisholm, Antigonish and Guysborough County, 15 August 1896, Annual Report of the DIA for the year ended June 30, 1896, Canada, *SP* 31, 11(1897), 56.

¹⁰³Report of William D. Carter, N-E Division, 6 July 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 58.

¹⁰⁴Report of Thomas B. Smith, 11 July 1902, Annual Report of the DIA for the year ended June 30, 1902, Canada, *SP* 37, 11(1903), 69.

the agent at Inverness County reported that “the booming of the towns hereabouts has been felt even by the Indians.”¹⁰⁵

The Mi’kmaq participated in a number of waged sectors. Mi’kmaq workers joined lumber camps in the winter months and ran logs in springtime rivers. With the exception of Prince Edward Island, agents from across the region revealed that the lumber industry accounted for an important component of Mi’kmaq livelihoods. In 1894, Agent William Carter noted that “lumbering is carried on extensively up the Miramichi River,” and that “stump to ship” lumbering was an important Mi’kmaq industry in New Brunswick.¹⁰⁶ Similarly, agents in Nova Scotia made reference to this line of waged work for Mi’kmaq men. For instance, the agent at Digby in 1896 described Mi’kmaq men as being “very expert” at logging.¹⁰⁷ Mi’kmaq men also contributed to mining ventures across the region. In 1897, Pictou, Nova Scotia, Agent Roderick McDonald noted that a number of Mi’kmaq men were working for the Ferrona ironworks, “discharging ore.” These “faithful workers,” the agent wrote, earned between \$1.25 and \$2.00 a day.¹⁰⁸ The Mi’kmaq similarly worked in Cape Breton coal mines.

Mi’kmaq men and women were also involved in a number of so-called unskilled

¹⁰⁵Report of Donald McPherson, PP, June 30, 1903, Annual Report of the DIA for the year ended June 30, 1903, Canada, *SP* 38, 11(1904), 74.

¹⁰⁶Report of Agent William Carter, 27 July 1894, Annual Report of the DIA for the year ended June 30, 1894, Canada, *SP* 28, 9(1895), 36; Parenteau and Kenny, 11.

¹⁰⁷Report of F. McDormand, 16 August 1896, Annual Report of the DIA for the year ended June 30, 1896, Canada, *SP* 31, 11(1897), 65.

¹⁰⁸Report of Roderick McDonald, 28 September 1897, Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP* 32, 11(1898), 64.

labouring activities including loading vessels, brickyward work, farm labour and domestic labour. In 1899, Agent Roderick McDonald noted that residents of Pictou County's Fishers Grant reserve participated in public works, "such as loading and unloading vessels, at which they earn good wages."¹⁰⁹ Indeed, 1901 census returns corroborate the agent's assertion; of 25 adult males at Fishers Grant who cited their professions, ten are listed as being "stevedores" and three as "ship labourers."¹¹⁰ In 1899 George Wells of Annapolis County reported that some Mi'kmaq men worked at the Buckar brick-yard.¹¹¹ Women, too, relied on waged work, but their waged labour was confined primarily to domestic service.¹¹² The 1901 census reveals several Native women who classify their profession as "domestic" or servant, although the site of their employment is unclear. These domestics included young unmarried women such as 21-year-old L. Rose of Annapolis County, 18-year-old Elizabeth Brooks of Digby County, Nova Scotia, and 20-year-old Mary Paul and 17-year-old Mary Soulis both of Eel Ground, New Brunswick. Older, widowed women also appear as domestics. For example, 60-year old Bernice Bernard and 57-year old Mary Micheals, both widows from Cape

¹⁰⁹Report of Roderick McDonald, Pictou, 5 October 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 10(1900), 70.

¹¹⁰UNB-HIL, 1901 Federal Census, Pictou County, Nova Scotia.

¹¹¹Report George Wells Sr., Annapolis Co., 4 September 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 10(1900), 64.

¹¹²Gonzalez, *Changing Economic Roles for Micmac Men and Women*, 84.

Breton, appear in the census as “servants.”¹¹³ Agent reports also suggest that Mi’kmaq women earned wages in this fashion. In 1905, Agent McIntyre of Sydney noted that “the women worked about town washing and scrubbing” and that “the girls frequently evince a desire to learn the art of housekeeping and are often employed by the day to assist in such work, doing their duty faithfully and well.”¹¹⁴

Data from the 1901 census also demonstrate the importance of waged work, particularly for Mi’kmaq in Nova Scotia and New Brunswick. Of 308 professions given for Nova Scotia Mi’kmaq in the census, 39 were “labourers,” one a “tradesman,” ten stevedores and three ship labourers. At New Brunswick’s Big Cove reserve, labourer was the most common profession listed in the 1901 census; 20 men who worked in sawmills and as stevedores, were principally wage earners.¹¹⁵ At Eel Ground, labour was even more important. Of the 40 professions listed for that community in the 1901 census, 30 were listed as “labourers.”¹¹⁶

¹¹³UNB-HIL, 1901 Federal Census, Digby County, Annapolis County, Cape Breton County, Nova Scotia and PANB, 1901 Federal Census, North Esk Parish, Northumberland County, New Brunswick.

¹¹⁴Report of D.K. McIntyre, June 30, 1905, Annual Report of the DIA for the year ended June 30, 1905, Canada, *SP* 40, 12(1906), 63.

¹¹⁵UNB-HIL, 1901 Federal Census of Nova Scotia; PANB, 1901 Federal Census, Parish of Weldford, Kent County, New Brunswick.

¹¹⁶1901 Manuscript Census, Parish of Newcastle, Northumberland County, New Brunswick.

Settlement and mobility

The growth of waged labour had an impact on residence patterns. At Confederation, responsibility for Mi'kmaq reserves was assumed by the federal government. It was on these reserved parcels of land that the Mi'kmaq were to establish permanent communities that would resemble European-style settlements, complete with frame homes, gardens and cultivated fields. To a certain extent, this expectation became the reality of life on Mi'kmaq reserves. Some Mi'kmaq embraced farming, and most lived on reserves, at least for part of each year. According to the DIA census, virtually all of the Mi'kmaq in New Brunswick lived on one of the province's 17 Mi'kmaq reserves. Only 30 Mi'kmaq, who were identified as living in King's County, were not living on reserved tracts.¹¹⁷ In Prince Edward Island, all of the 308 Mi'kmaq counted by the DIA lived on reserves.¹¹⁸ The situation differed markedly in Nova Scotia where, in 1901, 599 (or 29.7 percent) of the province's Mi'kmaq population reportedly lived off of the province's 35 designated reserves.¹¹⁹

As Harald Prins has pointed out, it is a testament to the Mi'kmaq's desire to avoid

¹¹⁷“Census Return of Resident and Nomadic Indians,” Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1900), 146.

¹¹⁸As in New Brunswick, the absence of off-reserve Mi'kmaq people from the federal figures does not mean that none lived off reserve. For instance, there was consistently a Mi'kmaq community living at Rocky Point, near Charlottetown. These “Rocky Point” Mi'kmaq do not appear on the census. “Census Return of Resident and Nomadic Indians,” Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1900), 173.

¹¹⁹Census Return of Resident and Nomadic Indians,” Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 146-148.

the restrictions of reserve life that a substantial number of reserved tracts were seldom, and sometimes never, occupied.¹²⁰ In 1899, New Brunswick had 17 reserves; of these, eight had no inhabitants at all. Similarly, 17 of Nova Scotia's 35 reserves were identified as having no inhabitants in 1899.¹²¹ DIA records abound with additional (if most certainly incomplete) evidence that many Mi'kmaq people lived off-reserve. In Nova Scotia, agents reported in 1899 that almost 30 percent of the province's Mi'kmaq people were living in at least 36 locations that were not officially designated reserves. Meanwhile, in New Brunswick agents specifically identified three non-reserve sites of Mi'kmaq habitation and hinted at the existence of others. In some agencies, reserved tracts were abandoned altogether. In 1894, Agent William Carter of New Brunswick's Northeast division reported that the reserved tract at Shediac was on the verge of becoming deserted. "This band is almost broken up," he wrote, and "only a half dozen [people] remain" some having moved to "the vicinity of Moncton and Hampton" while others "joined the Big Cove Band."¹²² In Nova Scotia, George Wells of Annapolis County recorded in 1899 that "[t]he reserves at Maitland and Milford are not occupied."¹²³ Agent Wells of Annapolis County noted in 1901 that none of the Mi'kmaq in his agency lived on specifically

¹²⁰Prins, *Resistance, Accommodation and Survival*, 187.

¹²¹Again illustrative of the problems inherent in DIA records-keeping, it is not clear if, but highly likely that these "uninhabited" reserves were among the seasonal reserves inhabited by the Mi'kmaq for parts of the year.

¹²²William Carter, 27 July 1894, Annual Report of the DIA for the year ended June 30, 1894, Canada, *SP* 28, 9(1895), 36.

¹²³Report of George Wells, Annapolis County, 4 September 1899, Annual Report of the DIA for year ended June 30, 1899, Canada, *SP* 34, 10(1900), 63.

designated reserve tracts; instead “they occupy land of their own at Lequille, Paradise and Middleton”¹²⁴ In Prince Edward Island too, the Mi’kmaq lived off specially designated reserves, with Rocky Point being one of the predominant non-reserve ‘camps’ in the province. In 1899 the Island’s Indian Superintendent Jean O. Arsenault distinguished between Mi’kmaq people on reserves and those “scattered off the reserves” who lived in camps.¹²⁵

While most Mi’kmaq lived on reserved tracts for at least part of the year, mobility remained an important feature of Mi’kmaq life at the turn of the century. The Mi’kmaq, like many people in the Maritimes, were highly mobile and moved about both within and away from the Maritime provinces. Agents frequently complained of the difficulties they encountered in their efforts to enumerate the Mi’kmaq population for their yearly reports. In 1896, Agent William C. Chisholm of Antigonish and Guysborough Counties in Nova Scotia noted that “[t]he nomadic instinct is still strong in the Indian, and it is next to impossible to follow him in his various wanderings. Hence it is exceedingly difficult to compute the population with any exactness.”¹²⁶ In 1899, Agent William Carter of New Brunswick’s North-East division wrote that while the Pockmouche and Tabusintac reserves had been deserted and the inhabitants moved to join the “Burnt Church Band,”

¹²⁴Report of George Wells, Annapolis Co., 8 August 1900, Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 66.

¹²⁵Report of Jean O. Arsenault, PEI, 18 August 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 10(1900), 73.

¹²⁶Report of William C. Chisolm, 15 August 1896, Annual Report of the DIA for the year ended June 30, 1896, Canada, *SP* 31, 11(1897), 56.

all but two families had left the Bathurst Reserve, the bulk having moved to St. Peter's Island to be nearer the town. Carter noted that several years earlier, "the Indians of Indian Point, Big Hole and Renous Reserves . . . left these places and settled on the Red Bank and Eel Ground Reserves."¹²⁷ A year later, Agent Carter recorded cross-agency migration when he noted that 40 Mi'kmaq from his North-East agency moved to the primarily Maliseet-occupied South-West Agency of the province.¹²⁸ In Nova Scotia, Cumberland County Agent F.A. Rand observed that while most of the Mi'kmaq in his district lived at the county's Franklin Manor Reserve, a number were "scattered all over the county," while Agent Charles E. McManus of Halifax County, Nova Scotia explained that the Mi'kmaq population in his jurisdiction "move about considerably."¹²⁹ In Nova Scotia, as in New Brunswick, there is also evidence of cross-agency migration. In 1900, John R. McDonald, agent for Antigonish and Guysborough counties, submitted that the population of his agency was up by six "owing to new Indians joining the band."¹³⁰ Similarly, Agent Alonzo Wallace of Hants County noted in 1900 that the population in

¹²⁷Report of William D. Carter, N-E Division, 6 July 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 58.

¹²⁸Report of William D. Carter, N-E Agency, 17 July 1900, Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 60.

¹²⁹Report of F.A. Rand, Cumberland Co, 26 August, 1899, Annual Report of the DIA for year ended June 30, 1899, Canada, *SP* 34, 10(1900), 66; Report of Chas. E. McManus, Halifax Co, 13 October 1899, Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), 67.

¹³⁰Report of John R. McDonald, Antigonish and Guysborough Counties, 31 October 1900, Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 67.

his agency had increased by 20 “owing mostly to other Indians coming into the county.”¹³¹

While Mi’kmaq mobility was predicated upon seasonal economic pursuits such as hunting and fishing, other conditions also prompted mobility. In 1900, the Pictou County Agent Roderick McDonald, wrote that:

[t]he reserve at Indian Island, Merigomish, has during the summer a population of about forty persons; but in the beginning of winter they remove to Pine Trees, where they are allowed by the owners of the land to build shanties. An island is not a convenient place to live on during the early part of the winter and spring. The state of the ice is dangerous, and it is not, therefore, easy to reach the mainland in case of necessity. This is the reason that they remove to the mainland in the fall¹³²

Like their ancestors and, indeed, like many of their non-Native neighbours, the Mi’kmaq moved about to make most efficient use of the resources available to them.

Cultural persistence and change

Although it is possible to quantify and qualify, at least in rough terms, changing and persisting Mi’kmaq economic activities, it is far more difficult to identify the state of Mi’kmaq cultural practices at the turn of the century. It does appear, however, that the same syncretism that marked economic pursuits was also at play in the cultural arena: the Mi’kmaq continued to adhere to distinctly Mi’kmaq cultural practices while also becoming part of the cultural milieu of the non-native world around them.

¹³¹Report of Alonzo Wallace, Hants Co., 10 August 1900, Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 70.

¹³²Report of Roderick McDonald, Pictou County, 26 September 1900, Annual Report of the DIA for the year ended June 30, 1900, Canada, *SP* 35, 11(1901), 73.

Language provides a useful barometer of cultural persistence and change. In 1911, ethnographer Wilson Wallis observed that “most Micmac men” had been “forced to learn English” because of their work with non-Native people.¹³³ It is difficult to ascertain the language skills of the Mi’kmaq, but returns of the diennial and DIA censuses of 1901 suggest that perhaps Wallis was right. These returns suggest that most Mi’kmaq were fluent in at least spoken English.

Education

By the turn of the century, some Mi’kmaq at least, saw the acquisition of the English language as a valuable skill and saw formal schooling as a way of acquiring written and spoken English. For example, in 1906, two Mi’kmaq men from Halifax County urged the acquisition of a tract of reserve land at Tufts Cove, Nova Scotia, in part because it was “handy [to] public schools, and we are anxious to educate our children in English schools so that besides getting an education, they will mix with English speaking people and learn to speak the English language fluently.”¹³⁴ While residential boarding schools existed in central and western Canadian agencies, day schooling was the only educational venue available to Mi’kmaq children in 1901.¹³⁵ In theory, Mi’kmaq children

¹³³Wallis and Wallis, 7.

¹³⁴William Nevin/Charles Young, “Indians,” to Frank Pedley, ca. April 1906, LAC, RG 10, volume 2074, file 10,838, part 1.

¹³⁵This would change in 1928 with the opening of the Shubenacadie Indian Residential School. Staffed by the Roman Catholic church and funded by federal coffers, the Shubenacadie facility was the only such institution east of Quebec. Martha Walls, “Native Responses to the Indian Residential School at Shubenacadie, Nova Scotia, 1928-

had two options: they could attend on-reserve, federally-funded day schools, or they could petition local school boards and attend provincial schools supported by tuitions paid by the DIA. In practice, however, Mi'kmaq students faced serious educational impediments. As late as 1901 formal Anglophone schooling was not the experience of most Mi'kmaq children.

Department records reveal the poor state of Mi'kmaq schooling. According to the DIA's Annual Report for 1901, Mi'kmaq people lived in 68 different Maritime communities and 54 of these were specifically designated reserves.¹³⁶ While 14 of these reserve communities had schools operating under the auspices of Indian Affairs, these schools served only a fraction of school-aged Mi'kmaq children. According to Departmental school records, in 1901 the region as a whole had 726 school-aged children between 6 and 15 years of age. Of these, 299, or approximately 41 percent, were enrolled in schools located on reserves.¹³⁷ Only 127 of these children or 17.5 percent of all school-aged Mi'kmaq children attended school 'regularly' by DIA standards (see Table 14).

1951," MA Thesis, Dalhousie University, 1996.

¹³⁶"Census Returns," Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP* 36, 11(1902), 153-158.

¹³⁷The numbers serving this comparison are inexact. The DIA census divided its population tabulation of Mi'kmaq children into three age categories: under 6, from 6 to 15 inclusive, and from 16 to 20 years inclusive. I have taken the 6-15 group to represent school aged Mi'kmaq children. It must be noted however, that Departmental figures that calculated school attendance might well have included children younger than 6 and older than 15. Statistically speaking, however, the difference in these two sets is minor, and the general picture that these numbers paint is sound.

Table 14: Percentage Mi'kmaq children in reserve day schools, 1901

Province	Total Mi'kmaq Children (6-15 years)	Mi'kmaq Children enrolled in school	Total Average Attendance	% Children enrolled on-reserve	Percentage of all children in average reserve school attendance
N.B.	210	73	27	34.8	12.9
P.E.I.	56	21	11	37.5	19.6
N.S.	460	205	89	44.6	19.3
Region	726	299	127	41.2	17.5

Sources: Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP 36, 11(1902)*, "Census Return," 152-159; "School Statement," 36-37.

These numbers stand in marked contrast to Canadian and provincial statistics at the turn of the century. In 1900, the average daily attendance rate of all Canadian schools was 61.2 percent – a rate that was slightly higher than the 58.6 percent, 54.5 percent, and 56.2 percent rates that prevailed respectively in Prince Edward Island, Nova Scotia and New Brunswick.¹³⁸ It must be noted that some Mi'kmaq communities were fairly well-served by schools. Prince Edward Island's Lennox Island stands as a case in point. Of the 29 children enumerated at Lennox Island in the 1901 diennial census who were aged 5 to 14, 17 attended school that year for an average of 8 months. But in many respects, the experience of students at Lennox Island serves as the exception that proves the rule.

Irregular attendance in Mi'kmaq schools may be explained by a number of factors. The September-June term schedule adopted by the DIA was ill-suited to the seasonal

¹³⁸“Total enrolment and percentage of average daily attendance (ADA) in public elementary and secondary schools, Canada and by province, selected years, 1866-1975,” Leacy, *Historical Statistics of Canada*, W67-93.

rhythms of Mi'kmaq communities.¹³⁹ In addition, poverty and poorly-constructed school buildings made winter-term attendance difficult when children did not have warm clothes to wear.¹⁴⁰ It is also apparent that the quality of instruction imparted to the minority of Mi'kmaq children who did attend school was low. DIA-run on-reserve day schools were marred by a myriad of shortcomings. Where they existed, they suffered chronically from high rates of teacher-turnover, under-qualified instructors, and poorly-provisioned facilities. In total, 269 teachers taught in Maritime reserve schools between 1900 and 1951. Of these, 40 percent taught for one year or less.¹⁴¹ It is therefore not surprising that school closures due to staffing problems or issues about the soundness of the school facility were not uncommon.¹⁴² Moreover, the DIA limited its scholastic offerings to the

¹³⁹School schedules conflicted with the subsistence activities relied upon by many Mi'kmaq families during this era. As one agent reported in the spring of 1912, "at this season, after planting, many of the Indians move out – some to fish, and others to work in the towns and industrial centres." He continued, "whole families thus leave, which accounts for the small attendance at the school." Agent Report, St. Peter's school, May 1912, LAC, RG 10, volume 2910, file 185,723-8B. Potato and other harvests led to similar mobility that often conflicted with school schedules.

¹⁴⁰The teacher at Eel Ground, like those on many other reserves, made the connection between want of clothing and school attendance when she noted that "the only cause of irregular attendance is when they are in need of some clothing." Extract from Teacher's report on Eel Ground school, for year ending 31 March 1910, LAC, RG 10, volume 6062, file 277-1, part 1.

¹⁴¹Of these 269 teachers, 182 (67.6 percent) taught for three consecutive years or less while 105 (39.0 percent) taught for a duration of just one school year. Figures derived from W.D. Hamilton's *The Federal Indian Day Schools of the Maritimes* (Fredericton: The Micmac-Maliseet Institute, University of New Brunswick, 1986).

¹⁴²For instance, the school at Bear River, Nova Scotia, was subject to frequent closures between 1891 and 1903, due to the teacher's ill health. In 1910, the school at New Brunswick's Big Cove was closed, first as the result of the retirement of its teacher, and then because the DIA was unable to find what it considered a suitable replacement. In

elementary level. In 1901, the highest grade level available to Mi'kmaq students attending a reserve school was grade 6. Learning conditions were less than ideal. In 1910, Nova Scotia Superintendent A.J. Boyd explained to DIA Secretary J.D. McLean that "I have been doing my best in the matter of repairs to Indian school buildings in Nova Scotia; but it has been impossible for me to overtake all the work of that kind that requires to be done."¹⁴³ Not surprisingly, the best teachers preferred employment in provincial schools, where wages were higher and conditions more amenable. To save money, the DIA quite deliberately hired less qualified teachers who would work for smaller salaries. When Nova Scotia Superintendent A.J. Boyd complained of the caliber of teachers in the employ of the DIA and suggested that "it would be well if the Department would insist on the employment of only Normal School graduates as teachers in Indian schools," his superior dismissed the request as being unfeasible.¹⁴⁴ Although Departmental policy officially required teachers to hold Second Class licences, this modest requirement was not mandatory and unlicensed teachers were hired when the Department was unable to

1898-1899, students at Eel Ground went without a school for half the year as the DIA and the community wrangled over the choice of a new teacher. A similar problem plagued Eskasoni when a dispute over teaching staff meant the sacrifice of the 1905 fall term. Similarly, schooling came to a halt at Wagmatcook (Nyanza/Middle River) in 1908 because there was no teacher available. Hamilton, 32-134.

¹⁴³A.J. Boyd to J.D. McLean, 29 September 1910, LAC, RG 10, volume 6024, file 42-1-5, part 1. Boyd was named Superintendent on 14 May 1907.

¹⁴⁴Report of A.J. Boyd, 3 October 1908, LAC, RG 10, volume 6024, file 42-1-1, part 1; S. Stewart, assistant Secretary, to A.J. Boyd, 15 October 1908, LAC, RG 10, volume 6024, file 42-1-1, part 1.

secure licensed educators.¹⁴⁵

Given these shortcomings, it is perhaps not surprising that reserve schools offered students the possibility of only a meagre level of achievement. In 1901, 299 pupils were enrolled in school (see Table 15). But as Table 13 illustrates, of these 299 pupils, 233 or 78% were working at Standards I, II or III. Meanwhile, only 1.3 percent (4 of 299) were working at the highest available level, Standard VI. Even at the relatively successful Lennox Island school, 66.7 percent of students were working in the first three standards, and none in the sixth (see Table 17)

Table 15: Attendance at Mi'kmaq reserve schools by standards, 1901

	Number Enrolled	Boys	Girls	Average Attendance	I	II	III	IV	V	VI
NB	73	41	32	27	35	11	10	8	6	1
PEI	21	14	7	11	5	5	4	4	3	---
NS	205	108	97	89	102	32	29	29	10	3
Total	299	163	136	127	142	48	43	41	19	4

Source: "School Statement," Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP 36, 11(1902)*, 36-37.

Table 16: Percentage enrollment in reserve day schools by standards, 1901

Standard I	Standard II	Standard III	Standard IV	Standard V	Standard VI
47.5	16.1	14.4	13.7	6.4	1.3

Source: "School Statement," Annual Report of the DIA for the year ended June 30, 1901, Canada, *SP 36, 11(1902)*, 36-37.

¹⁴⁵In 1903, Joseph McDonald who was "untrained and inexperienced" was hired at Chapel Island. Hamilton, 48. In 1912, one provincial school inspector was appalled that a "young man having neither license, experience nor professional training" was hired for a reserve school." J.T. MacNeil, School Inspector, River Bourgeois, Nova Scotia, to J.D. McLean, 12 December 1912, LAC, RG 10, volume 6014, file 1-1-6-NS, part 1.

Table 17: Attendance at reserve schools by standard and province, 1901

Province	Total on Roll	Boys	Girls	Avg Attendance	I	II	III	IV	V	VI
NB	73	41	32	27	35	11	10	8	6	1
PEI	21	14	7	11	5	5	4	4	3	--
NS	205	108	97	89	102	32	29	29	10	3

Source: School Statement," Annual Report of the DIA for the year ended June 30, 1901, Canada, SP 36, 11(1902), 36-37.

For Mi'kmaq communities without schools, off-reserve provincial public schools provided an educational alternative, but it was a decidedly imperfect one. With the DIA paying an annual tuition fee to cover schooling expenses, some Mi'kmaq children travelled daily from their communities to attend public schools. Circumstances, however, often stymied this alternative. First, the deliberate isolation of Mi'kmaq communities made the daily commute to public schools difficult, especially during winter months. Non-Native opposition also prevented Mi'kmaq students from attending provincial public schools. In 1905, the Chief at Red Bank visited federal officials in Ottawa where he complained that "his children are not allowed to attend the white school at South Esk any longer."¹⁴⁶ Five years later, the same community petitioned for its own school on the grounds that children sent to the "white school" were "not used right."¹⁴⁷ A 1914 dispute between DIA officials and non-Native rate-payers in Rice Point, Prince Edward Island, even more starkly illustrates the unwillingness of some provincial schools to enroll

¹⁴⁶J.D. McLean to W.D. Carter, 10 February 1905, LAC, RG 10, volume 6066, file 282-1, part 1.

¹⁴⁷Indians of Red Bank to DIA, 15 November 1910, LAC, RG 10, volume 6066, file 282-1, part 1.

Mi'kmaq pupils. In spite of Superintendent of Education A.H. Campbell's insistence that "according to the School Act [the rate payers of the Rocky Point School] could not draw a colour line but were legally bound to provide for all children of school age in the district," local trustees flatly refused to accept Mi'kmaq students.¹⁴⁸ For its part, the DIA acquiesced. Other Mi'kmaq communities also recognized that their children were not welcome at certain public schools. A cursory examination of the sketchy 1901 Nova Scotia census returns which included such information is suggestive of the fact that school-aged Mi'kmaq children living off reserves and away from reserve schools, were even less likely to attend school than were those living in reserve communities. For example, according to the census, of the 42 Mi'kmaq children of school age in Richmond County, Nova Scotia just 14 attended school at all. In Antigonish County, only one of the 19 school-aged children attended, and in Shelburne and Queen's County, only six of the 33 school-aged children are recorded as having attended school. It is likely that, at most, half of all Mi'kmaq children received some formal schooling, and thus would have had formal training in the English language in 1901.

Adults would have had cause to speak English as they interacted with non-Native neighbours, co-workers, bosses and DIA officials. The 1901 Census indicates that the vast majority of Mi'kmaq could converse in English. At the same time, the continued importance of the Mi'kmaq language also stands out in 1901 Census returns. On Lennox Island, a community for which good, detailed census results were obtained, all adults

¹⁴⁸Rev. John A. McDonald to DIA, 9 December 1914, LAC, RG 10, volume 6026, file 57-2-1, part 1.

except for three who spoke French, listed “Indian” as their mother tongue. These findings are repeated for Mi’kmaq enumerées living across the Maritimes. While most spoke English, the overwhelming majority of Mi’kmaq people included in the census listed “Mi’kmaq” or “Indian” as their mother tongue. Only 36 Mi’kmaq are recorded as speaking French, the language many of their ancestors had learned during the French Regime in Acadia.

Evidence also points to the ongoing importance of the Mi’kmaq language. Although the DIA insisted that day schools be conducted in English, the Mi’kmaq were eager to have the Mi’kmaq language included in their schools’ curricula. A group of five teachers, sisters from the Mi’kmaq reserve at Restigouche, Quebec, were among the first Mi’kmaq educators to work in reserve day schools. Mary, Margaret, Martha, Rebecca and Alma Isaacs were in high demand beginning in the first decade of the twentieth century in New Brunswick, in part, because they could converse in the Mi’kmaq language to their students.¹⁴⁹ Agent R.A. Irving noted that by January 1909, the month she took control of the Mi’kmaq school at Eel Ground, 31-year old Mary Isaacs had been a teacher for 14 years, and had a favourable reputation because of her ability to teach English, French, Music, singing, knitting and, significantly, Mi’kmaq.¹⁵⁰ Later that same year, when Mary

¹⁴⁹Mary taught at Big Cove from 1903-1908, and at Eel Ground in 1909. Margaret taught at Eel Ground from 1910-1917, and in Burnt Church in 1917. Martha taught at Red Bank from 1919-1921. Rebecca taught at Burnt Church from 1917-1920, in Eel Ground from 1921-22 and again from 1922-23. Unlike her sisters, Alma apparently was not a licensed teacher. Hamilton, *Federal Indian Day Schools*.

¹⁵⁰RA Irving to Secretary DIA, 15 April 1909, LAC, RG 10, volume 6062, file 277-1, part 1.

resigned, the 32 members of the Mi'kmaq community petitioned the DIA to have her sister Margaret ("Maggie") assume the school.¹⁵¹ Eager to have Margaret Isaacs become teacher, the Band, backed by its Chief Peter Tenass, took matters into its own hands and without awaiting federal approval "engaged Miss Maggie Isaacs to take the school."¹⁵² When Chief Tenass' unsanctioned action met with DIA reproach, Tenass assured local Agent RA Irving that "members of the Band will not send their children to school, other than to Miss Maggie Isaacs, and that they will not allow any other teacher to teach there."¹⁵³ The Department, suitably assured by Margaret's parish priest that she was "a good Christian," grudgingly relented and noted that "in view of the strongly expressed wish of the Chief and Councillors, who are leaders of their people and whose influence is essential to harmonious and effective work," it was willing to accept Miss Margaret Isaacs as school mistress.¹⁵⁴

While the community might have appreciated her ability to speak in Mi'kmaq to the children, a school inspector who visited the school in July 1912 did not. He complained that the Mi'kmaq language was used at the school and alleged that "[i]f they

¹⁵¹R.A. Irving to Rev Father Ryan, 27 November 1909, LAC, RG 10, volume 6062, file 277-1, part 1.

¹⁵²Peter Tenass, Chief, to R.A. Irving, 8 December 1910, LAC, RG 10, volume 6062, file 277-1, part 1.

¹⁵³R.A. Irving to Secretary DIA, 7 January 1910, LAC, RG 10, volume 6062, file 277-1, part 1.

¹⁵⁴J.D. Morin, PP, 11 January 1910, LAC, RG 10, volume 6062, file 277-1, part 1; D.C. Scott to Deputy Superintendent General, 18 January 1910, LAC, RG 10, volume 6062, file 277-1, part 1; Assistant Secretary, DIA, to R.A. Irving, LAC, RG 10, volume 6062, file 277-1, part 1.

were made to use English in their games and amusements as I suggested to Miss Isaacs it is possible that they would do better in their classes.”¹⁵⁵ In a letter, Secretary of the DIA, J.D. McLean, quizzed Maggie Isaacs on this complaint, and argued that as “[u]ndoubtedly they will use Indian at home . . . they should be required to use English almost entirely while in the classroom or vicinity of it.”¹⁵⁶ Certainly, it seems that the community appreciated Isaacs’ approach and when they endeavoured to find a new teacher in 1921, they insisted in vain that the position be filled by an “Indian girl teacher.”¹⁵⁷

Eel Ground was not alone in wanting a teacher who could speak Mi’kmaq. In 1915, 32 signatories to a petition taken at Big Cove requested that Margaret Isaac’s sister, Alma, apparently an unlicensed teacher, be named teacher because:

Miss Isaacs speaks the Micmac language and we know that more children will attend the School and that those who attend will make better progress in their studies with a teacher who is able to explain to them in their own language than they do now when all the teaching is done in a strange tongue.¹⁵⁸

Even the Superintendent at Lennox Island recognized the value of a teacher fluent in both English and Mi’kmaq. In 1916, the Reverend John A. McDonald recommended that a Mi’kmaq woman be hired to staff that community’s school on the grounds that though

¹⁵⁵Extract from Report of Rev. J.J. Ryan, Superintendent of Indian Schools, 27 July 1912, LAC, RG 10, volume 6062, file 277-1, part 1.

¹⁵⁶J.D. McLean to Miss Margaret Isaacs, 6 August 1912, LAC, RG 10, volume 6062, file 277-1, part 1.

¹⁵⁷Chief Daniel Paul to D.C. Scott, 11 April 1921, LAC, RG 10, volume 6062, file 277-1, part 1.

¹⁵⁸Hamilton, 15; Petition, Indians of Big Cove, 9 August 1915, LAC, RG 10, volume 6060, file 275-1, part 1.

“we could get a white teacher for the \$200 allowed . . . as the children are young, one who would know their language would perhaps be better.”¹⁵⁹

Religion

In religion, too, the Mi'kmaq blended Mi'kmaq beliefs with European-derived religious practice. Scholars have identified religion as a site where traditional Native spiritual practices and Christianity have been reconciled to form syncretic systems of religion and ritual. By 1900, Mi'kmaq people had practised Catholicism for centuries, having converted during the French regime.¹⁶⁰ Indeed, without exception, all of the 3,403 Mi'kmaq people listed in the 1900 DIA census were affiliated with the Catholic faith.¹⁶¹ As well, most communities had their own Catholic churches, and Roman Catholic priests were deeply involved in Mi'kmaq daily life. As of 1900, at least six of the 19 Indian agents employed in Maritime Mi'kmaq communities were also Catholic priests.

Mi'kmaq Catholicism incorporated aspects of earlier spiritual traditions. Nowhere is this more apparent than in the most significant of Mi'kmaq Catholic festivals, St. Anne's day, the annual Catholic celebration held on 26 July. In 1903, Anglican

¹⁵⁹Rev. John A. McDonald to DIA, March 15, 1916, LAC, RG 10, volume 6026, file 57-2-1, part 1.

¹⁶⁰It has been argued that the Mi'kmaq embraced Catholicism as an adaptive strategy which helped the Mi'kmaq define themselves as a distinct people as it distinguished them from British settlers. Robert A. Campbell, “Bridging Sacred Canopies: Mi'kmaq Spirituality and Catholicism,” *The Canadian Journal of Native Studies* XVIII, 2(1998): 301-311.

¹⁶¹Annual Report of the DIA for the Year Ended June 30, 1900, *SP* 35,11(1901), 145-148.

churchman and historian C.W. Vernon attended the St Anne's festival at Chapel Island, Cape Breton. His account of the celebration in the journal *Acadiensis* reveals elements of distinctly Mi'kmaq cultural practices. While Vernon interpreted this fusion of customs as evidence of the "religious influence" that had been "brought to bear upon the Indian," his account also suggests that an easy co-existence marked Mi'kmaq peoples' adherence to Catholicism and their continued devotion to Mi'kmaq cultural practice.¹⁶² For example, the first day of the mission, which featured the "erection of the wigwams," was followed by a second day of "high mass, catechism, rosary and vespers," followed by an evening of "dancing and games."¹⁶³ The Sunday Mass of the mission featured Catholic sacrament delivered by the priest, but it also included an address from the Grand Chief which consisted of "partly translating the words of the priest and partly . . . speaking to them in his own words."¹⁶⁴ While some of the prayers were English, others were recited in the "Micmac" language.¹⁶⁵ Moreover, the mass featured music "supplied by the Indians themselves and is in Micmac."¹⁶⁶

Although Catholic clergy played a prominent role in reserve life, there is also evidence that Mi'kmaq spiritual leaders remained influential. In the summer of 1908, for example, Haselma, whose given Christian name was Germain Laksi, and who was known

¹⁶²C.W. Vernon, "Indians of St. John Island," *Acadiensis* III, 3(1903), 115.

¹⁶³Vernon, 111.

¹⁶⁴Vernon, 113.

¹⁶⁵Vernon, 114.

¹⁶⁶Vernon, 113.

by a number of names including Lonecloud, reported to Ottawa that he had been named “chief medicine man” – an office with spiritual import that would clearly be beyond the realm of the Catholic tradition.¹⁶⁷ Describing himself as a “doctor” for 1901 census takers, Lonecloud reported it was his duty to “tell the great historical legends,” to marry couples and to instruct them after marriage “where to go and what to do for life to come.”¹⁶⁸

Conclusion

The Mi’kmaq world at the turn of the twentieth century was an economically, socially and culturally complex one in which Mi’kmaq customs, habits and lifeways coexisted with those derived from Euro-Canadian traditions. Hunting, fishing and Mi’kmaq handcrafts continued to be important sources of subsistence, but farming and waged labour were also substantial sources of income. While most Mi’kmaq lived on reserves separated from their non-Native neighbours, industry, trade, schooling and church attendance brought the two groups into daily contact. The Mi’kmaq and non-Native Maritimers could easily have spoken to each other, as most spoke English or French. And yet, the Mi’kmaq language remained the first language of the Mi’kmaq. Like

¹⁶⁷Ruth Holmes Whitehead asserts that Lonecloud was first named Chief of the Mi’kmaq of Halifax County and then Chief Medicine Man for Halifax County “a title that was later extended to include all of Nova Scotia as well as Prince Edward Island.” Ruth Holmes Whitehead, *Tracking Doctor Lonecloud: Showman to Legend Keepers* (Fredericton: Goose Lane Editions, 2002), 41, Ha-sel-ma (Lone Cloud) to Mr. McLean, no date (ca. summer 1908 ?), LAC, RG 10, volume 7934, file 32-46, part 1.

¹⁶⁸UNB-HIL, 1901 Federal Census, Guysborough County, St. Mary’s, Nova Scotia; Jerry Lonecloud cited in Whitehead, *Tracking Doctor Lonecloud*, 75.

many of the non-Native people living in their midst, the Mi'kmaq were Roman Catholics, but traditional religious customs were not forgotten. It is into this complex economic and social milieu that the federal government introduced its system of band council elections in the spring of 1899. The same syncretism that marked other facets of Mi'kmaq life came into play in governance practices. Though accepted in some respects and embraced in certain Mi'kmaq quarters, the triennial system of elections was also variously ignored and challenged by Mi'kmaq people who remained committed to Mi'kmaq political traditions.

Chapter 2: “their own unassisted efforts”: Continuity and Change in Mi’kmaq Politics to 1899

Introduction

Before examining the interplay between the triennial system of elections and Mi’kmaq political practice, it is important to consider Mi’kmaq political culture as it developed before this policy’s 1899 implementation. Drawing on European descriptions of Mi’kmaq political traditions, archeological and historical evidence, and Mi’kmaq understandings of their political heritage, this chapter describes Mi’kmaq political adaptation in response to changing social, economic and political conditions. It argues that although European political practices had made inroads into Mi’kmaq politics by 1899, an autonomous and distinct political culture continued to differentiate Mi’kmaq politics from those of their Euro-Canadian neighbours. It was this political distinctiveness and autonomy that federal electoral policy of 1899 was intended to supplant.

Pre- and early-encounter Mi’kmaq politics

Evidence about pre-and early-encounter Mi’kmaq residence patterns, resource usage, social organization and population density provide clues about Mi’kmaq political structures as they existed at and before encounter.¹ It was long accepted that the pre-

¹Bruce G. Trigger, ed., *Handbook of the North American Indian Volume 15: The Northeast* (Washington: The Smithsonian, 1978), s.v. “Micmac,” by Philip K. Bock, 109. Patricia Nietfeld, “Determinants of Aboriginal Micmac Political Structure” (PhD diss.,

encounter Mi'kmaq spent autumn and winter months hunting inland in small kin groups, while in spring and summer months larger groups convened on the coast to exploit seaside resources.² More recent scholarship, however, asserts that pre-encounter Mi'kmaq society was more variable and contends that the Mi'kmaq lived in semi-permanent communities following regionally-diverse subsistence patterns.³ The pre-encounter Mi'kmaq were thus adaptable, living in flexible communities that seasonally commuted between favoured locations.

University of New Mexico, 1981), vi.

²Those who assert that Mi'kmaq followed a set seasonal mobility include D. Sanger, "The Ceramic Period in Maine," *Discovering Maine's Archaeological Heritage* ed. D. Sanger (Augusta: Maine Historic Preservation Commission, 1979), 99-115, and B. Bourque, "Aboriginal Settlement and Subsistence on the Maine Coast," *Man in the Northeast* 6, (1973), 3-20. Bernard Hoffman's 1946 dissertation first emphasized the complexity and diversity of the pre-encounter Mi'kmaq. Bernard Gilbert Hoffman, "The Historical Ethnography of the Micmac of the Sixteenth and Seventeenth Centuries" (PhD diss., Montana State University, 1946).

³Dean Snow, for instance, suggests that pre-encounter Mi'kmaq communities were far more stable, "bel[ying] the stories of recent migrations that have been popular for many years." Bruce G. Trigger, ed., *Handbook of the North American Indian Volume 15: The Northeast* (Washington: The Smithsonian, 1978), s.v. "Late Prehistory of the East Coast," by Dean R. Snow, 69. See also, David Sanger, "Changing views of aboriginal seasonality and settlement in the Gulf of Maine," *Canadian Journal of Anthropology* 2, 2(Spring 1982): 195-204. David V. Burley, "Proto-Historic Ecological Effects of the Fur Trade on Micmac Culture," *Ethnohistory* 28, 3(Summer 1981), 206. Virginia Miller, "Social and Political Complexity on the East Coast: The Micmac Case," in *The Evolution of Maritime Culture on the Northeast and Northwest Coasts of America*, ed. Ronald J. Nash (Burnaby: Department of Archaeology, Simon Fraser University, 1983); Virginia Miller, "The Micmac: A Maritime Woodland Group," in *Native Peoples the Canadian Experience*, ed. R. Bruce Morrison and C. Roderick Wilson (Toronto: McClelland & Stewart, 1986). More recently, Kevin Leonard has argued that a reexamination of the Late Woodland archeological records "produces the image of a more complex Late Woodland Mi'kmaq society than generally acknowledged." Kevin James Malachy Leonard, "Mi'kmaq Culture During the Late Woodland and Early Historic Periods" (PhD diss., University of Ottawa, 1996), 33.

Mi'kmaq political practice was similarly adaptable. Until recent decades, anthropological convention ranked Native societies in an evolutionary and hierarchical continuum ranging from band to tribe to chiefdom.⁴ Hunter-gatherer people such as the Mi'kmaq were associated with the least complex socio-political form, the band unit. Early ethnographers accepted this model, describing the political structure of the pre-encounter Mi'kmaq as "simple and not sharply defined," loosely organized around family units without centralized leadership.⁵ Later scholars challenged this depiction. Virginia Miller argued that the Mi'kmaq were more "socially complex" and fell "midway between the levels of tribe and chiefdom."⁶ Still others questioned the very usefulness of this model, asserting that "[i]n the Micmac case, these categories are not adequate."⁷

Not surprisingly given this quest to label pre-encounter Mi'kma'ki as either a 'band,' 'tribe' or 'chiefdom,' uncertainty surrounds the nature of pre-encounter Mi'kmaq

⁴This model typified bands (the simplest organizational level associated with 'primitive' hunter-gather groups, such as the Mi'kmaq) as being egalitarian and family-based with informal modes of authority based upon consensus. A tribe is larger than a band and is united by regulatory social groups such as clans or societies. Tribe leaders, like band leaders, rule by consensus, but are selected through an established lineage system. Unlike bands and tribes, stratified and agriculturally-centred chiefdoms feature a extensive integration, social ranks, occupational specialists and an established redistributive system. William N. Fenton, "Leadership in the Northeastern Woodlands of North America," *American Indian Quarterly* 10, 1(Winter 1986), 21-23.

⁵Wilson D. Wallis and Ruth Saltwell Wallis, *The Micmac Indians of Eastern Canada* (Minneapolis: University of Minnesota Press, 1955), 171.

⁶Virginia Miller, "Social and Political Complexity," 51.

⁷Nietfeld advances that the pre-encounter Mi'kmaq "were politically organized neither in mobile egalitarian bands led by family heads, nor in sedentary stratified chiefdoms, but in seasonally aggregated villages headed by a leader who exhibited aspects of both a family head and a petty chieftain." Nietfeld, vi, 5.

leadership structures. Although not definitive, certain trends are clear. The nuclear and extended family was an important unit of political organization.⁸ Always men, Mi'kmaq leaders, or sagamores, were primarily associated with, and derived their status from, these kinship groups.⁹ They had many responsibilities. When warranted, they engaged in war and diplomacy, mediated internal disputes, planned and organized celebrations and seasonal relocations, distributed harvested resources and allocated to hunters their seasonal hunting territories.¹⁰

Leadership selection depended on a number of factors including lineage and

⁸James (Sákéj) Youngblood Henderson, *The Mi'kmaq Concordat* (Halifax: Fernwood Publishing, 1997), 96. See also, Leslie Jane McMillan, "Mi'kmawey Mawio'Mi: Changing Roles of the Mi'kmaq Grand Council From the Early Seventeenth Century to the Present" (MA Thesis, Dalhousie University, 1996), 27. William Wicken, "Encounters With Tall Sails and Tall Tales: Mi'kmaq Society, 1500-1760" (PhD diss., McGill, 1994), 116; Harold Franklin McGee, Jr., *Micmac Residence Patterns and House Types* (Ottawa: Parks Canada, 1980), 2.

⁹Although women were not sagamores, female elders, like their male counterparts "were recognized for their knowledge and for their ability to act in the village's interest." Wicken, *Mi'kmaq Treaties on Trial: History, Land, and Donald Marshall Junior* (Toronto: University of Toronto Press, 2002), 46.

¹⁰Virginia Miller, "Social and Political Complexity," 43. Hoffman, 516. Chiefs' responsibilities *vis a vis* hunting territories is a topic of much debate. In the early twentieth century, anthropologist Frank Speck argued that pre-encounter Algonkian groups, including the Mi'kmaq, adhered to a system of exclusive, defined and hereditary hunting districts – a pattern of land usage that did not require constant renegotiation by a sagamore. In the 1950s Eleanor Leacock's study of Montagnais hunting territories (which she extrapolated to apply to all Algonkian groups) challenged this notion of fixed Mi'kmaq hunting territories. She argued that private ownership of land was a post-encounter phenomenon. Her theory supposes that leaders were needed to assign hunting territories each hunting season. See Frank G. Speck, "The Family Hunting Band as the Basis of Algonkian Social Organization," *American Anthropologist* 17(1915). Eleanor Leacock, "The Montagnais 'Hunting Territory' and the Fur Trade" (PhD diss., Columbia University, 1952), 77.

leaders' personal merit.¹¹ Certain families were preeminent sources of leaders, but incompetent sagamores would not be tolerated. It is also likely that individual sagamores, influenced by geography and seasonal resource availability, held varying degrees of authority and fluctuating tenures.¹² If a leader demonstrated his leadership ability, he could maintain office for a long time – perhaps for life.¹³ It is also accepted that pre-encounter Mi'kmaq leaders ruled not dictatorially, but by persuasion, an idea supported by the records of early Europeans. For example, Pierre Biard, a Jesuit who worked in the Port Royal area from 1611 to 1613 wrote of Mi'kmaq sagamores: “their authority is most precarious, if, indeed, that may be called authority to which obedience is in no wise obligatory.”¹⁴ Although it is dangerous to apply observations made by Europeans to the

¹¹Wicken, “Encounters with Tall Sails,” 133; Leonard, 201; Bock, 116.

¹²During times of resource abundance the redistributive role of sagamores became less important; in times of resource shortages, their authority was heightened as it was chiefs' responsibility to redistributing scarce victuals. Nietfeld, 105. William Wicken makes the important point that individual villages could have more than one sagamore. Wicken, “Encounters with Tall Sails,” 131.

¹³Daniel N. Paul, *We Were Not the Savages: A Mi'kmaq Perspective on the Collision between European and Native American Civilizations New Twenty-First-Century Edition* (Halifax: Fernwood Publishing, 2000), 18; Prins, *The Mi'kmaq: Resistance, Accommodation, and Cultural Survival* (Montreal: Harcourt Brace College Publishers, 1996), 174.

¹⁴ Pierre Biard, “Letter from Port Royal in Acadia sent to the Society of Jesus by Reverend Peirre Biard of the same Society, 1611,” in *The Jesuit Relations and Allied Documents, Volume, 2* ed. Reuben Gold Thwaites (Cleveland: Burrows, 1899), 73. During a twelve year stint in the Miramichi region which began in 1675, Récollet Missionary Chrestien LeClercq offered a similar assessment of Mi'kmaq leaders, noting that a chief's authority was “based only upon the good will of those of his Nation who execute his orders just in so far as it pleases them.” Chrestien LeClercq, *New Relation of Gaspesia With the Customs and Religion of the Gaspesian Indians*, ed. William F. Ganong (Toronto: The Champlain Society, 1910), 234-236.

pre-encounter era, it appears that prior to encounter, Mi'kmaq leadership practices, like resource use and settlement patterns, were flexible and capable of responding to an array of circumstances.

Pre-encounter Mi'kmaq politics probably also featured regional political collaboration. Because, as archeologist Ralph Pastore has noted, "population size is intimately related to social and political organization," a high pre-encounter population density may indicate the existence of organized interregional political interaction and cooperation.¹⁵ The pre-encounter population of Mi'kma'ki was much higher than that of the early encounter era, a demographic shift observed by early visitors.¹⁶ That Mi'kmaq numbers fell drastically with encounter is also widely accepted. Although estimates of the pre-encounter Mi'kmaq population reach a high of 200,000, a population of 15,000 is a more likely estimate.¹⁷ Even this lower estimate, however, indicates a pre-

¹⁵Pastore, 211.

¹⁶In 1611, Biard recorded that a Mi'kmaq informant claimed his homeland had once been home to "Savages, as thickly planted there as the hairs upon his head" and that their numbers had "diminished since the French have begun to frequent their country." "Letter From Father Biard, to Reverend Father Christopher Baltazar, Provincial of France, at Paris, 10 June 1611" in *The Jesuit Relations and Allied Documents, Volume 1*, ed. Reuben Gold Thwaites (Cleveland: Burrows, 1899), 175. Likewise, Nicolas Denys, a trader who spent 40 years in Acadia beginning in 1632, noted that "[t]here was formerly a much larger number of Indians than at present." Nicolas Denys, *The Descriptions and Natural History of the Coasts of North America*, ed. William F. Ganong (Toronto: The Champlain Society, 1908), 403.

¹⁷Based on the premise that large numbers of Mi'kmaq would have been required to defend such a large territory from attack, Daniel Paul estimates a pre-encounter Mi'kmaq population of "200,000 minimum." Paul, 45-46. Virginia Miller also posits a very high population, placing it between 35,000 and 75,000. Virginia Miller, "Aboriginal Micmac Population: A Review of the Evidence," *Ethnohistory* 23, 2(Spring, 1976), 124-125. Miller's numbers have, however, been deemed too high by most scholars as they

encounter Mi'kmaq population large enough to support political integration beyond local communities.¹⁸ Accepting that pre-encounter Mi'kma'ki was home to a regional system of government, a number of scholars contend that the Mi'kmaq Grand Council (which remains an important regional political body in Mi'kma'ki) existed before encounter. For example, Leslie Jane McMillan argues that the pre-encounter Mi'kmaq population was large enough to allow the Mi'kmaq economic, military and social ties with neighbouring groups and that “the Grand Council developed in response to a need for organized interaction with other[s] . . . in matters of war and trade and to organize the nation internally in social, ecological, economic and ceremonial matters.”¹⁹ James Youngblood Henderson agrees, asserting that a Grand Council featuring interaction between district sagamores, representatives of seven distinct Mi'kmaq districts, operated before encounter.²⁰

question both the timing of the epidemics Miller blames for a drastic population decline and the formula with which Miller calculated her numbers. Dean Snow estimates a pre-encounter Mi'kmaq population of between 12,000 and 15,000. For example, Dean Snow and Kim Lanphear, “Commentary on Native American Demography,” *Ethnohistory* 36, 3(Summer 1989), 285-307 quoted in Pastore, 208; David Henige, “Their Numbers Became Thick: Native American Historical Demography as Expiation,” in *The Invented Indian: Cultural Fictions and Government Policies*, ed. James A. Clifton (New Brunswick, N.J.: Transaction Publishers, 1990).

¹⁸Nietfeld, 5-7.

¹⁹McMillan, 34.

²⁰Henderson, 17-18. The seven districts of Mi'kma'ki are: Kespek (eastern and northern New Brunswick, into Quebec), Siknikt (Cumberland County area, eastern New Brunswick and western Nova Scotia), Epexiwitk (Prince Edward Island), Kespukwitk (extreme southern Nova Scotia), Sipekne'katik (central Nova Scotia), Eskikewa'kik (north eastern mainland Nova Scotia) and Unama'kik (extreme northern mainland Nova Scotia and Cape Breton Island, Daniel Paul, 17.

Circumstantial evidence and Mi'kmaq oral tradition support the pre-encounter origin of the Grand Council.²¹ Mi'kmaq oral tradition maintains that the Grand Council was established six centuries ago, in the aftermath of a Mi'kmaq victory over an Iroquois offensive into Mi'kmaq territory.²² European observances from the early encounter era corroborate this idea. For example, the system of districts at the heart of the Grand Council is recognizable in accounts of seventeenth century missionaries in Mi'kma'ki who, as Virginia Miller asserts, "were aware of the Indians' political districts and how they were governed."²³ These same missionaries also described Mi'kmaq totem symbols

²¹Not all scholars agree that pre-encounter Mi'kma'ki was politically integrated enough to sustain the Grand Council. Historian Stephen Patterson, for example, maintains that the Mi'kmaq were politically divided "as fragmented bands or districts assessed their interests in their own way," while anthropologist Harald Prins argues against defined Mi'kmaq districts, suggesting instead that the Mi'kmaq "land base was only vaguely defined, frequently overlapping with neighboring groups." Stephen Patterson, "Indian-White Relations in Nova Scotia, 1749-61: A Study in Political Interaction," *Acadiensis* XXIII, 1(1993), 27. Harald E.L. Prins, "Tribulations of a Border Tribe: A Discourse on the Political Ecology of the Aroostook Band of Micmacs, 16th - 20th Centuries" (PhD diss., New School for Social Research, 1988), 274. Meanwhile, Janet Chute contends that discrete Mi'kmaq districts emerged as a result of a "synthesis of Native and Christian ideologies" and were not firmly in place until the nineteenth century. The existence of seven renowned mission centres, she argues, led to the concept of seven Mi'kmaq districts. Janet Elizabeth Chute, "Ceremony, Social Revitalization and Change: Micmac Leadership and the Annual Festival of St. Anne," ed. William Cowan *Papers of the Twenty-Third Algonquian Conference* (Carleton University, 1992), 58.

²²Grand Chief Donald Marshall Sr., et al., "The Covenant Chain," in *Anger and Renewal in Indian Country*, ed. Boyce Richardson (Toronto: Summerhill Press, 1989), 76. Others agree that the Grand Council emerged before encounter. See for example, Wicken, "Encounters with Tall Sails," 138, 154; McMillan, 33; Virginia Miller, "Social and Political Complexity," 52; Suzanne Berneshawi, "Resource Management and the Mi'kmaq Nation," *The Canadian Journal of Native Studies* XVII, 1(1997), 117; James Youngblood Henderson, 17.

²³Miller, "Social and Political Complexity," 44. At the very least, these missionaries differentiated between groups of Mi'kmaq according to their locations.

which may indicate Mi'kmaq territorial affiliations.²⁴

References to Mi'kmaq councils held not long after encounter may also indicate the existence of a region-wide political structure that pre-dated Europeans' arrival. By the early seventeenth century, regional gatherings were regular occurrences. For example, in 1616 Biard recorded that summertime "State councils" brought together "several Sagamores [to] consult among themselves about peace and war, treaties of friendship and treaties for the common good."²⁵ As a number of scholars have theorized, these conferences were perhaps extensions of much older Mi'kmaq political practice and thus may support the pre-encounter existence of the Grand Council.²⁶ Finally, early European accounts also depict Mi'kmaq leaders with broadly-based authority extending beyond local kinship groups, not unlike that of a Grand Chief. For example, Chief Membertou, a

LeClercq, for example, recorded in the late-seventeenth-century that "the Mi'kmaq bear several different names according to those of the rivers and of the most important places in which they dwell." LeClercq, 81. Likewise, Biard recorded in his *Relations* that the Siroquois were associated with what is now peninsular Nova Scotia and noted "Sagamies divide up the country and are nearly always arranged according to bays or rivers. For example, for the Pentegoet river there is one Sagamore; another for the Ste. Croix; another for the St. John, etc." Pierre Biard, "Relation of New France, and the Jesuit Fathers' Voyage to that Country, 1616," in *The Jesuit Relations and Allied Documents, Volume 3*, ed. Reuben Gold Thwaites (Cleveland: Burrows, 1899), 89.

²⁴LeClercq, 81, 274.

²⁵He also noted that during times of war the Mi'kmaq held "a more general assembly" in which sagamores from across Mi'kma'ki would converge to "resolve upon peace, truce, war." Pierre Biard, "Relation of New France, and the Jesuit Fathers' Voyage to that Country, 1616," in *The Jesuit Relations and Allied Documents, Volume 3*, ed. Reuben Gold Thwaites (Cleveland: Burrows, 1899), 89, 91.

²⁶Virginia Miller, "Social and Political Complexity," 45; Wicken, "Encounters with Tall Sails," 135; McMillan, 40.

sagamore who lived near Port Royal in the late-sixteenth and early-seventeenth centuries, purportedly had an expanded realm of influence. He was extraordinarily accomplished. Not just a political leader, he was also a respected warrior and shaman.²⁷ Described in 1610 as the “Captain” of Port Royal who “has under him a number of families whom he rules . . . with sufficient power to harangue, advise and lead them to war, to render justice to one who has a grievance, and like matters,” Membertou may well have been Grand Chief.²⁸ That Membertou’s authority was exceptional and wide-ranging lends credence to the theory that the Grand Council, headed by a Grand chief, may have been established by encounter.

Mi’kmaq politics during the French Regime, 1604-1713

It is impossible to determine definitively whether the political customs recorded by early writers reflected post-encounter adaptation or traditions that preceded the European arrival – after all, even the earliest of these writers were chronicling a Mi’kmaq

²⁷Prins, *The Mi’kmaq*, 35.

²⁸Lescarbot wrote that “each village, or company of Savages has an Aoutmoin, or Prophet, who performs this office, Membertou is the one who, from time immemorial, has practiced this art among his followers. He has done it so well that his reputation is far above that of all the other Sagamores of the country, he having been since his youth a great Captain” Marc Lescarbot, “The Conversion of the Savages who were Baptized in New France during this year, 1610,” in *The Jesuit Relations and Allied Documents, Volume 1*, ed. Reuben Gold Thwaites (Cleveland: Burrows, 1899), 75. A number of scholars assert that Membertou was Grand Chief. For example, Wicken, “Encounters with Tall Sails,” 137; Virginia Miller, “Social and Political Complexity,” 44.

society that been exposed to European people, material goods and disease for a century.²⁹ It is, however, somewhat easier to trace political change in post-encounter Mi'kma'ki. The Mi'kmaq had a complex relationship with the French who, beginning at St Croix in 1604, were the first Europeans to settle permanently in Mi'kma'ki. Mi'kmaq interaction with French military personnel, missionaries and, by the late-seventeenth century, a flourishing Acadian community, all influenced Mi'kmaq politics. Accustomed to trading with Europeans by 1600, and recognizing the benefits of French trade, the Mi'kmaq accommodated their presence.³⁰ In this accommodation, the Mi'kmaq accepted French political customs that served their relationship with the newcomers. This did not, however, mean that Mi'kmaq politics were subsumed by new political forms or that the Mi'kmaq surrendered their autonomy.³¹

Between 1604 and 1713, the French were the dominant European presence in Mi'kma'ki. Both the French and Mi'kmaq had their own agendas, but collaborated militarily to prevent British expansion. Because the French needed Mi'kmaq support in this aim, they placed a high premium on winning Mi'kmaq good will.³² To an extent, this

²⁹As early as 1534, when Jacques Cartier made the first definitive observation of people identifiable as Mi'kmaq, they were clearly aware of and enamoured with European trade. J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian White Relations in Canada* (Toronto: University of Toronto Press, 2000), 28.

³⁰Plank, *An Unsettled Conquest*, 24. John G. Reid, "The 'Conquest' of Acadia: Narratives," in *The 'Conquest' of Acadia, 1710: Imperial, Colonial, and Aboriginal Constructions*, ed. John G. Reid et al. (Toronto: University of Toronto Press, 2004), 8.

³¹John G. Reid, "The 'Conquest' of Acadia: Narratives," 8.

³²Reid et al, 97

precluded heavy-handed French interference in Mi'kmaq politics. Nevertheless, French military officials did encourage the Mi'kmaq to adopt French political custom in order to facilitate their North American aims. One way to do this was to reward Mi'kmaq sagamores who were amenable to French plans, elevating their status by conferring upon them medals or French terms of authority such as 'chief' and 'captain.'³³ In 1676 Récollet Chrestien LeClercq described this tactic: "sometimes the leaders and chiefs are invited for a meal in order to show all the Indians of the nation that they are esteemed and honoured. Rather frequently they are given something like a fine coat, in order to distinguish them from the commonality."³⁴

French missionaries also influenced Mi'kmaq politics. Like their political counterparts, missionaries exalted Mi'kmaq leaders who demonstrated support of French aims. It is possible, for example, that missionaries used Chief Membertou in this way, emphasizing his leadership qualities in order to lend credibility to their missions. They doubtless hoped that the conversion of a leader as esteemed as Membertou would endear their mission to other Mi'kmaq. Missionaries may also have influenced the operation of

³³L.F.S. Upton, *Micmac and Colonists: Indian-white Relations in the Maritimes, 1713-1867* (Vancouver: University of British Columbia Press, 1979), 19. Nicolas N. Smith, "Creating New Relations to Improve Relations: Strangers as Wabanaki Chiefs," in *Papers of the Thirty-fourth Algonquian Conference*, ed. H.C. Wolfart (Winnipeg: University of Manitoba, 2003), 335. Geoffrey Plank notes that the term "captain" denoted a French assumption that Mi'kmaq leaders ruled sections of Mi'kma'ki coastline. Plank, *An Unsettled Conquest*, 27.

³⁴LeClercq, 246.

the Grand Council.³⁵ Virginia Miller argues that it was when French missionaries came to Mi'kma'ki in 1605 that the seat of the Grand Council moved from Cape Breton to Port Royal.³⁶ Moreover, Henderson claims that with the 1610 Mi'kmaq Condorcat, a "treaty with the Holy See," the Mi'kmaq vowed to protect Catholic missionaries in Mi'kma'ki while the papacy in return agreed to recognize Mi'kmaq rights of self-governance and religious choice. This treaty, he argues, led directly to the "consolidation of national authority" in the Grand Council as Catholic priests dispatched to Mi'kma'ki "began implementing [European] governmental processes," initiating a "gradual centralization of authority" in the Grand Council.³⁷ While Henderson's assumption that the Grand Council did not constitute a national authority before encounter, and his proposal that the relatively few priests in Mi'kma'ki could have initiated such a fundamental reordering of Mi'kmaq politics are debatable, it seems likely that priests and missions did influence Mi'kmaq politics.³⁸ For example, missions brought the Mi'kmaq together in new ways, at new sites, according to a Catholic calendrical schedule. Before encounter, the Mi'kmaq

³⁵Olive Patricia Dickason, "Amerindians Between French and English in Nova Scotia" 50.

³⁶Virginia P. Miller, "The Micmac: A Maritime Woodland Group," 354. This claim runs contrary to Frank Speck's assertion that the region of the Annapolis basin was the original site of the Grand Council. Wicken, "Tall Sails," 136.

³⁷Henderson, 87.

³⁸There were, in total, approximately 100 missionaries in Mi'kma'ki during the French regime. Olive Patricia Dickason, "Amerindians between French and English," 49. See also, Luca Codignola, "Competing Networks: Roman Catholic Ecclesiastics in French North America, 1610-58," *Canadian Historical Review* 80, 4 (December 1999), 539-584.

periodically held council meetings as needed,³⁹ but under the French regime, such meetings became affiliated with Catholic holidays, including the 26 July holy day celebrating St. Anne.⁴⁰

Mi'kmaq politics may also have been influenced by the French civilian population in Mi'kma'ki, the Acadians. Early Mi'kmaq conversion to Catholicism and a shared antipathy for the British resulted in considerable cooperation between the two groups. Mi'kmaq-Acadian relations were characterized by intermarriage, trade and cultural exchanges.⁴¹ Political values were also likely exchanged. If nothing else, the Acadian community provided a model of French-community politics at work. Recent scholarship challenges the once-prominent idea that Acadians were apolitical, arguing that Acadian neutrality was a calculated (and complexly variable) political response, facilitated by an

³⁹Nietfeld, 431-432.

⁴⁰Plank, *An Unsettled Conquest*, 80. In 1629 Saint Anne, who would later become the predominant Mi'kmaq patron saint, was introduced to Mi'kma'ki when a Jesuit-built chapel on Cape Breton Island was dedicated to her. Catholic Mi'kmaq regard St. Anne as Christ's grandmother, the mother of Mary. Chute, 51-52.

⁴¹More than 900 Acadians lived in Mi'kma'ki in 1686. By 1710 this increased to 1500. Historian Naomi Griffiths characterizes the Mi'kmaq-Acadian relationship as one in which the Mi'kmaq supported the Acadians as they "not only helped the settlers economically, providing them with furs for trade." The Mi'kmaq, she argues, were "sufficiently cordial to be a source of knowledge about wood-craft, sea canoes and edible plants." N.E.S. Griffiths, "The Formation of a Community and the Interpretation of Identity: The Acadians, 1604-1997," *British Journal of Canadian Studies* 13, 1(1998), 35. However, it is important not to overstate Mi'kmaq-Acadian unity and amicability. William Wicken suggests that although Mi'kmaq-Acadian ties were cemented by intermarriage, the relationship between the two groups also featured considerable strain. In particular, Wicken notes that "Acadian expansion exacerbated cultural tensions with Mi'kmaq communities," especially as the importance of the fur trade and trade alliances waned. Wicken, "Encounters with Tall Sails," 442. See also Olive Patricia Dickason, "Amerindians between French and English in Nova Scotia, 1713-1763," 59.

“emerging political culture.”⁴² Although a matter of conjecture, given Mi’kmaq-Acadian interconnections, it is possible that Acadian political ideas influenced Mi’kmaq political practice, particularly with respect to community leadership.

To a considerable extent, the political adaptation that occurred in Mi’kma’ki during the French regime reflected Mi’kmaq intent; the Mi’kmaq deliberately incorporated political practices they deemed valuable. The donning of French dress was, for example, an overtly political act by which Mi’kmaq leaders attempted to elevate their political standing in the eyes of both the French and the Mi’kmaq.⁴³ Conversion to Catholicism was also a political act. Even the Jesuit Pierre Biard recognized that the Mi’kmaq “accepted baptism as a sort of sacred pledge of friendship and alliance with the French.”⁴⁴ Membertou’s acceptance of missionaries and their proselytizing, and his willingness to be baptized in 1610, probably met secular aims as well as spiritual ones.⁴⁵

⁴²Maurice Basque, “Family and Political Culture in Pre-Conquest Acadia,” in *The ‘Conquest’ of Acadia* ed. Reid et al, 49. As well, historian Naomi Griffiths cites the existence of a distinct Acadian political culture in which British requests of the Acadians were parlayed to each community by an individual selected as village representative. Naomi Griffiths, *The Contexts of Acadian History, 1686-1784* (Montreal: McGill-Queen’s University Press, 1992), 41.

⁴³Harald Prins uses this term in reference to a similar tactic employed by the British. Prins, *The Mi’kmaq*, 174.

⁴⁴“Pierre Biard to the Reverend Father Provincial in Paris, 31 January 1611, in *The Jesuit Relations and Allied Documents, Volume 1*, ed. Reuben Gold Thwaites (Cleveland: Burrows, 1899), 87.

⁴⁵Certainly, Membertou stood to gain from a missionary alliance. As Daniel Thorp argues, he was to establish his own links with the French in order to increase his influence around the Bay of Fundy and the Gulf of Maine.” Daniel B. Thorp, “Equals of the King: The Balance of Power in Early Acadia,” *Acadiensis* XXV, 2(Spring 1996), 8.

Baptism came with another sign of Mi'kmaq political accommodation; recipients of the sacrament were christened with Christian names. Thus, Chief Membertou accepted the French moniker "Henri" and following his baptism was known (at least by the French) as Henri Membertou.⁴⁶ This Mi'kmaq appropriation of French names (adding them to their own), as well as the assumption French titles such as "Chief," "Captain," and "Governor," strengthened the prestige and authority of sagamores in both French and Mi'kmaq circles where such alliances were highly valued.⁴⁷ French political and military ceremonies were also used by Mi'kmaq leaders to heighten their status.⁴⁸ For example, Lescarbot recorded that Membertou understood and replicated French concepts of leadership as he clearly expected European-style reverence be shown him. Membertou not only deemed himself "the equal of the King and all his lieutenants," he also demanded that "the honour should be done unto him of shooting off our [French] canon when he arrives, because he saw that the same was done to the French captains in such

⁴⁶Daniel Thorp calls into question the spiritual devotion of the Mi'kmaq who were baptized by noting that the sacrament was done at French insistence. Of Jesse L  Fl  che, the missionary who baptized Membertou and his family, Thorp writes that he "baptized any Native would stand still long enough for the sacrament." Thorp, 12.

⁴⁷The taking of French names often coincided with baptism. Although "they retained Micmac-language names as well" baptized Mi'kmaq assumed French names "when interacting with Acadians, the French or New Englanders." Plank, *An Unsettled Conquest*, 28; Nietfeld, 477, 536. Geoffrey Plank also makes the point that "it is difficult to assess how much the adoption of a new vocabulary reflected a fundamental change in common Mi'kmaq patterns of thinking." Plank, *An Unsettled Conquest*, 27.

⁴⁸Chancels de Lagrange, "Voyage Made to Isle Royal or Cape Breton Island in Canada in 1716 Aboard the Frigate *Atalante* Commanded by M. De Courbon St. Leger," *Revue d'Histoire de l'Am  rique Francais*, XIII, 3(1959), 424 quoted in Ruth Holmes Whitehead, *The Old Man Told Us: Excerpts from Micmac History, 1500-1950* (Halifax: Nimbus Publishing Ltd., 1991), 87-88.

cases, saying that this was due unto him, since he was a Sagamo.”⁴⁹

Adoption of certain French political customs did not require the Mi’kmaq to abandon pre-existing political practice or autonomy. As much as the French may have wanted to implant French political structures in Mi’kma’ki, the strength of a collective and consensus-oriented Mi’kmaq political world view undermined this objective.⁵⁰ As Thorp has argued, although the power of any given Mi’kmaq leader may have been “greatly enhanced by his early contact with Europeans,” Mi’kmaq leaders generally continued to be generated from within Native communities in the years following encounter. The Mi’kmaq did not perceive their leaders to be less important than those of the French, and they expected sagamores to be esteemed and respected.⁵¹

The French could not entirely disregard Mi’kmaq political custom if they wanted their North American ventures to succeed. Therefore, it made a great deal of sense for them to foster working relationships with established leaders chosen by the Mi’kmaq. By taking this practical approach, the French contributed to the emergence of a political “middle ground” in Mi’kma’ki wherein Mi’kmaq political customs and those of French origin intermingled. Following the British conquest of Acadia in 1710-13, new political pressures emerged and Mi’kmaq politics would further change, adapt and persist.

⁴⁹Marc Lescarbot, *The History of New France*, trans. W.L. Grant (Toronto: Champlain Society, 1907), 355. Lescarbot, 355, 214. A similar homage was demanded by Chief Denis of Richibucto: “Before entering [his fort] it is required that they [visitors] make a discharge of their guns, as a salute, and sometimes two.” Denys, 195.

⁵⁰Henderson, 95.

⁵¹Thorp, “Equals of the King,” 7.

British North America, 1713-1783

Historian L.F.S. Upton argues that following British colonization the “traditional authority of the [Mi’kmaq] band chiefs survived [and] . . . the Micmacs were often left to their traditional practices in governing their own conduct.”⁵² Consideration of Mi’kmaq political practice after 1713 both confirms and qualifies this assertion. In the seventy-year period between the Treaty of Utrecht in 1713 and the end of the American Revolution in 1783, the Mi’kmaq maintained the political autonomy they had enjoyed during the seventeenth century. However, unprecedented interaction with the British and the continued presence of the French in Mi’kma’ki compelled the Mi’kmaq to amend their political practices.⁵³ Two developments in particular characterize Mi’kmaq politics in this era. First, French-Mi’kmaq cooperation grew until the 1758 fall of Louisbourg. Second, there was increased collaboration among the Mi’kmaq, and between the Mi’kmaq and neighbouring Native groups.

Much to the chagrin of the British, Mi’kmaq political interests dominated in Mi’kma’ki following the Treaty of Utrecht, with the Mi’kmaq demonstrating political autonomy in a number of ways.⁵⁴ Paramount among these was their continued adherence to political practices and alliances that arose under the French regime. Although the

⁵²Upton, *Micmacs and Colonists*, xvi. John Reid also emphasizes the persistence of Mi’kmaq political autonomy and clout during this era. See John Reid, “*Pax Britannica or Pax Indigena? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification*,” *Canadian Historical Review*, 85, 4(December 2004), 669-692.

⁵³Wicken, “Mi’kmaq Decisions,” 86-95.

⁵⁴Upton, *Micmacs and Colonists*, xiv.

French were confined by the Treaty of Utrecht to Unama'kik (Île Royale, or Cape Breton) and Epegwitz (Île St Jean, or Prince Edward Island), their political traditions continued to inform Mi'kmaq politics and political decisions to perhaps an even greater extent than they had before 1713. For example, the Mi'kmaq continued to name leaders in concert with the French Catholic St. Anne's Day festival. Upton calls the ongoing recognition of St. Anne's Day "an act of multiple defiance" whereby the Mi'kmaq symbolically stressed their Catholicism (contrasted to British Protestantism) and underscored their amicable relations with the French (juxtaposed against hostile Mi'kmaq-English relations).⁵⁵ The continued French presence in Mi'kma'ki, dependency on European goods and opposition to a heightened British presence in the region all reinforced the political autonomy of the Mi'kmaq after the Treaty of Utrecht.

Mi'kmaq desire for European goods is documented in the earliest records of encounter. By the end of the seventeenth century, desire had turned to a degree of dependence. Mi'kmaq involvement in the fur trade led to depleted game and fish and increased Mi'kmaq reliance on European foodstuffs, armaments and material goods.⁵⁶ With Britain reluctant to provide these commodities, the French willingly embraced gift-giving councils.⁵⁷ By providing them European goods, the French solidified their alliance

⁵⁵Upton, *Micmacs and Colonists*, 35.

⁵⁶Prins, *The Mi'kmaq*, 105-106.

⁵⁷Prins, *The Mi'kmaq*, 170. In 1751 Father Maillard described France's position on gift-giving, noting that "it is customary to distribute every year to them presents, in the name of his majesty, which consist in arms, ammunition of war, victuals, cloathing, and utensils of various sorts." These presents, he noted, "are regulated according to the circumstances of the time and to the satisfaction that shall have been given the

with the Mi'kmaq and reinforced the authority of certain Mi'kmaq leaders.⁵⁸ Military cooperation also typified French-Mi'kmaq relations after 1713, with the Mi'kmaq and French occasionally working in concert, abetted by strategically placed missionaries. Abbé Jean-Louis LeLoutre, who arrived in Mi'kma'ki in 1738, was what Harald Prins calls a “warrior-priest.” Not only a proselytizer, he was also a “political agent” who encouraged the Mi'kmaq to work with the French against British expansionism.⁵⁹ Le Loutre had some success in this. On French military directives, Le Loutre convinced some Mi'kmaq to relocate to Chignecto in an effort to counter Britain's 1749 establishment of Halifax. Yet, Le Loutre's ability to politically influence the Mi'kmaq was limited – in this instance, a good number refused to move.⁶⁰ French missionaries also provided Catholic Mi'kmaq the spiritual guidance denied them by the Protestant British by establishing missions at various locations across Mi'kma'ki thereby providing the Mi'kmaq access to their religion's ceremonies and festivals, while also providing valuable sites for trade.⁶¹

government by the conduct of these savages.” Maillard, i-iii.

⁵⁸Wicken notes that there is no evidence for such meetings before 1714. Wicken, “Encounters with Tall Sails,” 396.

⁵⁹Prins, *The Mi'kmaq*, 121.

⁶⁰John Clarence Webster, *The Career of the Abbé LeLoutre in Nova Scotia* (Shediac, 1933), 40. Geoffrey Plank notes that some, but not all of the Shubenacadie Mi'kmaq relocated. At least ninety remained behind under the leadership of Jean-Baptiste Cope. Plank, *An Unsettled Conquest*, 125.

⁶¹A number of missions, headed by various Catholic orders, were established in Mi'kma'ki in the seventeenth century, often at traditional Mi'kmaq gathering spots. The first was the mission at Port Royal, established by Jesuits in 1611. After 1632, and rejuvenated interest in Acadia, the Jesuits established new missions at Miscou Island,

These sites of material, military and spiritual exchange had implications for Mi'kmaq politics. All three – gift-giving ceremonies, strategic relocation and missions – resulted in widespread, frequent meetings and drew the Mi'kmaq into new “artificial communities.”⁶² Although regional assemblies were not new, the frequency and scope of such meetings increased after 1713 and they led to broader political collaboration.⁶³

The relative importance of Île Royale for the French also influenced Mi'kmaq politics, particularly the Grand Council. Early seventeenth century references to Cape Breton distinguish it as an important Mi'kmaq site, but by the beginning of the eighteenth century, the Mi'kmaq had nearly abandoned the Island.⁶⁴ After the Treaty of Utrecht, probably thanks to its strong French presence, Unama'kik became increasingly important to the Mi'kmaq and indeed became the seat of the Grand Council.⁶⁵

Nepisquit and Miramichi. By 1660 all Jesuit missions had been closed; however, other orders had already made inroads in Mi'kma'ki. Beginning in 1619 until 1623 (when they were ordered to relocate to the St. Lawrence River Valley), the Récollets established missions at the mouth of the St. John River, Nepisquit (in the Chaleur Bay), Miscou Island and Miramichi. When the Récollets returned to Mi'kma'ki in 1669, they focused their efforts along the northern shores of Mi'kma'ki, along the Gaspé Peninsula but also along the Miramichi. The Capuchins also had missions in Mi'kma'ki. Beginning in 1632 the Capuchins were ordered by Cardinal Richelieu to Acadia. They established missions at Port Royal, Fort St. John (at the mouth of the St. John River), Fort La Tour (Cape Sable), Fort St. Peter on Cape Breton, and Nepisquit. Prins, *The Mi'kmaq*, 72-80.

⁶²Neitfeld's term for Mi'kmaq communities that developed at sites of French trade and Christian missions. Neitfeld, 445. Chute, 52.

⁶³William Wicken, “Mi'kmaq Decisions: Antoine Tecouenemac, the Conquest, and the Treaty of Utrecht,” in *The 'Conquest' of Acadia*, ed. John Reid et al., 88.

⁶⁴Nicolas Denys, 186.

⁶⁵Neitfeld, fn 13, 462. Stephen Patterson, 26-27. It was during this post-Conquest era that Cape Breton first appeared as the seat of the Grand Council. By the 1750s the Island was designated the seat of the Grand Council when Grand Chief Tomah Denys

Mi'kmaq politics were further altered after 1713 as the Mi'kmaq increased their involvement in the Wabanaki Confederacy and united with Maliseet, Abenaki, Penobscot and Passamaquoddy allies in their opposition to British encroachment.⁶⁶ Mi'kmaq involvement in the Confederacy was clearly demonstrated when, in 1721, the Mi'kmaq joined their Wabanaki allies in signing a letter to the Massachusetts Governor protesting British settlement at the mouth of the Kennebec River as a treaty abrogation.⁶⁷ The Wabanaki Confederacy served the Mi'kmaq well after 1713 as they used it to limit British expansion.

That the Mi'kmaq remained a strong military and political presence after the Treaty of Utrecht is shown by British willingness to sign treaties with the Mi'kmaq between 1726 and 1779.⁶⁸ How the Mi'kmaq viewed treaties is an important

took up residence there. Hoffman, 572. In 1742, missionary Peirre-Antoine-Simon Maillard established a mission at Chapel Island, Cape Breton, the site of an ancient Mi'kmaq burial ground. The Chapel Island mission became home to the Grand Council's annual St. Anne Day meeting in a process "an undirected syncretism of the indigenous summer council meeting and Roman Catholic ritual." Chute, 53.

⁶⁶Mi'kmaq involvement in the Confederacy began as early as the late-seventeenth century but was strengthened during the post-Conquest. Prins, *The Mi'kmaq*, 119. The political purposes of the Wabanaki Confederacy were to preserve peace, provide "mechanisms to develop and maintain political leadership, to take concerted action on matters of common concern, and to negotiate effectively with Anglo and other Indian groups." Willard Walker, Robert Conkling, and George Buesing, "A Chronological Account of the Wabanaki Confederacy," in *Political Organization of Native North Americans*, ed. Ernest L. Schusky (Washington: University Press of America, 1980), 41. Harald Prins makes the important point that the Wabanaki Confederacy, like the Grand Council, "was more than a political alliance. It was also a cultural agency, ritually bonding different and even formerly hostile groups." Prins, *The Mi'kmaq*, 119.

⁶⁷Wicken, "Mi'kmaq Decisions," 97.

⁶⁸Prins, *The Mi'kmaq*, 138-151.

consideration.⁶⁹ As William Wicken argues of the 1726 Treaty, “different languages used by the British and the Wabanaki in 1726 limited their ability to form a perfect mutual understanding of each article of the treaty.” British imperial authorities took treaty text literally, viewing it as the submission of the Mi’kmaq to Britain; however, Mi’kmaq understanding was couched in discussions held before its signing and using their former “reciprocal relationship of friendship and trust” with the French crown as the model for the 1726 treaty, saw it not as a statement their subordinancy, but a reciprocal assertion of peace and friendship.⁷⁰ The Mi’kmaq viewed these treaties as agreements that would allow them to live alongside the British, not as surrenders of land or autonomy.⁷¹ Moreover, they saw them as agreements between two nations, negotiated from a position of political strength. This understanding was seemingly underscored by Britain’s willingness negotiate.⁷²

The treaties signed by the Mi’kmaq between 1726 and 1761 provide some evidence of Mi’kmaq political skills. In 1726 the Mi’kmaq ratified the 1725 “Dummer’s

⁶⁹As scholars of treaties signed elsewhere have demonstrated, British and Native signatories tended to understand treaties very differently. For example, see Michael Asch, ed., *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality and Responsibility* (Vancouver: University of British Columbia Press, 1997).

⁷⁰Wicken, *Treaties on Trial*, 88, 98, 116-117.

⁷¹Wicken, “Mi’kmaq Decisions,” 100. Jerry P. White, Paul Maxim and Nicholas Spence, *Permission to Develop: Aboriginal Treaties, Case Law and Regulations* (Toronto: Thompson Educational Publishing), 247.

⁷²Andrea Bear Nicholas, “Mascarene’s Treaty of 1725,” *University of New Brunswick Law Journal* 43(1993), 3-11. As Wicken notes, in the absence of an “explicit [Mi’kmaq] political order” the British could have militarily forced their will upon the Mi’kmaq. Wicken, *Treaties on Trial*, 40.

Treaty” which had been originally negotiated by the Abenaki and the British. Under this treaty, the Mi’kmaq secured “the free liberty & privilege of hunting, fishing and fowling” and rights to “peacefully enjoy all their lands which have not been by them conveyed and sold unto or possessed by the English.” The Mi’kmaq also agreed to “submit” to and recognize the English King as the rightful possessor of Nova Scotia. In return, the British agreed not to molest the Mi’kmaq or interfere in their lifeways. Dummer’s treaty was renewed in 1749 and 1752. The 1758 fall of Louisbourg did not radically alter Mi’kmaq autonomy in Nova Scotia and Britain’s hold over the colony remained tenuous.⁷³ In this context, in 1760-1761, the Mi’kmaq ratified yet another treaty. Like the 1726 agreement, it too recognized Mi’kmaq hunting, fishing and land rights across Mi’kma’ki. Moreover, although it also reflected a renewed British interest in settling the colony, the settler void created by the Acadian deportation of 1755 meant that new British settlements (such as that of the New England Planters in the 1760s) could proceed without impingement on Mi’kmaq land and autonomy.⁷⁴

As late as the 1770s, the potential for effective Mi’kmaq political resistance defined the tenor of British policy in Nova Scotia. According to John Reid, the British were compelled to “domesticate” their imperial designs for Nova Scotia and, to appease the Mi’kmaq, abandon lofty settlement plans.⁷⁵ Mi’kmaq political clout during the

⁷³ Prins, *The Mi’kmaq*, 138-151.

⁷⁴ Wicken, *Treaties on Trial*, 203-208; Reid, “*Pax Britannica or Pax Indigena*,” 687-688.

⁷⁵ John Reid, “*Pax Britannica or Pax Indigena*,” 688.

American Revolution also demanded British concessions. In the initial years of the war, some Mi'kmaq committed themselves to the American cause.⁷⁶ So concerned were the British about Mi'kmaq opposition in the war that, in June 1778, Superintendent of Indian Affairs in Nova Scotia, Michael Francklin, penned a letter to the Colonial secretary warning that should the Mi'kmaq rise up against the British, "they will be capable of ruining the interior of the settlements of the country."⁷⁷ A Maliseet declaration of war against the British in July 1778 prompted the British to offer concessions to the Mi'kmaq, including the long-denied services of a priest and grants of land promised a decade earlier.⁷⁸ Thus, it can be argued that Mi'kmaq political autonomy was not undermined by the Treaty of Utrecht and continued to be exercised until the early years of the American Revolution.

⁷⁶For example, in July of 1776, several Mi'kmaq delegates attended a conference with American officials in Massachusetts at which they promised to "get as many" Mi'kmaq as possible to "join in the War on your side" in return for Priests and a truckhouse for trade. "Extracts from the Record of a Conference of the St. John and Micmac Indians with the Americans: July 10-17, 1776" cited in W.D. Hamilton and W.A. Spray, *Source Materials Relating to the New Brunswick Indian* (Fredericton: Hamray Books, 1977), 40-50. In the autumn of 1776 a few Mi'kmaq also demonstrated opposition to the British cause when they supported the failed Eddy Rebellion, an attempt to take the British Fort Cumberland, and as they engaged in raids against British settlers along the Miramichi river. Ernest Clarke, *The Siege of Fort Cumberland: An Episode in the American Revolution* (Montreal: McGill-Queen's University Press, 1995). Hamilton and Spray, *Source Materials*, 39.

⁷⁷"Extracts of a Letter from Michael Francklin to Lord George Germaine, 6 June 1778" cited in Hamilton and Spray, *Source Materials*, 50.

⁷⁸Hamilton and Spray, *Source Materials*, 39.

British North America, 1783-1840

Following the American Revolution, the influx of 35,000 Loyalists changed the tenor of Mi'kmaq-British relations, reducing the political autonomy that had enabled the Mi'kmaq to limit British expansionism before the 1780s. Well armed and hungry for land, the Loyalists, unlike previous settler populations, numerically overwhelmed the Mi'kmaq.⁷⁹ Desiring fertile lands with ocean and river frontage – the lands already occupied by the Mi'kmaq – the Loyalists dislocated the Mi'kmaq and challenged their control of Mi'kma'ki.⁸⁰ Mi'kmaq pacification ceased to be the object of British policy in Nova Scotia after 1783. The long desired goal of widespread settlement in Nova Scotia was realized, leaving the Mi'kmaq struggling to retain their land and resources. This development had a profound influence on Mi'kmaq politics.

The Mi'kmaq were expected to join newcomers in petitioning for land but, unlike the Loyalists who were granted deeds, the Mi'kmaq were issued licenses of occupation. As early as December 1783 the Nova Scotia government designated tracts for Mi'kmaq use and chiefs were assigned licenses of occupation for ten locations, amounting to 18,105 acres in what is now Nova Scotia. Ostensibly intended to safeguard Mi'kmaq land, these also had the desired effect of freeing large tracts for Loyalist settlement.⁸¹ On

⁷⁹John Reid argues that the tolerance and cooperation that marked Mi'kmaq-Acadian and even Mi'kmaq-Planter relations was conspicuously absent between the Mi'kmaq and Loyalists. Reid, "*Pax Britannica or Pax Indigena*," 687-688.

⁸⁰Upton, *Micmacs and Colonists*, 82.

⁸¹The identities of some of these Chiefs are unknown, but they included Chief Pemmenwick, District of Shubenacadie, Chief Tomah, "Chief of the Cape Breton Tribe of Indians", Chief Paul Chachegonourt, Chief of the Tribe of Pictou, Anthony Bernard, Chief of the Tribe of Antigonish, and Chief Erne Courtes, Chief of the Tribe

paper, Mi'kmaq land grants in Nova Scotia remained stable at approximately 20,000 acres until Confederation, but considerable Mi'kmaq land was unlawfully occupied by squatters.⁸² The arrival of the Loyalists led to the creation of the new colony of New Brunswick in 1784 and the relocation of Natives on reserves in that region. Between 1783 and 1810, approximately 100,000 acres, roughly one half of one percent of the colony's total land, had been set aside for the Mi'kmaq and Maliseet in New Brunswick. By 1838 just over 60,000 acres remained. As in Nova Scotia, colonial officials in New Brunswick criticised squatting, but these were even more hypocritical in a colony where squatting was abetted by colonial legislation which, in 1838, saw the Mi'kmaq of Kent County dispossessed of their land.⁸³ The land situation for Prince Edward Island's Mi'kmaq was no better. When, in 1767, the colony was divided into 67 lots, the Mi'kmaq received title to no land. Only thanks to a clerical error that inadvertently omitted Lennox Island from the survey and to the goodwill of a land holder did the 1,320-acre Lennox Island

Kezoushkebouqwac, 17 December 1783, NSARM, RG 1, volume 430, number 23.5. Daniel N. Paul notes that these land grants gave the Mi'kmaq access to one eighth of peninsular Nova Scotia. Paul, 173.

⁸²By 1842, Nova Scotia had 22,050 acres of officially reserved land. At Confederation, 20,730 acres were reserved in all of Nova Scotia. Richard H. Bartlett, *Indian Reserves in the Atlantic Provinces of Canada* (Saskatoon: University of Saskatchewan Native Law Centre, 1986), 10.

⁸³Upton, *Micmacs and Colonists*, 100. See also Letter of Deputy Minister of Department of Indian Affairs, to G.M. Prince, Deputy Minister, Department of Lands and Mines, 5 October 1944 in *Documents Relating to the History of the Passamaquoddy Indian Presence in Charlotte County, New Brunswick*, ed. James Wherry (Fredericton, 1981), 161, Special Collections and Archives, Harriet Irving Library, University of New Brunswick, Fredericton.

eventually become the unofficial home to PEI's landless Mi'kmaq in 1772.⁸⁴ By the mid-nineteenth century, the Mi'kmaq in all three Maritime colonies found themselves struggling to survive on small, inadequate land bases that were steadily being eroded.⁸⁵

Mi'kmaq land rights were just one casualty of growing British strength in Mi'kma'ki after 1783. American independence led to a new international boundary which cut through Wabanaki territory, "politically eviscerat[ing]" the Wabanaki Confederacy.⁸⁶ For a time following the 1783 Treaty of Paris, Wabanaki allies continued to meet, ... primarily to discuss dissatisfaction with the new international boundary. However, the Wabanaki Confederacy never regained the clout it had exercised earlier in the century.⁸⁷

British disregard for Mi'kmaq land rights was part of a more general lack of concern for their plight. London was largely content to leave Native administration to lieutenant governors and funding to colonial assemblies. Colonial officials, however, largely failed to implement and administer policies to serve Mi'kmaq needs. In 1783 Nova Scotia erected an office of Indian Superintendent, paid for by the imperial

⁸⁴Upton, *Micmacs and Colonists*, 114. A century later, in 1870, Lennox Island was purchased by the England-based Anti Slavery and Aborigines Protection Society and the land held in trust for the Mi'kmaq until it was made an reserve in 1912. Bartlett, 6-7.

⁸⁵Jennifer Reid, *Myth, Symbol and Colonial Encounter: British and Mi'kmaq in Acadia, 1700-1867* (Ottawa: University of Ottawa Press, 1993), 35. On the creation and destruction of Maritime reserves see Bartlett, as well as G.P.Gould and A.J. Semple, eds., *Our Land: The Maritimes: The Basis of the Indian Claim in the Maritime Provinces of Canada* (Fredericton: Saint Annes Point Press, 1980).

⁸⁶Prins, "The Crooked Path of Dummer's Treaty," 362-374.

⁸⁷In 1794, Wabanaki protests found some resolution when the United States and Britain signed the Jay Treaty allowing the Wabanaki, including the Mi'kmaq the freedom to hunt and travel on both sides of the border. Prins, *The Mi'kmaq*, 162-163.

government, and occupied by George Henry Monk. Monk's initial instructions spelled out his rather inauspicious duties; he was to "quiet" the Indians while their lands were being settled. Once Loyalist settlement was well underway, the Nova Scotia Indian superintendency lapsed and, in 1786 when London stopped paying Monk, the colony refused to pick up the tab.⁸⁸ In New Brunswick a few unpaid Indian Commissioners operated intermittently and with limited impact.⁸⁹ It was not until the 1830s that a Prince Edward Island government committee was struck to consider the issue of how best to aid the Mi'kmaq, and it would not be until 1856 that the Island named Indian commissioners to devise a set policy.⁹⁰

In the absence of paid officials to deal with Mi'kmaq affairs, little was done in Nova Scotia to assist the impoverished Mi'kmaq or to protect their land and aid provided the Mi'kmaq was consistently meagre. A casualty of British charges of colonial overspending, the colony became solely responsible for funding Mi'kmaq aid and local Overseers of the Poor, funded on a 50-50 basis between township and colony, were charged with providing Indian relief. An initial allotment in 1800 of £350 to fund Mi'kmaq farming was, in subsequent years, whittled away until allotment disappeared altogether.⁹¹ In 1807 threatening war with the United States briefly "rescued . . . [the Mi'kmaq] from oblivion" as colonial aid was bolstered in a bid to ensure Mi'kmaq

⁸⁸L.F.S. Upton, "Indian Policy in Colonial Nova Scotia," *Acadiensis* V, 1 (Autumn 1975), 6.

⁸⁹Upton, *Micmacs and Colonists*, 101.

⁹⁰Upton, *Micmacs and Colonists*, 115-117.

⁹¹Upton, "Indian Policy in Colonial Nova Scotia," 9-10.

loyalty. When war ended in 1815, spending on the Mi'kmaq again waned and thereafter remained low.⁹²

In New Brunswick relief for Natives was even less forthcoming. In 1812, concerns about Mi'kmaq wartime loyalty spurred the colonial government to donate provisions to the Mi'kmaq of the Miramichi. A year later £50 was put toward relief and in 1814, the Maliseet of Kingsclear secured a one-time payment of £300. Thirteen years would pass before the new Lieutenant-Governor of New Brunswick, Sir Howard Douglas, recognized that no colonial monies were being granted Natives and sought approval from Britain to offer such funds. Granted a miserly £60 by London, Douglas persuaded the colonial assembly in 1827 to allot a one-time amount of £200 for Native relief. For the next decade small and inconsistent grants were offered to Natives in the direst of straights.⁹³

In PEI it was not until 1843 that relief valued at £25 was voted in the assembly for the Mi'kmaq of that colony, even this expenditure did not become an annual allotment.⁹⁴ That same year a total of just over £8 was voted by the Island assembly for the education of Mi'kmaq children. However, as Upton notes, grants from the PEI government consistently “reflected no set policy, only the whims of individual members

⁹²For example, in 1827 the Nova Scotia Lieutenant-Governor proposed the colony increase funding to provide the Mi'kmaq farm land and equipment. Instead, the assembly voted for relief of just £250. Every year, for the next 15, annual relief allotments granted the Nova Scotia Mi'kmaq ranged between £100 and £150.

⁹³L.F.S. Upton, “Indian Affairs in Colonial New Brunswick,” *Acadiensis* III, 2(Spring 1974), 9.

⁹⁴Upton, *Micmacs and Colonists*, 116.

of the assembly.”⁹⁵

Colonial government apathy stood in contrast to benevolent organizations interested in the plight of the Mi'kmaq. Unfortunately, such benevolence did little to improve their lot. In 1787, the London-based New England Company, one such benevolent organization, initiated a program to “civilize” New Brunswick Natives through English-language schooling, apprenticeship-based vocational training and conversion to Protestantism. Funded by the Company, the administration of this education scheme was left to the colony’s leading Anglicans.⁹⁶ The original plan involving a number of schools across New Brunswick proved too ambitious and by 1791 just one school at Sussex Vale was operating. This school closed in 1826 when the New England Company withdrew its funding. The scheme’s failure hinged on Native parents’ unwillingness to enroll their children and the New England Company’s recognition that the colonial executors of the program were motivated less by humanitarian concern than a “superabundance of interest” in Company funds.⁹⁷

Government neglect mirrored a more general lack of colonial interest in, and

⁹⁵L.F.S. Upton, “Indians and Islanders: The Micmacs in Colonial Prince Edward Island,” *Acadiensis* VI, 1(Autumn, 1976), 25.

⁹⁶Judith Fingard, “The New England Company and the New Brunswick Indians, 1786-1826: A Comment on the Colonial Perversion of British Benevolence,” *Acadiensis* I, 2(Spring 1972), 29-30.

⁹⁷Fingard, 36-42. Home grown philanthropic organizations also had short lives thanks to colonial disinterest. In Nova Scotia the Protestant “Pictou Indian Civilization Society” founded in 1828 and the Nova Scotia Philanthropic Society founded in 1834 briefly offered support to the Mi'kmaq. Upton, “Indian Policy in Colonial Nova Scotia,” 16-17. On Prince Edward Island aid for the Mi'kmaq came from concerned individuals – such as philologist Thomas Irwin of Rollo Bay. However, like other philanthropists, Irwin found little support in his home colony. Upton, “Indians and Islanders,” 26-29.

awareness of, the Mi'kmaq. British settlers from the 1780s through the first decades of the nineteenth century lived lives disconnected from the Mi'kmaq.⁹⁸ One result of this colonial disinterest was an abiding ignorance of Mi'kmaq politics. In 1801, a Committee of the Nova Scotia House of Assembly was struck to ascertain the living conditions and needs of the Mi'kmaq. One question in which the committee was specifically interested was: "Who are the Indians (if any) who appear to have the most ascendancy or influence over the rest?" Colonial officials – even those most interested in Indian affairs – were clearly unaware of either the nature or the leadership of Mi'kmaq politics.⁹⁹ The vagueness of the five responses received by the committee further demonstrated a lack of understanding of Mi'kmaq politics. One respondent candidly stated that "anyone who has taken up trades" was influential among the Mi'kmaq.¹⁰⁰ Commissioner George Oxley replied that "there are not any at present in the County that I can learn that have any special sway or influence over them." Perhaps Oxley's statement was intended to convey that there was a dearth of Mi'kmaq leadership. More likely, his phrase "that I can learn," was meant to imply his own ignorance of local Mi'kmaq leadership.¹⁰¹ Only George

⁹⁸Jennifer Reid argues that "In the attempt to sustain a sense of continuity of place, British colonials imagined – and even endeavored to create – Acadia in the image of the Old World. Those human beings who inhabited the real Acadia were displaced to the peripheries of the colonial re-creationThe Mi'kmaq remained far from view." Jennifer Reid, 59, 67.

⁹⁹Circular of Special Joint Committee members, Breton, Morris, Wallace and Tonge, 23 January 1801, Nova Scotia Archives and Records Management (NSARM), RG 1, volume 430, number 48.5.

¹⁰⁰23 January 1801, NSARM, RG 1, volume 430, number. 49.

¹⁰¹Report of George Oxley, 15 July 1801, NSARM, RG 1, volume 430, number 66.

Gracie's report on the Mi'kmaq in Shelburne County specifically addressed Mi'kmaq political leadership in 1801, noting that "Capt Paul a very old man to whom they look – at present it is uncertain who will succeed him as their chief."¹⁰²

The "benign" neglect that the Mi'kmaq faced prompted them to undertake political responses. Petitioning for basic relief and land recognition became important tasks of Mi'kmaq leader and the minutes of colonial assemblies are replete with such petitions.¹⁰³ For example, in 1831, Chief Louis Benjamin Pominout, "Chief of the Tribe of Micmac Indians about two hundred of whom are encamped at Windsor, Newport, Kennetcook and Rawdon," petitioned Lieutenant General Sir Peregrine Maitland to provide food, blankets and clothes to his starving people. The petition noted that his people "[look] up to him for protection and in a manner depending on him for support."¹⁰⁴ Similarly in 1843, Chief Gabriel Anthony, "Chief of the Indians in the western part of the Province of Nova Scotia comprising the counties of Annapolis, Digby, Dartmouth, Shelburne and Queens Counties" thanked colonial officials for earlier relief and

¹⁰²George Gracie to Brenton, Wallace, Morris and Tonge, 19 March 1801, NSARM, RG 1, volume 430, number 62.

¹⁰³William Wicken notes that between 1784 and 1830 seventeen Mi'kmaq families petitioned the Nova Scotia Lieutenant Governor for land. Proportionately fewer than their non-Native neighbours, this was probably the result of the cost of the undertaking. William Wicken, "Mi'kmaq Land in Southwestern Nova Scotia, 1771-1823," in *Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800*, ed. Margaret Conrad (Fredericton: Acadiensis Press, 1991), 114.

¹⁰⁴Petition of Louis Benjamin Pominout to Lt Gen Sir Peregrine Maitland, 17 January 1831, NSARM, RG 1, volume 430, number 176.

petitioned for additional aid.¹⁰⁵

Recognizing the indifference of colonial administrators, Mi'kmaq chiefs also sent petitions higher up the chain of command, directly to the British monarch. In perhaps the most famous of these appeals, Chief Louis-Benjamin Peminuit Paul of Shubenacadie, Nova Scotia, implored Queen Victoria in 1841 not to let "Your Indian Children perish."¹⁰⁶ These petitions were reinforced by face-to-face audiences with the sovereign. In 1825, the *Halifax Journal* recorded the passage to England of Bear River's Chief Andrew Meuse travelled to England "to solicit the Government for permanent grants of land to the Indians."¹⁰⁷ On his 1825 journey he met important British philanthropists and during a second visit in 1831 he was granted an audience with the King himself. Despite this, Meuse was only modestly successful. His quest for a freehold grant failed, but 1000 acres were set aside for families to farm at Bear River.¹⁰⁸

Apart from compelling the Mi'kmaq to become active petitioners, their diminished political clout and their increasing confinement to reserves inspired other

¹⁰⁵Petition of Chief Gabriel Anthony, 16 November 1843, NSARM, RG 1, volume 431. In 1837, Chief Francis Paul requested relief as he had "nothing to feed his people." Petition of Chief Paul, 23 December 1837, NSARM, MG 15, volume 3, number 49.

¹⁰⁶Fransess G. Halpenny and Jean Hamelin, eds., *Dictionary of Canadian Biography: Volume VII, 1836 - 1850* (Toronto: University of Toronto Press, 1988), s.v. "Peminuit (Pominouet) Paul, Louis-Benjamin," by L.F.S. Upton, 685.

¹⁰⁷*The Halifax Journal*, 27 December 1824, page 3, column 3, quoted in Whitehead, *The Old Man Told Us*, 198.

¹⁰⁸Fransess G. Halpenny and Jean Hamelin, eds. *Dictionary of Canadian Biography: Volume VII, 1836 - 1850* (Toronto: University of Toronto Press, 1988), s.v. "Meuse, Andrew James," by L.F.S. Upton, 609.

political reforms in Mi'kma'ki.¹⁰⁹ After the Loyalist influx, local-level Mi'kmaq governance, once attached to mobile family units, became connected to the smaller land bases granted them by colonial authorities. The political changes wrought by reserves were not, however, immediate or constant. Throughout the nineteenth century, Mi'kmaq leaders were not strictly associated with state-designated reserves. Thus, Chief Gabriel Anthony was chief of “Indians in the western part of the Province of Nova Scotia,” and his authority encompassed “the counties of Annapolis, Digby, Dartmouth, Shelburne and Queens.”¹¹⁰

Perhaps in response to chiefs whose leadership transcended British-allotted territories, and in keeping with what was routine nineteenth-century colonial practice, British officials tried to shape Mi'kmaq politics by conferring (and revoking) their endorsement of certain Mi'kmaq leaders in an effort to achieve influence in Mi'kmaq circles and compel British-friendly decisions.¹¹¹ It is difficult to assess the impact of this

¹⁰⁹The settlement of the Mi'kmaq into communities was encouraged by colonial officials – but such settlement was also part of a deliberate Mi'kmaq tactic to accommodate the Loyalist presence. Theresa Redmond argues that at the turn of the nineteenth century the Mi'kmaq increasingly attempted European-style agriculture. Some Mi'kmaq farmers cultivated lands that were not officially set aside for them. Others, successful in petitions for land, farmed tracts allocated by colonial governments. Theresa Redmond, “‘We Cannot Work Without Food’: Nova Scotia Indian Policy and Mi'kmaq Agriculture, 1783-1867,” in *Earth, Water, Air and Fire: Studies in Canadian Ethnohistory*, ed. David T. McNab (Waterloo: Wilfred Laurier University Press, 1998), 117-118.

¹¹⁰Petition of Louis Benjamin Pominout to Lieutenant General Sir Peregrine Maitland, 1 January 1831, NSARM RG 1, volume 430, number 176. Petition of Chief Gabriel Anthony, 16 November 1843, NSARM, RG 1, volume 431.

¹¹¹There are several examples of British officials granting commissions in recognition of Mi'kmaq leaders. In 1783 Chief John Julien of Miramichi received a commission sanctioning British endorsement of his leadership. See Elizabeth Ann

policy on M'kmaq politics. At least a few Mi'kmaq leaders seem to have valued these commissions as symbols of prestige, using them as indicators of authority even after they were no longer actively leading their communities.¹¹² Moreover, that commissions were retained after the leadership role had ended suggests a certain disconnect between the prestige of commission recipients and the authority vested in chiefs by their people. In an era otherwise marked by colonial neglect and disinterest, the notion that British commissions had more than a peripheral place in Mi'kmaq politics is doubtful.

Colonial disinterest in this period meant that none of the three Maritime colonial governments interfered very much in Mi'kmaq politics.¹¹³ Mi'kmaq political autonomy is clear in the continued operation of the Grand Council, as revealed in two 1834 articles in

Hutton, "Indian Affairs in Nova Scotia, 1760-1834," ed. Harold Franklin McGee Jr., *The Native Peoples of Atlantic Canada: A History of Ethnic Interaction* (Toronto: McClelland and Stewart Limited, 1974), 72-73. Similarly, in 1814, Sir John Coape Sherbrooke granted a commission to Louis-Benjamin Pominout Chief after the "Tribe had made choice of [him]." See Sir John Coape Sherbrooke to Louis-Benjamin Pominout, 28 April 1814, parchment document 31.24, Nova Scotia Museum Collection, Halifax, quoted in *The Old Man Told Us*, 190. Chief Barnaby Julien of Red Bank also received such a commission on 20 September 1836 when he was appointed "Chief of the Micmac Indians of Miramichi and its dependencies." According to Moses Perley, this commission meant that the Mi'kmaq were "requir[ed] . . . to obey him as their Chief." Moses Henry Perley, "Extracts from Mr. Perley's Report on the Micmacs," *Reports on Indian settlements, &c* (Fredericton: J. Simpson, 1842), 3.

¹¹²Hamilton and Spray, *Source Materials*, 77.

¹¹³This was clearly the case regarding Mi'kmaq legal practice. As L.F.S. Upton argues, "the Indians remained largely apart from criminal law, an area covered by tribal codes for which they held themselves responsible." Upton, *Micmacs and Colonists*, 142. Similarly, Nova Scotia Judge T.C. Haliburton who remarked in 1823 that the Mi'kmaq "never litigate or are in any [instance] impleaded. They have a code of traditionary and customary laws among themselves." Quoted in Sidney L. Harring, *White Man's Law: Native People in Nineteenth-Century Canadian Jurisprudence* (Toronto: University of Toronto Press, 1996), 178.

the *Cape-Bretonian* newspaper. In that year, the Council met “in comparative isolation to review and act upon their shared understandings regarding missionary policies, and treaties entered into with the British colonial government.”¹¹⁴ The July 26th St. Anne’s Day celebration at Chapel Island, Cape Breton remained an important meeting place of the Grand Council and its spiritual and political work continued to be conducted without interference from colonial authorities.¹¹⁵

Responsible government and Confederation, 1840-1899

British and colonial disinterest in the plight of the Mi’kmaq persisted in the Maritimes even as Indian policy elsewhere in British North America began to change. In 1830, Indian affairs in Upper and Lower Canada was transferred from military to civilian control and Britain became interested in integrating Natives, as civilians, into colonial society. Fuelled by Natives’ decreased military significance, a humanitarian impulse and a desire for cost-cutting, colonial officials contended that Natives had to be “civilized”

¹¹⁴“Indians and their King,” *The Cape-Bretonian*, Sydney, 28 January 1834, quoted in Whitehead, *The Old Man Told Us*, 210-212.

¹¹⁵That same year the Grand Council also chose a successor to the recently deceased Grand Chief Thomas Thoma. “Indians and their King,” *The Cape-Bretonian*, Sydney, 28 January 1834, quoted in Whitehead, *The Old Man Told Us*, 210-212. Although Chapel Island hosted the Grand Council each St. Anne’s Day, the day was marked by political gatherings and celebration elsewhere in Mi’kma’ki, bringing together Mi’kmaq from different communities, reaffirming regional linkages. For example, in 1817 a French priest visiting at Chezzetcook, Nova Scotia noted that 200 Mi’kmaq gathered in celebration of the Feast of St. Anne, following prayers with dancing and singing. Vincent de Paul, *Memoir of Father Vincent* translated by A.M Pope, 1886, 17-19 quoted in Ruth Holes Whitehead, *The Old Man Told Us*, 191-192.

before they could be “amalgamated.”¹¹⁶ The same considerations existed in the Maritimes, but reforms came more slowly and in a piecemeal fashion. Although the Colonial Secretary in 1830 advised New Brunswick’s Lieutenant Governor, Howard Douglas, to develop Indian policy based on the Canadian model, his request fell on deaf ears.¹¹⁷ In contrast to the Canadas, small and isolated Maritime Native populations did not challenge the colonial social order and infrequent and insignificant colonial aid was not a financial drain. Moreover, unlike in the Canadas, land issues were settled in the Maritimes. Thus, Maritime officials saw no need to adopt the Canadian policy of “amalgamation.”¹¹⁸ For its part, Britain did not press the issue and focussed its efforts on the Canadas.

By 1840s the veil of indifference that had long characterised Maritime colonial responses to the Mi’kmaq began to lift. A handful of colonial politicians, their concern piqued by fears that the Mi’kmaq would suffer “extinction” like the Beothuk of Newfoundland, and inspired the abolitionist movement aimed at improving the lot of colonized groups around the British empire, saw it as part of their broader political reform agenda to improve colonial Indian policy. They voiced disillusionment with the *ad hoc* grants of insubstantial aid that had previously constituted colonial Indian policy. These reformers encouraged the development of an Indian policy to provide the Mi’kmaq

¹¹⁶L.F.S. Upton, “The Origins of Canadian Indian Policy,” *Journal of Canadian Studies* 8, 4(November 1973), 51-59.

¹¹⁷Upton, *Micmacs and Colonists*, 102.

¹¹⁸David T. McNab, “Herman Merivale and Colonial Office Indian Policy in the Mid-Nineteenth Century,” *Canadian Journal of Native Studies* 1, 2(1981), 278.

sufficient aid and, echoing Canadian directions, to promote their assimilation.

Meanwhile, as the colonial population expanded and land competition escalated, Natives themselves increased demands that their interests be served by the colonial government.

Thus inspired, officials pondered Maritime Indian policy and found wisdom in the decade-old Canadian policy of “civilization” and amalgamation.

The creation of administrative offices was the first step in the development of new Indian policy. In the 1840s and 1850s, offices of paid Maritime Indian Commissioners were first established.¹¹⁹ These jobs went to political reformers – Moses Perley in New Brunswick, Joseph Howe and Abraham Gesner in Nova Scotia, and Theophilus Stewart and Henry Palmer in Prince Edward Island, all men whose interest in the plight of the Mi’kmaq distinguished them from their colonial compatriots.¹²⁰ One of the first tasks of these Indian Commissioners was to investigate Mi’kmaq living conditions. In 1841 Perley visited Native settlements in his colony and a year later detailed his findings in a report. In 1843, he re-visited the Mi’kmaq in New Brunswick, as well as those of Prince

¹¹⁹McNab, “Herman Merivale,” 282. Alan MacEachern makes the important point that this reform came “with no mandate from the Micmac themselves.” MacEachern, “Theophilus Stewart and the Plight of the Micmac,” *The Island Magazine* 28(Fall/Winter 1990), 3.

¹²⁰Perley was named Indian Commissioner in 1841. In Nova Scotia, Howe held the job for 1842-44, replaced in 1847 by Gesner. Prince Edward Island eventually followed suit in 1854 when Stewart and Palmer, two Charlottetown lawyers, were appointed Indian Commissioners. Their positions were solidified two years later when the colonial government’s Indian Act gave the men the authority to manage and supervise all Mi’kmaq land on the Island. Upton, “Indian Affairs in Colonial New Brunswick,” 15; Jennifer Reid, 44; Elizabeth Haigh, “They Must Cultivate the Land: Abraham Gesner as Indian Commissioner, 1847-1853,” *Royal Nova Scotia Historical Society Journal* 3(2000), 54-68; MacEachern, 4-6.

Edward Island.¹²¹ Meanwhile, in Nova Scotia, Joseph Howe, moved by Chief Louis-Benjamin Peminuit Paul's eloquent appeal to Queen Victoria, investigated the living conditions of the Mi'kmaq and tabled a report.¹²² Howe noted that the population of the Nova Scotia Mi'kmaq had declined rapidly in recent decades. He condemned their relegation to an insufficient land base which was of poor quality and too distant from the important Halifax market. Both Perley and Howe soundly criticized the squatting eroding Mi'kmaq lands and urged that Mi'kmaq be encouraged to farm fertile land to which they had clear title and be provided schools and medical services.¹²³ In the mid-1850s Prince Edward Island's two Commissioners worked together to have farmable tracts allocated to the Mi'kmaq. One of their first tasks was to purchase ten acres near Charlottetown "with a view to test the disposition of the able-bodied Indian to habits of agricultural industry."¹²⁴

Despite the interests of these men and colonial expenditures on Mi'kmaq relief, reform zeal fell flat within a decade.¹²⁵ As early as 1844 Perley recognized that his Indian

¹²¹Francess G. Halpenny and Jean Hamelin, eds. *Dictionary of Canadian Biography: Volume IX, 1861 - 1870* (Toronto: University of Toronto Press, 1976), s.v. "Moses Henry Perley," by W.A. Spray, 628.

¹²²L.F.S. Upton, "Peminuit (Pominouet) Paul, Louis-Benjamin," 685.

¹²³Spray, "Moses Henry Perley," 628 in Francess G. Halpenny and Jean Hamelin, eds., *Dictionary of Canadian Biography Volume X* (Toronto: University of Toronto Press, 1972), s.v. "Joseph Howe," by J. Murray Beck.

¹²⁴MacEachern, 5.

¹²⁵After 1856 the PEI assembly voted annual sums ranging from £ 10 to £ 100 although amounts decreased again in the 1860s, with no funds being allocated in 1862. Upton, "Indians and Islanders," 33, 37. By the 1840s, New Brunswick was annually allotting £300, although this was still delivered in an *ad hoc* fashion. Upton, "Indian

policy reforms would be an uphill battle. That year he convinced the New Brunswick assembly to draft legislation for the “Management of the Indian Lands, and the Settlement of the Indians.” However, he and the Mi’kmaq were disappointed when a new government bill recommended that squatters be permitted to purchase, under favourable terms, the Native land on which they had settled. Even more disconcerting was the legislation’s contention that reserve lands were “wasted” and impeded settlement; land seekers argued that revenues earned through the sales could be allocated to Native relief.¹²⁶ Maritime reformers’ efforts to create agriculture-based Indian policy were in other ways thwarted. Recurrent potato blight and insufficient government support doomed many to failure. As relief costs soared, colonial officials questioned the viability of agriculture-based Indian policy and by the 1850s began to return to the apathy, parsimony and *ad hoc* grants characteristic of previous decades.¹²⁷

Affairs in Colonial New Brunswick,” 18-22. In Nova Scotia by the 1840s relief was “customary,” though inadequate. Upton, “Indian Policy in Colonial Nova Scotia,” 22.

¹²⁶Upton, *Micmacs and Colonists*, 107.

¹²⁷In Nova Scotia the replacement of Abraham Gesner with William Chearnley aptly symbolised the return to the approach prior to 1840. On being named Indian Commissioner in 1853, Chearnley asserted that the settlement of the Mi’kmaq was an exercise in futility. He insisted that the Mi’kmaq were “fast passing away” and proposed that colonial policy revolve around making their waning days more comfortable through the provision of basic necessities. Instead of increasing Mi’kmaq land allotments, Chearnley advocated that such land be sold and monies be used to fund relief. This outlook was endorsed by the colonial governments of both Nova Scotia and New Brunswick. Redmond, 120; Upton, *Micmacs and Colonists*, 94, 108. London’s colonial office also took little interest. In the mid-nineteenth century when Baptist missionary Silas Rand, writing on behalf of the Mi’kmaq, forwarded a petition to Downing Street, officials declared it to be inauthentic because it was written in English, and returned the request to Nova Scotia colonial officials who did nothing. Upton, “Indian Policy in Colonial Nova Scotia” 24, fn. 106.

The reform goals of humanitarian politicians were also undermined by other political developments, most notably the transition to responsible government. First, energies were diverted away from Indian policy to the issue of responsible government. As ethnohistorian David McNab notes, in the 1840s, New Brunswick Governor Edmund Head, who originally backed Perley's 1844 Indian Act, found his attention deflected from Mi'kmaq issues by the issue of responsible government.¹²⁸ Second, once responsible government was achieved, colonial policy was generated by majoritarian concerns. This perhaps explains why such a small group of politicians pursued Indian policy reform in the 1840s and why, ultimately, the movement waned.

Although humanitarian reformers supported their involvement, the Mi'kmaq were little able to influence colonial politics.¹²⁹ Although it was rare, by the mid-nineteenth century a few Mi'kmaq were participating in colonial electoral contests.¹³⁰ However, their

¹²⁸David T. McNab, "Herman Merivale," 284.

¹²⁹For example, although nothing came of it, there had indeed been debate in the Nova Scotia Assembly in 1842 about the possibility of formally extending the vote to the Mi'kmaq as way of arming the Mi'kmaq in the protection of their land. Upton, "Indian Affairs in Colonial New Brunswick," 27.

¹³⁰For example, in the 1840 election in Richmond County, Nova Scotia, Mi'kmaq voters cast ballots in what was clearly a close battle, the victor being returned by just six votes. John Garner, *The Franchise and Politics in British North America, 1755-1867* (Toronto: University of Toronto Press, 1969), 160-161. As was the case with women, Mi'kmaq voting might have corresponded with the most hotly contested seats. If the voting patterns of women serve as any guide, other instances of Mi'kmaq voting probably occurred but went unrecorded. This seems a reasonable hypothesis in light of the fact that women in Nova Scotia appear to have voted on at least a few occasions before being disenfranchised. Women reportedly voted in 1806 in Amherst Township and in 1840 in Annapolis County. Garner, 156. Similarly women in New Brunswick also voted before being disenfranchised. See Kim Klein, "'A Petticoat Polity'? Women Voters in New Brunswick Before Confederation," *Acadiensis*, XXVI, 1(Autumn 1996), 71-75.

ability to participate in colonial politics deteriorated with the adoption of responsible government, a trend mirroring the mid-nineteenth century political experience of women. With “democratized” politics, the Mi’kmaq, like women, were formally and in practice, denied the franchise.¹³¹ In New Brunswick and Prince Edward Island, where the franchise was contingent upon property ownership, the Mi’kmaq were barred from voting by virtue of their communal land-holding. In Nova Scotia in 1854 legislation specifically revoked the Mi’kmaq franchise – not coincidentally, the same year as universal manhood suffrage was enacted.¹³² When, in 1863, universal manhood suffrage was revoked in Nova Scotia, the Mi’kmaq were no longer explicitly prohibited from voting but a law passed that year withheld the vote from anyone who received “aid as a poor person from any public grant of government money,” effectively disenfranchising the impoverished Mi’kmaq.¹³³

Although largely shut out of mid-century colonial politics, Mi’kmaq political practices were still influenced by larger colonial developments. The post-1840s era increasingly saw the Mi’kmaq name leaders in the fashion of non-Native communities, using formal elections. The extent to which such elections were part of pre-Confederation Mi’kmaq political practice is not clear. As early as the 1840s New Brunswick’s Moses Perley recognized that elections were popular among the Mi’kmaq of his colony. In 1843

¹³¹Women were disenfranchised in Prince Edward Island in 1836, in New Brunswick in 1843 and in Nova Scotia in 1851. Garner, 155.

¹³²Garner, 160. In 1866 Native people in British Columbia were also specifically disenfranchised. The fact that Nova Scotia moved to deliberately bar Mi’kmaq participation from colonial politics suggests that enough Mi’kmaq were engaged in this process so as to make a law necessary.

¹³³Upton, *Micmacs and Colonists*, 152.

he explained that Mi'kmaq chiefs were not appointed for life but were "elected annually on St. Anne's Day, 26 July, when they always assemble."¹³⁴ These elections owed themselves, in part, to the encouragement of the Catholic priests who lived and worked among the Mi'kmaq, and who, not unlike missionaries of past eras, intervened in Mi'kmaq politics. Thus in 1861, an election held by the Mi'kmaq at Burnt Church was presided over by three Catholic clerics.¹³⁵

Despite the external influences that encouraged the naming of chiefs by election, it is also apparent that elections held before 1899 were also born of Mi'kmaq volition (or at least were not imposed on the Mi'kmaq as they would be with the 1899 introduction of the triennial system). In 1849, Silas Rand, a Protestant missionary to the Mi'kmaq of Nova Scotia and New Brunswick, suggested that elections were the domain of the Mi'kmaq themselves. He explained that "the Indians assemble on such occasions to give their votes, and any who know any just cause why the candidate should not be elected, is at liberty to state it."¹³⁶ That same year, Nova Scotia Indian Commissioner Abraham Gesner noted in his annual report that at Bear River, Nova Scotia, "a dispute arose from

¹³⁴M.H. Perley to W.F. Odell, Provincial Secretary, 2 October 1843, PANB, Rex/Px, Vol. 40, Indians, 7-9 quoted in Hamilton and Spray, *Source Materials*, 79.

¹³⁵These included James Rogers, the Bishop of Chatham, the Very Rev Michael Egan, VG, and priest Dougald S, McDonald. James Rogers, Bishop of Chatham, 5 August 1861, "Election of Thomas Gonish" quoted in Hamilton and Spray, *Source Materials*, 79.

¹³⁶Silas T. Rand, *A Short Statement of the Facts Relating to The History, Manners, Customs, Language, and Literature of the Micmac Tribe of Indians in Nova-Scotia and P.E. Island Being the Substance of Two Lectures delivered in Halifax in November 1849, at Public Meetings held for the Purpose of instituting a Mission to that Tribe* (Halifax, James Bowes & Son, 1850), 14, 44.

the election of a Chief.” Gesner did not, however, intervene, indicating instead that the dispute had “been amicably disposed of.”¹³⁷ At the same time, in 1842 Commissioner Andrew Henderson informed Joseph Howe of a recent “shake-up” in leadership at Bear River, explaining:

From recent information it would appear that Charles Cloud is not the Chief regularly recognised by the Tribe. Some five or six years since Jim Meuse was displaced for irregular conduct, and Jack Glode elected in his place. But Jack not having much relish for government, resigned his authority to his brother Charles. This was done without the consent of the people and consequently, Jack who is much respected by his Tribe is still considered their rightful Chief.¹³⁸

Henderson’s comments are revealing. They not only indicate his distance from the process – his knowledge of Bear River’s political affairs was clearly gained after the fact – they also reveal that the Mi’kmaq, not colonial officials, were the arbiters of their own political disputes, a practice accepted by colonial officials. As one Indian Commissioner noted in 1845, he was loathe to interfere in Mi’kmaq political matters for, as he phrased it, the “sons of the forest . . . are naturally jealous of what they conceive to be any undue interference on the part of their more civilised neighbours, with their own private concerns.”¹³⁹ Finally and most importantly, Henderson’s observation reveals the

¹³⁷Nova Scotia. House of Assembly. *Journal and Proceedings of the House of Assembly of Nova Scotia*, 1849, Report of A. Gesner, Commissioner of Indian Affairs, Appendix 36, 8 February 1849, 337.

¹³⁸Andrew Henderson to Joseph Howe, NSARM, RG 1, volume 432, number 117, 120.

¹³⁹Report of William Fraser, Antigonish, 15 February 1845, NSARM, RG 1, volume 431, unnumbered. See also Nova Scotia. House of Assembly. *Journal of the House of Assembly of Nova Scotia*, “Report of the Committee of Indian Commissioners,” Appendix 60, 17 March 1845, 188.

significant manner in which European style electoral politics coexisted with an older Mi'kmaq political practice featuring family based leadership.

It is important to note that although some communities chose leaders using elections in the mid- and late-nineteenth century, pre-existing Mi'kmaq political customs and values were not undermined. St. Anne's Day, for example, remained important, and across Mi'kma'ki, the Mi'kmaq continued to gather to celebrate their patron saint and conduct business each July 26.¹⁴⁰ St. Anne's Day's connection with Grand Council activities was particularly important. The Council continued to meet after the 1840s. In 1854, for example, the annual meeting of the Council was the venue from which the Mi'kmaq sent a petition to the Nova Scotia Lieutenant Governor asking the "Government of the province . . . [to] . . . take measures to secure them all the lands reserved for their use in Cape Breton."¹⁴¹ The Grand Council not only continued to function autonomously, bringing together Nova Scotia Mi'kmaq, it apparently attracted Natives from further afield. According to missionary Silas Rand, representatives of "ten different tribes, extending from Cape Breton to Western Canada, send their delegates [to the St Anne's Day festival], and they seem to consider the affair as important as it ever was."¹⁴²

Ironically, the adoption of elections also promoted political continuity in Mi'kma'ki. Even if, as Moses Perley suggested, "the post of Chief is not for life, but from

¹⁴⁰Prins, *The Mi'kmaq*, 172.

¹⁴¹Nova Scotia. House of Assembly. *Journal of the House of Assembly of Nova Scotia*, 1860, Petition of Micmac, "Signed on behalf of the Micmacs of Cape Breton, by Frances Thomas, Their Chief," Appendix-Indian, 29 July 1859, 327-328.

¹⁴²Rand, 44.

year to year only,” this did not necessarily result in deviation from the older practice of naming long-term chiefs.¹⁴³ As they would be in subsequent decades, Mi’kmaq leaders reelected in successive elections provided continuity of leadership not entirely dissimilar from older political practice. Moreover, evidence suggests that “life chiefs” remained part of Mi’kmaq politics in the middle of the nineteenth century. Whether these were literally so-named according to Mi’kmaq political practice or whether they were elected repeatedly is a moot point as in either case the outcome was the same; a Mi’kmaq leader tended to lead his people until he died. Colonial records frequently referenced chiefs who were notably very old and who had long held their positions. For example, in 1849 Nova Scotia Indian Commissioner Abraham Gesner remarked that Francis Paul of Bear River “has grown aged and infirm, and although he required a little aid, he is useful in affording wise council to his people.”¹⁴⁴

With Confederation of New Brunswick and Nova Scotia in 1867 and Prince Edward Island in 1873, control of Indian Affairs was transferred to a federal department rooted in an assimilative mandate first expounded in the Canadas in the 1830s.¹⁴⁵ For the Mi’kmaq, this meant that they, like all Canadian Natives, now had to relate concerns to a distant bureaucracy in Ottawa. This distance impeded effective communication, as did the

¹⁴³M.H. Perley to W.F. Odell, Provincial Secretary 2 October 1843, PANB, Rex/Px, Vol. 40, Indians, 7-9 quoted in Hamilton and Spray, *Source Materials*, 79.

¹⁴⁴Nova Scotia. House of Assembly. *Journal and Proceedings of the House of Assembly of Nova Scotia*, 1849, Report of A. Gesner, Commissioner for Indian Affairs, Appendix 36, 8 February 1849, 338.

¹⁴⁵Native peoples were not consulted in the hand-over. Gould and Semple, 73.

fact the Indian Affairs department was shuttled about in the federal administration.¹⁴⁶

In other respects, however, Confederation had little immediate impact on the Mi'kmaq, a people long accustomed to dealing with disinterested officials. Despite its stated intentions to revamp eastern Indian administration, federal officials got off to a shaky start. Ottawa inherited a disorganized, underfunded Maritime Indian Affairs programme.¹⁴⁷ As very few colonial reports had ever been made, federal officials were forced to begin at square one with a fact-finding mission into the state of Maritime Native communities. This was a daunting task approached with little enthusiasm.¹⁴⁸ For the Mi'kmaq, this added up to a federal administration whose policies were, at least by virtue of their absence, similar to those of earlier colonial administrations. Although the federal government claimed to be interested in the prospect of "civilizing" and educating Natives and making them into farmers, for five years after Confederation, the structure and direction of Maritime Indian affairs remained unchanged. Indeed, Samuel Fairbanks, the last colonial Indian Commissioner in New Brunswick who stayed on as a federal Agent, "found himself pleading for a policy."¹⁴⁹ This federal neglect concerned Joseph Howe, Canada's first federal Commissioner of Indian Affairs. In his inaugural report of 1870,

¹⁴⁶From 1868 until 1873 Indian Affairs was controlled by the Indian Branch of the Department of the Secretary of State for the Provinces. From 1874 until 1879, Indian Affairs was a Branch of the Department of the Interior. Only in 1880 did Indian Affairs become its own federal department.

¹⁴⁷Gould and Semple, 70.

¹⁴⁸Paul, 203.

¹⁴⁹Upton, "Indian Affairs in Colonial New Brunswick," 30.

Howe wrote: "I am in hopes that during the current year something like an approach to the Canadian system may be introduced in Nova Scotia and New Brunswick." In his farewell report two years later, a disappointed Howe lamented that compared to Ontario and Quebec "much less has been done" in the Maritimes.¹⁵⁰

It was not until 1872 that some Indian Affairs administrative changes were made in the Maritimes. That year, New Brunswick's agency system was divided into two, and was staffed with a paid Superintendent "required to give security for proper performance of duty,"¹⁵¹ while Nova Scotia was divided into seven agencies, each headed by a federal agent.¹⁵² Thereafter, the number of mainland Nova Scotian agencies expanded; by 1886 sixteen part-time agents were at work in the province.¹⁵³ Agency-building aside, however, little else changed. Maritime Indian Affairs administration remained largely confined to providing scant relief and vain attempts to stop trespass on Native land. The reports of

¹⁵⁰Report of the Indian Branch of the Department of the Secretary of State for the Provinces, Report of Indian Commissioner Howe, 1870, *SP* 4, 5(1871), 1. Report of the Indian Branch of the Department of the Secretary of State for the Provinces, Report of Indian Commissioner Howe, 30 June 1872, *SP* 5, 7(1873).

¹⁵¹Deputy Superintendent William Spragge noted that "the local supervision having in times past been committed to the hands of no less than fourteen Commissioners and Agents" had not been "susceptible of advantageous results to the Indians." Annual Report of the Department of the Secretary of State for the Provinces, Report of William Spragge, Annexed to the Report of the Indian Affairs, 25 April 1872, *SP* 5, 7(1873), 37.

¹⁵²Annual Report of the Department of the Secretary of State for the Provinces, Report of William Spragge, Annexed to the Report of the Indian Affairs, 25 April 1872, *SP* 5, 7(1873), 37.

¹⁵³In 1878, two more agents were hired and in 1886 an additional seven were appointed. Leighton, 268. Because Nova Scotia agents were the only ones in the nation to work part-time, their ability to effect change in Mi'kmaq communities was uniquely undermined from the outset. Leighton, 264.

Superintendent General Lawrence Vankoughnet underscore Ottawa's lackadaisical efforts in the region. In 1875 he reported: "There is little or nothing to record in relation to Indian matters in the Province of Quebec, or in the Maritime Provinces." The following year he wrote that "There is but little of special interest to mention this year in connection with Indian Affairs in [Nova Scotia]" and "nothing of special interest to note in connection with the small band of Indians" on Prince Edward Island.¹⁵⁴ Although Ottawa espoused the importance of advancing Native "civilization" through schooling, federally-funded education remained almost non-existent in the Maritimes.¹⁵⁵ Ultimately, Ottawa failed to effectively recreate Ontario-style policy in the Maritimes.

The laxity of federally-controlled Indian Affairs administration in the Maritimes in the years following Confederation is underscored by the inconsistency with which Nova Scotia agents filed reports. In 1874, three of Nova Scotia's seven agencies failed to file reports, and each year for the next several, at least two agencies failed to complete

¹⁵⁴Report of the Deputy Superintendent-General of Indian Affairs, 31 December 1875, *SP* 9, 7(1876), 6; Report of the Deputy Superintendent-General of Indian Affairs, 31 December 1876, *SP* 10, 7(1877), 9-10.

¹⁵⁵Three federally-funded schools were established on Cape Breton in 1871 but they were short-lived. In 1871 New Brunswick had just two schools in operation. Six years later, these were closed. Report of the Secretary of State for Canada, 1870, *SP*, 4, 5(1871), 27; Report of Deputy Superintendent-General of Indian Affairs, *SP* 10, 7(1877), 10; Report of Deputy Superintendent-General of Indian Affairs, 31 December 1878, *SP*, 12, 6(1879). Lennox Island was the sole Mi'kmaq community with a federal school consistently in operation from 1867. A school was established that year when the Island assembly voted funds for the creation of a non-denominational school became a federal responsibility in 1873. Upton, "Indians and Islanders," 37-38. Report of T. Stewart, Visiting Superintendent of Indians, Annual Report of the Department of Indian Affairs for the Year Ended 30th June, 1874, *SP* 8, 7(1875), 52.

this task.¹⁵⁶ This situation worsened at the end of that decade. In 1878, seven of Nova Scotia's thirteen agencies did not file reports, and the following year, six failed to do so. Although Deputy Superintendent-General Lawrence Vankoughnet admitted these circumstances were "much to be regretted," Ottawa took no remedial action.¹⁵⁷ Historian Douglas Leighton blames federal inattention on the relative poverty of Native peoples in the Maritimes. The effectiveness of the federal Indian Department, he contends, depended on the wealth of its clients and the Mi'kmaq simply did not have the same resources as Ontario Natives. Even more importantly, the incorporation of the Hudson's Bay Company territory, with its relatively large Native population, into Confederation in 1869 absorbed departmental attention. For this array of reasons, the adoption of the Canadian system into the Maritimes after Confederation did not bring with it the intended benefits for the Mi'kmaq.¹⁵⁸

Although the federal government's persistent neglect perpetuated hardship in Mi'kma'ki, Ottawa's failure to install an effective Indian Affairs programme also meant that the state was limited in its ability to interfere with Mi'kmaq political life. Appointed

¹⁵⁶Report of the Deputy Superintendent-General of Indian Affairs, 28 January 1875, *SP* 8, 7(1875), 44-47; Report of the Deputy Superintendent-General of Indian Affairs, 31 December 1875; Report of the Deputy Superintendent-General of Indian Affairs, *SP* 10(1877), 31 December 1876; Report of the Deputy Superintendent-General of Indian Affairs, 31 December 1877, *SP* 11, 8(1878).

¹⁵⁷Report of the Deputy Superintendent-General, 31 December 1878, *SP*, 12, 6(1879), 3. Report of the Deputy Superintendent-General, 31 December 1879, *SP* 13, 3(1880), 9.

¹⁵⁸J. Douglas Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890" (PhD diss., University of Western Ontario, 1975), 265.

Indian agents did not displace chiefs. Indeed, agents relied on chiefs in conducting day-to-day work. For example, in 1875, Agent William Chisholm of Antigonish informed Ottawa that the chief and leading men in his agency “render me . . . material aid in apportioning . . . monies.”¹⁵⁹ Cape Breton Agent Alex McGillvery made a similar comment about relief, noting that. “I find it necessary to dispose of the monies sent by the Department through the agency of the Chief— their recognized and venerable head and leader.”¹⁶⁰

The political autonomy of the Mi’kmaq (and federal acceptance of it) was illustrated in other ways as well. On 13 November 1891, Pictou County Agent Roderick Macdonald informed Ottawa that as the elderly Chief Paul Paul had died the spring before, the agency “awaited instructions” for electing a new chief.¹⁶¹ Vankoughnet replied that “there would be no objection to the election” so long as the election followed pre-existing leadership selection practices, “the mode of appointment to Chiefships in vogue in the Band.” He did, however, add that if election was the chosen method of naming a new chief, “electors should consist of the male members of the Band of 21 years and

¹⁵⁹William Chisholm, Agent, to Minister of the Interior, 12 December 1875, LAC, RG 10, volume 1978, file 5948.

¹⁶⁰Report of Cape Breton Agent, Alex. F. McGillvery, 22 November 1875, LAC, RG 10, volume 1971, file 5492. A year later McGillvery explained to officials in Ottawa that “the old and infirm are occasionally provided for by the Chief, with whom I settle from time to time.” Alex. F. McGillvery to DIA, 24 October 1876, LAC, RG 10, volume 1995, file 6881.

¹⁶¹Roderick MacDonald to Superintendent General, 13 November 1891, LAC, RG 10, volume 1979, file 6024.

more.”¹⁶² When this election was finally held at Chapel Island on St Anne’s Day in 1892, Agent MacDonald reported that in keeping with Mi’kmaq custom the “new Chief is Noel Paul, a near relative of the late chief. The Paul family have held the crown with few interruptions for many years.” MacDonald elaborated on how Mi’kmaq custom influenced the selection, explaining that “For the first three years the newly elected chief is only on trial, and if at the end of that time he proves himself worthy, he is confirmed in office for life chief.”¹⁶³

During this post-Confederation nineteenth century period, Mi’kmaq politics also featured regional political collaboration. This is suggested by events of 1883. That summer, when Antigonish county’s Christopher Prosper, “who had been chief of the Indians of this district for more than twelve years” died, chiefs from across Nova Scotia assembled to mark his passing. Not only does this suggest the regional interaction of Mi’kmaq chiefs, it is also noteworthy that neither Agent Chisholm nor any other federal official intervened. Without interference, the Mi’kmaq “formally elected as their new Chief Peter Ben, a young man, supposed to be possessed of more than ordinary

¹⁶²Vankoughnet to R. MacDonald, 20 November 1891, LAC, RG 10, volume 1979, file 6024.

¹⁶³Report of Roderick MacDonald, 1 September 1892, *SP*, 26, 9(1893), 42. In years after Confederation, St. Anne’s Day also remained the day upon which Mi’kmaq chiefs across Mi’kma’ki were selected. Prins, *The Mi’kmaq*, 172. In August of 1892, Antigonish Agent Chisholm reported that Mi’kmaq in his jurisdiction voted for a new chiefs on the previous 26 July. Report of William Chisholm, 13 August 1892, *SP* 26, 9(1893), 43.

administrative abilities, and who is nearly related to the late Chief Prosper.”¹⁶⁴

Another indicator of Mi’kmaq regional political collaboration, the Grand Council, also continued to operate autonomously after Confederation. More than that, it had Ottawa’s blessing. When, in 1877, Vankoughnet toured the Maritimes he was so impressed with the Grand Council and Grand Chief John Denny that he devoted a considerable portion of his annual report to the Mi’kmaq institution, describing in some detail the council and its work:

The Grand Chief, John Denny, is a man of most excellent character and intelligence. He has two subordinate Chiefs, called “Captains” on each Reserve, and it is essential to their retention of office that they be honest and sober. On Chapel Island, in the County of Cape Breton, councils are held twice a year by the Grand Chief and his Captains, whereat matters affecting the different Bands and Reserves are discussed.¹⁶⁵

Vankoughnet, the head of federal Indian Affairs, had no interest in challenging the ongoing authority and status claimed by the Grand Council.

Vankoughnet was not alone in acknowledging the Grand Chief and Grand Council’s work and ongoing significance. Echoing Silas Rand’s observations of two decades earlier, Pictou’s Agent Roderick MacDonald noted in 1881 that Grand Chiefs held an office “well-defined by tradition” and were denoted by their “ insignia of office[,] . . . a medal” which was “the symbol of power, first bestowed by Louis XIV of France, in token of his royal approbation.” This leader also had much influence. MacDonald wrote

¹⁶⁴Report of William Chisholm, Antigonish, 25 September 1883, *SP*, 17, 3(1884), 40-41.

¹⁶⁵Report of Deputy Superintendent-General of Indian Affairs, 31 December 1877, *SP* 11, 8(1878), 12.

that “Any unfortunate individual whose misdemeanours amount to a vulgar crime . . . is sternly admonished by the chief and obliged to pronounce, in the presence of his peers, his stout purpose of amendment. This promise is always accepted, and – experience proves that it rarely lacks of performance – he is restored to his former status in the band . . . The authority of the Chief is respected to a degree that is simply astonishing.”¹⁶⁶

Although Agent MacDonald’s 1881 report suggests that the Grand Council drew from its heritage and shows that it continued to operate outside of federal control, it also records recent changes to the institution. He noted that “Until about thirty years ago the [Grand] Chief was elected annually.” However, since then, the “incumbent,” though still named through via election, is “chosen for life.” Only on death was the medal transferred to the Grand Chief’s successor “who may have received a majority of votes.”¹⁶⁷ This intriguing comment raises interesting questions. MacDonald explains that the switch from annual elections to life-time terms of office was made at “the request of the Bishop of Arichat.”¹⁶⁸ Clergy involvement in Mi’kmaq politics certainly had post-encounter antecedents, but the question of why the Bishop favoured such change remains unanswered. Did he have a special affinity for the Grand Chief elected three decades earlier? Perhaps his urging reflected Mi’kmaq wishes? Having used annual elections for a time, perhaps he saw value in a return to a system that allowed Grand Chiefs to be named for life. Whatever the case, the Grand Council of the mid- to late- nineteenth century was

¹⁶⁶Report of R. MacDonald, 28 July 1881, *SP*, 15, 5(1882), 29-30.

¹⁶⁷Report of R. MacDonald, 28 July 1881, *SP*, 15, 5(1882), 29-30.

¹⁶⁸Report of R. MacDonald, 28 July 1881, *SP*, 15, 5(1882), 29-30.

one complexly steeped both in tradition and influenced by recent changes.

The report of another agent five years later offers further insight into the Grand Council's change and persistence. In 1886, Agent John McDougall of Richmond County, suggested that the 1886 election of Grand Chief John Denny bore evidence of federal Indian policy. McDougall reported "John Dinny [sic,] son of the late chief of Cape Breton Indians, was elected grand chief of the Cape Breton Indians . . . according to the provisions of the Indian Act."¹⁶⁹ It is unclear which regulations McDougall meant. By 1886 there were two electoral options on the books in Ottawa – election according to the Indian Act, or election for two years as spelled out by the 1886 Indian Advancement Act. Neither demanded the Grand Council's compliance. And so, why the Grand Chief was chosen through an Indian Act election is unclear. Possibly, the Mi'kmaq believed that the choosing of their Grand Chief in this manner would raise his esteem before federal eyes. Perhaps MacDougall merely equated an election with the Indian Act. Whatever the case, the election of the Grand Chief offers further evidence of the adaptability of the Grand Council. At the same time, MacDougall's report makes clear that tradition also guided the Grand Council – the deceased chief had held his position for life and his successor was named on St. Anne's day, the custom for nearly two centuries. Like other aspects of Mi'kmaq politics, the Grand Council, though influenced by changes in Mi'kma'ki, remained grounded in political traditions distinct from those of Euro-Canada.

¹⁶⁹Report of John McDougall, 13 October 1887, *SP*, 21, 13(1888), 45.

Conclusion

The story of Mi'kmaq politics from the early- and pre-encounter era through the periods of French and British hegemony and into the post-Confederation era is one of adaptation and change. Reflecting a process identified in Sidney Haring's study of Creek legal practice, Mi'kmaq political customs were derived "from their traditional ways, reflecting a century of innovation and social change, but [they] are nevertheless distinct."¹⁷⁰ Mi'kmaq political traditions were never static; they were altered in response to changing environmental, political, social and economic conditions. New traditions – the naming of leaders according to European terms, the securing of European sanction of office, the incorporation of Christian undertones in the Grand Council, the affiliation of leaders with reserves, and the adoption (in some instances) of elections – were all features of these three-hundred years. And yet, continuity also marked these three centuries. Leaders continued to be chosen according to methods favoured by the Mi'kmaq, the Grand Council continued to operate, and many leaders continued to serve for life. Before 1899, colonial and Canadian administrators were little interested in fundamentally reordering Mi'kmaq politics. This would change in 1899, when the implementation of triennial elections increased pressure on the Mi'kmaq to reform their political practices to accommodate Euro-Canadian models.

¹⁷⁰Haring, 292. Haring also argues that "Nineteenth-century Indian tribes had a distinct legal culture which, though it changed continually, was distinct from non-Indian legal culture and deeply held in the hearts of Indian people – so deeply held, in fact, that this legal culture was retained in the face of US imperialism, creating a foundation for a pluralist legal system in the United States today." Sidney L. Haring, *Crow Dog's Case: American Indian Sovereignty, Tribal Law, and United States Law in the Nineteenth Century* (New York: Cambridge University Press, 1994), 24.

Chapter 3: “To do away with the Tribal system”: The Origins of the Band Council System

Introduction

The 1899 federal electoral policy aimed at dictating the form and scope of the politics of Native people in Quebec and the Maritimes did not emerge in a vacuum; it had its roots in almost four centuries of political interaction and exchange between Natives and Europeans. The 1899 effort of the federal Department of Indian Affairs (DIA) to replace Native political practice with Euro-Canadian political customs can most directly be traced to Indian policies of the colonial Canadas and to early post-Confederation initiatives. The overarching aim of these policies was the assimilation of Native people into the Euro-Canadian mainstream and the reshaping of Native political forms and ideals was one of many means to this end. This chapter identifies the origins and rationale behind the series of laws that preceded and led to the 1899 electoral legislation. Although this policy-centred approach does little to explain the “real” impact of band elections upon Mi’kmaq communities, it serves a number of important functions. It reveals the ethnocentric ideals and assumptions that motivated policy makers and pinpoints contradictions inherent in Indian policy. Moreover, recognition of the goals and expectations of federal electoral policy is important as it demonstrates what was not realized in the process of its application. Perhaps most importantly, this chapter exposes

the roots of the very real and pervasive power that DIA officials could wield *vis a vis* Mi'kmaq politics. That Mi'kmaq communities did not universally yield to federal efforts to dictate the form and function of their politics attests to the remarkable, often understated, influences that local conditions and Native practices had upon the implementation of federal electoral legislation.

European encounter and Aboriginal political change

In recent decades scholars have acknowledged that sociopolitical change and adaptation characterized Native societies before and after their encounter with Europeans. American historian Raymond Fogelson has claimed that at all times “native political structures tended to be fluid and forever adapting to new contingencies” – as chapter two demonstrates, this was certainly the case in Mi'kma'ki.¹ Beginning with the arrival of Europeans in the fifteenth and sixteenth centuries, Native politics across North America faced new influences and challenges as Europeans both inadvertently and purposefully attempted to impose on Natives new leadership requirements and structures and as Natives themselves adapted to new political processes in order to accommodate changing circumstances. Although time, place, the historical actors and the specific details of this scenario varied, Natives across North America saw their political forms and ideals

¹Raymond D. Fogelson, “The Context of American Indian Political History,” *The Struggle for Political Autonomy: Papers and Comments from the Second Newberry Library Conference On Themes in American Indian History* (Chicago: D'Arcy McNickle Center for the History of the American Indian, 1989), 12.

challenged and, in some ways changed, by Europeans.² This process was in part the product of a consistent European expectation that both they and Natives would benefit from the installation of European style politics in Native North America.

When Europeans first came to North America they were committed to their own hierarchical and stratified political ideals and practices – ideals and practices they believed “could be directly applied, with little or no loss in translation, to native understandings of governance.”³ Initially believing Natives to be without governance, sustained encounter showed Europeans they were wrong. However, this realization did not mean that European newcomers understood, respected or were willing to accommodate Natives’ political ideals, structures and practices. With unwavering consistency Europeans insisted (with varying degrees of conviction and success) that European political thought and practice become the template of North American political dealings.

As long as missions, the fur trade and military concerns were the essence of Native-European relations in North America, Europeans tried to influence Native politics by bestowing upon select Native leaders certain honours and symbols of prestige. As chapter two shows, recognition of these men included accoutrements of office such as

²Raymond Fogelson suggests that two variables influenced the degree to which Native groups altered their political structures as the result of dealings with Europeans: first, the nature of particular Native social systems and their internal dynamics, and second, the nature and objectives of sectors of European societies. Fogelson, “The Context of American Indian Political History,” 8-9.

³Fogelson, “The Context of American Indian Political History,” 8.

medals and coats and, more significantly, military alliances and trade preferences.⁴ With these favours, Europeans earmarked certain chiefs, such as Mi'kmaq Grand Chief Membertou, as leaders whose association with Europeans could benefit Native trade and military interests. Leaders so privileged had their esteem boosted in their communities⁵ and Europeans hoped that such favouritism would encourage widespread Native support of Europeans' mission, trade and military undertakings in North America .

By the early 1800s, the tenor of Native-European relations had changed in British North America. To a large extent, the end of the War of 1812 put to rest centuries-old British fears of losing British North America to another nation. Native Americans, both

⁴The political practices introduced by Europeans were patriarchal in that they conferred political authority solely upon men. This stands in contrast to some Native political traditions, such as those of the Iroquois who, to some extent at least, accepted female participation in political matters. Elisabeth Tooker, "Women in Iroquois Society," *Iroquois Women: An Anthology* ed. W.G. Spittal (Ohsweken, ON: Iroquois Publishing And Craft Supply, 1990), 199-216.

⁵Adrian Tanner, "Introduction: Canadian Indians and the Politics of Dependency," *The Politics of Indianness: Case Studies of Native Ethnopolitics in Canada*, ed. Adrian Tanner, Social and Economic Papers, No. 12 (St. John's: Institute of Social and Economic Research, Memorial University, 1983), 15. Also, William Wicken, *Mi'kmaq Treaties on Trial: History, Land and Donald Marshall Jr.* (Toronto: University of Toronto Press, 2002). For a discussion of the impact of the fur trade upon Native politics, see Peter Carstens, "Leaders, Followers, and Supporters: The Okanagan Experience," *Anthropologica* 29, 1(1987), 7-19. Carstens suggests that the fur trade brought leadership changes to Okanagan society such as "the Double Chief" – a chief whose role as a political leader to his own people and as a economic partner to European fur interests made his leadership "two dimensional." Carstens, "Leaders, Followers and Supporters," 9. In her study of nineteenth century "trading post chiefs" Lise Hansen notes the importance of the trade preferences afforded leaders affiliated with trading posts. She argues that the limited authority of these chiefs' rested primarily in their ability to procure trade goods. Outside trade posts, they had no authority. Lise Hansen, "Chiefs and Principal Man: A Question of Leadership in Treaty Negotiations," *Anthropologica* 29, 1(1987), 44.

those who had defended British interests and those who, like the Mi'kmaq, had for many decades posed a persistent threat to British hegemony, found their military significance plummeting in this new era of North American peace. At the same time, the fur trade that had so buoyed Native economies and had made them valued trade partners, was also in ruins in eastern North America by the early 1800s.⁶ Given these circumstances, Natives were in a precarious position as British priorities in North America shifted. No longer valued military and trade allies, the settlement-minded British came to view Natives as a powerless civilian population to be subdued and divested of land. The diminished military and economic clout of Natives in North America inspired new levels of British interference in Natives' lives generally, and in their politics specifically. The assimilation of Natives into the emerging British social order became the goal of nineteenth century British Indian policy and one means to this end was to undermine distinct Native political practice and replace it with that of the British.

The transfer of the British North America Imperial Indian Department from military to civilian control in 1830 symbolised the fact that Natives in British North America had ceased to be subjects of diplomatic and military significance. They were now regarded as social and economic problems – and expensive ones at that.⁷ Indeed, this administrative reorganization was very much connected to fiscal concerns. For, if Indian

⁶ J.R. Miller, *Lethal Legacy: Current Native Controversies in Canada* (Toronto: McClelland & Stewart Ltd., 2004), 66-67.

⁷ L.F.S. Upton, "The Origins of Canadian Indian Policy," *Journal of Canadian Studies* 8, 4 (November 1973), 51; Tanner, "Introduction: Canadian Indians and the Politics of Dependency," 15.

Affairs became a civil, as opposed to a military, department, its budget would be inspected annually by the British Parliament and its spending controlled.⁸ This shift in the administration of Indian affairs also signalled a new approach to Indian policy. Each British North American colony was responsible for its own so-called “Indian problem” and for the formulation and implementation of social and economic policies concerning Natives. As a result, disparate Indian policies emerged across the continent.

Indian Affairs administration, assimilation and Aboriginal politics in the Canadas

The previous chapter shows how the Maritime colonial governments, left largely to their own devices, developed Indian policies that can best be described as “non-policies.” With few exceptions, Maritime Natives were ignored and neglected. Circumstances were, however, different elsewhere in British North America, especially in Upper Canada, the British North American colony home to the largest British and Native populations. In the Canadas the British government was far more involved in solving the “Indian problem.” Based on imperial directives, backed by imperial funding and supported by cooperative missionaries, a more defined and vigorous Indian policy emerged in the Canadas – a policy centred on the premise that Natives should be “amalgamated” into the British social order of the colonies. In the 1830s, in pursuit of this goal, the British government sponsored a number of “experiment[s] in reserves and

⁸John Leslie, “The Bagot Commission: Developing a Corporate Memory for the Indian Department,” in *Historical Papers, A Selection from the Papers Presented at the Annual Meeting Held at Ottawa, 1982* (Ottawa: Canadian Historical Association, 1983), 32-33.

agriculture.”⁹ Natives were settled on reserves where they were provided the farm equipment and agricultural instruction that would, it was believed, encourage them to embrace a “British” way of life. Meanwhile, day schools for Native children which were funded by Britain and staffed by missionaries had the same assimilative goal.¹⁰

These 1830s “experiments” did not lead to the assimilation of Natives living in the Canadas. Unreasonable state expectations, Native resistance and denominational conflict among involved missionary groups have all been implicated in their failure.¹¹ Even less successful was the controversial policy implemented by Upper Canada’s lieutenant-governor, Sir Francis Bond Head. In the summer of 1836 Head visited many Native communities in Upper Canada. Displeased by what he saw on reserves, Bond Head concluded that the colony’s assimilation policy based on farming and education was failing.¹² With London’s blessing, he implemented an alternative policy. His scheme was not one of assimilation. Instead, Bond Head took land surrenders from Natives in the Canadas and settled them on Manitoulin Island where they were, in his words, to spend their remaining days isolated “from all communication with the Whites.”¹³ A host of

⁹J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian White Relations in Canada* (Toronto: University of Toronto Press, 2000), 129.

¹⁰Sidney L. Harring, *White Man’s Law: Native People in Nineteenth-Century Canadian Jurisprudence* (Toronto: University of Toronto Press and the Osgoode Society, 1996), 16-18.

¹¹Miller, *Skyscrapers Hide the Heavens*, 129-31.

¹²Leslie, 35.

¹³Ruth Bleasdale, “Manitwoaning: An Experiment in Indian Settlement” *Ontario History* 66, 3(1974), 148.

humanitarian groups, led by Methodist missionaries, decried the lieutenant governor's plan, charging that it was a blatant abrogation of Britain's moral and legal obligations to the Natives. This powerful lobby forced London to re-consider Bond Head's plan. So too did the colonial uprisings of 1837-38 as the threat of American invasion had again raised the spectre of an Indian threat to constituted authority.¹⁴

In the aftermath of the Manitoulin Island debacle, and in light of dismal results of other assimilation experiments, the Governor General of British North America, Sir Charles Bagot, established a commission in 1842 to recommend new Indian policy. The paternalism of previous policy was soundly criticised for isolating Natives and preventing their assimilation. The Bagot Commission recommended that the encouragement of Native self-reliance should replace paternalism as the fulcrum of assimilation.¹⁵ Although reserve farming and missionary-run schools continued to be heralded as the keys to Native assimilation, the Bagot Commission endorsed new methods in the pursuit of these aims. Unlike earlier farming policy which had seen Natives collectively farm reserve land, the Bagot Commission recommended that Native farms be premised on private land ownership in accordance with the British freehold system. The Commission also criticised the effectiveness of day schools and advocated residential style schooling whereby assimilation would be aided by removing Native pupils from their own cultural milieus.¹⁶

¹⁴Miller, *Skyscrapers Hide the Heavens*, 132.

¹⁵Leslie, 40.

¹⁶Miller, *Skyscrapers Hide the Heavens*, 132-134. For a more in depth consideration of the Bagot Commission's recommendations see John Leslie, 40-58.

The Bagot Commission laid the groundwork for the cultural and economic assimilation of Natives in British North America. The next step was to attach to this process a legal framework. Beginning in the 1850s, a series of laws passed in the Canadas were established to “lead to the legal emergence of the Indian.”¹⁷ As Sidney Haring has phrased it, “Law, an instrument of social control, took an equal place with education and religion in the acculturation of indigenous people.”¹⁸

The 1857 *Act for the Gradual Civilization of the Indian Tribes in the Canadas* was based on the premise that policy should work to “[remove] all legal distinctions” between Natives “and her Majesty’s other Canadian subjects.”¹⁹ Colonial officials in the Canadas saw the transformation of Native political traditions as an important part of this assimilative agenda. In an 1858 report aimed at reforming and improving colonial Indian policy, officials in the Canadas made this goal explicit. The report stressed that a “point of vital importance to be kept steadily in view is the gradual destruction of the tribal organization. It has been proposed to substitute municipal institutions at once for it.”²⁰ While officials cautioned against “[a] premature introduction of such an innovation,” band political structures became targets of assimilation policy.²¹ In 1857, Attorney General West, John A. Macdonald, introduced to the Assembly of the United Canadas a

¹⁷Miller, *Skyscrapers Hide the Heavens*, 139.

¹⁸Haring, *White Man’s Law*, 18.

¹⁹SC 1857 (20 Victoria), c 6.

²⁰JLAC, 1858, 21 Vict., app 21 (Can.). Cited in Richard Bartlett, *The Indian Act of Canada* (Saskatoon: University of Saskatchewan, 1988), 13.

²¹JLAC, 1858, 21 Vict., app 21 (Can.). Cited in Bartlett, 13.

bill allowing specially-approved Native men access to a freehold grant of 50 acres on their reserves and their share of tribal revenues. In return, these men would receive the franchise and be subject to taxation. Although no Native man living in the Canadas opted for enfranchisement before Confederation, this measure reflects the perceived role of political practices as an assimilative tool in the colonial era.²²

The 1857 act was the final piece of Indian affairs legislation implemented in the Canadas before Confederation.²³ In 1854 another colonial commission, the Pennefeather Commission, recommended that control of Canadian Indian Affairs be removed from the colonial office and given to government of the Canadas. This recommendation was made on several grounds. First, there was in Britain growing recognition that the assimilation of Natives was going to be very costly – this was a cost that the imperial government was not anxious to absorb. The Pennefeather recommendation also reflected the move to colonial control that came with responsible government, attained in the Canadas in 1848.²⁴ For these reasons in 1860 the administration of Indian Affairs was restructured and placed solely in the hands of the Canadian government. This policy may have suited Britain's desired relationship with its colonies, but as David McNab has pointed out, this decision, made with no Native input, was an "abrogation of [Britain's] responsibility."²⁵

²²John Garner, *The Franchise and Politics in British North America, 1755-1867* (Toronto: University of Toronto Press, 1969), 161.

²³Harring, *White Man's Law*, 32.

²⁴Harring, *White Man's Law*, 32.

²⁵David T. McNab, "Herman Merivale and Colonial Office Indian Policy in the Mid-Nineteenth Century," *Canadian Journal of Native Studies* 1, 2(1981), 286-87.

Post-Confederation legislation and its ideological basis

Confederation marked a watershed in the political relationship between Europeans and Native people. As chapter two illustrates in relation to the Mi'kmaq, efforts to influence Native political structures before confederation were piecemeal, varied from colony to colony, and were largely contingent upon Native willingness to adopt European-style politics voluntarily. With Confederation, Canada's new federal government launched a concerted nation-wide campaign to replace Native political structures and methods with those firmly grounded in European traditions. Adopting the assimilative mandate first articulated in the Canadas during the colonial era, the federal government moved quickly to legislate Native political practices, both as they pertained to the mechanics of Native political interactions with the federal government and its officials, and, perhaps more significantly, as they influenced the ideals, values and traditions at the heart of Native leadership selection processes.

By section 91(24) of the 1867 British North America Act, "Indians and lands reserved for Indians" became the responsibility of Canada's federal government. From the outset, federal officials believed this clause gave them the right and the authority to impose legislation on Native people.²⁶ Native assimilation was the overarching aim of the new federal unit charged with Indian affairs – the Indian Branch of the Department of the

²⁶Jo-Anne Fiske, Melonie Newell and Evelyn George, "First Nations Women and Governance: A Study of Custom and Innovation among Lake Babine Nation Women," *First Nations Women, Governance and the Indian Act: A Collection of Policy Research Report*, ed. Judith F. Sayers et al. (Ottawa: Status of Women Canada, 2001), 74.

Secretary of State.²⁷ Prime Minister John A. Macdonald, also Superintendent of Indian Affairs, clearly stated his government's intent when he admitted in 1887 that "the great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion."²⁸ Although settled on federally-designated reserves away from settler society, Natives were to become culturally, economically, politically and, in the minds of some, even physiologically, one with Euro-Canada.²⁹

In 1869, the federal government passed a series of acts and amendments to implement band council systems in Native communities across Canada. Elected band councils were designed to curtail the power and authority of chiefs selected by Native custom and strengthen the ability of government officials to monitor and direct Native political activities. The 1869 *Act for the gradual enfranchisement of Indians, the better management of Indian Affairs, and to extend the provisions of the Act 31st Victoria, chapter 42* (The Enfranchisement Act) was the first piece of Canadian legislation

²⁷The first legislation pertaining to Native people passed by the newly-minted Canadian government was the 1868 "Act Providing for the Organization of the Department of Secretary of State of Canada, and for the management of Indian and Ordinance Lands." This Act placed Indian Affairs matters under the jurisdiction of the Indian Affairs Branch of the Department of the Secretary of State.

²⁸Cited in Olive Dickason, *Canada's First Nations: A History of Founding Peoples from Earliest Times* Third Edition (Toronto: Oxford University Press, 2002), 257.

²⁹This idea appears frequently in debates in the House of Commons. For example, see the comments of Hochelaga, Quebec, MP, Antoine Aimé Dorion in which he expressed his belief that the government ought to "favour as much as possible, intermarriage between whites and Indians." Canada, House of Commons, *Debates*, 1869, 85.

specifically designed to re-configure Native political structures. This Act was intended to apply particularly to “educated Indians” concentrated in the large Native communities closest to the economic and political centres of central Canada.³⁰ The Enfranchisement Act nevertheless set the precedent for the band council system that would, in time, be aimed at Native communities across the country³¹

Sections 10 through 12 of the Enfranchisement Act were critical to the assimilation goal of federal Indian policy as they dictated the internal structure of Native band councils, established electoral procedure, determined voter and office-holding eligibility, itemized responsibilities of elected chiefs and officially mandated federal intervention in these matters. Section 10 outlined the structure of the proposed band council system. For Native communities of 30 members or more, “[t]he Governor [General] may order that the Chiefs of any tribe, band or body of Indians shall be elected by the male members of each Indian Settlement of the full age of twenty-one years at such time and place, and in such manner, as the Superintendent General of Indian affairs may direct.”³² Under these regulations, leaders elected in “the proportion of one Chief and two Second Chiefs for every two hundred people,” could serve for three years “unless deposed by the Governor [General] for dishonesty, intemperance, or immorality.” Life chiefs (those selected according to band custom for life) already serving their communities were

³⁰Annual Report of the DIA for the year ended 30 June 1870, Canada, *SP* 4, 5 (1871), 4.

³¹Alain Cunningham, *Canadian Indian Policy and Development Planning Theory* (New York: Garland Publishing, 1999), 35.

³²*The Enfranchisement Act*, SC 1869, c.6 (32-33 Vict.)

permitted to hold office “until death or resignation” or until they were duly deposed. The Enfranchisement Act did not unilaterally foist band elections on Native communities, but it enabled the Indian Department to implement such a system in select communities at the discretion of the Superintendent General.

Section 11 itemized the duties of elected chiefs. These duties were “municipal” in nature, reflecting Ottawa’s interest in circumscribing political autonomy to the community level. These powers, akin to the responsibilities of rural Justices of the Peace, were decidedly different from the political autonomy that Natives desired. The Act noted that chiefs were “bound” to “put and [maintain]” roads, bridges, ditches and fences “in proper order, in accordance with the instructions received from time to time from the Superintendent General of Indian Affairs.” In the event that chiefs did not perform the task, the Superintendent General could order the completion of such work “at the cost of the said tribe, band or body of Indians, or of the particular Indian in default.” Section 12 outlined the powers of chiefs. Until 1869, chiefs’ authority had been limited to making by-laws surrounding minor policing and public health concerns, all subject to approval of the Superintendent General.³³ Under the auspices of the 1869 Act, however, chiefs were empowered to make rules and regulations on the following issues:

1. The care of public health;
2. The observance of order and decorum at assemblies of the Indians in general council, or on other occasions;
3. The repression of intemperance and profligacy;
4. The prevention of trespass by cattle;

³³Wayne Daugherty and Dennis Madrill, *Indian Government Under Indian Act Legislation 1868-1951* (Ottawa: Research Branch, Department of Indian and Northern Affairs, 1980), Part 2, 2.

5. The maintenance of roads, bridges, ditches and fences;
6. The construction and repair of school houses, council houses and other Indian public buildings;
7. The establishment of pounds and the appointment of pound-keepers;
8. The locating of the land in their reserves, and the establishment of a register of such locations.³⁴

Band Council decisions relating to these items were, of course, “subject to the confirmation by the Governor in Council.”³⁵

Like colonial-era legislation in the Canadas, post-Confederation policy was developed with no reference to existing tribal systems of government or traditional beliefs and values.³⁶ Although William Spragge, the Superintendent General of the Indian Branch, suggested that electoral legislation had been spearheaded at Native request, it is obvious that such rules were federal creations designed to serve the assimilative aims of Canadian Indian policy.³⁷ Indeed, Spragge himself admitted that federal legislation intent on installing elected band councils in Native communities was “designed to lead the Indian people by degrees to mingle with the white race in the ordinary avocations of

³⁴*The Enfranchisement Act*, S.C. 1869, c.6 (32-33 Vict.)

³⁵*The Enfranchisement Act*, S.C. 1869, c.6 (32-33 Vict.)

³⁶Leroy Little Bear, Menno Boldt and J Anthony Long, *Pathways to Self-Determination: Canadian Indians and the Canadian State* (Toronto: University of Toronto Press, 1984), xii. Regarding the imposition of European-style politics upon the Dakota, Constance Backhouse similarly argues “White government officials seemed incapable of appreciating these sophisticated political structures [of the Dakota], and tried to reduce all Aboriginal leadership mechanisms to the level of an individual “head chief” for each band.” Backhouse, 74.

³⁷In an 1871 report, Spragge hinted that these rules were inspired by “expressions of dissatisfaction” from the “educated Indians.” Annual Report of the DIA for the year ended 30 June 1870, Canada, *SP* 4, 5(1871), 4.

life.”³⁸

Federal officialdom regarded the traditional and allegedly chaotic governance practices of Natives as anathema to its policy of assimilation. In many Native societies, including that of the Mi’kmaq, leaders achieved their status by virtue of their lineage, and held indefinite life terms of office. Federal officials vociferously opposed this widespread custom, bemoaning the lack of federal control inherent in the fact that, “however unprogressive and unfit,” a leader selected in this fashion might appear to officials, he “could not be removed except for gross conduct.”³⁹ By replacing traditionally selected leaders with democratically elected leaders who would serve a set term, under close Departmental scrutiny, the Indian Affairs Branch believed it could reduce the possibility of insurrection and bring Native leaders and their followers under the tightly monitored orbit and influence of the federal government.

The federal government’s assimilative goals became particularly pronounced in the aftermath of the western uprising of 1885. The uprising and alleged Native involvement in it,⁴⁰ provided Ottawa a rationale for what Tobias calls the “subjugation” of

³⁸Annual Report of the DIA for the year ended 30 June 1870, Canada, *SP 4*, 5(1871), 4.

³⁹Annual Report of the DIA for the year ended 30 June 1870, Canada, *SP 4*, 5(1871), 4.

⁴⁰As J.R. Miller argues, the idea that there had been significant Native involvement in the uprising was based on “no reliable evidence.” *Skyscrapers Hide the Heavens*, 247. See also A. Blair Stonechild, “The Indian View of the 1885 Uprising,” *1885 and After: Native Society in Transition*, ed. Laurie Barron and James B. Waldram (Regina: Canadian Plains Research Center, 1986), 155-170.

the plains Cree.⁴¹ As Noel Dyck argues, the events of 1885 “provided the pretext for the imposition of a coercive system of reserve administration that lasted well into the twentieth century.”⁴² Although the western uprising was the catalyst of coercive Department of Indian Affairs policy, the effects of this policy, which included policies aimed at controlling Native politics, were felt across Canada as Indian Affairs legislation was applied nationally.

The elective system was touted by government officials as a necessary precursor to the ideological assimilation of Natives, as it would bring Native men into line with European conceptions of good citizenship. Departmental officials believed that elective governments would impart to Natives the highly-valued principle of individualism – an ideal that was particularly important if Natives were to be seamlessly integrated with the “white race in the ordinary avocations of life.”⁴³ In 1897, Deputy Superintendent James Smart argued that traditional Native leadership practices would stall assimilative efforts when he stated that “the hereditary system seems to retard the inculcation of that spirit of

⁴¹John. L. Tobias, “Canada’s Subjugation of the Plains Cree, 1879-1885,” *Canadian Historical Review* LXIV, 4 (1983), 519-548.

⁴²Noel Dyck, “Opportunity Lost: The Initiative of the Reserve Agricultural Programme in the Prairie West,” 121.

⁴³Apart from lessons about individualism and democratic processes, electoral legislation also contained other ‘cultural’ lessons for Native peoples. For example, electoral legislation certainly perpetuated European notions of patriarchy. Although women could be included in band membership counts used to determine the size of an elected council, their direct participation was prohibited and women were unable to either vote or hold office.

individuality without which no substantial progress is possible.”⁴⁴ On a more practical level, elective band governments promised to provide hands-on civics training for Natives being prepared for a European way of life. Band councils were structured to mirror the “simple municipal institutions”⁴⁵ of non-Native town and community governments. They would provide the necessary political tutelage to prepare Natives for their civic roles in communities that would, it was thought, eventually be absorbed into Canada’s municipal structure.

Significantly, adherence to this electoral system was deemed to be voluntary.⁴⁶ To be certain, the Department made every effort to cast the elective system in terms that would appeal to Native communities. Officials regularly referred to the ‘privilege’ of the elective system, and portrayed it as a system of self-government in which elected Native officials would have considerable autonomy and authority over local matters. After decades of federal neglect, some Natives may have seen the federally-sanctioned political process as a positive undertaking for their impoverished communities. Many, however, were apparently wary of federal rhetoric and resisted the implementation of elected band

⁴⁴Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP* 34, 11(1898), xxv.

⁴⁵Annual Report of the DIA for the year ended June 30, 1870, Canada, *SP* 4, 5(1871), 4.

⁴⁶In 1884, John A. Macdonald stressed to his colleagues in the House of Commons that “there is to be no force exercised on the Indians.” Instead, he insisted, such a system was “to give [Native people] the opportunity of adapting themselves to the white system.” Canada, House of Commons *Debates*, 1884, 540. This notion of band council systems being ‘voluntary’ is a persistent one. It was consistently articulated by policy makers who failed to see the incompatibility of legislation that increased the power of the federal government, and assertions of its voluntariness.

councils in their communities. In 1871, in his first report following the implementation of the Enfranchisement Act, Superintendent General William Spragge admitted that the new electoral “plan of appointment has found, as yet, little acceptance with the Indian people in general.”⁴⁷ Undaunted, Spragge confidently asserted that there are “some bands who doubtless will avail themselves of the new mode of selecting chiefs, and are beginning to estimate its value” and he dismissed “the seeming apathy of others” with the explanation that “the Indian mind is in general slow to accept improvements until much time is consumed in discussion and reflection.” Spragge insisted, that it would be “premature” to conclude “that bands are averse to the elective principle, because they are backward in perceiving the privileges which it confers.”⁴⁸ Natives’ acceptance of electoral regulations, he concluded, was simply a matter of time.

The Enfranchisement Act remained the only piece of legislation relating to Native electoral structures until the passage of the *Act to amend and consolidate the laws respecting Indians*, known as the Indian Act, in 1876. Sections 61 through 63 of the Indian Act retained elements of existing electoral policy and added new ones. The Act stipulated that bands in “all the Provinces” and “the North West Territories, including the Territory of Keewatin” could be ordered by the Governor in Council to elect chiefs and councillors “at such time and place, as the Superintendent-General may direct.” Elections were not mandatory, but they could be imposed on any given community. The elective

⁴⁷Annual Report of the DIA for the year ended June 30, 1870, Canada, *SP* 4, 5(1871), 4.

⁴⁸Annual Report of the DIA for the year ended June 30, 1870, Canada, *SP* 4, 5(1871), 4-5.

system remained triennial and involved males age 21 and older. For the first time Indian Affairs used the term “councillor” as an alternative to the term “chiefs,” demonstrating its goal of modelling band councils after municipal governments. The Act allowed for the election of “one head chief and two second chiefs or councillors for every two hundred Indians.” Elections were to be determined by “the vote of a majority of such members at a council or meeting of the band . . . held in the presence of the Superintendent-General, or an agent acting under his instructions, [and] shall be sufficient to determine such an election.” The Act added the undefined “incompetency,” to dishonesty, intemperance and immorality as possible grounds for the deposal of chiefs and councillors. It also reiterated that current life chiefs could fulfill their mandates unless deposed.⁴⁹ Although the bounds of chiefly authority remained unchanged with the 1876 Indian Act, amendments made three years later added the “protection of sheep,” the construction of watercourses, the “repression of noxious weeds” and the “imposition of punishment, by fine or penalty, or by imprisonment, or both, for infraction of any of such rules or regulations” to the responsibilities of elected chiefs and councillors.⁵⁰

In 1880, the federal government raised the status of Indian Affairs when it was removed from the Department of the Secretary of State and designated as a federal civil service department in its own right.⁵¹ Amidst this climate of bureaucratic revitalisation,

⁴⁹*The Indian Act* (1876), S.C. 1876, c.18. (39 Vict.)

⁵⁰An Act to Amend “The Indian Act, 1876,” S.C. 1879, c.34. (42 Vict.)

⁵¹*Indian Act*, 1880, S.C. 1880, c. 28 (43 Vict.). Section 12 of this legislation created the Department of Indian Affairs, placing at its head the Minister of the Interior who was also the Superintendent-General of Indian Affairs. The Act also created a

the new Department of Indian Affairs turned greater attention to the prospect of implementing band elections. In the Department's 1880 Annual Report, Superintendent John A. Macdonald remarked that his department was "convinced of the desirability of introducing, as soon as Indian bands are prepared for it, a better system for managing their local affairs."⁵² Such a "better system," Macdonald explained, would replace "the one which at present prevails among them under which the chiefs (who may or may not fairly represent the intelligence of the band) control such matters."⁵³

Bearing the marks of the new Department's growing interest in the elective system, the 1880 legislation strengthened the ability of the Ottawa to impose the electoral system upon Native communities. It provided that "[w]henver the Governor in Council deems it advisable for the good government of a band to introduce the elective system of chiefs, he may by Order-in-Council provide that the chiefs of any band of Indians shall be elected."⁵⁴ The 1880 Act limited to six the number of concurrent chiefs who could serve a band, while it established 12 as the maximum number of councillors that could represent a band at any one time. Ottawa disapproved of chieftainships because they encouraged the leadership of older men, discouraging the ascension to authority of young men who, by

position of second-in-command, the Deputy of the Superintendent-General of Indian Affairs, and allowed for the appointment of Indian Commissioners and Superintendents.

⁵²Annual Report of the DIA for the year ended December 31, 1880, Canada, *SP* 14, 8 (1880-81), 8.

⁵³Annual Report of the DIA for the year ended December 31, 1880, Canada, *SP* 14, 8 (1880-81), 8.

⁵⁴*The Indian Act*, 1880. SC 1880, c.28. (43 Vict.).

virtue of European-style education, were believed to be both more assimilated and assimilable.⁵⁵ This act was the first officially to interfere with and disrupt the custom of life chiefs. Although it noted that life chiefs would be permitted to continue their service where the electoral system was not in place, it stipulated that in bands subject to the elective system, “life chiefs shall not exercise the powers of chiefs unless elected under such order to the exercise of such powers.”⁵⁶ This legislation added to the powers of elected chiefs who now had the authority to regulate “what religious denomination the teacher of the school established on the reserve shall belong to; provided as always that he shall be of the same denomination as the majority of the band.”⁵⁷

As the 1880 electoral rules came into play in central Canada, the DIA set out on a fact-finding mission to ascertain the likelihood of successfully implementing band elections on a broader scale. A Departmental circular asked Indian agents to report “whether the bands under their supervision were sufficiently enlightened to justify the conclusion that the inauguration of a simple form of municipal government among them would be attended with success.” Based upon these reports, the Department concluded that Natives everywhere were “not sufficiently advanced in intelligence for the change.” Macdonald continued to lobby for an elective system, but one aimed more specifically at

⁵⁵Katherine Pettipas, *Severing the Ties that Bind: Government Repression of Indigenous Religious Ceremonies on the Prairies* (Winnipeg: University of Manitoba Press, 1994), 39.

⁵⁶Daugherty and Madrill suggest that it is not clear whether this feature of the 1880 legislation was intended to apply to all bands, or just those already subject to Indian Act electoral legislation. Daugherty and Madrill, 4.

⁵⁷*The Indian Act*, 1880. SC 1880, c.28. (43 Vict.).

so-called advanced bands. At the end of 1880, in spite of the lacklustre field reports he had received, Macdonald reported that “[a]n attempt will. . . be made at an early date to obtain the consent of the more advanced bands to the establishment of some such system.” Macdonald envisioned “a council, proportionate in number to the population of the band, elected by the male members thereof, of twenty-one years and over, and presided over by a functionary similar to the Reeve of a Township.” He mused that “in its initiatory stage, the council might be presided over, with better results, by the local Indian Superintendent or Agent.”⁵⁸ A year later, Macdonald’s department re-committed itself to establishing a system of band elections and declared that:

it is worthy of consideration whether legislative measures should not be adopted for the establishment of some kind of municipal system among such bands as are found sufficiently advanced to justify the experiment being tried. It is hoped that a system may be adopted which will have the effect of accustoming the Indians to the modes of government prevalent in the white communities surrounding them, and that it will thus prepare them for earlier amalgamation with the general population of the country.⁵⁹

In April 1884, the Indian Act was again amended and rules were established allowing the Superintendent General to set aside election results in cases where two witnesses could prove “that fraud or gross irregularity was practised at the said election.”⁶⁰ Any candidate found guilty of either offence “may be declared ineligible for

⁵⁸Annual Report of the DIA for the year ended December 31, 1880, Canada, *SP* 14, 8(1880-81), 8.

⁵⁹Annual Report of the DIA for the year ended December 31, 1881, Canada, *SP* 14, 5(1882).

⁶⁰*An Act to further amend the ‘Indian Act, 1880,’* S.C. 1884, c.27 (47 Vict.).

re-election for six years.”⁶¹ More significant, however, was the passage that same month of the *Act for Conferring certain privileges on the more advanced Bands of the Indians of Canada, with the view of Training them for the exercise of municipal powers*, known as the Indian Advancement Act, 1884. The Indian Advancement Act represented an unprecedentedly detailed enunciation of electoral procedure. Intended to be applied to a limited number of specially-selected ‘progressive’ bands, the Advancement Act established a more elaborate electoral system that would replace traditional hereditary chiefs. In February 1884, Macdonald’s Advancement Act was debated in the House of Commons. When Member of Parliament William Paterson from Brantford asked Macdonald “what provisions will be made for satisfying the honour of . . . the chiefs who are dispossessed by the power of this act?” Macdonald replied that “the hereditary chiefs retain their rank, but lose their power.”⁶² The Advancement Act defined a reserve as “two or more reserves” and a band as “two or more bands,” suggesting that two bands or communities of people, even those living on separate reserves, could amalgamate for the purpose of electing leaders under the auspices of this legislation.⁶³ This Act also called for reserves to be divided into two to six electoral sections and stipulated that anyone elected to council had to “be possessed of, and living in, a house on the reserve.”⁶⁴ The Act

⁶¹*An Act to further amend the ‘Indian Act, 1880,’* S.C. 1884, c.27 (47 Vict.).

⁶²This response seems to have satisfied the curious Paterson and his colleagues as Bill 22 passed second reading. Canada, House of Commons *Debates*, 1884, 539.

⁶³*Indian Advancement Act*, CP, *Statutes of Canada* (47 Vic, cap. 28), 1884.

⁶⁴*Indian Advancement Act*, CP, *Statutes of Canada* (47 Vic, cap. 28), 1884.

required that notice of an election and its location had to be posted eight days in advance. Unlike the Indian Act's three-year term of office, the Advancement Act specified a one year term of office. Each year, the council was required to meet no fewer than four and no more than 12 times. While this Act provided that Natives would themselves oversee the election-day process, agents were given considerable powers. They were charged with determining the timing and location of the election, presiding over the nomination process and determining voter eligibility. Agents were also required to attend council meetings, where they were to advise councillors and record meeting minutes. According to this legislation, agents had "full power to control and regulate all matters of procedure and form, and to adjourn the meeting to a time named . . . and full faith and credence shall be given to his certificate thereof in all courts and places whatsoever."⁶⁵

In the interest of preparing Native communities for their eventual municipal status, the Advancement Act repeated the Indian Act's provisos regarding the responsibilities of chiefs, adding that the elected council had the authority to raise money by levying taxes on the properties of enfranchised band members. It also specified that any councillor proven to the Superintendent General to be "a habitual drunkard or to be living in immorality, or to have accepted a bribe, or to have been guilty of dishonesty or of malfeasance of any kind" could be removed from office, and his position filled through a new election of a councillor from the dismissed councillor's section.⁶⁶ In 1886, the

⁶⁵*Indian Advancement Act, CP, Statutes of Canada (47 Vic, cap. 28), 1884.*

⁶⁶This was certainly a proviso that, had it been applied to the House of Commons, would have disqualified Prime Minister Macdonald.

Superintendent General, proud that the electoral provisions of the Indian Advancement Act 1884 had been adopted by the Mississauga Indians of the Six Nations Reserve, noted that the statute was “calculated to promote the welfare of the Indians, by enabling them to have within themselves the power to ensure great efficiency in the administration of the local reserves, through an elective council representing the respective wards.”⁶⁷ The Superintendent General optimistically added, “[i]t is hoped that many other Indian bands will agree to allow the provisions of the same statute to be applied to them.”⁶⁸

The year 1886 saw further amendments to both Indian Act electoral rules and the Indian Advancement Act. These amendments allowed for the Indian Act system of band elections to be removed from a band where it was proving to be unsuccessful. And, for the first time, legislation introduced a mechanism enabling Natives to set aside election results. If two witnesses could prove to the local agent the existence of gross irregularity or fraud in electoral proceedings, the Governor in Council could set aside the results. Moreover, this amendment declared a penalty of six years of electoral ineligibility (the first penalty apart from deposal) for anyone convicted of this type of fraud. Changes to the Indian Advancement Act strengthened the influence of agents in elections as they were given the power of casting tie-breaking votes in stalemate elections.⁶⁹

⁶⁷Annual Report of the DIA for the year ended December 31, 1886, Canada, *SP* 20, 5(1887), xiv.

⁶⁸Annual Report of the of Indian Affairs for the year ended December 31, 1886, Canada, *SP* 20, 5(1887), xiv.

⁶⁹Daugherty and Madrill, 20.

Federal reconsideration of electoral legislation

In the 1890s, growing recognition that electoral legislation was not being embraced by Native communities and heated debate over federal interference in the affairs of the Caughnawaga reserve led the DIA to reflect upon its electoral policy.⁷⁰ In 1890 the Caughnawaga reserve, which was bound to elective councils by the provisions of the Indian Advancement Act, refused to participate in council business after the federal government disallowed some of its appointments.⁷¹ In response to this crisis on one of its most populous and ‘progressive’ reserves, the DIA again reworked its Indian Advancement Act electoral policies. Deputy Superintendent General Lawrence Vankoughnet proposed two amendments. First, he suggested that the Deputy Superintendent General be given the authority to unseat any councillor who refused to attend council meetings or in other way impeded council business. Second, he proposed that provisions be drawn up to establish a nomination day for candidates. The federal government deemed Vankoughnet’s first proposal to confer too much authority upon the Deputy Superintendent General. The second proposal, however, met with approval and eventually became Section 13 of the Indian Advancement Act. In five subsections, this amendment required that a nomination meeting, presided over by the agent, be held from

⁷⁰Circumstances surrounding events at Caughnawaga elicited fiery debate in the House of Commons as MPs variously debated the justice of allowing the Superintendent General veto authority over elected council activities. Canada, House of Commons *Debates*, 1890, 2719-2738.

⁷¹In the House of Commons on 31 March 1890, Edgar Dewdney reported that “members [of the Caughnawaga council] would not attend the council meetings, or if they did, they would not take any part in the proceedings, thus rendering the meetings of the council inoperative.” Canada, House of Commons *Debates*, 1890, 1798.

10 AM to 12 noon, one week in advance of elections. Only those named at this meeting would be permitted to run for office. Nominations were to be made by someone living in the nominee's 'ward.' In the event that only one candidate appeared, the agent could declare him elected. This legislation stipulated that candidates would still be chosen corresponding to reserve sections, whole reserves could decide to establish themselves as a single electoral section and thus not be required to choose candidates from certain portions of the reserve.⁷² Chiefly duties were also amended to include the wintertime monitoring of "the size and kind of sleighs to be used on the roads."⁷³

Dissatisfaction with the electoral system in a second community, Quebec's St. Regis reserve, in the late 1890s also prompted government introspection. Although the St. Regis community had been one of the first to "[receive] the benefits of self-government under the elective system," by 1898 it was displeased with the system and "evinced an obstinate determination to revert to the old system of hereditary chiefs."⁷⁴ Native groups in favour of and opposed to the band council system came to loggerheads in the spring of 1898. According to DIA reports, violence erupted when those opposed to the system attempted to "prevent [those in favour of the elected council] from exercising their

⁷²*An Act to amend "The Indian Advancement Act,"* Chapter 44 of the revised statutes. S.C. 1890, c. 30. (53 Vict.)

⁷³*An Act to amend "The Indian Advancement Act,"* Chapter 44 of the revised statutes. S.C. 1890, c. 30. (53 Vict.)

⁷⁴Annual Report of the DIA for the year ended June 30, 1898, Canada, *SP* 33, 12(1899), xxvi.

franchise in the election.”⁷⁵ At the behest of the Department, the RCMP were engaged to quell the disturbance and in the process were responsible for the death of a community member who had opposed the council election. In its Annual Report of that year, the DIA simultaneously denied any culpability in the murder and reaffirmed its commitment to the elective system particularly as a medium of Departmental control in Native communities.

Superintendent General of Indian Affairs James Smart wrote:

In the interests of law and order it was of course impossible to tolerate such conduct, and, while the killing of an Indian was deeply regretted, yet as all possible patience had been exercised and was beginning to be mistaken for weakness, the department was in no way responsible for the outcome of a position which was so determinedly forced upon it.⁷⁶

Despite repeated shows of Departmental support for the elective system it remained obvious to DIA officials that, even where electoral legislation had been applied, Native communities were not unanimously availing themselves of the privilege of an elective council. In his Report of 1897, James Smart confessed that electoral clauses in neither the Indian Advancement Act nor Section 75 of the Indian Act “had been taken advantage of as speedily or extensively as could have been desired.”⁷⁷ A year later in its 1898 report, the DIA shied away from its typical brash statements about electoral rules and downplayed the program’s successes to date. It noted that “the policy of the

⁷⁵Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), xvii-xviii.

⁷⁶Annual Report of the DIA for the year ended June 30, 1899, Canada, *SP* 34, 11(1900), xviii.

⁷⁷Annual Report of the DIA for the year ended June 30, 1897, Canada, *SP* 32, 11(1898), xxvi.

department, formulated for the purpose of taking hold of Indians in their untutored state and gradually educating them to fitness for the status of full citizenship, has, of course, been largely tentative in its character, and modified or changed as experience has suggested to be advisable.” The following year, the Superintendent General warned of the dire consequence of allowing electoral legislation to fail, earnestly insisting that “any halt in the earlier stages of progression is the immediate precursor of retrogression and it may probably be asserted, that in the more advanced stage of the march, the failure to go on is in some degree, fraught with kindred danger.”⁷⁸ Thus inspired by the prospect of ‘retrogression,’ the DIA renewed its resolve and its commitment to the implementation of electoral legislation. On 16 May 1899, order-in-council 766 directed “that the elective system as provided by the Indian Act shall be applied to all Indian Bands in the said Provinces of Ontario, Quebec and New Brunswick as well as to all Indian Bands in the Provinces of Nova Scotia and Prince Edward Island.”⁷⁹ With this legislation all Mi’kmaq communities were subject to the triennial system of band elections.

As the previous chapter shows, the concept of elections was itself not entirely new to the Mi’kmaq in 1899. As early as the mid-nineteenth century elections had been held in some Mi’kmaq communities. In 1896, just three years before the new law, the Mi’kmaq community at Red Bank, New Brunswick elected a council. At that time, the community’s desire for an elected council was connected to the uneasy amalgamation of the

⁷⁸Annual Report of the DIA for the year ended June 30, 1898, Canada, *SP* 33, 12(1899), xxvi.

⁷⁹Order in Council 766, 16 May 1899, LAC, Privy Council Office fonds, RG 2, Volume 778, File 2009 C, Number 9-10,

communities of Red Bank and Eel Ground. In 1895, John Dominick of Red Bank petitioned the DIA to hold an election for chief in his community.⁸⁰ The agent explained the circumstances surrounding the petition to the DIA, noting that the Mi'kmaq opposed the union of the two communities and that Red Bank saw the installation of its own council as a means of asserting its independence.⁸¹ The DIA used Red Bank's aspirations as leverage in a land dispute between the Mi'kmaq and local non-Natives and insisted that no chief would be elected until the Mi'kmaq of Red Bank "consent to give a surrender which has been asked for the lands occupied by whites on the Red Bank Reserve and when a proper apportionment of the other lands between the two bands is completed."⁸² Once the Mi'kmaq reluctantly ceded the land later that year, the Department sanctioned an election.⁸³ New Brunswick's largest Mi'kmaq reserve, Big Cove, also held elections prior to 1899 and a chief was elected there at least as early as 1897.⁸⁴ However, where they happened in Mi'kma'ki before 1899, elections were voluntary, and their procedures vested in local hands. Only after 1899 did elections become mandatory and systematic

⁸⁰John Dominick to Hayter Reed, 1 March 1895, LAC, RG 10, volume 2603, file 121-698-2.

⁸¹W.D. Carter, Agent, Richibucto, to Deputy Superintendent General, 13 March 1895, LAC, RG 10, volume 2603, file 121-698-2.

⁸²Deputy Superintendent General to W.D. Carter, 18 March 1895, LAC, RG 10, volume 2603, file 121-698-2.

⁸³Hayter Reed to W.D. Carter, 22 April 1896, LAC, RG 10, volume 2603, file 121-698-2.

⁸⁴Noel Nicholas to DIA, 30 October 1897, LAC, RG 10, volume 2604, file 121,698-48.

assimilative tools of the federal DIA.

By the turn of the twentieth century, then, various pieces of legislation with the capacity to institute and define the process of band council elections had been instituted by Canada's federal government. Across the country, four possible scenarios of band politics were recognized by the DIA at the dawn of the twentieth century. Where the Indian Advancement Act was applied, select bands faced a one year elective system. Natives of British Columbia and the Six Nations were officially recognized as following 'traditional' hereditary methods of leadership selection and were not compelled to follow either the electoral regulations set out by the Indian Advancement Act or by the Indian Act. Still other bands, particularly those on the Prairies, were subject to a system of chiefly appointment at the hands of local agents.⁸⁵ In Ontario, select communities could be subject to electoral provisions as stipulated by the Indian Act or the Indian Advancement Act. In the Maritimes, elections came under the auspices of the Indian Act (which by an 1899 Order-in-Council was extended to all Native communities from Quebec eastward) and featured a three-year elective system. Once every three years agents were to arrange the holding of an election. A week to 10 days in advance of the election notice would be posted in a Native community and nominations for candidates submitted to the agent at least one hour in advance of the poll. Voting took place by open ballot, and the results were forwarded to Ottawa for confirmation.⁸⁶

⁸⁵Daugherty and Madrill, 64.

⁸⁶J.D. McLean to Daniel Chisholm, 25 April 1906, LAC, RG 10, Volume 7934, File 32-52, Part 1.

Conclusion

Although political adaptation was not new to Native communities in 1899, Canada's Indian policy after 1867 represented an unprecedented challenge to Native political ideals and practices, as it imposed a system of band councils on many Native communities. Federal policy makers were confident that Native communities would universally embrace the elective system and that federal assimilation goals would be realised using band elections. An examination of this policy as it was actually applied to Mi'kmaq communities after 1899 offers compelling evidence in support of a very different conclusion. Elections did not become universal across Mi'kma'ki. Instead, a political ethos emerged in which federally-prescribed elections had a place, but where Mi'kmaq political traditions were also part of the political fabric.

Chapter 4:
**“As is the custom”: Triennial Elections and Political Persistence in Mi’kmaq
Communities**

Introduction

In the spring of 1904, citizens of Annapolis County were busily planning the tercentenary of the arrival of Samuel de Champlain and Sieur de Monts in the Maritimes.¹ Seemingly unaware of the irony of their project, planners proposed that their celebration include an exhibit that would “introduce” the Mi’kmaq people “as one of the events.” According to F.C. Whitman of the Annapolis Royal Board of Trade, organizers hoped to depict the “election” of Levi Pictou, a Mi’kmaq who would “act as Governor for the County.” Pictou, it seems, was keen to participate – but as no mere actor in a skit. Instead, Pictou insisted that he actually be elected “governor.” To assure the planning committee that he would win such an election, Pictou furnished a “list of names headed by his own, saying that all these Indians would agree and vote for him as Governor.” The idea clearly intrigued event coordinators, and they raised the issue with the local Indian agent, John Lacy. Lacy informed the organizers that the local Mi’kmaq already had a political leader,

¹For additional consideration of the 1904 celebrations, see Ronald Rudin, “The Champlain-De Monts Tercentary: Voices from Nova Scotia, New Brunswick and Maine, June 1904,” *Acadiensis* XXXIII, 2(Spring 2004), 3-26, and Greg Marquis, “Celebrating Champlain in the Loyalist City: Saint John, 1904-10,” *Acadiensis* XXXIII, 2(Spring 2004), 27-43.

in the person of “an Indian governor at Bear River, a man named Meuse.”² Lacy admitted the limits to his knowledge of local Mi’kmaq governance. He noted that he “did not know the scope of [Meuse’s] jurisdiction, or whether the position was for all of Nova Scotia or otherwise.” Undeterred, tercentenary planners proposed that for the sake of their pageant the positions of Pictou and Meuse could be reconciled and that “if Meuse was Governor for all [Nova Scotia] Pictou could come in as a sub Governor for Annapolis County.” The election process itself was to become a central attraction of the tercentenary celebration, and excited planners imagined how the event would unfold: “Levi Pictou could call the [I]ndians together and get them to have a grand pow-wow on the 21 and 22nd of June and elect him to his proposed position, and in doing so it might be arranged for the Governor at Bear River to attend with the Indians there . . . with their canoes and tents.” Most assuredly it “would make quite a demonstration.”³

This demonstration probably did not proceed as proposed, as the local newspaper’s account of the tercentenary celebrations makes no mention of it.⁴ Whitman’s letter, however, offers evidence not only of non-Native attitudes regarding Mi’kmaq politics, but also of the Mi’kmaq political structure in Nova Scotia five years following the application of a system of triennial elections. The Euro-Canadians who had been

²Meuse is quite clearly the same man referred to as “Muisse” in other Departmental correspondence.

³F.C. Whitman, Annapolis Royal Board of Trade, to F.B. Wade, MP, 19 May 1904, LAC, RG 10, volume 7934, file 32-45, part 1.

⁴*Digby Courier*, 24 June 1904, 2. As well, as Ronald Rudin points out that where Native people did participate in the 1904 festivities, “there is no evidence . . . that any serious effort was made to have Natives play themselves.” Rudin, 17.

neighbours of the Mi'kmaq people for three centuries had no understanding of the political structures operating in nearby Mi'kmaq communities and this was an ignorance shared by the local Indian agent. Moreover, the planning committee's eagerness to alter the Mi'kmaq political structure for the sake of its celebration suggests little regard for Mi'kmaq political customs. At the same time, Whitman offers an interesting view of Mi'kmaq politics. It is noteworthy that while his letter makes no reference whatsoever to the existence of a triennial system of band elections, it does allude to the continued political significance of a Mi'kmaq leader operating under the title of "Governor," a title not recognized in the 1899 legislation.⁵ It seems that, at least insofar as Agent Lacy was aware, the federally-prescribed system of triennial band elections was not ensconced in Mi'kmaq communities of southwestern Nova Scotia in 1904. Instead, leadership was connected to local tradition and a long-serving leader.

The ambiguity that marked the relationship between the Mi'kmaq and the triennial system of elections in this account was not an anomaly. Although the Department of Indian Affairs (DIA) expected the 1899 legislation relating to elected band councils to be put into effect immediately, the Mi'kmaq neither swiftly nor universally embraced Indian Act elections. Mi'kmaq political customs, structures and officials were not supplanted, but continued to operate both outside and within the orbit of federal legislation. Even where Mi'kmaq communities did adopt the federal electoral system, many did so only

⁵Indeed, when "Governor" James Muise died in 1913 at the age of 84, the agent confirmed his status when he suggested that the DIA cover the cost of his funeral. Agent R.A. Harris to Secretary, DIA, 17 April 1913, LAC, RG 10, volume 7934, file 32-49, part 1.

very imperfectly. In a number of locales a hybrid system emerged wherein Mi'kmaq communities accepted some aspects of triennial elections and disregarded others, blending what remained with Mi'kmaq political customs. This chapter examines the complex ways in which the Mi'kmaq incorporated federal band elections into existing political practice. It argues that while some communities were quick to accept elections as useful additions to local politics, far more common was an imperfect application of triennial rules that varied over time and space. Most Mi'kmaq communities incorporated some elements of the triennial system into existing political structures while simultaneously rejecting or modifying other elements of federal electoral legislation deemed less desirable.

Limits to triennial elections in Mi'kma'ki

Soon after Section 75 of the Indian Act was applied to eastern Canada, the DIA instructed Maritime agents to “consider it part of your duty to educate and persuade the Indians under your charge to make a right use of the privilege” of triennial band elections.⁶ Yet the implementation of this system was not immediate. Indeed, DIA records illustrate that a number of communities first experienced band elections years and sometimes decades after the 1899 Order-in-Council. In 1902, for instance, Mi'kmaq people of King's County, Nova Scotia, informed the Department that “We have made an agreement among ourselves to appoint . . . our Head Chief . . . second Captain [and] third

⁶J.D. McLean to Agent Jas. Farrell, 12 July 1904, LAC, RG 10, volume 7935, file 32-56, part 1.

Captain; these are to be the Head Men of Kings County.”⁷ While the DIA may have attributed this non-compliance to the relatively recent imposition of electoral legislation, officials were exasperated to learn in 1932 that this same band had selected a “life chief,” again without Departmental sanction or agent involvement.⁸ Similarly, in 1906 the DIA Deputy Superintendent was surprised to learn from Agent Thomas Smith that the Truro band was represented by Chief Abraham Gould. An annoyed Frank Pedley informed the agent that “Abraham Gould was never either appointed or recognized by the Department as chief – in fact the records do not show that any Indian has ever been recognized as chief of the Indians of Colchester county.”⁹ Gould, it seems, assumed his chiefship without adherence to federal regulations. When inhabitants of the Bear River reserve in Nova Scotia’s Digby County appointed a chief in the spring of 1926 and requested the federal sanction of their appointee, Departmental secretary J.D. McLean curtly refused the request, asserting that his department denied the legitimacy of the appointment and stated that the DIA would refuse to acknowledge any leader not selected according to Indian Act regulations.¹⁰ Ten years later, almost 40 years after the implementation of the band

⁷Indians of Cambridge Reserve, Kings County, Nova Scotia, to the Department of Indian Affairs, 10 November 1902, LAC, RG 10, volume 7934, file 32-54, part 1.

⁸J.W. Maxner, Inspector of Indian Agencies to Secretary DIA, 14 March 1932, LAC, RG 10, volume 7934, file 32-54, part 1.

⁹Frank Pedley to Thos B. Smith, Agent, Truro, 3 March 1906, LAC, RG 10, volume 7934, file 32-47, part 1.

¹⁰Petition of Bear River reserve to DIA, 14 April 1926, LAC, RG 10, volume 7934, file 32-49, part 1; J.D. McLean to F.A. Chalmers, 20 April 1926, LAC, RG 10, volume 7934, file 32-49, part 1.

council system, the Department learned that the community at Chapel Island had never elected councilors in compliance with federal rules.¹¹ Similarly, the small Mi'kmaq community near Yarmouth did not get its first elected chief until 1932, and Indian Island, in northeastern New Brunswick, did not elect a council until 1934.¹² Even as late as 1941, the Department was learning of communities that had yet to conform to Indian Act electoral rules. That summer, the agent at the Richibucto agency informed his Ottawa superiors that "the Bathurst Band of Indians have never had a chief, not at least, in the last 20 years. There is no record here, that there had ever been a chief for that band."¹³ Meanwhile, it was in May of that same year, almost exactly 42 years since the rules were implemented, when the Fisher's Grant reserve elected its first band council.¹⁴

¹¹John H. Langly to T.R.L. MacInnes, 29 April 1937, LAC, RG 10, volume 7936, file 32-60, part 1.

¹²Gordon L. Cann to R.A. Hoey, 29 April 1939, LAC, RG 10, volume 7936, file 32-64, part 1. Indeed in 1932 Agent Cann explained that there was not, nor had there ever been, an elected chief for Yarmouth County. What is more, Cann noted that "the Indians tell me they are satisfied with conditions as they exist." Gordon L. Cann to T.R.L. MacInnes, 21 October 1933, LAC, RG 10, volume 7936, file 32-64, part 1; Indians of Indian Island to Charles Hudson, 22 March 1934, LAC, RG 10, volume 7935, file 32-55-9, part 1.

¹³F.J. Hudson, Acting Indian Agent, to Secretary IAB, 4 September 1941, LAC, RG 10, volume 7935, file 32-55-2, part 1.

¹⁴Louis Sapier was elected the community's first elected chief, succeeding traditionally selected chief, Matthew Francis, who served his community for almost 40 years. Louis Sapier, Chief, Pictou Landing, to Indian Affairs Branch, 21 May 1941, LAC, RG 10, volume 7936, file 32-58, part 1.

Basis of Mi'kmaq acceptance of triennial elections

Although it did not always follow immediately on the heels of the 1899 legislation, some communities adopted triennial electoral practices on their own initiative. In the summer of 1914, Indian agent R.A. Irving informed the Department that “the Indians of the Fort Folly Reserve . . . held an election there among themselves.” In this case, the agent suggested that the community’s small population meant that it was technically “not entitled to a chief,” but nevertheless recommended that the elected chief be recognized as such by the Department.¹⁵ Although federal officialdom refused to sanction the chosen incumbent at Fort Folly it did allow that “if the Department should have any special business with this band, it would be well to know who might be considered a principal man.”¹⁶ In a letter to the DIA in April 1932, Chief John Paul of Bear River explained that “we had an election and appointed a chief, also four councillors.” Chief Paul informed the DIA that the community would adhere to federal electoral regulations and asked for a copy of the Indian Act which, he assured the DIA “we will follow and as we do, there will be no mistakes made during this.”¹⁷ In 1934, the Mi'kmaq at Millbrook, near Truro, took similar action, and held a meeting that January “for the purpose of Electing a Chief and two councillors” who were “elected by

¹⁵R.A. Irving to Secretary DIA, 3 July 1914, LAC, RG 10, volume 7934, file 32-55, part 1.

¹⁶J.D. McLean to R.A. Irving, 8 July 1914, LAC, RG 10, volume 7934, file 32-55, part 1.

¹⁷John Paul, Chief, Bear River to DIA, 19 April 1932, LAC, RG 10, volume 7934, file 32-49, part 1.

acclamation for a term of three (3) years.”¹⁸ Agent R.H. Harris, who had no “intimation . . . that they proposed to hold an election” was surprised because Millbrook had “not been holding elections for some time past” but nevertheless endorsed the election and requested the DIA do the same.¹⁹

Clearly some Mi’kmaq communities accepted triennial elections. But why? What did the triennial system have to offer? For too long, those Native communities that accepted federally-prescribed elected councils had been branded powerless victims of federal authority, or worse, as apathetic, complicit facilitators of the state’s assimilation goals.²⁰ Recently, however, scholars have challenged the accuracy of such interpretations. American scholar Loretta Fowler and Canadian historian E. Jane Dickson-Gilmore, for instance, both argue that decisions to adopt band council systems did not reflect Native acquiescence to state goals.²¹ Instead, the two scholars argue convincingly that Native

¹⁸Truro band to DIA, 2 January 1934, LAC, RG 10, volume 7934, file 32-47, part 1.

¹⁹R.H. Kennedy to Secretary DIA, 4 January 1934, LAC, RG 10, volume 7934, file 32-47, part 1.

²⁰Little Bear, Boldt and Long, for example, suggest that band councils “served merely as administrative structures for implementing approved policies and regulations of the Canadian government” and state as a matter of fact that “band councils functioned as agents of the Canadian government in a model of colonial indirect rule rather than as representatives to their own people.” Leroy Little Bear, Menno Boldt and J. Anthony Long, “Introduction,” *Pathways to Self-Determination: Canadian Indians and the Canadian State* (Toronto: University of Toronto Press, 1984), xiii.

²¹In her study of Arapahoe acceptance of band council-style local governments, Fowler posits that their decision to work within a band council system was the result of some complex, seemingly contradictory desires and aims. Not without some irony, she suggests the Arapahoe saw the band council system as way to preserve the traditional autonomy of their political traditions. By accepting the band council system, Arapahoe

governments elected under state rules were used to “prevent rather than promote” state interests.²² With this assessment in mind, it is clear that where Mi’kmaq communities did accept band council elections, they did not do so to facilitate the federal government’s assimilationist mandate. Rather, elected councils were adopted in efforts to confer real, tangible benefit upon their communities. Furthermore, the election of a band council did not preclude continued adherence to Mi’kmaq political traditions.

Some Mi’kmaq communities seem to have viewed the triennial system as a means of ameliorating trying reserve conditions. Life was not easy in Mi’kma’ki in the early twentieth century. For the majority of Mi’kmaq, who lived in communities that were removed from the region’s industrial centres, wage-paying jobs were hard to find. Throughout the region, the Mi’kmaq often fared poorly in competition for jobs. Moreover, the sale of manufactured goods (an undertaking which formed the economic foundation of many families) was complicated by precarious supplies of raw materials, an unregulated, unreliable market and competition from cheaper, mass-produced items.

leaders hoped to garner the trust of American federal officials who would in turn ease federal control over community life and thus enhance the Arapahoe people’s own ability to independently govern reserve life, without the meddlesome interference of federal bureaucrats. At the same time, Fowler contends that the Arapahoe people saw the elected band council system as a means of restoring political customs that had lapsed over the course of the eighteenth and nineteenth centuries. Arapahoe politics were driven by leadership of and underlying reverence for, male elders in the community. Fowler argues that the band council’s similar focus on male elders was favourably viewed as a rival of a political system centred upon this traditional Arapahoe authority of male elders. Loretta Fowler, *Arapahoe Politics, 1851-1978: Symbols in Crises of Authority* (Lincoln: University of Nebraska Press, 1982). E. Jane Dickson-Gilmore, “‘This is my history, I know who I am’: History, Factionalist Competition, and the Assumption of Imposition in the Kahnawake Mohawk Nation,” *Ethnohistory* 46, 3(Summer 1999), 429-450.

²²E. Jane Dickson-Gilmore, 444.

While the work that Mi'kmaq people did secure was largely seasonal, federal aid in the off season was insufficient and provided very reluctantly. As one parish priest who ministered to Mi'kmaq people at Bear River alleged, "the plight of the Indian is a sad one" in which families were forced to subsist on \$10 per month. Using an unfortunate metaphor, the priest suggested that "the Indians were being fondled by the paternal Department which is supposed to be their guardian Angel."²³ He suggested that "the allowance of the Indians be such as to permit them to live as ordinary human beings and not starve them in the name of economy because there are no funds."²⁴

Given the precarious economic condition of many Mi'kmaq communities, it is not surprising that some Mi'kmaq saw in band councils an opportunity to improve their local economies. They hoped that leaders elected with DIA sanction could positively influence the availability of federal resources and ensure their fair local distribution. It is surely not coincidental that this rationale for adopting triennial elections was particularly evident during the 1930s, as the Great Depression ravaged already impoverished Mi'kmaq communities. In July 1933, Indian Agent A. Johnston revealed the extent of this economic crisis in Pictou County when he complained that his relief budget was inadequate to meet the escalating needs of the Mi'kmaq. Displaying equal parts concern and condescension, Johnston admitted that he "[felt] for these poor creatures, believing that the present time of depression has made their lot a particularly hard one, since it is

²³Father Leo Murphy to R.B. Bennett, 14 January 1934, UNB Archives, R.B. Bennett Fonds, Box 374 Indian Affairs, File D-201, 245963

²⁴Father Leo Murphy to R.B. Bennett, 14 January 1934, UNB Archives, R.B. Bennett Fonds, Box 374 Indian Affairs, File D-201, 245963.

impossible for them to get . . . work or to sell their handiwork.”²⁵ Frances L. Fish, a lawyer in Newcastle, described a similar plight in New Brunswick communities. “Things are in a very bad state at present” she explained, and “[t]he Indian Relief Money has been cut down so low lately that most of them are starving in the three Reserves at Eel Ground, Red Bank and Burnt Church.”²⁶ It was in this climate of hardship that the community at Burnt Church advanced its 1931 proposal to hold an election “as we need a chief [at] this very important time.”²⁷ Similarly, in March 1933, Agent A.J. McDonald of Middle River, Nova Scotia, asserted that the Mi’kmaq community in his constituency wished to hold an election because “as far as I can see they want to use the [chief] as a sort of petitioner for more relief.”²⁸ That spring the community of Whycocomagh was interested in establishing a band council for the same reason. There, Agent A.C. MacNeil complained that the call for a council was being driven by a man who was agitating for a council with promises of increased relief and improved housing. Indeed, according to an unsympathetic MacNeil, “[they] propose to do everything but officially take over the

²⁵Agent A.A. Johnston to MP Thomas L. Cantley, 18 July 1933, LAC, Indian Affairs School Files, RG 10 volume 6054, file 265-1, part 1.

²⁶Miss Frances L. Fish to R.B. Bennett, 27 June 1934, R.B. Bennett Fonds, Box 374 Indian Affairs, file D-201, number 245971.

²⁷Frank Mitchell, Councillor Burnt Church, to Hon Thomas G Murphy, 24 March 1931, LAC, RG 10, volume 7935, file 32-55, part 2.

²⁸Rev. A.J. McDonald to Secretary DIA, 4 March 1933, LAC, RG 10, volume 7936, file 32-63, part 1. McDonald did not see this as a valid reason for a chief and cautioned the Department that he did not “think it would be in the best interest of the Band or Dept. to elect one.” The Department agreed with Agent McDonald and refused to sanction the holding of an election in the community. A.F. MacKenzie to Rev A.J. McDonald, 9 March 1933, LAC, RG 10, volume 7936, file 32-63, part 1.

running of the Dept of Indian Affairs.”²⁹

In other instances, triennial band councils were apparently viewed as institutions that could serve as potential intermediaries between the Mi’kmaq and the Department of Indian Affairs in Ottawa. This was especially true in communities where there was no local Indian agent or where the agent was perceived to be unresponsive or unfair. In 1902, the recently-established reserve at Sydney, Nova Scotia, apparently sought a council because it needed “some head to whom they could look to as leader” and who would represent their interests.³⁰ Four years later, when Peter Paul was chosen chief without adherence to the triennial system by the Mi’kmaq community at Dartmouth, Nova Scotia, the DIA was informed that this move was prompted by the resignation of the local agent, Charles E. McManus.³¹ Deputy Superintendent Frank Pedley concurred that this was the impetus for the unsanctioned appointment of Chief Paul, and informed Paul that “there is no necessity for a chief, as a new Agent will be appointed very soon.”³² In 1932, the self-directed election at Bear River, Nova Scotia, was, according to Chief Paul, also the result of the fact that “all the Indian Agents and Superintendents are laid off and there is no one to look after us.” The chief continued, “I think it is time we Chiefs should take an interest

²⁹A.C. MacNeil to Secretary DIA, rec’d 20 March 1933, LAC, RG 10, volume 7934, file 32-53, part 1.

³⁰D.K. McIntyre, MD to J.D. McLean, 13 March 1902, LAC, RG 10, volume 7936, file 32-61, part 1.

³¹Peter Paul, Micmac Indian to Frank Pedley, 5 March 1906, LAC, RG 10, volume 7934, file 32-52, part 1.

³²Deputy Superintendent Frank Pedley to Peter Paul, 15 March 1906, LAC, RG 10, volume 7934, file 32-52, part 1.

in the affair. So we had an election and appointed a chief, also four councillors.”³³

Meanwhile, in 1933, the community at Middle River, Nova Scotia, that had apparently viewed a band council as a means of securing relief, also saw a council as a potentially important intermediary. When the community took upon itself to hold a nominating meeting for chief and councillor candidates, the meeting’s Mi’kmaq chairperson argued that by electing officials, “we do not believe there would be so much mis-understanding between the Dept. and reserve.”³⁴ Five years later, the community was again agitating for an election, and again, according to the agent, a key impetus was that a council could “make suggestions to the Agent in regard to the best welfare of the Indians of this reservation.”³⁵

Band Councils were also seen as a means of ameliorating relations with non-Native neighbours who encroached on reserve lands. Encroachment on reserve land was a century-old problem that continued into the twentieth century.³⁶ DIA records reveal ongoing struggles over tracts of land and frequent calls for surveys of reserve boundaries.

³³John Paul, Chief, Bear River to DIA, 19 April 1932, LAC, RG 10, volume 7934, file 32-49, part 1.

³⁴Martin Simon, Chairman, to DIA, 20 March 1933, LAC, RG 10, volume 7936, file 32-63, part 1.

³⁵Rev. D.J. Rankin to T.R.L. MacInnes, 19 September 1938, LAC, RG 10, volume 7936, file 32-63, part 1.

³⁶L.F.S. Upton, *Micmac and Colonists: Indian-white Relations in the Maritimes, 1713-1867* (Vancouver: University of British Columbia Press, 1979); Bill Parenteau and James Kenny, “Survival, Resistance, and the Canadian State: The Transformation of New Brunswick’s Native Economy, 1867-1930,” *Journal of the Canadian Historical Association* 13 (2002), 49-71.

In 1927, Chief John Augustine of Red Bank, New Brunswick, stated that his most important chiefly legacy was the fact that he “stopped all trespassing by white people from cutting lumber and fuel on our reserve which was going on this last twenty years.”³⁷ Trespass was also on the minds of the Red Bank community in the spring of 1939. In April, Agent Charles Hudson wrote to his Ottawa superiors that the community had no chief and that an election ought to be held. The Mi’kmaq people at Red Bank, Hudson wrote, “report that the white men are destroying their reserve” and that this was “an excuse for them asking for an election.”³⁸

Mi’kmaq modification of triennial elections

Some Mi’kmaq communities saw value to band elections as prescribed by the DIA. However, the reaction of most Mi’kmaq communities to band elections varied over time. A degree of compliance with Indian Act electoral rules did not guarantee a permanent, ongoing commitment to following federal electoral mandates. Instead, over time the same community could variously support or oppose band elections. The New Brunswick Mi’kmaq communities at Red Bank and Big Cove serve as cases in point. In 1914, the community at Red Bank staunchly opposed the prospect of electing a chief. Yet, nine years later, in September 1923, the community held its own meeting, which was unsupervised by the local agent, to plan a new election in accordance with the Indian

³⁷Chief John Augustine, Red Bank, to J.D. McLean, 9 August 1927, LAC, RG 10, volume 7935, file 32-55, part 2.

³⁸Charles Hudson to Indian Affairs Branch (IAB), 21 April 1939, LAC, RG 10, volume 7935, file 32-55-4.

Act.³⁹ In a petition dated 11 September 1923, signatories explained that “We the Indians of the Mic-Mac Red Bank Band, in virtue of our custom, when the term of CHIEF expires, called a meeting to beg to petition the said Dept. of Ind. Affairs, to order a meeting be held on or before the 12 day of Oct. next for the purpose of electing a CHIEF.”⁴⁰ While Red Bank first opposed, then endorsed, an elected council, the Community at Big Cove, in contrast, first approved of an Indian Act Council, only to later reverse its stance. In 1923, it appears that the Big Cove community was not interested in continuing under the elective system. In June, Tom Sanipass, the community’s chief who had been named through a federally-sanctioned election, informed the Department that he planned to resign “on account of being sick and not expect[ed] to recover.” The community, however, did not want an election. Instead, Sanipass explained, “[t]he people of this reserve asked me to appoint my successor as Chief of this reserve.”⁴¹ Clearly Big Cove did not see the need for an elected chief.

Other communities similarly fluctuated in their commitment to the band council system, and there were definite gaps in community adherence to the three-year schedule of elections prescribed by federal policy. Most commonly, communities deviated from

³⁹Red Bank Micmacs to DIA, 8 September 1923, LAC, RG 10, volume 7935, file 32-55, part 2.

⁴⁰Red Bank Indians to The Indian Department, 11 September 1923, RG 10, volume 7935, file 32-55, part 2.

⁴¹Chief Tom P. Sanipass to DIA, 11 June 1923, LAC, RG 10, volume 7935, file 32-55, part 2. See also letter from from Councillors Simon and Stephen Augustine. Simon and Stephen Augustine to DIA, 11 June 1923, LAC, RG 10, volume 7935, file 32-55, part 2.

electoral scheduling by a matter of months or a few years, usually as the result of particular circumstances such as disease quarantine or bad weather that made holding an election difficult.⁴² Sometimes, too, communities were happy with their elected leaders and simply opted not to hold an election as regularly as federal rules stipulated. In many communities a substantially greater number of years passed between elections than the three year intervals set out in federal policy. For example, the DIA reported in 1908 that the Mi'kmaq community at the Cambridge reserve had held no election since January 1903.⁴³ In 1926, Departmental Secretary J.D. McLean reported that no election had been held at Bear River since 1916.⁴⁴ In 1930, federal officials learned that elections at the Cambridge reserve in Nova Scotia had again fallen by the way-side and that no chief had been elected there in five years.⁴⁵ Indeed, Chief Phillip Paul, the most recently elected chief in Kings county, had actually died in 1922.⁴⁶ In 1932, Agent J.W. Maxner of Windsor, Nova Scotia, revealed a litany of lapsed elections. He informed the Department that, while his agency had not seen a 'regular' election since 1920, Cumberland County

⁴²The 1918 fall election at Eel Ground was postponed when the New Brunswick health board prohibited such a gathering because of an influenza epidemic. John Sheridan to J.D. McLean, October 20, 1918, LAC, RG 10, volume 7934, file 32-55, part 1.

⁴³Secretary DIA to C.E. Beckwith, 10 June 1908, LAC, RG 10, volume 7934, file 32-54, part 1.

⁴⁴J.D. McLean to F.A. Chalmers, 20 April 1926, LAC, RG 10, volume 7934, file 32-49, part 1.

⁴⁵Dommick Bradford to Parliament of Indian Affairs, 5 March 1930, LAC, RG 10, volume 7934, file 32-54, part 1.

⁴⁶W.S. Prince to Secretary DIA, 15 April 1930, LAC, RG 10, file 7934, file 32-54, part 1.

had been without an election for seven years and the large community at Shubenacadie had seen eight years pass since its last electoral contest. According to Maxner, “the only county [in western Nova Scotia] in which an election has been held in the past five or six years is the County of Digby.”⁴⁷ Also in 1932, Agent Nicholle of Annapolis County informed the DIA’s Secretary that in that county “there ha[d] not been an election for the last 15 years.”⁴⁸ A similar circumstance prevailed in Cape Breton, where the community at Whycomaugh had, by 1932, not held an election in 14 years.⁴⁹ Finally, the Mi’kmaq community at Millbrook, near Truro, held an election at least as early as January 1934, but it seems the chief and councillors had all resigned by 1936.⁵⁰

Even where Mi’kmaq chiefs were elected according to federal statute, it did not follow that communities would either totally adhere to federal rules or that they would altogether abandon pre-existing political practices that were un-sanctioned by the DIA. A central premise of Indian Act elections was the notion that elections would give federal

⁴⁷J.W. Maxner, to Secretary DIA, 31 May 1932 and 14 June 1932, LAC, RG 10, volume 7934, file 32-54, part 1.

⁴⁸A.A. Nicholle to Secretary DIA, 10 October 1932, LAC, RG 10, volume 7934, file 32-45, part 1.

⁴⁹In 1932, Frank Cabot was “captain” of the reserve at Whycomagh. Cabot was elected in 1918. A.C. MacNeil to Secretary DIA, 6 November 1932, LAC, RG 10, volume 7934, file 32-53, part 1.

⁵⁰According to the band, “[t]he meeting was held at School House on this date January 2nd for the purpose of Electing a Chief and two Councillors. [A council has] been elected by acclamation for a term of three (3) years.” Truro Band to DIA, 2 January 1934, LAC, RG 10, volume 7934, file 32-47, part 1. B.B. Fox, Truro Agent, to A.F. MacKenzie, 9 September 1936, LAC, RG 10, volume 7934, file 32-47, part 1. Agent Fox reported that the last remaining councillor was critically ill and so tendered his resignation.

officials greater awareness of, and control over, reserve life. DIA Secretary J.D. McLean clearly stated his Department's insistence on overseeing and monitoring community elections when he criticized an election held in Antigonish County in the absence of an agent and without Departmental sanction. McLean stressed that "[t]he Indians should not hold any meeting to elect a chief or councillors, without having first received authorization from the Department through the Agent."⁵¹ Communities often held elections largely according to the mandated protocol, but with one major deviation: they did not invite the local agent or other Departmental official to the contest. For example, just months after the passage of the Order-in-Council that mandated federally-ordained elections in Mi'kmaq communities, Agent William Carter reported that the Mi'kmaq community at Fort Folly, New Brunswick, had held its own election which did not comply with the new rules. It was, he argued, "simply a meeting of the band [held] among themselves [and] at the meeting the officers as named were agreed upon." Agent Carter asked the Department to sanction the results, adding that "if the meeting referred to could be recognized as an election it would be as well to do so. It would satisfy all the Indians."⁵² The Mi'kmaq community at Cambridge seems to have been similarly partial to holding its own elections in the absence of federal officialdom. In November 1902, the

⁵¹J.D. McLean to W.J. Cameron, 7 February 1921, LAC, RG 10, volume 7934, file 32-46, part 1. Emphasis in original.

⁵²Wm. D. Carter to Secretary DIA, 23 August 1899, LAC, RG 10, volume 2603, file 121,698-2. Indeed, the DIA allowed the chief's "election" but added that it did "not think it proper to recognize the other officers elected . . . as the Band is not entitled to such officers according to the Indian Act." J.D. McLean to Wm. D. Carter, 7 September 1899, LAC, RG 10, volume 2603, file 121,698-2.

Cambridge reserve held its own election. In choosing “Captains” instead of Chiefs, the community demonstrated the long-lasting impact of political practice adopted during the French regime. Moreover, the community kept Ottawa out of the process and informed the Department after the fact that “[w]e have made an arrangement amongst ourselves to appoint Phillip Paul for our Head Chief John Knockwood for second Captain Joseph Knockwood for third captain; these are to be the head men of Kings County.”⁵³ Almost three decades later, in 1930 and again in 1932, this same community held unsupervised elections.⁵⁴ Similarly, Agent F.A. Rand of Cumberland County informed the Department in June 1903 that the local band had held an election unbeknownst to him on 6 May, while in February 1921, Antigonish County Agent W.J. Cameron offered up a by-then familiar story to the Department when he explained that while he had recently been informed of an election held for chief and two councillors, he “had nothing to do with the election . . . [and] was not consulted about it [as] they had the meeting themselves.”⁵⁵ Similarly, on 2 January 1934 the agent at Truro was informed that a “meeting was held at School House on this date January 2nd for the purpose of Electing a Chief and two

⁵³Cambridge Reserve to DIA, 10 November 1902, LAC, RG 10, volume 7934, file 32-54, part 1.

⁵⁴Dommick Bradford to Parliament of Indian Affairs, LAC, RG 10, volume 7934, file 32-54, part 1. In 1932, the community informed the DIA that “We the undersigned Indians of Cambridge Reserve, have hereby appointed James Toney Head Man of our Band of Indians and we also have appointed Dommick Bradford and James Morris as councillors for a period of 3 years.” James Toney to DIA, 22 February 1932, LAC, RG 10, volume 7934, file 32-54, part 1.

⁵⁵F.A. Rand to Secretary DIA, 5 June 1903, LAC, RG 10, volume 7934, file 32-48, part 1.; W.J. Cameron to Secretary, DIA, 2 February 1921, LAC, RG 10, volume 7934, file 32-46, part 1.

Councillors.”⁵⁶ The agent in turn advised the Department of this meeting, noting that “[t]his was the first intimation I had that they proposed to hold an election.”⁵⁷ In refusing to involve the DIA in its own electoral processes, certain communities undermined the local influence of federal electoral legislation and its goal of using elections as a device of surveillance and control. In a very real sense, Mi’kmaq communities coopted features of Indian Act electoral procedure, but refused to adhere to its fundamentally controlling strictures.

Mi’kmaq communities that generally accepted band elections as mandated by the Indian Act deviated from prescribed electoral rules in other ways as well. The naming of councillors was a common area of departure. Under federal legislation, Mi’kmaq communities with 50 or more members were entitled to a chief.⁵⁸ In addition, communities were entitled to elected councillors in the proportion of “one head chief and two second chiefs or councillors for every two hundred Indians.”⁵⁹ In June 1899, Secretary McLean explained that “the proportion of ‘two councillors for every two hundred Indians’ is declared to mean that any band consisting of more than fifty Indians is entitled to one councillor as well as a chief, and that a band numbering over one

⁵⁶Truro band to DIA, 2 January 1934, LAC, RG 10, volume 7934, file 32-47, part 1.

⁵⁷R.H. Kennedy to Secretary DIA, 4 January 1934, LAC, RG 10, volume 7934, file 32-47, part 1.

⁵⁸Although they could not vote under federal rules, women and children were included in the population numbers upon which a community’s ‘right’ to a chief was based.

⁵⁹The Indian Act (1876), S.C., 1876, c 18. (39 Vict.)

hundred is entitled to two councillors.”⁶⁰ Mi’kmaq communities, however, frequently ignored this legislated council structure. Some communities opted to elect chiefs and councillors even where their populations did not technically warrant one under federal rules. In the spring of 1934, for example, Agent P.J. Veniot was surprised to learn from the Department that the small Bathurst-area Mi’kmaq community was not entitled to have a chief. Veniot explained, “I note that you say that this band is not entitled to a Chief as the population is only 20. This is a surprise to me, as the Indians have always for years claimed they had such a right.”⁶¹

Other communities, meanwhile, paid little heed to prescribed numbers of councillors. In 1909, the DIA learned that the Mi’kmaq of Kings County, Nova Scotia, had elected councillors when the chief wrote to ask the proper protocol for replacing a deceased councillor.⁶² In reply, Departmental secretary J.D. McLean revealed that the county had not been following proper electoral procedure and that “the Indians of King’s County, numbering less than one hundred, are not entitled to any councillors and the Department has never authorized the election of any.”⁶³ In June 1913, the Mi’kmaq of Cumberland County elected a chief and two councillors despite the fact that the

⁶⁰J.D. McLean to F.A. Rand, 22 June 1899, LAC, RG 10, volume 7934, file 32-48, part 1.

⁶¹P.J. Veniot to Deputy Supt General, 1 March 1934, LAC, RG 10, volume 7935, file 32-55-2, part 1.

⁶²Joseph Knockwood to Mr. McLean, 1 February 1909, LAC, RG 10, volume 7934, file 32-54, part 1.

⁶³J.D. McLean to Chief Joseph Knockwood, 6 February 1909, LAC, RG 10, volume 7934, file 32-54, part 1.

community was enumerated at only 90 members and was therefore entitled to a chief and just one councillor. The DIA, however, allowed this council to stand as elected, noting that as the community “has always had 2 [councillors]” and given that “the membership probably [had] been over 100 at one time the Department does not wish to reduce the number.”⁶⁴ In 1932, much to the consternation of the local agent, the Mi’kmaq community at Bear River held an election wherein it “appointed” a chief and four councillors when in fact the community was entitled to just two councillors.⁶⁵

While some communities named councillors that were proportionately out of line with federal rules, others named adjunct leaders who had no place in federal electoral protocol. In 1906, the newly-elected chief at Lennox Island named a vice-chief and speaker, offices that did not exist at all under federal legislation.⁶⁶ In 1908, Ha-sel-ma, also known as Lonecloud, informed secretary McLean that “I am elected chief medicine man for the tribe of Mic-Macs.”⁶⁷ The Department heard Lonecloud’s claim but rejected it, noting that “it could not recognize such an office officially.”⁶⁸ Meanwhile, in 1910, the

⁶⁴J.D. McLean to J.A. Johnson, 26 June 1913, LAC, RG 10, volume 7934, file 32-48, part 1.

⁶⁵J.W. Maxner to Secretary DIA, 17 June 1932, LAC, RG 10, volume 7934, file 32-49, part 1.

⁶⁶John Sark to J.D. McLean, 10 September 1906, LAC, RG 10, volume 7935, file 32-57, part 1.

⁶⁷Ha-sel-ma (Lone Cloud) to Mr. McLean, no date, LAC, RG 10, volume 7934, file 32-46, part 1.

⁶⁸J.D. McLean to Haselma or Lone Cloud, Guysborough County, 21 July 1908, LAC, RG 10, volume 7934, file 32-46, part 1. The DIA’s use of the word “officially” is intriguing, and might suggest that the DIA gave “unofficial” tacit approval to Lone

community at Bear River elected a “Governor” and a “road commissioner” at an election purported to be in accord with federal rules.⁶⁹ The 1930 election at Cambridge also featured the naming of officials unsanctioned by Indian Act electoral regulation and, in a 1933 meeting of the Burnt Church council, councillors created a new office, that of “secretary treasurer.”⁷⁰ Finally, Cape Breton communities which had previously been influenced by the French regime tended not to elect ‘councillors,’ preferring instead to name ‘captains.’⁷¹ While these departures from offices recognized by federal rules may in some respects reflect semantics, they also show a willingness to challenge the letter of electoral legislation law.

The Mi’kmaq also challenged the processes of triennial elections. According to federal regulations, councillors were to be elected by majority vote at polling conducted at the same time as elections for chief. This feature of elections, however, was frequently disregarded. On more than one occasion, councillorships were not brought to vote; instead, councillors were simply appointed by elected chiefs. For example, in 1906, Chief

Cloud’s position.

⁶⁹Jas N. Purdy to J.D. McLean, 14 February 1910, LAC, RG 10, volume 7934, file 32-49, part 1.

⁷⁰Dommick Bradford, Cambridge, to Parliament of Indian Affairs, 5 March 1930, LAC, RG 10, volume 7934, file 32-54, part 1; Lemey Ward, Chief and Abraham Louie, Councillor, Burnt Church to Hon. Mr. Murphy, Superintendent General Indian Affairs, 18 March 1933, LAC, RG 10, volume 7935, file 32-55, part 2.

⁷¹Although he did not define the distinction between the two, Agent A.C. MacNeil of Glendale, Nova Scotia, noted in an October 1932 letter to the DIA that Cape Breton Mi’kmaq communities named Captains and that they had no councillors. A.C. MacNeil, Glendale, Nova Scotia, Agent to Secretary DIA, 17 October 1932, LAC, RG 10, volume 7934, file 32-53, part 1.

Sark of Lennox Island named his own councillors.⁷² In March 1933, the Council at Burnt Church took upon itself to replace a vacant council seat by simply appointing a councillor at one of its regular meetings.⁷³ At the same meeting, a councillor was removed from office for an alleged alcohol infraction.⁷⁴ This was done without following the strict letter of the federal law. The sole mechanism in place under federal law for the removal of councillors within their term of office was through a deposal activated by DIA initiative and sealed with an Order-in-Council.

Mi'kmaq communities in eastern New Brunswick reserves departed from the letter of federal rules surrounding councillor elections more strikingly and consistently than other Mi'kmaq communities. In this region, the election of councillors became an event separate from chiefly elections, and while elections of chiefs adhered to federal rules, the naming of councillors did not. When it came to naming councillors, local traditions reigned. In November 1896, the region's agent, William Carter, explained Big Cove's custom of electing councilors. In a letter addressed to the Deputy Superintendent General, Carter explained that:

The Indians of Big Cove have been in the habit of electing two councillors every year. This, I understand from the Department was a matter for

⁷²John Sark to J.D. McLean, 10 September 1906, LAC, RG 10, volume 7935, file 32-57, part 1.

⁷³Lemey Ward, Chief and Abraham Louie, Councillor, Burnt Church to Hon. Mr. Murphy, Supt General Indian Affairs, 18 March 1933, LAC, RG 10, volume 7935, file 32-55, part 2.

⁷⁴Lemey Ward, Chief and Abraham Louie, Councillor, Burnt Church to Hon. Mr. Murphy, Supt General Indian Affairs, 18 March 1933, LAC, RG 10, volume 7935, file 32-55, part 2.

themselves as the Dept deals only with the election of the Chief at any rate this has been their custom and they hold a meeting yearly for this purpose. I was not notified and did not attend and therefore do not know what took place at the meeting. It is there [*sic*] custom for the Chief to act as chairman. This he did at the meeting held on the 2nd inst and the councillors were elected by a majority vote as is the custom.⁷⁵

In early 1897, the Department tacitly approved this custom when the Deputy Superintendent noted that while “the Band should not have any councillors . . . if the Chief desires to have one or two councillors to assist him, the Department has no objection so long as it is not obliged to recognize them as such; and it is therefore a matter which must be arranged by the Chief and the Band without the interference of the Department or its Agent.”⁷⁶ The 1899 order-in-council changed the federal government’s lacsidaisical stance and in November 1900 the Department’s secretary insisted that this custom be ended. McLean informed Agent Carter that in recent correspondence from the band “it is observed that five of the Indians signing the letter referred to style themselves as ‘councillors.’” McLean continued, noting that “at present there are no councillors in the Big Cove Band, none having been elected.” He instructed Agent Carter to “ascertain whether these Indians would like to have councillors, and if so, advise them of the number to which they are entitled, namely three, and if they desire holding an election of councillors at the same time as the election of Chief.”⁷⁷ Despite this instruction, the

⁷⁵W. D. Carter to Deputy Superintendent General, 13 November 1896, LAC, RG 10, volume 2604, file 121,698-48.

⁷⁶Deputy Superintendent General to Noel Nicholas, 26 January 1897, LAC, RG 10, volume 2604, file 121,698-48.

⁷⁷J.D. McLean to W.D. Carter, 17 November 1900, LAC, RG 10, volume 2604, file 121,698-48.

custom of electing councillors annually in a process distinct from chiefship elections persisted long after the 1899 order-in-council.

Big Cove was not the only Mi'kmaq community to adhere to this custom of electing councillors annually in a process distinct from triennial chieftainship elections. For instance, in 1921 Agent John Sheridan reported that while the Mi'kmaq of Eel Ground and Red Bank subscribed to the DIA's three year elective system for chiefs, their councillors were selected in neither the manner nor the ratio stipulated by Indian Act rules. Instead, they were appointed annually "as they have always [been,] . . . follow[ing] the custom of the band."⁷⁸ When pressed for details, Sheridan elaborated, noting that "it has been the custom of this [Eel Ground] Band to hold a meeting each year in October, and elect their councillors." In his own defence, Sheridan noted that "Big Cove does the same, their election for councillors is in November."⁷⁹ As late as 1926, both bands were still selecting councillors in this manner.⁸⁰ In July of that year, Agent Hudson was asked to explain why the summer election at Eel Ground did not include the election of councillors. Agent Hudson replied that "it has always been the custom of this band to elect their councillors once a year, on November 1st, this was the reason that they were not

⁷⁸John Sheridan to the Secretary, Department of Indian Affairs, 22 January 1921, LAC, RG 10, volume 7934, file 32-55, part 1.

⁷⁹John Sheridan to Secretary, Department of Indian Affairs, 12 February 1921, LAC, RG 10, volume 7934, file 32-55, part 1.

⁸⁰Charles Hudson to Secretary, Department of Indian Affairs, 29 July 1926, LAC, RG 10, volume 7935, file 32-55, part 2.

elected with the Chief⁸¹ A.F. MacKenzie, dissatisfied with this explanation, insisted that “the system of electing chiefs for one year will have to be discontinued.” He noted that “[t]his matter has been overlooked in the past, yet it is the desire of the Department to follow the Indian Act more closely in the future in regard to elections of chiefs and councillors.”⁸²

Other departures from federal electoral processes also persisted. In 1923, Charles Hudson was surprised to learn of an electoral custom that existed on Big Cove wherein the community held a ‘dinner’ to mark their election. The chief at Big Cove, Hudson said, “claims that it always had been the custom to do this, at every election.”⁸³ Certainly, federal law mandated no such gathering. The Big Cove “election dinner” is an example of the melding of DIA rules and local custom.⁸⁴ In 1936, the Mi’kmaq community at Cambridge informed their Agent Spinney that they planned to hold an election and that it would “take in all the Indians here in Kings Co who are over the age of 21 years, both male and female.”⁸⁵ Until 1951, federal electoral rules had no place for women voters or

⁸¹Charles Hudson to Secretary DIA, 29 July 1926, LAC, RG 10, volume 7935, file 32-55, part 2.

⁸²A.F. MacKenzie to Charles Hudson, 3 August 1926, LAC, RG 10, volume 7935, file 32-55, part 2.

⁸³Charles Hudson to DIA, 1 October 1923, LAC, RG 10, volume 7935, file 32-55, part 2.

⁸⁴Feasting often accompanied important Mi’kmaq events, including those in the political realm.

⁸⁵Agent Clarence Spinney to DIA, 18 April 1936, LAC, RG 10, volume 7934, file 32-54, part 1. Emphasis in original.

candidates. Like the common deviations from rules regarding councillors' elections, these departures demonstrate the precarious hold that federal rules had over the political processes and political realities of Mi'kmaq communities.

Life chiefs

The DIA was doubtless displeased with the obvious instances of Mi'kmaq non-compliance with Indian Act electoral policy. Less clear to the DIA, however, may have been the extent to which the idea of band councils failed to take hold in Maritime Mi'kmaq communities. The application of the band council system did not eradicate existing Mi'kmaq politics. At a very basic level, the ongoing use of the Mi'kmaq language and Mi'kmaq customs that coincided with Mi'kmaq adherence to federal electoral procedure speaks to the limited extent to which the band council system was seen by Mi'kmaq people as a process that would transform their political culture. The Mi'kmaq language certainly was important to electoral candidates and many lobbied for their positions in their mother tongue. In August 1913, Agent R.A. Irving reported that the recent election at Big Cove featured speeches by "candidates who spoke briefly to the members in the Micmac language."⁸⁶ Although it is impossible to know precisely what was said in these campaign speeches, the fact that they were delivered in the Mi'kmaq language (a language not spoken by the agent) was a direct challenge to the DIA's goal of assuming greater knowledge of, and control over, political life in Mi'kma'ki. Similarly,

⁸⁶R.A. Irving to Secretary DIA, 21 August 1913, LAC, RG 10, volume 7934, file 32-55, part 1.

the community of Lennox Island infused the operation of its elected council with distinctly Mi'kmaq practice. In 1905, a meeting of the Lennox Island council was closed not only with “cheers for King Edward VII . . . [and] Chief Sark and his council” and the singing of the National Anthem, but the “assembly [also] sang Pow Wow.”⁸⁷ Traditional values regarding leadership also persisted. When, for instance, Chief Sark deviated from proper electoral rules to name his own six councilors and one speaker, he maintained that the men could ably fulfill these roles not because they had been elected (they were appointed), but rather because “they are true Mic-macs and understand ancient ways and pow wows.”⁸⁸

The persistence of Mi'kmaq political custom was most evident in the concept of the life chief. In 1900, DIA Secretary J.D. McLean refused to sanction a chief's life-term appointment and explained to Mi'kmaq petitioners that:

In the case of Indians who were life chiefs at the time of the application of the elective system under the Indians Act, provision is made for such chiefs continuing the exercise of their powers for a term of three years on being elected. In this manner, if such chiefs should be reelected term after term, practically the application of the elective system would not have interfered with them; but no provision is made in the Indian Act for the creation of life chiefs, consequently, the Department has no power to appoint such.⁸⁹

⁸⁷Lennox Island Band to Superintendent John O. Arsenault, 6 March 1905, LAC, RG 10, volume 7936, file 32-57, part 1.

⁸⁸Chief John Sark to J.D. McLean, 10 September 1906, LAC, RG 10, volume 7936, file 32-57, part 1.

⁸⁹J.D. McLean to Thomas Levi, Stephen E. Augustine, Julian Augustine and other Indians, C/O W.D. Carter, 24 November 1900, LAC, RG 10, volume 2604, file 121,698-48.

It is clear, however, that federal designs for supplanting life chiefs did not proceed as planned in Mi'kma'ki.

In the decades following 1899, Mi'kmaq communities continued to hold up life chiefs as an alternative to elected officials. It was not uncommon for Mi'kmaq communities to call for a return to a system of life chiefs. In 1900, twenty signatories from Big Cove petitioned the DIA, insisting that their long-serving Chief, Thomas Joseph, "be appointed chief of the Band for life."⁹⁰ Indeed, the community was adamant on the point and its Agent William Carter informed federal officials that he had told the community that "under the Indian Act it is out of the question to grant the request." In the end, Carter forwarded the document to Ottawa since the petitioners "would not be satisfied until I forwarded [the petition]."⁹¹ Two years later, in 1902, the Mi'kmaq people of King's County, Nova Scotia, also selected a "life chief" without Departmental sanction.⁹² Similarly, in December 1920, Chief Francis Paul of Antigonish County wrote to the Minister of Indian Affairs that "I have been elected as Chief of the Micmac Indians in the county of Antigonish. I was elected on the 4th of last month and my term of office is for life." Chief Francis noted that "In order to have the proper influence with my tribe I should like to have the Government's sanction of my appointment . . . [a]s the good of the

⁹⁰Petition of Big Cove to DIA, no date, LAC, RG 10, volume 2604, file 121,698-48.

⁹¹W. D. Carter to Secretary, 19 November 1900, LAC, RG 10, volume 2604, file 121,698-48.

⁹²J.W. Maxner, Inspector of Indian Agencies to Secretary DIA, 14 March 1932, LAC, RG 10, volume 7934, file 32-54, part 1.

tribe depends largely on the influence I have over them and as each influence depends largely on the Government's approval and sanction."⁹³ Upon request from the Department to state the authority upon which Francis was named, Agent Cameron explained the situation further, noting Francis's previous claim to the chieftainship and the unanimity of his appointment: "Francis Paul is an Indian who lives on the Heatherton Reserve[.] [H]e is seventy five years of age he was elected chief on Nov 1st 1920 by a gathering of all the Indians of Antigonish County . . . chief Francis Paul was chief some years ago their [sic] was no election this time his name [being] the only one put before the band he was declared elected."⁹⁴ Agent Cameron also admitted that "I had nothing to do with the election of Francis Paul[.] I was not consulted about it they held the meeting themselves."⁹⁵ Despite the fact that the election had not conformed to Department rules, Ottawa officials were placated by the fact that the community had also selected an appropriate number of councillors and allowed Francis' election result to stand.⁹⁶ Also in 1920, Chief John Denis Nocoat of Fort Folly informed the DIA that he had been

⁹³Francis Paul, Indian Chief, Antigonish Co., to Hon Senator Lougheed, Minister of Indian Affairs, 17 December 1920, LAC, RG 10, volume 7934, file 32-46, part 1.

⁹⁴W.J. Cameron to Secretary DIA, 16 January 1921, LAC, RG 10, volume 7934, file 32-46, part 1.

⁹⁵W.J. Cameron to Secretary DIA, 2 February 1921, LAC, RG 10, volume 7934, file 32-46, part 1.

⁹⁶Agent Cameron informed the Department that "Chief Paul tells me that the same day he was elected Chief that they also elected two councillors, Joseph Sylliboy of Heatherton Reserve and Peter Nicholas of Afton Reserve." W.J. Cameron to Secretary DIA, 2 February 1921, LAC, RG 10, volume 7934, file 32-46, part 1; J.D. McLean to W.J. Cameron, 22 January 1921, LAC, RG 10, volume 7934, file 32-46, part 1.

“appointed for life on June 9th 1913” and requested that “this commission” be “confirmed legally according to the usual proceedings.”⁹⁷ The local agent, John Sheridan, acknowledged that Nocoat was chief, remarking that “I think he was only made a life Chief, by the Indians, it was not sanctioned by the Department.”⁹⁸ Reflecting Departmental policy that denied the legitimacy of “hereditary” or “life” chiefs, DIA secretary J.D. McLean flatly denied that any were in power in New Brunswick.⁹⁹

Life chiefs, however, continued to be named in Mi’kmaq communities, and their tenures of office sometimes continued for decades in sharp contrast to the three-year term of office advocated by DIA electoral rules. Several examples of long-serving life chiefs punctuate federal records. James Muise, the “Governor” of the Digby County Mi’kmaq, was one such life-long leader. It seems that Muise was chief at least as early as 1898 (and possibly earlier) when he won an electoral contest that preceded the order-in-council of 1899, but which shared the central precepts of Indian Act rules.¹⁰⁰ Muise’s chieftainship was widely held to be a life-long one, clearly out of the realm of Indian Act regulations. Throughout his lifetime, Chief Muise was an important local figure. Planning for the

⁹⁷John Denis Nocoat to DIA, 6 September 1920, LAC, RG 10, volume 7934, file 32-55, part 1.

⁹⁸John Sheridan to Secretary, DIA, 27 September 1920, LAC, RG 10, volume 7934, file 32-55, part 1.

⁹⁹J.D. McLean to Denis Nocoat, 6 October 1920, LAC, RG 10, volume 7934, file 32-55, part 1.

¹⁰⁰DIA secretary J.D. McLean confirmed the election results and Muise’s election to the Chiefship in August 1898. J.D. McLean to Rev J.J. Sullivan, Agent, 5 August 1898, LAC, RG 10, volume 7934, file 32-49, part 1.

1904 Annapolis County tercentenary reveals Muise's status. As the Annapolis County Board of Trade planned the tercentenary, Muise was referred to as no mere community chief, but instead as the "Indian governor at Bear River" and possibly the governor "for all of Nova Scotia."¹⁰¹ When the 84-year-old Muise died in the early spring of 1913, Agent R.A. Harris himself admitted that "it has always been understood here that the late James Muise was made chief for li[f]e."¹⁰² Moreover, Harris clearly recognized Chief Muise held a particularly esteemed position, for he suggested that the Department cover the cost of "an appropriate burial as due his rank."¹⁰³ Finally, it is telling that Harris only called for an election when one was needed to replace the long-serving chief.

Chief Matthew Francis of the Fisher's Grant Reserve in Pictou County also held his chiefly position for an extraordinarily long time – he was chief for 48 years until his death in 1940.¹⁰⁴ In 1930, the local agent noted that Chief Matthew Francis was life chief, "who had been appointed by his uncle, the former chief."¹⁰⁵ Moreover, Chief Francis was still chief in 1937, at this time apparently in the 45th year of his chieftainship. As was the

¹⁰¹F.C. Whitman, Annapolis Royal Board of Trade, to F.B. Wade, MP, 19 May 1904, LAC, RG 10, volume 7934, file 32-45, part 1.

¹⁰²R.A. Harris to Secretary DIA, 6 May 1913, LAC, RG 10, volume 7934, file 32-49, part 1.

¹⁰³Agent R.A. Harris to Secretary, DIA, 17 April 1913, LAC, RG 10, volume 7934, file 32-49, part 1.

¹⁰⁴Rev. E Chaisson, Agent, Pictou County to Secretary Indian Affairs Branch, 20 June 1940, LAC, RG 10, volume 7936, file 32-58, part 1.

¹⁰⁵Rev. A.A. Johnston, Indian Agent, to Secretary, 25 October 1930, LAC, RG 10, volume 7936, file 32-58, part 1.

case with Chief Muise of Digby County, the agent in Pictou County made no overtures toward electing a new chief at the Fisher's Grant reserve until the June 1940 death of Chief Francis.¹⁰⁶

The tradition of life chiefs was also present in the smaller communities of Mi'kmaki. Chief Alexander Prisk, for example, led the Mi'kmaq community near Bathurst for decades. A petition sent by the Bathurst band to the DIA in March 1897 states that Alexander Prisk was unanimously selected to replace the former chief, Alexander's father Chief Nicholas Prisk, who died in September 1895.¹⁰⁷ Thirty-seven years later, local MP P.J. Veniot explained that "Chief Alexander Prisque, of the Mic-Mac Indian Reserve, Bathurst . . . has been a long time Chief here and devotes a great deal of his time to looking after the interests of the Indians attached to this Reserve."¹⁰⁸ When pneumonia claimed the life of 74-year old Chief Prisk on 20 March 1936, his son, Joseph, became "acting" chief.¹⁰⁹ Joseph noted that his father had been "life Chief of the reserve . . . and also his ancestors were life chief, as far as four generations backward."¹¹⁰

¹⁰⁶Rev. E. Chaisson, Indian Agent to Secretary IAB, 20 June 1940, LAC, RG 10, volume 7936, file 32-58, part 1.

¹⁰⁷Petition of Bathurst Band, 31 March 1897, LAC, RG 10, volume 2603, file 121-698-2. Alexander Prisk also appears as Alexander Prisque.

¹⁰⁸P.J. Veniot, MP to DIA, 7 December 1932, LAC, RG 10, volume 7935, file 32-55, part 2.

¹⁰⁹"Respected Indian Chief is Dead," *The Gloucester Northern Light*, 24 March 1938, 1.

¹¹⁰Joseph Prisk to the Department of Indian Affairs, 25 November 1938, LAC, RG 10, volume 7935, file 32-55-2, part 1.

On 24 March 1938, the local newspaper recorded Chief Prisk's death on its front cover. "Alex Prisk," the paper reported, had inherited "the quiet reserve of his ancestors," and as "chief of the Indians of this part of the country for many years" Chief Prisk was "highly respected both by his people and by all others." The paper eulogized that Prisk "typified the best qualities of his noble race" and would be deeply mourned by "hunters and sportsmen and . . . his numerous friends."¹¹¹ The examples of Chiefs Muise, Francis and Prisk demonstrate that across disparate Mi'kma'ki communities some leaders, though not elected under Indian Act regulations, retained authority and status long after the implementation of the three year Indian Act electoral rules. What is more, they suggest that agents, too, recognized the ongoing political importance of these esteemed Mi'kmaq leaders.

In 1884 Prime Minister John A. Macdonald insisted that under the Indian Act, life chiefs held their positions merely for the honour of them.¹¹² This was certainly not true of chiefs Muise, Francis and Prisk. These traditional appointees did not hold positions merely for the status. Rather, they remained politically relevant and active, and were, to a degree at least, incorporated within the complicated political fabric of Mi'kma'ki. Chief Matthew Francis, for example, collaborated in 1921 with elected Chief William Paul to demand that the federal government "cancel or cause to be canceled the very oppressing

¹¹¹"Respected Indian Chief is Dead," *The Gloucester Northern Light*, 24 March 1938, 1.

¹¹²Macdonald explained that "hereditary chiefs retain their rank, but lose their power." Canada, House of Commons *Debates*, 1884, 539.

obligations of the Paying fees for Hunting Privileges.”¹¹³ Similarly, Chief Prisk, according to the local MP in 1932 “devot[ed] a great deal of his time to looking after the interests of the Indians attached to this Reserve.”¹¹⁴ In the day-to-day functioning of Mi’kmaq political life, they seem to have shared similar responsibilities, obligations and statuses with those leaders elected under DIA direction.

Even in communities where the elected system was in place, the concept of the life chief continued to inform Mi’kmaq politics. To a certain extent the persistence of chiefs named for life probably reflected demographic realities in certain Mi’kmaq communities. In small communities it was no doubt difficult to secure competing contenders for the job of chief. In 1902, the Department informed Agent Beckwith that the community at Cambridge was obliged to hold an election under the auspices of the Indian Act. The DIA suggested, however, that the system might be made more appealing to Mi’kmaq communities if they were told that “of course they may retain the same chief and council in office by re-electing them at the expiration of that period.”¹¹⁵ While the DIA may have seen this advice as a way to cajole Mi’kmaq into acceptance of the new electoral system, it was probably little aware that this very concept of acclamation enabled the concept of life chiefs to thrive even in communities where Indian Act band

¹¹³Petition of Nova Scotia Chiefs, 10 October 1921, LAC, RG 10, volume 6734, file 420-7.

¹¹⁴P.J. Veniot, MP to DIA, 7 December 1932, LAC, RG 10, volume 7935, file 32-55, part 2.

¹¹⁵DIA to C.E. Beckwith, 18 November 1902, LAC, RG 10, volume 7934, file 32-54, part 1.

elections prevailed. Some communities did not conceive of band elections as a huge departure from preexisting political traditions. Instead, by electing the same chiefs repeatedly, and by granting chiefships by acclamation, some communities operating under the guise of band elections continued to define their leaders and their leadership in terms of the Mi'kmaq tradition of life leaders.

It is clear that elections did not in and of themselves render Mi'kmaq political traditions irrelevant. By electing and re-electing the same leaders, Mi'kmaq communities not only accommodated demographic realities in smaller communities, but in the process were also able to inject some continuity, melding pre-1899 political practices into the potentially disruptive elective system. Lennox Island provides an important example of how elected officials were linked to, and imbued with, a Mi'kmaq political heritage which emphasized the importance of life chiefs. That community's long-serving Chief John Sark conceptualized his leadership as emanating from an older Mi'kmaq tradition, despite the fact he had been elected under Indian Act rules and oversaw a community that was one of the first to follow triennial elections. Sark saw his leadership as being intrinsically connected to his descent from a "Royal line."¹¹⁶ In a 1914 letter to the Minister of the Interior, Sark declared that "I have been Chief of the Micmacs in this province for a number of years. All my forefathers were chief. My grandfather was chief before me. When my grandfather died I was too young to take office but as soon as I was

¹¹⁶Chief John Sark to Senator Murphy, 20 May 1914, LAC, RG 10, volume 7936, file 32-57, part 1.

old enough I was appointed chief and have been elected ever since.”¹¹⁷ His right to the chieftainship was not vested in the results of a triennial election; elections merely confirmed status determined for him at birth. In Lennox Island compliance with the electoral system did not mean acquiescence to the DIA’s goal of control, but instead symbolized Mi’kmaq appropriation of Departmental regulation.

Other communities likewise blended local leadership customs with Indian Act regulations. In 1900, the community at Big Cove requested that “because Chief Thomas Joseph has been elected as chief of the band five consecutive times and has been chief for twenty years and has always fulfilled the duties of the office in a satisfactory manner – therefore we request that he be appointed chief of the Band for life.”¹¹⁸ Similarly, in 1906, when Chief Peter Paul was informed that his appointment as chief of the Halifax County Mi’kmaq would not be confirmed because it did not comply with DIA rules, Paul’s followers quickly held an election, legitimizing their selection for the Department.¹¹⁹ Thus, the implementation of government-sanctioned elections, did not completely supplant pre-existing Mi’kmaq leadership selection traditions; in some respects it served as a means of legitimizing or even restoring Mi’kmaq political traditions.

¹¹⁷Chief John Sark to Minister of the Interior, 20 May 1914, LAC, RG 10, volume 7936, file 32-57, part 1.

¹¹⁸Petition of Big Cove to DIA, no date, LAC, RG 10, volume 2604, file 121,698-48.

¹¹⁹Frank Pedley to Peter Paul, 15 March 1906, LAC, RG 10, volume 7934, file 32-52, part 1; Daniel Chisholm, Agent, Halifax County to Secretary DIA, 28 June 1906, LAC, RG 10, volume 7934, file 32-52, part 1.

Political collaboration

A key goal of federal electoral rules was to confine Mi'kmaq politics to the community level. And yet, DIA records contain numerous examples of Mi'kmaq communities engaging in interregional political cooperation after 1899. In 1906, for example, when the Mi'kmaq of Cumberland County faced political dissension, they “unanimously asked John Sark, chief of the Indians of Prince Edward Island to assist them to settle this matter.”¹²⁰ Similarly, a 1916 letter from Agent J.A. Johnson to Departmental secretary J.D. McLean implies a broader sphere of political activity for local chiefs than the community-centred mandate of federal electoral rules. Johnson suggested that Chief Abe Hood of Cumberland County had chiefly duties that “require him to travel quite a lot.” Chief Hood, he explained, was “always attending to their conventions which have for their object the betterment of their race.” Indeed, at the time of his writing, Hood was “very anxious to attend a big meeting on PE Island next week.”¹²¹ Chiefs also frequently visited other communities in official capacities. Such inter-community visits by chiefs were especially common around the annual St. Anne's festival. When, for example, the festival of St. Anne's was celebrated in Truro in 1940, the event was hosted by Truro's Chief Joseph Julien and notably attended by Nova Scotian Chiefs William Paul of Shubenacadie, Louis Paul of Pictou Landing and Louis

¹²⁰Indians of Newville Reserve, Cumberland Co (but signed by John Sark, Chief of PEI Micmac to J.D. McLean 22 October 1906, LAC, RG 10, volume 7934, file 3-48, part 1.

¹²¹J.A. Johnson to Mr. McLean, 16 August 1916, LAC, RG 10, volume 7934, file 32-48, part 1.

Peters of Bear River.¹²²

Historians have described the years immediately following World War One as an era of “pan-Indian consciousness” in which national Native political organizations emerged.¹²³ In 1918, Frederick Ogilvie Loft, a Mohawk from the Six Nations reserve, created the League of Indians in Canada. By the 1920s, thousands of Natives from central Canada and the prairies were members. Although the League had a radical mandate critical of federal Indian policy, it was unable to fundamentally challenge departmental policy because of DIA interference and because the emergence of the organization occurred at a time when fears of Bolshevism resulted in intolerance of all political radicals.¹²⁴ In 1931, a frustrated Loft retired and his League, which was now based in the west, became the League of Indians in Western Canada.¹²⁵ Although it has been described as a national organization, the League did not make inroads into the Maritimes and the Mi’kmaq were not involved.¹²⁶ Why this was the case is a matter of some speculation. Early in its existence the League gained a large western following; perhaps this western

¹²²*The Digby Courier*, Thursday, 1 August 1940, 3.

¹²³E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986), 101.

¹²⁴Not only did the DIA discourage Natives from participating, Deputy-Superintendent General Duncan Campbell Scott also established a network of spies to monitor and undermine League activities. Titley, 106-109.

¹²⁵Arthur J. Ray, *I Have Lived Here Since the World Began: An Illustrated History of Canada’s Native People* (Toronto: Lester Publishing, 1996), 317-318.

¹²⁶Titley states that the League involved “native people in all parts of the country.” Titley, 102.

orientation meant that its agenda was not relevant to the Mi'kmaq. Geographic distance, compounded by the fact that the Mi'kmaq were, in the 1920s, struggling through recession also explain the lack of Mi'kmaq participation in the League. Moreover, during the 1910s and 1920s, the Mi'kmaq may have been focused on more localized concerns, since they continually struggled with the DIA and non-Native neighbours in contests over land. These conflicts, which dragged on for years, demanded much time and energy of Mi'kmaq leaders, diverting them from national concerns. Thus, while the Mi'kmaq were not at this time involved in "national" political organizing, they were politically engaged within the Maritimes.

The immediate post-World War One era was a challenging one for many Mi'kmaq as they were pressured to vacate land coveted by non-Natives. The Mi'kmaq of Halifax County and Sydney, Nova Scotia, were two groups who had to contend with such pressure. The Mi'kmaq of Halifax County had long squatted at Tuft's Cove, a site they valued because of its access to fishing grounds, its proximity to waged labour in Dartmouth and its long history as a Mi'kmaq settlement. Led by Chief Peter Paul and Jerry Lonecloud, the Mi'kmaq of Halifax County in 1906 began to call for Tuft's Cove to be designated a reserve.¹²⁷ For more than ten years the DIA opposed this request,

¹²⁷In November 1917 Jerry Lonecloud petitioned the DIA, arguing that "Since time out of mind, [a] number of the Micmac Tribe have camped at ground near Tuft's Cove . . . where there is also situated an Indian school house." Lonecloud continued, "The Indians claim that although the land is not a reservation, yet they have surely rights there by long occupation, even if it is regarded only in light of what is termed squatting rights. We claim that we should not therefore be forced to leave." Jerry Lonecloud to Secretary DIA, 27 November 1917, LAC, RG 10, volume 2074, file 10,838, part 2. Chief Peter Paul of Cole Harbour who appointed chief in 1905 made similar petitions to the DIA. Petition of Indians at Dartmouth, NS 19 October 1905, LAC, RG 10, volume 7934, file

encouraging the Mi'kmaq to instead settle at the more isolated Ship Harbour Reserve. Ottawa argued that it would be too expensive to purchase the Tuft's Cove property from its owner and claimed that the Mi'kmaq settlement at Tuft's Cove would impede Dartmouth's expansion and thus "prove a source of embarrassment to the Department before too many years."¹²⁸ By late 1917, the Tuft's Cove dispute was over a decade old and no closer to resolution. However, on 7 December the conflict came to an end when the munitions ship the *Mont Blanc* collided with the *Imo* and exploded in Halifax Harbour. The resultant blast leveled Tuft's Cove, killing many of the residents, including pupils who had just arrived at school at the time of the explosion.¹²⁹ The owner of the Tuft's Cove site described for the Deputy-Superintendent General the scope of the devastation:

I regret exceedingly to inform you that owing to the sad disaster and calamity which took place in Halifax on the morning of December the 6th, and which was in close proximity to where the poor Indians were squatted, that unfortunately they were watching the collision and as far as I can learn the greater number of them were killed outright and very few escaped with their lives. The property on which they were squatted has received a very severe amount of damage inasmuch as the poor Indians were a great source of annoyance and worry to me, yet I can assure you I have the

32-52, part 1; Peter Paul, Chief to DIA, August 1907, LAC, RG 10, volume 2074, file 10,838, part 1.

¹²⁸A.J. Boyd to J.D. McLean, 10 September 1912, LAC, RG 10, volume 2074, file 10,838, part 1.

¹²⁹The Tuft's Cove school was taught by George F. Richardson. Nova Scotia Superintendent A.J. Boyd recounted the following year that "the building, rented by the Department for Indian school purposes, was completely demolished and the furniture smashed The late teacher, Mr. George F. Richardson, was killed on his way to the school." A.J. Boyd to J.D. McLean, March 23, 1918, LAC, RG 10, volume 6026, file 52-2-1, part 1.

deepest sympathy for them and the sad death that they met.¹³⁰

The Halifax explosion brought a whole new set of concerns to the Halifax County Mi'kmaq. The DIA's initial response to the tragedy was harsh. A month after the explosion, the Deputy-Superintendent General informed Nova Scotia Superintendent A.J. Boyd that the "Department does not wish to undertake any large expenditure in providing for these Indians if it can be avoided."¹³¹ The Mi'kmaq therefore, had not only to deal with lost lives and the destruction of one of their favoured settlements, they had to contend with a new DIA plan for them. Without consulting the Halifax County Mi'kmaq, the DIA arranged to relocate them to the Millbrook reserve near Truro. The Mi'kmaq strongly opposed this scheme and a new conflict was born.¹³² Nevertheless, by the early 1920s, 15 Halifax County families, consisting of 52 individuals, had relocated to Millbrook.¹³³ This influx created political problems in Millbrook. The community was politically divided as both Chief Joseph Julien of Millbrook and Halifax County's

¹³⁰Vincent Farrell to D.C. Scott, 28 December 1917, LAC, RG 10, volume 2074, file 10,838, part 2.

¹³¹Deputy Superintendent-General to A.J. Boyd, 8 January 1918, LAC, RG 10, Volume 3160, File 363,417-1.

¹³²Mi'kmaq Joseph C. Cope wrote to the DIA that "The assertion that the Halifax County Indians were all well pleased to leave Halifax County and to settle on the Mill Brook Reserve in Colchester County is absolutely false. The Halifax County Band of Indians were never consulted to that matter. I am sure not one Native and a bonafide Indian settler of Halifax County could be compelled to leave Halifax County and to settle on the Mill Brook Reserve in Colchester Co. Just how the idea to move originated we do not know." Joseph C. Cope to D.C. Scott, 14 July 1919, LAC, RG 10, volume 3160, File 363,417-1.

¹³³H.F. Bury to Deputy Minister, 9 January 1920, LAC, RG 10, volume 3160, File 363,417-1.

relocated Chief Peter Paul claimed authority.¹³⁴ Moreover, the newly expanded community faced fuel shortages as the reserve did not have enough woodland to sustain its larger population.¹³⁵

The Mi'kmaq at Sydney, a small reserve within city limits, were also embroiled in a long-term contest over land and relocation. Sydney Chief Joe Marshall and Ben Christmas championed the Mi'kmaq side of the conflict. From the early 1900s, Sydney municipal officials urged that the Mi'kmaq living in the small urban reserve be relocated. City officials argued that this action was "imperative and urgent from the standpoint of sanitation," and that the present location of the Mi'kmaq "militate[d] against the building up and improvements of the . . . ideal residential district of the city."¹³⁶ The Mi'kmaq themselves wanted to move. As Ben Christmas explained, the substandard living conditions prevailing in the community "warrant[ed] its removal without further delay." Christmas noted that with 26 families living on the 2.75 acre reserve "it is physically impossible to maintain good health among Indians in this reserve and it is most surprising how we survived. . . . We are not living at all but just staying here awaiting for better

¹³⁴Chief Julien complained to the DIA that those transferred from Halifax County "are under the impression that they should have their own chief also and [sic] Indian Agent of course they were once Instructed that they would have to come under the Colchester County Chief and it is useless to tell them anything." Chief Joseph Julien to J.D. McLean, 5 January 1920, LAC, RG 10, volume 3160, file 363,417-1.

¹³⁵R.H. Kennedy to Secretary, DIA, 4 January 1922, LAC, RG 10, volume 3160, file 363,417-1.

¹³⁶SP Challenger, Secretary City Improvement Association to G.C. Parker, 12 July 1920, LAC, RG 10, volume 7761, file 27061-1A

conditions”¹³⁷ Despite many statements of urgency, the relocation was delayed for years as the Department, municipal officials, townspeople and the Mi’kmaq wrangled over a site for a new reserve. City officials and the DIA wished the Mi’kmaq to settle near Whitney Pier as many Mi’kmaq men worked in nearby Coke ovens.¹³⁸ The Mi’kmaq however, favoured an alternative larger tract of land outside city limits where, as Chief Marshall explained, they would be “handy to the shore” and would have “protection for our health.”¹³⁹ Only in 1925 did the DIA finally purchase a tract of land outside the city and begin a slow building and relocation process which caused ongoing concern among the Mi’kmaq and continued to engage Chief Marshall and Ben Christmas.¹⁴⁰

¹³⁷B.E. Christmas to Charles Stewart, 22 May 1924, LAC, RG 10, volume 7761, file 27061-1A.

¹³⁸Memorandum of Deputy Superintendent General to Hon. Sir James Lougheed, 2 November 1920, LAC, RG 10, volume 7761, file 27061-1A.

¹³⁹Chief Joe Marshall and John Gould to DIA and Agent C.J. Sparrow, 18 November 1920, LAC, RG 10, volume 7761, file 27061-1A. Others also opposed the proposed site in city limits, arguing that its proximity to a large immigrant population would have a deleterious impact on the Mi’kmaq as well as on the community at large. Thus a group of 189 Whitney Pier residents petitioned the DIA stating that “it goes without saying that mixing Indians with this cosmopolitan population will not tend to help out the Indian problem, either morally or from a simple physical and humanitarian standpoint.” Petition of residents of Whitney Pier to DIA, 30 October 1920, LAC, RG 10, volume 7761, file 27061-1A. Parish priest James M. Kiley similarly opposed the selected site and dramatically argued that it was “the abiding place of the lowest and vilest portion of our population. It is the happy hunting grounds of the degenerate promoters of the white slave traffic. It is the open barroom of the city. It is the foul festering sore of the city. It is the conglomeration of all the low, vile, foul and rotten scum of Europe, Asia and Africa.” If, he continued, “the Indian goes to this terrible place, his second condition will be certainly much worse than his present one.” James M. Kiely, Parish Priest, to Angus Boyd, 4 November 1920, LAC, RG 10, volume 7761, file 27061-1A.

¹⁴⁰The process of establishing the new reserve was, from the outset, soundly criticised. Christmas complained about the poor quality of the homes built on the new

These relocation schemes show that the Mi'kmaq were, to a considerable extent, focused on immediate local concerns in the early decades of the twentieth century. However, the Mi'kmaq of mainland Nova Scotia were at this time also becoming increasingly interested in establishing broader political integration within Mi'kma'ki. In June 1913, the DIA was informed of an impending Mi'kmaq gathering the following July at which the Mi'kmaq planned to "vote for a grand Chief in Hants County."¹⁴¹ W.S. Whitman, a local stipendiary magistrate, asked departmental officials if news of the upcoming vote was accurate, since he had "nothing on that subject."¹⁴² Characteristic of the DIA's unwillingness to sanction political structures apart from community-based triennial councils, secretary McLean replied to Whitman's query that "the Indians residing in one county in Nova Scotia have no right to vote for a chief in another." More significantly, however, McLean revealed the widespread appeal of naming such an interregional chief. He noted that the Department was aware of this idea and that "[t]his question of a grand chief for more than one county had already been brought up by the

reserve, contending that the blueprints for the homes "were not prepared especially for our new reserve, but for our brother Indians the Blackfoots of Alberta, the fact that the climate and many other different conditions existing in that part of the country make it impossible to accept all of your present plans. . . certain alterations will have to be made." Ben E. Christmas to DIA, 28 August 1925, LAC, RG 10, volume 7761, file 27061-1B.

¹⁴¹W.S. Whitman, Stipendiary Magistrate to Indian Dept., 30 June 1913, LAC, RG 10, volume 7934, file 32-54, part 1.

¹⁴²W.S. Whitman, Stipendiary Magistrate to Indian Dept., 30 June 1913, LAC, RG 10, volume 7934, file 32-54, part 1.

Indians of one or two counties, and they have been informed to the above effect.”¹⁴³ The fate of this particular vote for a Nova Scotian ‘grand Chief’ is unknown.

The years following the Second World War saw a resurgence of national Native political action. In contrast to lack of involvement in the League of Indians more than two decades earlier, the Mi’kmaq were very much involved in this renewed national political movement of the mid 1940s. During this decade, the Mi’kmaq expanded the scope of their politics beyond Mi’kma’ki, joining forces with the national political organization, the North American Indian Brotherhood (NAIB). An idea first put forth in 1943 by British Columbia’s Andrew Paull, the national body held its inaugural meeting in Ottawa in June of 1944 where it named Paull as president, Caughnawaga’s Joe Delisle Vice-President and Henry Jackson of Christmas Island, Ontario, Secretary.¹⁴⁴ Very soon after its inception the Mi’kmaq became involved in the NAIB. In August 1945, 200 Mi’kmaq from across the Maritimes met at Big Cove, New Brunswick “to organize Indian leaders to amalgamate with the North American Indian Brotherhood”¹⁴⁵ The Big Cove gathering endorsed the NAIB’s 21 point program which was ultimately designed to “cover and remedy the ill treatment administered to Indians by government Agents especially in the

¹⁴³J.D. McLean to W.S. Whitman, Stipendiary Magistrate, 4 July 1913, LAC, RG 10, volume 7934, file 32-54, part 1.

¹⁴⁴Norma Sluman and Jean Goodwill, *John Tootoosis: A Biography of Cree Leader* (Ottawa: Golden Dog Press, 1982), 178-82.

¹⁴⁵Chief Thomas Gedeon of Dalhousie was chosen to represent the Mi’kmaq of the Maritimes and Quebec at the gathering. Minutes of Maritime Indian Convention, 7/8 August 1945, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-008, 1940-49.

Maritimes” and established the framework of a Maritime branch of the NAIB, which became the United General Indian Council of Nova Scotia (UGICNS) under president Ben Christmas of Eskasoni. For an annual membership fee of \$3.00 Mi’kmaq could join the organization.¹⁴⁶ The Big Cove gathering also chose Thomas Gedeon of Dalhousie, New Brunswick, to represent the Mi’kmaq organization at the NAIB “Indian Convention” to be held the following September.¹⁴⁷ Ottawa’s response to this organization may help explain why the Mi’kmaq were uninvolved in the pan-Canadian Native organizations that emerged after the First World War. The April before the August gathering in Ottawa, R.A. Hoey, acting director of the IAB, instructed all agents to “Please advise any of your Indians concerned that it is not considered that it would be in their best interests to come to Ottawa for the meeting in question, and they would be well advised to disregard the [invitation].”¹⁴⁸

The formation of the UGICNS was closely connected to the federal plan, inaugurated in 1942, to centralize the Mi’kmaq of Nova Scotia at two “central” reserves. A bid to make Indian affairs administration in the region more efficient and ostensibly to improve living conditions for the Mi’kmaq, Ottawa encouraged Mi’kmaq on the Nova

¹⁴⁶Minutes of Maritime Indian Convention, 7/8 August 1945, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-008, 1940-49.

¹⁴⁷Chief Thomas Gedcon of Dalhousie was chosen to represent the Mi’kmaq of the Maritimes and Quebec at the gathering. Minutes of Maritime Indian Convention, 7/8 August 1945, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-008, 1940-49.

¹⁴⁸R.A. Hoey, Circular Letter to all Agents, 21 April 1945, LAC, RG 10, volume 8538, file 51/3-5, part 1.

Scotia mainland to move to Shubenacadie and those of Cape Breton to relocate to Eskasoni.¹⁴⁹ Centralization became a key issue of the UGIC and given Christmas' lead role, centralization at Eskasoni, his home community, was of particular concern. Although not theoretically opposed to the prospect of centralizing administration if it would bring advantages to the Mi'kmaq, Christmas and the UGIC opposed the particular plan being applied in Nova Scotia, especially at Eskasoni.¹⁵⁰ Christmas was right to be concerned – the centralization scheme was ill-conceived on many levels. Both locations were too isolated, had inadequate roads which would be impassable much of the year, had too little wood for fuel, and were too far from medical care and employment opportunities. In addition, the homes built in the communities were small, poorly constructed and drafty, with no running water. Adding insult to injury, the scheme was opposed by the Mi'kmaq from the outset and, according to Christmas, it was nothing but “a great instrument to beat the Indians into submission.”¹⁵¹ The Nova Scotia Mi'kmaq apparently believed that their involvement in the NAIB through the UGICNS might undermine the federal centralization plans for the Mi'kmaq of Nova Scotia. The president of the NIAB, Andrew Paull, noted that the “enforced desertion of Aboriginal rights [in

¹⁴⁹For an account of centralization in Nova Scotia see Lisa Lynn Patterson, “Indian Affairs and the Nova Scotia Centralization Policy” (MA Thesis, Dalhousie University, 1985).

¹⁵⁰ In 1946, Christmas noted that “we have no serious objection to centralization of local administration, provided, of course, such administration is headed by properly trained and competent personnel.”

¹⁵¹Brief to “Chair, Honorable Senators and Members of Parliament” from executive and members of the UGIC NS, October 1946, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-008, 1940-49.

Nova Scotia] may be used as precedent in other parts.”¹⁵²

The UGIC also took up matters specifically related to the operation of Mi’kmaq politics. This issue was not unrelated to centralization, since the centralization had seen band councils in all but the two centralized communities suspended. This did not please the UGICNS and the organization was adamant that band elections be reinstated on all Nova Scotia reserves.¹⁵³ But this was not an endorsement of the band council system – the UGIC believed this return to federal band elections should be temporary. Ultimately, the organization opposed the existing band council system and offered an alternative scheme for political organization in Mi’kma’ki. In April 1946, Christmas noted that the “dictatorial authority now exercised by Indian Agents” had to be ended and, if it was not, “all other amendments would be useless, as the administration in a proper way is essential.” All Natives, he argued, should be organized under the NAIB according to the following “blue print” for Mi’kmaq political autonomy:

We . . . [will] have the Indian Councils without the Indian Agents presiding, and the Indian Council will then send their resolutions and demands to their Indian Representatives in Ottawa. Then the Indians in each province will appoint an Indian Provincial Council, the Councils from each province will then meet in Ottawa, and be the electoral college

¹⁵²Andrew Paull, President, NAIB, to Ben Christmas, 7 November 1945, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-008, 1940-49.

¹⁵³Brief to “Chair, Honorable Senators and Members of Parliament” from executive and members of the UGIC NS, October 1946, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-008 BC papers 1940-49.

to appoint Indian Members of Parliament.¹⁵⁴

At mid-century the issue of community political autonomy in the face of centralization was a pressing concern among the Nova Scotia Mi'kmaq who hoped that the UGICNS's affiliation with the NAIB would provide them a national venue in which to voice their concerns.

The Grand Council

While individual Mi'kmaq communities were cooperating politically, and while the UGIC was using its affiliation with the NAIB to exact political change in Mi'kma'ki, the Grand Council also continued to flourish in the years after 1899. As it did with other Mi'kmaq political traditions unrelated to the triennial system, the federal government consistently denied the legitimacy of the Grand Council and its head, the Grand Chief. In 1909 Secretary McLean stressed what he asserted to be the powerlessness of the Grand Chief, noting that he could not "exercise powers as [Chief] until elected under the three year system," and insisting that cross-county elections had no validity.¹⁵⁵ The DIA more subtly undermined the status of the Grand Chief by refusing to refer to him as such. Instead, Departmental correspondence consistently trivialized the scope of his influence by referencing the Grand Chief as the "Chief of Eskasoni," and implying that his

¹⁵⁴Ben Christmas, United General Indian Council of Cape Breton, to Capt. Noel Marshall, Barra Head, Cape Breton, 3 April 1946, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-003, 1940-49.

¹⁵⁵Secretary DIA to Grand Chief John Denny, 27 September 1909, LAC, RG 10, volume 7936, file 32-61, part 1; J.D. McLean to W.S. Whitman, Stipendiary Magistrate, 4 July 1913, LAC, RG 10, volume 7934, file 32-54, part 1.

authority was limited to that Cape Breton Mi'kmaq community.¹⁵⁶ Despite the Department's view on the matter, it is abundantly clear that the Grand Council and its Grand Chief were important to the political life of Mi'kma'ki in the first half of the twentieth century and that Mi'kmaq from across the region recognized their importance and authority.

Nowhere was the vitality of the Grand Council more apparent than at the annual St. Anne's day celebrations held at Chapel Island, Nova Scotia. Around the turn of the century, C.W. Vernon attended and recounted the "intensely interesting" festival in an *Acadiensis* piece, describing the event as a region-wide celebration featuring "[t]he Micmacs of Cape Breton, with many from other sections of Nova Scotia, as well as a few individuals from New Brunswick, Prince Edward Island, and even from Newfoundland."¹⁵⁷ Vernon wrote that "boat loads" of Mi'kmaq people arrived, bringing with them teepees and "above all their very best gala attire." Vernon's account was distinctly Euro-centric, focusing almost exclusively upon the Catholic aspects of the "mission" and noting that the celebrants attended mass, catechism and vespers and that children prepared for their first communion.¹⁵⁸ For Vernon, the St. Anne's festival was first and foremost "an excellent opportunity for religious influence to be brought to bear

¹⁵⁶J.D. McLean to Mr. Solomon Morris and others, April 1, 1910, LAC, RG 10, volume 7936, file 32-61, part 1.

¹⁵⁷C.W. Vernon, "Indians of St. John Island," *Acadiensis* 3 (1903), 110.

¹⁵⁸Vernon, 111.

upon the Indian.”¹⁵⁹ But his article also provided a glimpse of the significant role of the Grand Chief – an account that affirmed both the spiritual and the political power that the holder of this office wielded at the turn of the century. The Grand Chief’s role in the spiritual aspects of this festival were particularly noteworthy. Vernon explained that during the St. Anne’s day mass, the pinnacle of the festival’s Catholic aspect, “the chief addresses the congregation partly translating the words of the priest and partly, as the present chief told the writer, speaking to them in his own words.”¹⁶⁰ Vernon also noted that the Grand Chief, along with the attending priest, together solemnized Mi’kmaq marriages. Indeed, Vernon suggests that “nearly all marriages take place” during the two week St. Anne’s festival. Although Vernon was far less concerned with the secular aspects of the St Anne’s “mission,” he nevertheless mentioned such features of the gathering and hinted at the Grand Chief’s role as political advisor to Mi’kmaq communities across the region. He noted that “[d]uring the week the large wigwam opposite the church is used as a court house, where the chief, assisted by the captains, and guided by the advice of the priest who has charge of the mission, disposes of any disputes that may have arisen amongst different members of the tribe.”¹⁶¹

The relevance of the Grand Council and the Grand Chief transcended the sociopolitical and religious roles evident at the Chapel Island Saint Anne’s Day celebrations; it also played a role in the day-to-day political realities of Mi’kma’ki. In

¹⁵⁹Vernon, 115.

¹⁶⁰Vernon, 113.

¹⁶¹Vernon, 112.

1902, as the community at Sydney was considering the installation of a band council, Agent D.M. McAdam advised that the community first consult Grand Chief John Denny regarding the matter. McAdam explained that “every Micmac admits his claim, and tribal traditions and customs carry great weight with the Indians.”¹⁶² McAdam also noted that “Denny’s nominal Headship [would not] interfere with the usefulness of a chief should one be appointed.”¹⁶³ There was, however, some issue over the usefulness of a community chief being named so close to the Eskasoni seat of the Grand Chief. By the middle of November of 1902 it seems that the newly-elected chief at Sydney faced “deeply grounded dissatisfaction” as a result of the fact that he was “regarded as Headman rather than chief . . . but it is felt that the Department desires to have him looked upon as a chief independent of the head chief at Eskasoni.”¹⁶⁴ The agent’s proposed solution to this jurisdictional quandary was not to call for greater DIA intervention or to supplant the authority of the Grand Chief with that of the duly elected community chief. Instead, the agent pragmatically declared that the community and Grand Chief be allowed to “adjust the[ir] relationship . . . to their own satisfaction, as such relationships have often been adjusted before.”¹⁶⁵

¹⁶²D.M. MacAdam to Secretary DIA, 30 June 1902, LAC, RG 10, volume 7936, file 32-61, part 1.

¹⁶³D.M. MacAdam to Secretary DIA, 30 June 1902, LAC, RG 10, volume 7936, file 32-61, part 1.

¹⁶⁴J.A. MacCrae to DIA, 15 November 1902, LAC, RG 10, volume 7936, file 32-61, part 1.

¹⁶⁵J.A. MacCrae to DIA, 15 November 1902, LAC, RG 10, volume 7936, file 32-61, part 1.

Predictably, officials in Ottawa advocated a different approach – one intended to undercut the authority of the Grand Chief. DIA Secretary McLean wrote that “the Department has no doubt that, not only is there no necessity for consulting Chief Denny, but it will be a mistake to do so, as in that case Denny might feel that the Department has some question as to the advisability of allowing a chief to be elected for the Sydney Band.”¹⁶⁶ But the Department’s antipathy toward the Grand Chief carried little weight in the field. Even Nova Scotian Indian Superintendent A.J. Boyd attended Grand Chief Gabriel Syliboy’s 1919 inaugural ceremony. Boyd was impressed by the ritual and wrote to his superiors in Ottawa that “I understand that this election was according to the requirements of an old Indian custom. At any rate it was a ceremonious and imposing affair.” Contradicting DIA assertions of the Grand Chief’s irrelevancy, Boyd went on to explain that “[t]he duties of the [Grand] Chief are various and exacting . . . particularly in the matter of time occupied, and of expenses incurred.” Boyd concluded that the Grand Chief “is expected to perform the very important duty of peacemaker by settling disputes and adjusting differences, of a more or less serious character, between members of any band, when necessary, which he does so effectually that litigation of any kind is an unheard occurrence among Indians in Nova Scotia.” The Grand Chief’s duties, he concluded “are not [only] useful, but necessary.”¹⁶⁷

¹⁶⁶J.D. McLean to Rev D. MacAdam, 9 July 1903, LAC, RG 10, volume 7936, file 32-61, part 1.

¹⁶⁷Indian Superintendent A.J. Boyd to Mr. Scott, 19 August 1919, LAC, RG 10, volume 7936, file 32-60, part 1. Boyd also noted that the new grand chief’s “predecessor died in poverty, as a result of the time and money spent for the benefit of others.”

In an era in which the DIA denied the legitimacy of the Grand Chief, he was nevertheless a vital force in Mi'kmaq politics. In the late 1920s, the involvement of Grand Chief Gabriel Sylliboy in a test case designed to challenge Nova Scotia's hunting and game laws and to champion Mi'kmaq fishing and hunting rights is illustrative of the Grand Chief's centrality to regional political issues facing the Mi'kmaq.¹⁶⁸ In the fall of 1927, the Grand Chief was caught with fourteen muskrat and a fox skin. His pelts were seized and he was arrested and tried for violating Nova Scotia's game laws. According to his lawyer, Colin McKenzie, the "[t]he Micmac Indians have always understood that the Treaty signed on or about November 22, 1752 was still in force, and under this Treaty they apparently had the right to get fur of this kind." McKenzie noted that the Grand Chief expected to be prosecuted and was eager for the Department to "take the matter up and see that they get their rights under this Treaty."¹⁶⁹ After initially balking at the notion, the Department agreed to back the case believing that "this will be an opportune occasion on which to have the validity of this treaty determined by the court."¹⁷⁰ This case did not only involve Chief Sylliboy. The Grand Council's Grand Captain, Joe Christmas, and

¹⁶⁸For an account of the Sylliboy case and of Mi'kmaq understandings of the treaty rights in entailed, see William Wicken, "Heard it From our Grandfathers': Mi'kmaq Treaty Tradition and the Sylliboy Case of 1928," *University of New Brunswick Law Journal* 44(1995), 145-161.

¹⁶⁹Colin MacKenzie, Sydney to J.D. McLean, 15 November 1927, LAC, RG 10, volume 6743, file 420-7.

¹⁷⁰Initially Secretary McLean refused to allot federal support of Sylliboy's case, noting the he believed the Mi'kmaq to be subject to provincial game laws. J.D. McLean to Colin MacKenzie, 21 November 1927, NC, RG 10, volume 6743, file 420-7; Deputy Supt General to Deputy Minister of Justice, 22 March 1928, LAC, RG 10, volume 6745, file 420-7.

other Mi'kmaq elders also testified before the courts in the case.¹⁷¹ Moreover, there was a groundswell of support for Sylliboy's actions and his cause. In March of 1928, a delegation of chiefs from across Nova Scotia, New Brunswick and Prince Edward Island journeyed to Ottawa to secure departmental support of their case against the Nova Scotia government. In a letter to Nova Scotia Premier E.N. Rhodes, Deputy Superintendent General Pedley wrote that "[t]he delegation informed me that the Indians have never been interfered with in taking game until recently, and it has occurred to me that possibly this prosecution is due to the fact that some of the recently appointed game wardens may not be aware of the privileges that the Indians have always enjoyed under this Treaty."¹⁷² Sylliboy's case was lost when Judge George Patterson ruled that "the Treaty relied upon was not made with the Micmac Tribe as a whole but with a small body of that Tribe living in the eastern part of Nova Scotia proper . . . and that any benefits under it accrued only to that body and their heirs." Patterson went on to rule that no Mi'kmaq hunters were protected by the treaty and therefore had no right to hunt outside of the strictures of provincial game laws.¹⁷³ Despite the insistence of Sylliboy's lawyer that the judge "had made some statements in his decision that were contrary to fact, and the Indians know that quite well," and despite his call for an appeal, the Department refused to back further

¹⁷¹Wicken, "Mi'kmaq Treaty Tradition," 148.

¹⁷²Deputy Supt General to Premier E.N. Rhodes, 24 March 1928, LAC, RG 10, volume 6743, file 420-7.

¹⁷³Decision of Acting County Court Judge George Patterson, LAC, RG 10, volume 6743, file 420-7.

court action.¹⁷⁴ Although it was ultimately unsuccessful, this case clearly demonstrates the centrality of the Grand Chief in matters of political importance to the people of Mi'kma'ki. In taking legal action the Grand Chief and Grand Council not only showed their significance as protectors and interpreters of treaties, but also demonstrated their roles as activists as they challenged laws which undermined what the Mi'kmaq believed to be their rights.¹⁷⁵

The Grand Chief was similarly involved in other facets of Mi'kmaq life. In 1909 he intervened in the political problems plaguing the Sydney reserve. This permanent community, federally recognized in 1882, emerged in the mid-nineteenth century as Mi'kmaq, especially those from Eskasoni, settled there to be nearer economic opportunities in Sydney. Noting that the community's chief had "lost control over his people because they have been fighting for some time," Grand Chief John Denny Jr. blamed the electoral system and argued that another electoral contest would "only make matters worse than they are." The fact that many of Sydney's inhabitants had ties to Eskasoni probably boosted the Grand Chief's sense of responsibility to help the Sydney Reserve. However close the relationship between Sydney and Eskasoni, it is apparent that Denny was arguing from his position as Grand Chief to make his case. Denny made this abundantly clear when he reminded the DIA that his status as Grand Chief entitled him to work out this discord, and that they should "not grant an election at all" to Sydney. As

¹⁷⁴Colin MacKenzie to Duncan C. Scott, 16 March 1929, LAC, RG 10, volume 6743, file 420-7.

¹⁷⁵Wicken, "Mi'kmaq Treaty Tradition," 152-153.

Chief Denny explained, "I am the Grand Chief and I can look after that reserve as well as this one."¹⁷⁶ The Department, predictably enough, dismissed Denny's advice and insisted that the "Chief at Eskasoni" had no jurisdiction over the Sydney Reserve.¹⁷⁷ Clearly, federal efforts to discount the Grand Chief did not make him irrelevant in local politics. He remained an important political advisor across Mi'kma'ki. In January 1919, for example, Agent R.H. Smith of Truro reported that "Grand Chief Sylliboy of Cape Breton visited the reserve and strongly urged the desirability of having a chief." As a result of the Grand Chief's advice, the community elected a chief and chose two councillors.¹⁷⁸

Like the Grand Chief, the Grand Council survived the triennial system of band elections. Its ability to do so was the result of its characteristic flexibility. In her innovative study, Leslie Jane McMillan asserts that the first decades of the twentieth century were difficult ones for the Grand Council as its traditional basis of authority was challenged by the system of elected chiefs. Out of necessity, she suggests, the Grand Council incorporated elected officials and they became part of the interregional organization. Moreover, the Grand Council itself integrated elective principles into its structure. For example, Grand Chief John Denny Jr. was the last hereditary Grand Chief;

¹⁷⁶Grand Chief John Denny to J.D. McLean, 16 September 1909, LAC, RG 10, volume 7936, file 32-61, part 1.

¹⁷⁷J.D. McLean to Solomon Morris and others, 1 April 1910, LAC, RG 10, volume 7936, file 32-61, part 1.

¹⁷⁸R.H. Smith to Secretary DIA, 13 January 1919, LAC, RG 10, volume 7934, file 32-47, part 1.

in 1918 his successor, Gabriel Sylliboy, was elected.¹⁷⁹ While the Grand Council was influenced by the elective system, it also retained its autonomy. McMillan suggests that the headdresses first donned by Grand Chiefs in the early twentieth century represented an effort to differentiate between elected chiefs and the Grand Chief. Ultimately, however, McMillan argues that, rather than being undermined and displaced by the elective system, the Grand Council “shifted and adapted to meet these pressures.”¹⁸⁰

Conclusion

In 1900, the Annual Report of the DIA included an allegedly complete list of the Mi’kmaq chiefs and councillors then in office in the Maritime provinces. In this report, 13 Mi’kmaq chiefs and only four Mi’kmaq councillors were noted. Of these, three of the chiefs were identified as having terms of office demarcated “for life” – the remaining 11 are associated with the Indian Act’s three-year term of office. Only one chief, Peter Barlow of Kent County, Nova Scotia, was identified as being “appointed,” not elected. With this list, the Department was clearly attempting to convey the message that the move to the triennial system of elections had been swift and seamless and that it had, moreover, been a success within mere months of the May 1899 passage of the order-in-council. As this chapter has demonstrated, however, this was not the case. Despite the introduction of triennial elections, Mi’kmaq political culture in the first half of the twentieth century continued to be informed by distinctly Mi’kmaq political customs,

¹⁷⁹McMillan, 102.

¹⁸⁰McMillan, 91.

values and institutions. Despite federal efforts to undermine Mi'kmaq political customs, the Mi'kmaq continued to name leaders via local custom, appoint life chiefs and recognize and support the Mi'kmaq Grand Council. In these ways, the Mi'kmaq challenged the DIA's hegemony. Despite federal efforts to exact control over Mi'kmaq communities and to displace their political traditions, the Mi'kmaq people succeeded, to a significant degree, in maintaining the currency of their political traditions.

Chapter 5:
“Whether the members of the band desire it or not”:
Federal Interference in Mi’kmaq Politics

Introduction

As the previous chapter shows, some Mi’kmaq communities accepted aspects of the triennial system, but they consistently rejected and modified others while they maintained political practices not ensconced federal rules. It is, however, important to recognize that although the Mi’kmaq could frustrate federal electoral policy, Ottawa nevertheless had considerable ability to install elected councils against Mi’kmaq wishes. As they oversaw elections and band council activities, Indian agents could and did interfere in Mi’kmaq politics, pressuring communities to adopt the electoral system or manipulating the electoral process to secure favoured candidates. More highly placed DIA officials were also capable of intervening. Triennial legislation gave the Superintendent General the power to depose elected chiefs and councillors and this was done on several occasions. In these ways, Indian agents and other departmental officials used the triennial system to interfere in Mi’kmaq politics. This chapter examines how the imposition of federal electoral legislation altered the dynamics of reserve life, exacerbating existing tensions and creating new ones.

Mi'kmaq opposition to triennial elections

Across Canada band elections met opposition from Native communities that saw them as being “alien in form and function” to local political tradition.¹ Some Mi'kmaq shared this point of view. In 1903, Joe Bernard of Lennox Island, Prince Edward Island, reflected this sentiment when he made what was to become one of the most persistent cases against the electoral system when he argued that “the contests between men deranges our tribal life.”² As this comment reveals, communities opposed elected councils because of the competition and the hard feelings they sometimes caused. While it is important not to overemphasize the problem of factionalism in Mi'kmaq electoral contests, some communities voiced a definite concern that electoral races divided communities, clouded important issues and strained interpersonal relationships.³ The adversarial nature of triennial elections introduced a measure of divisiveness to a Mi'kmaq political culture which, as chapter 2 notes, was based largely on consensus.

In the autumn of 1909, Mi'kmaq Grand Chief John Denny Jr., like Joe Bernard,

¹Leroy Little Bear, Menno Boldt and J. Anthony Long, “Introduction,” *Pathways to Self-Determination: Canadian Indians and the Canadian State* (Toronto: University of Toronto Press, 1984), xii.

²Joe Bernard to Clifford Sifton, Minister of the Interior, 30 June 1903, LAC, RG 10, volume 7936, file 32-57, part 1.

³“Factionalism” is, of course, inherent in the democratic process. Both E. Jane Dickson-Gilmore and David Lewis stress the point that Europeans overemphasised Native “factionalism” as a way to make sense of and measure their acculturation successes and failures. E. Jane Dickson-Gilmore, “This is my history, I know who I am’: History, Factionalist Competition, and the Assumption of Imposition in the Kahnawake Mohawk Nation,” *Ethnohistory* 46, 3(Summer 1999), 429-450 and David Rich Lewis, “Reservation Leadership and the Progressive-Traditional Dichotomy: William Walsh and the Northern Utes, 1865-1928,” *Ethnohistory* 38, 2(Spring 1991), 124-148.

spoke out against community elections on the grounds that they were unnecessary and created community discord. Referring to a recent electoral contest at Sydney that had been especially volatile, Denny complained that the community's chief "ha[d] lost control over his people because they ha[d] been quarreling and fighting for some time." Denny feared the disagreements would end only when "some of them [were] killed," and he warned that a new election would not resolve the discord. Instead, it would "only make matters worse than they are." He implored the Department: "Do not grant an election at all; let there be no sub chief there at all, I am the Grand Chief and I can look after that reserve as well as this one."⁴ As far as Grand Chief Denny was concerned, elected chiefs were not only unnecessary, but the elective process was itself deleterious. In the summer of 1913, some inhabitants of New Brunswick's Eel Ground reserve voiced similar dissatisfaction with the electoral process when they asked the Department to "to stop elections amongst our bands" as "the Indians [were] making such disturbances every Election."⁵ The community appealed to tradition and proposed instead that "it would be . . . better to follow [the wishes of] our Grand Chief John Julian," who, "in the year of our lord 1794 on the 20th day of September in that year did not want his children to hold any elections all chiefs should be appointed by his people and by the band and shall remain

⁴Grand Chief John Denny to J.D. McLean, 16 September 1909, LAC, RG 10, volume 7936, file 32-61, part 1.

⁵Chiefs Thomas Levi and Peter Julian to DIA, undated, ca. July 1913, LAC, RG 10, volume 7934, file 32-55, part 1.

until he is dead.”⁶

While fears of community discord fostered Mi’kmaq opposition to band elections, some Mi’kmaq also stressed the inability of elected councils to effectively serve community interests. For instance, in 1919 a member of the community at Big Cove who referred to himself as “Governor in Council,” suggested that a “discouraged” group in his community was dissatisfied with the elected chief, and particularly his alleged inability to secure adequate relief. At least some in the community felt its interests would be better served by one leader with “powers of a magistrate” who could “sine any paper or to stope any trouble or Trespassing,” than by relying on an elected chief and council.⁷

Federal imposition of band elections and Mi’kmaq opposition

Despite such opposition, the DIA remained committed to triennial elections. As chapter three illustrates, Ottawa conceived of triennial elections as being central to its overall assimilation agenda. The process of naming leaders in the manner of Euro-Canadian politics would, Ottawa maintained, positively influence the overall goal of imparting to Natives the “ordinary avocations” of Euro-Canadian life.”⁸ Social control

⁶Chiefs Thomas Levi and Peter Julian to DIA, undated, ca. July 1913, LAC, RG 10, volume 7934, file 32-55, part 1.

⁷N.T. Augustine to Secretary DIA, 14 August 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁸Apart from lessons about individualism and democratic processes, electoral legislation also contained other ‘cultural’ lessons for Native peoples. For example, electoral legislation certainly perpetuated European notions of patriarchy. Although women could be included in band membership counts used to determine the size of an elected council, their direct participation was prohibited and women were unable to either

was also a desired outcome of federally prescribed band elections. Under the system federal officials, not Native leaders, had the final say in reserve matters, at least in theory. To an extent at least, officials in Ottawa also had the capacity to ensure that its Mi'kma'ki field officers joined in the effort to implement band council elections. Indian agents faced immense pressure to follow federal directives – those who did not risked reprimand.

As a result of federal commitment, Mi'kmaq communities felt the brunt of electoral rules and some were unwillingly subjected to band elections and unwanted federal interference into their politics. In June 1899, Agent F.A. Rand of Cumberland County eagerly heeded Ottawa's advice to convince Mi'kmaq people in his agency to "make a right use of the privilege" of Indian Act electoral policy, and made arrangements for an election to be held in the community.⁹ This plan, however, was not well received by the local Mi'kmaq community, "nearly all" of whom were "satisfied with the present Chief," a man who "had been chief almost continually for forty years." The Mi'kmaq, Rand explained, did not want an election, but wished the existing chief to "remain in office for life."¹⁰ The DIA, however, ignored the wishes of the community, reiterated its commitment to holding an election, and instructed Agent Rand to arrange the contest in which, it claimed, the Mi'kmaq of Cumberland County were "entitled" to elect one chief

vote or hold office.

⁹J.D. McLean to Jas. Farrell, 12 July 1904, LAC, RG 10, volume 7935, file 32-56, part 1.

¹⁰F.A. Rand to Secretary, DIA, 19 June 1899, LAC, RG 10, volume 7934, file 32-48, part 1.

and two councillors.¹¹ On 30 June, electors had to choose between the former chief and another candidate. According to the agent, “all save one” voted for the former chief to “be their chief for the next three years.”¹² Three years later, when the term of the chief had expired, the Mi’kmaq of Cumberland County offered similar opposition to the prospect of a second Indian Act-ordained election. In July 1903, Agent Rand again explained to the Department that the community was satisfied with their existing chief and did not want a new election.¹³ At federal insistence, and again against Mi’kmaq wishes, an election was arranged in Cumberland County.

The New Brunswick Mi’kmaq community of Red Bank was equally dissatisfied with the elective system. As noted in Chapter 3, this community had elected a chief at least as early as 1896. It was only sometime after March 1902 that Red Bank elected its first chief and council under the 1899 ordinances.¹⁴ By August 1914, the community was unhappy with the elective system, a fact it made clear to the DIA. In a petition 12 signatories informed Agent R.A. Irving that “the majority has decided here . . . that we don’t want the election for Chief for three more years.” The petitioners argued that not only was there “no man fit to face the Old Chief,” but that the existing chief “is doing

¹¹J.D. McLean to F.A. Rand, 22 June 1899, LAC, RG 10, Volume 32-48, part 1.

¹²F.A. Rand to Secretary, DIA, 1 July 1899, LAC, RG 10, Volume 32-48, Part 1.

¹³F.A. Rand to Secretary, DIA, 24 July 1903, LAC, RG 10, volume 7934, file 32-48, part 1.

¹⁴J.D. McLean to William D. Carter, 10 March 1902, LAC, RG 10, volume 2603, file 121,698-2.

very good [and we] find no complaint in him what ever.”¹⁵ In a letter to the Department, Agent Irving supported this request, remarking that he could “see no reason why there should be [an election] at the present time.” Irving added that the existing chief was “a very capable man, and in fact he is one of the best Chiefs I have in this Superintendency.”¹⁶ The Department, however, insisted that the Red Bank community hold an election and explained that it did not “think that the request by a majority of voting members of the band that no election be held would warrant the Department in taking no steps to hold an election as provided by the Act.”¹⁷ Agent Irving was instructed to hold an election.¹⁸ The Mi’kmaq at Bear River were similarly subjected to an unwanted election. In 1916 the community decided that it was happy with its previously-elected leaders, and wished to forgo an election for another three years.¹⁹ The DIA, however, refused to allow this course, claiming that adherence to the Indian Act required the band to hold an election that year “whether the members of the Bear River band desire it or

¹⁵“Red Bank Indians” to R.A. Irving, 29 August 1914, LAC, RG 10, volume 7934, file 32-55, part 1.

¹⁶R.A. Irving to Secretary DIA, 4 September 1914, LAC, RG 10, volume 7934, file 32-55, part 1.

¹⁷Memo, A.S. Williams, Law Clerk to Mr. Ross, 18 September 1914, LAC, RG 10, volume 7934, file 32-55, part 1.

¹⁸J.D. McLean to R.A. Irving, 25 September 1914, LAC, RG 10, volume 7934, file 32-55, Part 1.

¹⁹R.A. Harris to Secretary DIA, May 1916, LAC, RG 10, volume 7934, file 32-49, part 1.

not.”²⁰

Perhaps no community experienced more tension over the electoral system than Lennox Island. In 1897, Lennox Island firmly rebuked the then optional prospect of naming chiefs by election. According to Agent John Arsenault, the band had held a meeting in his absence at which they decided not to adopt the elective system, but instead, “to remain as they were,” with John Sark chosen as their leader for life. Arsenault reported that he did not interfere in this matter “so as to remain friendly with all the Indians.”²¹ Three years later, however, a very different situation emerged. On his own volition (and without DIA sanction), Agent Arsenault instituted a triennial electoral system on Lennox Island. An election presided over by two priests was held in the community in January 1900.²² This move was greeted by opposition on a number of fronts. Initially, the Department itself was annoyed by Arsenault’s failure to consult Ottawa. DIA Secretary J.D. McLean scolded Arsenault, reminding him that in 1897 the Department “had not sanctioned the application of the triennial system of chieftainship to the Lennox Island Band [and] it is a little surprising to learn that an election under that system was held in January last.” The Department also criticised the two priests’ involvement in the election, noting that it “ought to have been conducted by yourself as

²⁰J.D. McLean to R.A. Harris, 26 May 1916, LAC, RG 10, volume 7934, file 32-49, part 1.

²¹John O. Arsenault to J.D. McLean, 14 December 1897, LAC, RG 10, volume 7936, file 32-57, part 1.

²²John O. Arsenault to J.D. McLean, 8 February 1900, LAC, RG 10, volume 7936, file 32-57, part 1.

Indian Superintendent, and no clergyman, or other outsider, should have been allowed to take part.”²³ Despite its displeasure at Arsenault’s departure from Departmental protocol, the DIA could hardly condemn Arsenault’s effort to implement its policy. It found no legal objection to his actions and in March the DIA endorsed the election results.²⁴ While Departmental records contain no evidence of Mi’kmaq opposition to this election, this apparent lack of protest undoubtedly had something to do with the fact that the electoral victor was John Sark, the very man declared life chief in 1897.

The contentious outcome of the second Lennox Island election held in March 1903 was, however, quite a different story. The Lennox Island community vociferously opposed the holding of the contest. Nevertheless, the election went ahead and saw John Sark defeated by Joseph Francis. Sark and his supporters believed the election procedure had been flawed and argued that it had unfairly cost Sark his victory. Sark himself was so convinced of wrong-doing that he hired his own solicitors to petition the DIA for a new election. In an affidavit Sark explained that the March 1903 election, like its precursor three years earlier, featured two polling stations – one at Lennox Island and one at the Morell reserve. Although votes were cast at Morell, they had not been counted in the final vote tally. While electoral results obtained at Lennox Island alone gave Francis a slim two-vote victory, when the Morell votes were figured in Sark had a nine-vote majority. Sark argued that the election should have considered the votes of both Morrell and

²³J.D. McLean to John O. Arsenault, 13 March 1900, LAC, RG 10, volume 7936, file 32-57, part 1.

²⁴J.D. McLean to John O. Arsenault, 13 March 1900, LAC, RG 10, volume 7936, file 32-57, part 1.

Lennox Islands, and insisted, therefore, that he had been duly elected.²⁵ It is not clear why the Morrell votes were not tallied. What is evident is that Agent Arsenault favoured Francis for the position of chief. This bias may well have inspired the agent to overlook the missing Morrell votes and to oppose the new election demanded by Sark and his followers.²⁶ The DIA, faced with Sark's convincing affidavit, had little choice but to admit that "it is evident that there is good ground for John Sark's complaint that he was unjustly deprived of the vote of the Indians residing on the Morell Reserve." Secretary McLean instructed Agent Arsenault to arrange a new election, one that included the results of a separate polling station at Morrell.²⁷

As a result of the controversy, the reluctant Lennox Island community had become even less enamoured of the electoral process. As election day approached the DIA was inundated with requests to forgo the election altogether. A Mi'kmaq from Lennox Island argued that the vast majority of people in his community opposed elections and did not want an elected chief at all. In requesting that Lennox Island be exempt from elections, he insisted that "the chief is only for evil and bad example amongst us and the contests

²⁵Affidavit of John Sark to Hon. Clifford Sifton, Minister of Interior, 18 March 1903, LAC, RG 10, volume 7936, file 32-57, part 1.

²⁶John O. Arsenault to J.D. McLean, 13 February 1903, LAC, RG 10, volume 7936, file 32-57, part 1. It appears that Arsenault had favoured the leadership of Francis for some time. DIA records make clear that in 1900 Sark was elected chief. And yet, Arsenault himself refers to Francis as being the man he himself considered to have been chief from 1900-1903.

²⁷J.D. McLean to John O. Arsenault, 24 March 1903, LAC, RG 10, volume 7936, file 32-57, part 1.

between men deranges our tribal life.”²⁸ A petition sent to the Department concurred with these sentiments. Forty-five men from the community who saw “with regret the troubles the election of a chief causes” and who wished “to avoid trouble and ill feelings among our people” called for an end to the practice of electing leaders.²⁹ The DIA did not heed the wishes of the community, and replied that “the Department does not concur in your view that the Indians of Prince Edward Island would be better off without a chief.”³⁰ Instead, Deputy Superintendent Frank Pedley, speaking on behalf of the DIA, argued that the procedure to exempt the community from the triennial system would not only take too much time and effort, but that “this course has never yet been followed with respect to any band, and I do not consider this a good reason for recommending it.”³¹ It is not surprising that the DIA was unwilling to undermine its own electoral policy. Following Ottawa’s instruction, Agent Arsenault presided over another election on Lennox Island. On St. Anne’s Day, 1903, John Sark was again elected chief, this time by a narrow two-vote margin.³²

²⁸Joe Bernard, “Little Joe,” to Clifford Sifton, Minister Indian Affairs, 30 June 1903, LAC, RG 10, volume 7936, file 32-57, part 1.

²⁹Lennox Island Petition to DIA, undated, LAC, RG 10, volume 7936, file 32-57, part 1.

³⁰Frank Pedley to Joseph Bernard, 18 July 1903, LAC, RG 10, volume 7936, file 32-57, part 1.

³¹H.C. Ross to Deputy Minister, 8 July 1903, LAC, RG 10, volume 7936, file 32-57, part 1.

³²J.O. Arsenault to J.D. McLean, 28 July 1903, LAC, RG 10, volume 7936, file 32-57, part 1.

For the next several decades, elections were a fact of life at Lennox Island. However, they were never embraced by the whole community, and opposition simmered, punctuated by occasional calls to exempt the Island from the triennial system. In 1906, when sustained opposition to an election again arose, Agent Arsenault himself called for an end to the electoral system.³³ At this point even the DIA wavered and for a fleeting moment contemplated “that in the case of Prince Edward Island there may be special reasons” for suspending the practice of triennial elections.³⁴ Elections, however, were not abolished. In 1914, Chief Sark spearheaded another campaign for himself to be named life chief. He explained how “as soon as [he] was old enough” he had succeeded his dead grandfather in the chieftainship and under the auspices of the Indian Act electoral contests had “been elected ever since.”³⁵ Sark also believed elections to be a negative force in his community that “only cause disturbance.”³⁶

Sark garnered some important allies in what became a decades-long bid to be named chief for life. In 1927 Prince Edward Island’s Lieutenant Governor, Frank Hertz, intervened on his behalf. Hertz suggested that it would be advisable to name Sark life chief. In the first place Hertz considered Sark’s lineage to give him special claims to the

³³John O. Arsenault to J.D. McLean, 29 March 1906, LAC, RG 10, volume 7936, file 32-57, part 1.

³⁴H.C. Ross to Deputy Minister, 8 January 1906, LAC, RG 10, volume 7936, file 32-57, part 1.

³⁵John Sark to Minister of Interior, 20 May 1914, LAC, RG 10, volume 7936, file 32-57, part 1.

³⁶John Sark to Senator Murphy, 20 May 1914, LAC, RG 10, volume 7936, file 32-57, part 1.

chieftainship.³⁷ Moreover, he noted that Sark had “maintained the dignity of the position ever since he became of age.”³⁸ The local agent, John A. McDonald, concurred with this point of view, and in a letter to the Department, explained that he would “like to see [Sark’s] position made permanent.”³⁹ A July 1927 election that turned violent prompted a second vote in August and made Agent McDonald all the more earnest in his “hope that some means may be devised to have [elections] dispensed with altogether.”⁴⁰ In spite of sustained community and occasional agent opposition, the DIA insisted that elections be held every three years on Lennox Island.

Agent interference in Mi’kmaq politics

These cases clearly demonstrate that, when and where it desired, the DIA had the capacity to impose the triennial system upon communities that opposed it. Although not all agents approved of electoral contests, some, like their bureaucratic brethren in Ottawa, took an active and personal interest in them. Indeed, some agents in Mi’kma’ki not only sought to influence electoral outcomes, but also interfered in the activities of elected

³⁷As Sark himself pointed out, he was descended from a long line of chiefs. John Sark to Senator Murphy, 20 May 1914, LAC, RG 10, volume 7936, file 32-57, part 1.

³⁸Frank Hertz to Hon John Sinclair, 26 May 1927, LAC, RG 10, volume 7936, file 32-57, part 1.

³⁹John A. McDonald to DIA, 22 July 1927, LAC, RG 10, volume 7936, file 32-57, part 1.

⁴⁰A fight broke out at the polling station, prompting the agent to close the poll and hold a second vote. John A. McDonald to DIA, 2 August 1927, LAC, RG 10, volume 7936, file 32-57, part 1. John A. McDonald to DIA, 4 August 1927, LAC, RG 10, volume 7936, file 32-57, part 1.

councils to exert social control over Mi'kmaq communities. Elected councils that were responsive to agents' direction were also championed by agents as a way to ease their administrative work load. In cases in which electoral results were contested, for example, agents might wade into the fray to encourage the naming of a candidate they personally favoured. In 1914, this was just the situation revolving around the October election at Red Bank. At the proceedings, Agent R.A. Irving declared six voters ineligible. These six votes proved critical in determining the electoral winner, and the community protested Irving's interference. When the community contested his actions, the agent, instead of holding a new vote, advised the Department that he favoured one candidate over the other "as he is by far the better man of the two." Irving also raised a third party endorsement of his favoured candidate when he added that the parish priest agreed with his own assessment that the second contender was not "a fit person for the position."⁴¹ Rather than attempt to unravel the truth about the votes that had been declared ineligible, the DIA took the agent's word on the matter and promptly declared the candidate he favoured elected.⁴²

Agents were not shy about informing the Department of their dissatisfaction with certain candidates. When, for instance, Agent Sheridan opposed the election of Chief John Cloud at Eel Ground in 1919, he noted that he "regret[ted] very much that the Indians saw fit to give a majority over [Peter] Tennas" and added with no apparent

⁴¹R.A. Irving to Secretary DIA, LAC, RG 10, volume 7934, file 32-55, part 1.

⁴²S. Stewart to T.P. Williston, 30 October 1914, LAC, RG 10, volume 7934, file 32-55, part 1.

feeling of impropriety that “I have ordered Peter Tennas to keep a close watch” over the reserve and the new chief.⁴³ In 1939, Agent T. Murray of Cumberland County also voiced his disapproval of the recently elected chief, Andrew Francis. Not only did Murray advise the Department that “[p]ersonally, I do not recommend Andrew Francis as Chief” and suggest that in “my opinion [he] is not suited for the office,” but he also attempted to override the electoral results, suggesting that they be disregarded and “the former Chief . . . be reappointed.”⁴⁴

Meddlesome agents could also make leadership difficult for elected community officials by disregarding their authority in favour of another community member. In February 1934, this was allegedly the case at the Eel Ground Reserve. The chief of this community appealed to the Department that his authority was being subverted by the agent who was accused of favouring the chief’s predecessor.⁴⁵ Richibucto Agent Charles Hudson had no qualms about interfering in Mi’kmaq politics. In the late winter and spring of 1933 he rebuked the members of the Burnt Church council who had held a meeting without him. In a pair of letters to one of the involved councillors, an irate Hudson stressed that he ought not to have been excluded from the meeting and he threatened those involved with a litany of consequences for their insubordination:

⁴³John Sheridan to Secretary DIA, 8 January 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁴⁴T. Murray, Agent, to Secretary DIA, 15 August 1939, LAC, RG 10, volume 7934, file 32-48, part 1.

⁴⁵Charles Hudson to Secretary DIA, 26 February 1934, LAC, RG 10, volume 7935, file 32-55-4.

I have to inform you that if I again hear of anything so ridiculous as you holding a meeting it will be reported to Ottawa that you are trying to create a disturbance on the reserve, and I will see that you and whoever is advising you, are severely punished. I don't suppose you know that holding meetings of this nature is only trying to create a disturbance which can be punished by terms in prison. The idea of you dismissing a councillor, it is ridiculous altogether but on account of this procedure you may be dismissed yourself. I wonder if you have been having any card games in your house this winter, and probably some intoxicants. I also wish you to tell Mr. Noel Dominick that I would thank him to keep out of affairs that he has no business with, as it appears that you and him are in a fair way of getting into trouble. So I again warn you to mind your own business and make no more trouble.⁴⁶

A few days later, Hudson reiterated what he believed should be his own central place in band council matters when he informed a councillor that: "I would advise you that in future it would be advisable for you to let me know when you wish to hold any meetings, and also tell me what you want to hold them for, and I will tell you what is best to do."⁴⁷ Three years later, Hudson was still displaying his penchant for political interference when he contravened DIA rules to cast a tie-breaking vote in a 1937 election.⁴⁸ As was the case with Hudson, agents could use the elective system to pursue greater authority in Mi'kmaq communities.

Deposals

Standing as a firm testament to the potentially ubiquitous power of the DIA over

⁴⁶Charles Hudson to Abraham Louie, 24 February 1933, LAC, RG 10, volume 7935, file 32-55, part 2.

⁴⁷Charles Hudson to Abraham Louie, 6 April 1933, LAC, RG 10, volume 7935, file 32-55, part 2.

⁴⁸T.R.L. MacInnes to Agent Charles Hudson, 7 October 1937, LAC, RG 10, volume 7935, file 32-55-6.

the political affairs of Native communities was the ability of the Superintendent General to unilaterally depose an elected official by an order-in-council. The 1869 Enfranchisement Act was the first piece of federal legislation to grant the Superintendent General of the Department of Indian Affairs the authority to depose elected chiefs and councillors for “dishonesty, intemperance, or immorality.” In 1876 the Indian Act strengthened this federal power to oust unsatisfactory or uncooperative chiefs when it made “incompetency” a fourth ground for the deposal of elected leaders.⁴⁹ Meanwhile, an 1880 amendment to the Indian Act which stated that “life chiefs shall not exercise the powers of chief unless elected,” essentially deposed any leader not selected under the auspices of the Indian Act.⁵⁰ The striking vagueness of these conditions, particularly of the term “incompetency,” enabled federal authorities to concoct technically sound and legally unassailable arguments for elected leaders’ deposals. Deposals could thus be enacted with no regard for the wishes of the Native community in question.

In the sole existing study dedicated to pre-1951 band elections in Canada, Vic Satzewich and Linda Mahood argue that Indian agents in Western Canada exerted a powerful and controlling influence over Native politics and that the “[t]he exercise of the power to depose chiefs and councilors was reflective of the Department’s effort to ensure that chiefs and councilors acted as arms of Departmental policy and authority, and not as

⁴⁹*The Indian Act, 1876*, section 62, in Sharon Helen Venne, *Indian Acts and Amendments, 1868-1975, An Indexed Collection* (Saskatoon: University of Saskatchewan, Native Law Centre, 1981), 41.

⁵⁰Statutes of Canada, 1880, ch. 28, s. 72.

advocates for their peoples.”⁵¹ Using data for Manitoba, the Northwest Territories (Alberta and Saskatchewan) and British Columbia, Satzewich and Mahood provide a powerful illustration of federal ability to interfere in band politics, showing that the DIA deposed 76 percent of the Chiefs and councillors recommended for deposal by western Indian agents.⁵² Mi’kmaq communities witnessed far fewer deposals than did Native communities in the west. Indeed, of all chiefs and councillors to serve Mi’kmaq communities in the first half of the century, only four were deposed, and these deposals were supported by just three agents.⁵³ Despite the relative infrequency of deposals in Mi’kma’ki, these four cases, described in some detail below, illustrate two particularly salient points about federally-prescribed triennial elections. First, electoral contests clearly had the capacity to generate discord in Mi’kmaq communities; in all four deposal cases communities were divided in their support for the chief. Second, these deposals illustrate the ability of agents to direct Ottawa’s decision to remove from office the chief in question.

Chief Charles Cloud of Red Bank, New Brunswick, had the dubious distinction of

⁵¹Vic Satzewich and Linda Mahood, “Indian Affairs and Band Governance: Deposing Indian Chiefs in Western Canada, 1896-1911” *Canadian Ethnic Studies* 26,1(1994), 41-42.

⁵²The significance of these numbers is tempered by the fact that Satzewich and Mahood do not indicate whether or not the ousted leaders were satisfactorily fulfilling their elected duties. Nevertheless, these numbers speak to the potential capacity of agents to spearhead the removal of “difficult,” independent-minded electees.

⁵³A 1906 deposal of a Red Bank chief was followed in 1920 by the ousting of the chief of the community at Eel Ground, the removal of a Big Cove chief in 1935, and finally, in 1940, by the removal of a chief in Sydney.

being the first elected Mi'kmaq chief to be deposed by an order-in-council. Cloud was elected on 31 August 1905 and confirmed chief by the DIA the following September. Just over one year later, on 6 November 1906, Chief Charles Cloud was officially removed from his chieftainship for alleged incompetence.⁵⁴ Stirrings of community dissatisfaction surrounding Chief Cloud appear in Departmental records by the October following his election. In a petition to Agent William D. Carter, 15 Red Bank signatories requested that the chief be replaced on the grounds that he allegedly used liquor and regularly supplied alcohol to other members of his community. Moreover, the petitioners complained that the chief took little interest in the welfare of the band members.⁵⁵ Agent Carter forwarded the petition to the Department of Indian Affairs and remarked that “[f]rom what I can learn there is good ground for the complaint, for I have learned on trustworthy authority that the chief is frequently drunk.”⁵⁶ The first Departmental response seems to have been to deny or at least avoid the request to displace Chief Cloud. To this end, the DIA instructed Agent Carter to inform the petitioners that they should have complained about the chief's behaviour at the time of the election, and certainly before Cloud was

⁵⁴Agent W.D. Carter to Secretary, Department of Indian Affairs, 30 August 1905, LAC, RG 10, volume 2603, file 121,698-2; J.D. McLean to W.D. Carter, 11 September 1905, LAC, RG 10, volume 2603, file 121,698-2. The order-in-council removing Cloud from office is dated 6 November 1906. J.D. McLean to Agent R.A. Irving, 22 August 1908, LAC, RG 10, volume 7934, file 32-55, part 1.

⁵⁵Petition of Red Bank Indians, to W.D. Carter, 8 October 1906, LAC, RG 10, volume 2603, file 121,698-2.

⁵⁶Wm. D. Carter to Secretary, Department of Indian Affairs, 13 October 1906, LAC, RG 10, volume 2603, file 121,698-2.

confirmed as chief.⁵⁷ Although it appears that the Department was wrestling with how to proceed in this case, it seems likely that it was convinced by the Agent's recommendation to depose Chief Cloud. But on what grounds should the deposal be requested? In an undated Departmental memorandum, an unidentified official explained that "[t]he petition, while it states that Cloud uses liquor, does not show that he is intemperate. However, his using liquor at all sets a bad example to the band; and this, together with the complaint that he takes no interest in the welfare of the Band, is sufficient to render him incompetent to properly fill the office of Chief of the Band"⁵⁸ By 26 October, the Superintendent General was recommending that the Governor in Council depose Chief Charles Cloud not because of intemperance, but on the grounds of "incompetence."⁵⁹ Incompetence, it seems, was in this case defined as intemperance, and DIA secretary J.D. McLean informed the local agent that Cloud was deposed because of his addiction to alcohol and his lack of interest in the welfare of the band.⁶⁰ While the deposal was arranged by officials in Ottawa, it seems that a segment of the band favoured the move, and that the local agent likewise supported the action. It is doubtful that any deposal would have proceeded without agent endorsement.

⁵⁷S. Stewart to Wm. D. Carter, 24 October 1906, LAC, RG 10, Volume 2603, File 121,698-2.

⁵⁸Undated DIA memo, LAC, RG 10, Volume 2603, File 121,698-2.

⁵⁹Superintendent General to Governor General, 26 October 1906, LAC, RG 10, Volume 2603, File 121,698-2.

⁶⁰J.D. McLean to W.D. Carter, 27 November 1906, LAC, RG 10, Volume 2603, File 121,698-2.

While deposal ended Chief Charles Cloud's tenure as chief, it did not remove him from Mi'kmaq politics. It appears that his community believed that in the election of 1908 "in all probability the old Chief would run again."⁶¹ As the Department reminded Irving, Cloud, as "the last chief who held office, is not qualified for nomination either as chief or councillor at the next election as the order-in-council deposing him, dated 6 November 1906, declared him to be ineligible for a term of three years from that date."⁶² Despite his official prohibition against either running for office or voting, Chief Cloud was involved in the process to choose his own successor. Indeed, the election of September 1908 was held at Charles Cloud's home, where the sole candidate, John. P. Tenas, was elected unopposed.⁶³

The second deposal of a Mi'kmaq chief occurred in 1920 when Chief John Cloud of Eel Ground was removed from office. Like Charles Cloud before him, John Cloud held office only briefly before his removal. Cloud's tenure as chief was marred by discord from the outset, beginning with apparent dissatisfaction surrounding those in charge of the initial electoral process. In November 1918, Agent E.P. Williston wrote to the Department of Indian Affairs that:

[t]he Indians of Eel ground band intend to hold an election for Chief this autumn and some of them have requested me to write you and protest against

⁶¹R.A. Irving to DIA Secretary, 18 August 1908, LAC, RG 10, volume 7934, file 32-55, part 1.

⁶²J.D. McLean to R.A. Irving, 22 August 1908, LAC, RG 10, volume 7934, file 32-55, part 1.

⁶³R.A. Irving to DIA, 17 September 1908, LAC, RG 10, volume 7934, file 32-55, part 1.

the Indians appointed to conduct the election. They wish the Department to appoint men belonging to the Eel ground band good sober and reliable men. The men they have appointed or at least some of them, do not belong to the Eel ground band [and] are not sober or reliable.⁶⁴

At the same time, John Cloud appears to have been a popular candidate. In a November 1918 letter to the Department, George McDade, a lawyer in Chatham, New Brunswick, urged the Department to hold an election quickly as “there is manifest dissatisfaction over the conduct of the affairs under the present chief” and “[t]here seems to be a strong desire on the part of the band to elect John Cloud as their chief.”⁶⁵ On 27 December 1918, Cloud was elected chief in a DIA-sanctioned election.⁶⁶ While some band members strongly favoured Cloud’s election, Agent John Sheridan admitted to his superiors that “I regret very much that the Indians saw fit to give Cloud a majority over [former Chief Peter] Tenass . . . and I can see it will mean trouble for everyone who has anything to do with him.”⁶⁷ Sheridan, it appears, was particularly unhappy with Cloud’s solution to a lumbering dispute and expressed dismay that Chief Cloud “is determined to cut lumber at Big Hole without permits.”⁶⁸ Although Sheridan could do little to unseat the newly

⁶⁴E.P. Williston to DIA, 18 November 1918, LAC, RG 10, volume 7934, file 32-55, part 1.

⁶⁵George M. McDade, LLB, Chatham, N.B., to DIA, 29 November 1918, LAC, RG 10, volume 7934, file 32-55, part 1.

⁶⁶John Sheridan to Secretary, DIA, 8 January 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁶⁷John Sheridan to Secretary, DIA, 8 January 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁶⁸John Sheridan to Secretary, DIA, 8 January 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

elected chief, he took it upon himself to appoint the former chief, Peter Tenass, “to keep a close watch over these lands and seize all lumber cut without permits.”⁶⁹

Clearly, there was little love lost between Chief Cloud and Agent Sheridan. Even before becoming chief, John Cloud accused Agent Sheridan of ignoring calls for the election.⁷⁰ Following his election, Cloud again complained about Sheridan, alleging that “the Indian Agent allowed himself to favour one side during the election by allowing people to vote whom I consider practically strangers on the Reserve without the consent of the Band.”⁷¹ Once in office Cloud carried out his chiefly duties without consulting the local agent. In February 1919, Chief Cloud bypassed the agent altogether and informed the department directly that he had held a meeting in which he appointed three councillors, a policeman and a magistrate and requested that the Department “acknowledge these men and give them the power of office.”⁷² Sheridan was annoyed that the Chief had held his own meeting to select aids without consulting him. Even more galling to Sheridan was the fact that Chief Cloud had, of his own accord, dismissed the band’s existing janitor, truant office and constable and had ordered a local merchant “who supplies the Indians of Eel Ground, be dismissed because he would not give relief when

⁶⁹John Sheridan to Secretary, Department of Indian Affairs, 8 January 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁷⁰John Cloud, on behalf of Eel Ground to Indian Department, 6 December 1918, LAC, RG 10, volume 7934, file 32-55, part 1.

⁷¹John Cloud to Secretary DIA, 2 January 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁷²John Cloud to J.D. McLean, 19 February 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

he ordered him to do so.”⁷³ Sheridan informed the Department that he would “not recognize [Cloud’s] dismissals or appointments unless I am satisfied these people are not doing their duty” and requested that the Department “write the Chief a letter setting forth his power and how he should govern himself in the future.”⁷⁴ In response, the Department instructed Sheridan to inform Cloud that “he has no authority whatsoever to dismiss [the existing officers] and that the Department will take absolutely no cognizance of his action.”⁷⁵

The independent actions of Chief Cloud, interpreted as insubordination by the Department, possibly made Cloud vulnerable to accusations that he was intemperate – a complaint that surfaces in DIA records beginning in the early summer of 1919. In June, Sheridan received a letter from a band member alleging that on 19 June Chief Cloud and a constable had excessively imbibed alcohol.⁷⁶ Sheridan forwarded this complaint to DIA officials, and, based on additional information or more likely upon a broad interpretation of the letter he had received about a single alleged episode, contended that “I am informed

⁷³Agent Sheridan to Secretary DIA, 22 March 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁷⁴Agent John Sheridan to Secretary, DIA, 22 March 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁷⁵J.D. McLean to Col. John Sheridan, 31 March 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁷⁶Peter Julian to Col. Sheridan, 23 June 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

that Chief John Cloud gets drunk at every opportunity.”⁷⁷ Secretary McLean responded to Sheridan’s letter, telling him that if the charges against Chief Cloud were founded, the Chief should be warned that further intemperance would lead to his deposal.⁷⁸ In August 1919, Sheridan received further complaints about the chief which he promptly mailed to Ottawa. This time the complainant reminded Sheridan about the alleged June 19th incident and contended that “since Cloud’s appointment conditions on the Reserve have been very bad,” that “[b]eer is sold on the Reserve and there is a great deal of drunkenness and fighting among both men and women, especially on Sundays” and that “[t]here seems to be no one to restore order, as both the Chief and Police appear incompetent.”⁷⁹ J.D. McLean replied to the charges, informing Agent Sheridan that “[t]he Department considers these charges serious enough to warrant an investigation and I have to request that you will, at your earliest convenience, take steps to conduct a thorough enquiry. If the charges can be established, the Chief should be deposed.”⁸⁰

The following September, during an official investigation into Chief Cloud’s conduct, a number of band members offered testimony. These testimonials contain various interpretations of Chief Cloud’s 19 June conduct. While some claimed to have

⁷⁷John Sheridan to J.D. McLean, 23 July 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁷⁸J.D. McLean to Col. John Sheridan, 28 July 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁷⁹Peter Julian to Col. John Sheridan, 8 August 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁸⁰J.D. McLean to John Sheridan, 18 August 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

witnessed the chief consuming beer, others reported that they heard this allegation from other witnesses, or that they smelled alcohol on him, without ever having seen him consume any alcohol.⁸¹ It is unclear how the Department viewed the findings of the September investigation. Since nothing was done about Chief Cloud, it suggests that officials recognized the difficulty of following a course of action based upon such disparate testimonials.

By the early spring of 1920, Chief John Cloud had survived numerous allegations and at least two threatened deposals. In March of 1920, the chief found himself at the heart of yet another controversy and his actions again came under Departmental scrutiny. In a letter dated 1 March, two band members wrote to the secretary of the DIA accusing Cloud of misappropriating funds relating to an August 1919 picnic. The two claimed that following the picnic "a lot of stuff was left over [s]uch as lumber, Beer, Cigars [and] the chief John Cloud has sold all this and will not give the Band no satisfaction what he did with the money, supposed to be about \$100.00." The pair further claimed that the chief inappropriately freed two arrested prisoners from the community prison after securing fines from them.⁸² Chief Cloud somehow learned of this complaint and mailed his own letter to DIA officials. In it, he defended himself and his position and authority as chief. He wrote:

I am told Dan Paul is interfering in my business and writing letters to the Indian

⁸¹Evidence Given at Eel Ground Investigation [into Chief John Cloud]' 24 September 1919, LAC, RG 10, volume 7934, file 32-55, part 1.

⁸²Peter McKay and Peter Barnaby to Secretary, DIA, 1 March 1920, LAC, RG 10, volume 7934, file 32-55, part 1.

Dept Now I am the one person to write to the Dept Ottawa on the business affairs of this Reserve. My own council men gave me that privilege for three years and if I am not doing what is right these men are the ones to . . . report me, and not Dan Paul whose only purpose in life is maliciousness and wrong doing to his neighbours. And I am going to ask you not to accept any of his reports on my affairs. Kindly return his letters either to me or to himself as I maintain he has no right to write letters to the Dept concerning my affairs or the Affairs of the Reserve. This privilege is mine only.⁸³

In April 1920, Agent Sheridan informed his superiors that “I investigated these charges and find them to be true.”⁸⁴ Regarding the picnic funds Sheridan claimed that the chief had in fact kept \$96 in profits for himself. Also true, Sheridan declared, was the allegation surrounding the unlawful fining and release of two prisoners. Sheridan explained that the chief fined and released the inmates “on account of the lockup being cold.” Instead of turning the collected fines over to the constable, however, Sheridan claimed that the Chief kept the balance for himself. Citing these two events Sheridan concluded: “I consider he is not a fit person to be Chief of the band as his actions are dishonest.”⁸⁵ Based upon this report, a Departmental memo recommended an order-in-council to depose Chief Cloud “on the grounds of dishonesty.”⁸⁶ On 12 May 1920, Chief John Cloud of Eel River was

⁸³Chief John Cloud, Eel Ground, to DIA, 2 March 1920, LAC, RG 10, volume 7934, file 32-55, part 1.

⁸⁴John Sheridan, to Secretary DIA, 13 April 1920, LAC, RG 10, volume 7934, file 32-55, part 1.

⁸⁵John Sheridan, to Secretary DIA, 13 April 1920, LAC, RG 10, volume 7934, file 32-55, part 1.

⁸⁶Henry Fabier, memo to Mr Scott, 10 May 1920, LAC, RG 10, volume 7934, file 32-55, part 1.

removed from office.⁸⁷

In February 1935, Chief Jacob Augustine of Big Cove became the third Mi'kmaq chief to be deposed when he was removed from office "on the ground of incompetency and declared ineligible for the office of chief or councillor for a period of three years, pursuant to the Indian Act."⁸⁸ Like those deposed before him, Chief Jacob Augustine served only part of his first three-year elected term before he was removed from office. He was elected in August 1932 and deposed in February 1935. Unlike Charles and Joseph Cloud, however, Augustine was not a newcomer to elections. A decade before he came to office, Augustine was involved in a hotly contested and controversial electoral bid. In August 1922, an election featuring Augustine and former Chief Peter Levi was held at Big Cove. After the votes were cast, Peter Levi received a slim two-vote majority. Supporters of Augustine had many concerns about the election and its results. They alleged that six votes cast in favour of Peter Levi ought to have been disqualified on the basis of under aged voters and contested band membership. If these votes were disqualified, Augustine would have received the majority of the votes and won the chieftainship. Moreover, these same supporters complained about Agent Sheridan's conduct, noting that "by the Indian law books . . . we have read the Indian Agent is supposed to come and notify us a week before and explain to us the matter that is about to take place, but he waited until this last

⁸⁷Privy Council to Superintendent General, 12 May 1920, LAC, RG 10, volume 7934, file 32-55, part 1.

⁸⁸Superintendent General of Indian Affairs to Governor General in Council, 22 February 1935, LAC, RG 10, volume 7935, file 32-55-3, part 1.

hour and then came." A third complaint alleged that Levi had bribed voters with alcohol.⁸⁹ For his part, Peter Levi contended that the contested voters were in fact entitled to cast their ballots.⁹⁰ Weeks of wrangling between supporters of the two men followed. So convinced were Augustine's supporters of their candidate's right to be chief, that they visited the DIA in Ottawa to present their case.⁹¹ Swayed by the protests, the Department agreed to set aside the contentious election results. A second election was held in January 1923, and Thomas Peter Santipass defeated Peter Levi and was elected chief of Big Cove.⁹²

A decade later, in August 1932, an election once again pitted Jacob Augustine against Peter Levi. This time, Augustine's ten vote majority was clear and uncontested and he became chief.⁹³ Three years later, Chief Augustine was at the centre of yet another controversy. In January of that year, Agent Charles Hudson wrote a letter to the DIA complaining about the chief's conduct. In it, Hudson related how Augustine had dismissed the community school teacher, Mr. Fraser, and ordered the local constable to

⁸⁹Sam Augustine, Stephen Augustine, "Council Rexton," to DIA, 5 August 1922, LAC, RG 10, volume 7935, file 32-55, part 2.

⁹⁰Chief Peter Levi, Big Cove, to D.C. Scott, 7 August 1922, LAC, RG 10, volume 7935, file 32-55, part 2.

⁹¹J.D. McLean to John Sheridan, 10 August 1922, LAC, RG 10, volume 7935, file 32-55, part 2.

⁹²Charles Hudson to DIA, 4 January 1923, LAC, RG 10, volume 7935, file 32-55, part 2.

⁹³Charles Hudson to Secretary DIA, 2 August 1932, LAC, RG 10, volume 7935, file 32-55, part 2.

prevent children from attending school. The reason for this action, Hudson noted, was that the chief blamed the teacher for recent reductions in community relief.⁹⁴ An exasperated Hudson explained that the chief held a community meeting in which he “proceeded to persuade, or rather harangue [the community] to agree to demand the dismissal of Mr. Fraser.”⁹⁵ This action, Hudson contended, “is sufficient reason for him to be deposed from his position as chief.”⁹⁶ A DIA official responded to Hudson, instructing the agent to inform Chief Augustine that “if any further complaints are received with regard to his conduct, it may be necessary for the Department to take action in regard to his disposal.”⁹⁷ Perhaps unbeknownst to Hudson, the Department took further steps and actually initiated the deposal process. In correspondence dated 22 February, the Superintendent General informed the Governor General in Council that, because he had disobeyed provision 10 of the Indian Act, the section dealing with compulsory education, Chief Augustine should be deposed “on the ground of incompetency and declared ineligible for the office of chief or councillor for a period of three years, pursuant to the

⁹⁴Charles Hudson to Secretary, DIA, 31 January 1935, LAC, RG 10, volume 7935, file 32-55-3, part 1.

⁹⁵Charles Hudson to Secretary, DIA, 31 January 1935, LAC, RG 10, volume 7935, file 32-55-3, part 1.

⁹⁶Charles Hudson to Secretary, DIA, 31 January 1935, LAC, RG 10, volume 7935, file 32-55-3, part 1.

⁹⁷A.F. MacKenzie to Chas. Hudson, 20 February 1935, LAC, RG 10, volume 7935, file 32-55-3, part 1.

Indian Act.”⁹⁸

Chief Augustine, unaware of his looming deposal, was neither swayed nor quieted by DIA orders. In March, Augustine forwarded a petition to Prime Minister R.B. Bennett. In it, Augustine requested that the conduct of both school teacher Fraser and Agent Hudson should be investigated. Augustine cited the dismal state of affairs in his community and complained that “the houses of the Indians are in a bad state of repair and the Indian Agent has neglected and refused to repair same whereby the health of the Indians and their children are endangered and injured.”⁹⁹ He also noted how “the inspector of The Indian Department has not visited or inspected conditions at the Big Cove Reservation for the past 5 or 6 years whereby the Indian Department at Ottawa is unaware of the conditions complained of” and requested that “an investigator independent of the Indian Department” look into conditions in his community.¹⁰⁰ Augustine was not alone in his complaints. Moncton Lawyer George L. Harris was also concerned about the state of affairs at Big Cove. In a letter sent to Prime Minister Bennett and Hon. R.B. Hanson, Minister of Trade and Commerce, Harris described Big Cove conditions as “disgraceful.” He also took aim at Agent Hudson, charging that “[t]he administration of Charles Hudson so far as the Big Cove Reservation is concerned is a disgrace to the Dominion

⁹⁸Superintendent General of Indian Affairs to Governor General in Council, 22 February 1935, LAC, RG 10, volume 7935, file 32-55-3, part 1.

⁹⁹Petition to Hon. R.B. Bennett from Jacob Augustine, 16 March 1935, LAC, RG 10, volume 7935, file 32-55-3, part 1.

¹⁰⁰Petition to Hon. R.B. Bennett from Jacob Augustine, 16 March 1935, LAC, RG 10, volume 7935, file 32-55-3, part 1.

Government and while a number of complaints have been forwarded to the Indian Department at Ottawa during the past two years, no action was taken.”¹⁰¹ Despite these protests, it appears that by March Augustine’s deposal was a forgone conclusion. In a letter to Hon. R.B. Hanson, the Deputy Superintendent General defended Fraser and Hudson, criticised the chief and justified the deposal. Fraser, the Deputy Superintendent wrote, “is well spoken of by the Indian Agent, by officials of the Department and by the Inspector of Indian Schools in New Brunswick, Father Ryan.”¹⁰² Moreover, the Deputy Superintendent noted departmental satisfaction with Agent Hudson: “All of our officers who have visited New Brunswick have spoken in very favourable terms of Mr. Hudson’s administration generally.”¹⁰³ Finally, the Deputy Superintendent General criticised Augustine’s conduct, pointing out that the chief had been deposed because he prevented school attendance and “went so far as to receive applications for a new teacher without any reference to the Department.” This action, he argued was “subversive of all discipline and there was no alternative but to take a definite stand in the matter.” Chief Augustine, he declared, was “not a proper person to occupy a position of this kind.”¹⁰⁴

In 1940, Ben Christmas of Sydney also faced being forced from his position as

¹⁰¹George L. Harris to R.B. Bennett, 18 March 1935, LAC, RG 10, volume 7935, file 32-55-3, part 1.

¹⁰²Deputy Superintendent General to Hon. R.B. Hanson, 31 March 1935, LAC, RG 10, volume 7935, file 32-55-3, part 1.

¹⁰³Deputy Superintendent General to Hon. R.B. Hanson, 31 March 1935, LAC, RG 10, volume 7935, file 32-55-3, part 1.

¹⁰⁴Deputy Superintendent General to Hon. R.B. Hanson, 31 March 1935, LAC, RG 10, volume 7935, file 32-55-3, part 1.

chief. Christmas was an outspoken and determined advocate for his community. Much to the aggravation of Agent W.J. Cameron and officials in Ottawa, Chief Christmas regularly bypassed the agent to communicate directly with the Department of Indian Affairs.¹⁰⁵ It is clear that Christmas held very strong ideas about how the DIA should be run, and was eager to express his dissatisfaction with Departmental policy. In a letter to the DIA in the winter of 1936, Christmas criticised federal policy and asserted what he believed to be the best course for future policy. He wrote that his people needed:

a Government policy of a constructive and permanent nature to gradually place Indians on the road to fair existence eked out by themselves, with a prospect for their future, instead of a small, indefinite, and humiliating dole, which the years just passed have provided. While the distress was much less and the outlook far more promising for rising generations of rural Indians, the many improvements and outlays for future use, laid out and accomplished then fully justifies the conclusion that Indians, with their rights may in a measure be improved to a state of self-sustenance a policy showing knowledge of a necessary move to make, and courage to lay down the foundation of plans from year to year, which will bring the reward of fruit at future times, after development and growth.¹⁰⁶

Christmas went on to suggest that his “plans now under course of preparation may be of advantage to both the Government and its wards, the Indians, in whose present and future lot we must all be concerned, for Canadian justice and good sense” and that this plan contained “what the Department of Indian Affairs must turn to sooner or later.”

¹⁰⁵W.J. Cameron to Secretary DIA, 19 March 1935, LAC, RG 10 volume 7934, file 32-46, part 1; A.F. McKenzie also complained that Christmas was communicating directly with Ottawa and instructed Agent McKinnon to inform the Chief to make his representations instead to the Agent. A.F. MacKenzie to Joseph McKinnon, 16 January 1936, LAC, RG 10, volume 7936, file 32-61, part 1.

¹⁰⁶Ben. E. Christmas to Harold W. McGill, LAC, RG 10, volume 7936, file 32-61, part 1.

If, as is probable, the thin-skinned DIA took issue with Christmas' criticisms, they were undoubtedly even further disturbed by his eagerness to personally share his proposals with Assistant Deputy Superintendent General H.W. McGill and his assertion that he "would welcome any arrangement for my transportation to Ottawa."¹⁰⁷ Doubtless, the Department was angered by Christmas' criticism and freely-offered solutions to the shortcomings of DIA legislation. Departmental inspector Thomas McGookin for one thought that Chief Christmas was "certainly allowed too much authority on the Reserve."¹⁰⁸ Specifically, McGookin complained that all relief requests were first submitted to the chief and "it is his pleasure whether or not he passes them on to the agent."¹⁰⁹ McGookin strongly recommended that "Agent McKinnon should be officially instructed that he is held responsible for the administration on the reserve and not Chief Christmas and further that every family should be treated on the merits of the case and not on the chief's say so."¹¹⁰

Christmas's proactive approach to his chiefly responsibilities made him "a thorn

¹⁰⁷Ben. E. Christmas to Harold W. McGill, LAC, RG 10, volume 7936, file 32-61, part 1.

¹⁰⁸Thomas McGookin, Inspector, to DIA, 6 March 1935, LAC, RG 10, volume 7936, file 32-61, part 1.

¹⁰⁹Thomas McGookin, Inspector, to DIA, 6 March 1935, LAC, RG 10, volume 7936, file 32-61, part 1.

¹¹⁰Thomas McGookin, Inspector, to DIA, 6 March 1935, LAC, RG 10, volume 7936, file 32-61, part 1.

in the flesh” according to Departmental authorities.¹¹¹ In 1938, the Department of Indian Affairs had new cause for finding fault with Chief Christmas when he pleaded guilty to theft of band money and served a two year suspended sentence. His sentence, however, did not result in immediate deposal, as the Department decided to await Christmas’ appeal before taking any action toward this end.¹¹² This may have been because Agent McKinnon harboured doubts about the chief’s guilt, and suggested that Chief Christmas was the victim of a “stunt lawsuit” which Christmas could simply not financially afford to battle in court “as much as he would like to have.”¹¹³ According to Christmas’s lawyer, the case “arose more out of malice than legal aspects; and that the conduct of the cases were, in law, poor.”¹¹⁴ Nevertheless, on 29 April 1940, the Minister of Mines and Resources recommended that Chief Ben Christmas be deposed.¹¹⁵ Deposal did not, however, end Christmas’ political career and, as noted in chapter four, Christmas emerged in the mid 1940s as a staunch opponent of Nova Scotia centralization and a key player in the United General Indian Council of Nova Scotia, a Mi’kmaq arm of the national North

¹¹¹A.F. MacKenzie to Joseph McKinnon, 2 April 1935, LAC, RG 10, volume 7936, file 32-61, part 1.

¹¹²DIA to Joseph McKinnon, 22 March 1938, LAC, RG 10, volume 7936, file 32-61, part 2.

¹¹³Joseph McKinnon to Secretary IAB, 15 February 1940, LAC, RG 10, volume 7936, file 32-61, part 2.

¹¹⁴Joseph McKinnon to Secretary IAB, 1 April 1940, LAC, RG 10, volume 7936, file 32-61, part 2.

¹¹⁵Minister of Mines and Resources to Governor General, 29 April 1940, LAC, RG 10, volume 7936, file 32-61, part 2.

American Indian Brotherhood.

Conclusion

These four deposal scenarios provide a glimpse into what were the very complex workings of triennial elections in Mi'kma'ki. They offer evidence of the friction that elections generated as Mi'kmaq men competed for the chief position, and as chiefs and agents clashed, each claiming the authority to direct community affairs. At the same time, these depositions offer important insight into the powerful ability of Ottawa to intervene in Mi'kmaq politics. In all four cases, the deposed chiefs had uneasy relationships with local agents who saw the chiefs as wielding too much authority in their communities; in three of the four cases (that of Chief Christmas and Agent McKinnon excepted), it was ultimately on the agents' advice that the chiefs' positions were terminated.

Authorised by the triennial system, Indian agents in the field and Ottawa-based bureaucrats could and did interfere in Mi'kmaq politics. While the Mi'kmaq themselves occasionally invited DIA intervention in community politics, more common scenarios saw agents impose triennial elections upon unwilling communities and agents use positions of authority on reserves to influence electoral outcomes. The deposal of elected officials also symbolized the influence that the DIA could bring to bear on Mi'kmaq politics. Although depositions occurred only four times between 1899 and 1951, the fact that elected leaders could be dismissed unilaterally by the Superintendent General illustrates the potential breadth of federal authority over Mi'kmaq politics. In practice, however, the power of the DIA over Mi'kmaq politics was not limitless. Despite federal efforts to foist

the triennial system on Mi'kmaq communities, DIA-ordained band elections did not become ubiquitous. Mi'kmaq political customs and ideals survived across Mi'kma'ki.

Chapter 6:
**“ . . . the Indians are dissatisfied:” Explaining the Limits of Triennial Elections and
the Persistence of Mi’kmaq Political Traditions**

Introduction

As preceding chapters demonstrated, the Mi’kmaq did not universally embrace the triennial system and traditionally-selected leaders continued to influence Mi’kmaq political practice – this chapter explores why. It argues that four multi-faceted factors explain the failure of federal objectives. First, confusion and misunderstanding surrounding Indian Act legislation invariably slowed and discouraged its implementation. Second, circumstances in underfunded and badly-run Maritime agencies assured that governmental officials had difficulty supervising political practices on reserves. Third, Mi’kmaq refusal to allow federal officials to completely usurp community politics and attendant community affairs guaranteed a degree of continued autonomy regarding leadership selection. Finally, the possibility of issue-driven electoral contests led by independent-minded incumbents undermined the DIA objectives for its electoral policy. Within a few decades of the triennial system’s implementation, some federal officials were discouraging it where it seemed elected chiefs were challenging the status quo of reserve administration. Local officials and, eventually, the DIA itself, began to fear elections because they neither rendered the Mi’kmaq politically powerless nor compelled

them to do the bidding of the DIA. Instead, elections often politicized Mi'kmaq communities and threatened DIA hegemony.

Electoral policy misunderstanding

In large part, the lackluster enforcement of Indian Act electoral legislation was related to the legislation itself. As chapter three illustrates, federal electoral policy across Canada was a legislative hodgepodge. Legislation surrounding elections was subject to frequent amendment and electoral regulations varied by region. At the same time, electoral legislation was ambiguous and for this reason, not easy to implement. Dennis Madrill and Wayne Dougherty suggest that the nebulous nature of federal electoral rules was purposely designed to give the DIA the flexibility it needed to deal with “disparate groups of [Native] people who were at varying degrees of political and social economic development.”¹ Nevertheless, this feature of electoral rules caused Mi'kmaq people and agents considerable difficulty. Without adequate direction, the vagueness of federal legislation ultimately impeded adherence to it.

Elected chiefs and councillors certainly did not acknowledge the meager authority conferred upon them by the Indian Act. Instead, they saw their positions as ones of real authority, and they expected their special status to be recognized within their communities and by the federal government. They can hardly be blamed for this expectation. The rhetoric used by the Department to gain Mi'kmaq acceptance of the

¹Wayne Daugherty and Dennis Madrill, *Indian Government Under Indian Act Legislation 1868-1951* (Ottawa: Research Branch, Department of Indian and Northern Affairs, 1980), 64.

electoral system portrayed it as an empowering institution of “self-government” in which chiefs and councils could exert meaningful influence. And yet, the policy itself contained no provisions for chiefly autonomy. Indeed, while the Department was touting the system as one of “self-government,” it was simultaneously arguing that elected positions “are largely honorary,” and that agents, not chiefs, were the real authorities on reserves.² Chiefs, Superintendent General Duncan Campbell Scott insisted in 1917, were not to act independently but merely “to assist the Indian Agent in matters of administration.”³

This contradiction between DIA rhetoric and the content of its electoral legislation perplexed many elected Mi’kmaq officials. Chiefs and councillors were repeatedly surprised, then disappointed, to learn that their elected positions were unsalaried. In 1907 two councillors on the Sydney reserve threatened to resign when they discovered they would be unpaid. Noting that their elected positions were time consuming and that they were sometimes required to spend their own money on council tasks, the two explained that “we have so much time to lose and at times expense to defray in order to better the condition of the Reserve and the people at large.”⁴ In 1926, Chief Mikel Deveau informed the Department that “I would like to have my pay like the other chiefs.”⁵ Similarly, in

²D.C. Scott to F.B. Carvell, 28 March 1917, LAC, RG 10, volume 7935, file 32-56, part 1.

³D.C. Scott to F.B. Carvell, 28 March 1917, LAC, RG 10, volume 7935, file 32-56, part 1.

⁴A. Bernard and J. Paul to Secretary, DIA, 26 September 1907, LAC, RG 10, volume 7936, file 32-61, part 1.

⁵Chief Mikel Deveau to DIA, undated, LAC, RG 10, volume 7936, file 32-56-5, part 1.

1923, Chief Tom E. Sanipass, of Big Cove, believed that “every three months I should receive so much money.”⁶ In 1932, Chief Jacob Augustine, also of Big Cove, made a similar request for “my three months [p]ayment.”⁷ Leaders not only saw their positions as deserving of salaries, they also sought more symbolic federal recognition of their special status as elected officials, expecting the Department to recognize them with badges, medallions or other accouterments of office, in much the same way that the French and British had recognized Mi’kmaq chiefs in the seventeenth and eighteenth centuries.⁸ Thus, in August 1906, one chief requested cloth and beads with which he could make his “official coat” and “a badge of his rank” that he could wear at the Dominion exhibition.⁹ In 1907, Chief Ben Nacote of Cumberland County requested a badge or medal as proof of his office.¹⁰ Two years later in May 1909, Chief Frank Toney of Kings County, N.S., requested a chief’s outfit.¹¹ Almost two decades later, in 1927, the chief and councillors elected in Antigonish County asked for the Department to furnish a uniform, cap or

⁶Chief Tom E. Sanipass to J.D. McLean, LAC, RG 10, volume 7935, file 32-55, part 2.

⁷Chief Jacob Augustine to DIA, 23 November 1932, LAC, RG 10, volume 7935, file 32-55, part 2.

⁸Olive P. Dickason, “Louisbourg and the Indians: A Study in Imperial Race Relations,” *History and Archaeology* 6 (1976), 111-114.

⁹Thomas J. Egan (Sporting Goods) to Friend Dan [Chisholm], 25 August 1906, LAC, RG 10, volume 7934, file 32-52, part 1.

¹⁰Ben Nacoat to DIA, May 1909, LAC, RG 10, volume 7934, file 32-48, part 1 1907.

¹¹Chief Frank Toney to DIA, 26 May 1909, LAC, RG 10, volume 7934, file 32-54, part 1.

badge.¹² In 1931, Chief Thomas Francis of Antigonish County requested a badge or medal “to show that I am a chief,”¹³ as did Chief John Paul of Bear River, Nova Scotia in 1932.¹⁴ Clearly Mi’kmaq electoral candidates were unaware of the limited authority and status that the triennial system conferred upon them. While this unawareness speaks to the prevailing level of misunderstanding that surrounded electoral policy, the eventual realization of this fact undoubtedly bred Mi’kmaq disappointment and ultimately dissatisfaction with federal electoral policy.

Misleading federal rhetoric alone did not fuel these misunderstandings. Mi’kmaq people were also misled by Indian agents. The Mi’kmaq were discouraged from communicating directly with the DIA, and electoral questions they posed to Ottawa were deflected to local Indian agents. Given this situation, most of the information that Mi’kmaq people received about Indian Act electoral rules came from local agents, many of whom only dimly understood electoral procedure, and passed along their own errant understandings. Like the Mi’kmaq, agents often had excessive expectations about the financial and symbolic remuneration to be enjoyed by chiefs and councillors elected under Indian Act regulations. In 1902, for example, Agent D.M. MacAdam of North Sydney urged the Department to pay elected officials “even a very small salary . . . [to]

¹²W.J. Cameron to Secretary DIA, 11 April 1927, LAC, RG 10, volume 7934, file 32-46, part 1.

¹³ Chief Thomas Francis to DIA, 9 January 1931, LAC, RG 10, volume 7934, file 32-46, part 1.

¹⁴Chief John Paul to DIA, 21 March 1934, LAC, RG 10, volume 7934, file 32-49, part 1.

make them far more zealous in the discharge of their duties.”¹⁵ Likewise, in 1921, the usually well-informed Nova Scotia Superintendent A.J. Boyd questioned whether or not elected chiefs in his province were “recognized in a tangible way.”¹⁶ In addition to financial compensation for chiefs’ work, some agents also expected the DIA to award chiefs symbols of their elected office. For example, in July 1899 Agent F.A. Rand requested that a “badge or token” be sent to the newly elected chief and councillors at Half Way River.¹⁷ In 1927, Agent W.J. Cameron joined Chief Thomas Francis in requesting that the newly-elected chief of Antigonish County be provided with a uniform, a badge or a cap emblazoned with ‘Indian Chief’ “to distinguish him from other Indians at any gathering or meeting they may have.”¹⁸ Agents, like the Mi’kmaq, had to be reminded that chiefs were “not in authority.”¹⁹

For decades, agents’ misunderstandings of electoral procedure impeded the full implementation of triennial elections. In 1902, Agent McIntyre suggested that the local Mi’kmaq community near Sydney was “sadly in need of some head to whom they could

¹⁵Rev. D.M. McAdam to Secretary DIA, 13 October 1902, LAC, RG 10, volume 7936, file 32-61, part 1.

¹⁶Indian Superintendent A.J. Boyd to Mr. Scott, 19 August 1919, LAC, RG 10, volume 7936, file 32-60, part 1.

¹⁷F.A. Rand to Secretary DIA, 1 July 1899, LAC, RG 10, volume 7934, file 32-48, part 1.

¹⁸W.J. Cameron to Secretary DIA, 11 April 1927, LAC, RG 10, volume 7934, file 32-46, part 1.

¹⁹T.R.L. MacInnes to J.R. McMullen, 21 November 1940, LAC, RG 10, volume 7934, file 32-47, part 1.

look as leader.” Yet, he was evidently unaware of both electoral prescriptions and his own role in triennial elections, as he questioned whether to appoint a chief, or to allow the Mi’kmaq people to select their own.²⁰ Other agents misconstrued the electoral process. In 1909, Agent John Arsenault, a veteran of 31 years, deviated from prescribed electoral procedure when he invented his own system of voting districts on Lennox Island. Without informing his Ottawa superiors, Arsenault divided the reserve into three sections and took a candidate from each.²¹ It is possible that Arsenault ran this election according to the 1884 Indian Advancement Act, a piece of legislation that called for reserves to be divided into electoral sections and for electors to vote for candidates running in their particular sections. This, legislation, however, did not apply to Maritime Canada, nor was it the system followed in the community in its previous two elections. When the Department heard of Arsenault’s actions, he was censured for holding an election “without first receiving the sanction of the Department.” Moreover, his electoral technique was criticized as “a very irregular thing to do . . . there being no provision under the Indian Act for doing this.”²²

Two years later, Agent J.A. Johnson of Cumberland County showed a similar lack of even the most basic knowledge of electoral procedure when he admitted to the DIA his

²⁰D.K. McIntyre, MD to J.D. McLean, 13 March 1902, LAC, RG 10, volume 7936, file 32-61, part 1.

²¹John O. Arsenault to J.D. McLean, 28 August 1909, LAC, RG 10, volume 7936, file 32-57, part 1.

²²J.D. McLean to J.O. Arsenault, 4 September 1909, LAC, RG 10, volume 7936, file 32-57, part 1.

ignorance both of the political configuration of the local Mi'kmaq community and of the requisite federal procedure for installing a band council. Perhaps even more distressing to officials in Ottawa, Johnson attempted to compensate for his ignorance by following local Mi'kmaq custom. In a letter to Departmental Secretary J.D. McLean, Johnson explained that "until very lately" he had "been under the impression that Mr. Ben Knockwood was the acting Chief." Recently, Johnson admitted, he had discovered "that [Knockwood's] time was up nearly a year ago." Johnson clearly had little understanding of federally-sanctioned procedure for selecting a new chief, and simply allowed the community to hold a meeting to select a leader. He noted that although "I don't know just how many years a chief holds office . . . we appointed him for three years." Then, on advice of the community, the agent allowed for appointment of "a second and third assistant to the Chief." Agent Johnson blatantly acknowledged his ignorance of the electoral process, telling his superiors in Ottawa that "You of course know what the custom is I only mention what they [the Mi'kmaq community] have told me."²³ Almost twenty years later, in 1926, Agent F.A. Chalmers similarly disregarded electoral procedure when he allowed the Mi'kmaq community at Bear River to appoint its chief. When the band forwarded a petition urging the DIA to accept their appointee, Chalmers attached a note indicating his support of the action.²⁴ In addition, some agents did not adhere to the Department's election-by-ballot method. In 1929, the Department of Indian Affairs learned that "the last

²³J.A. Johnson, Agent, Parrsboro, Cumberland Co. to Mr. McLean, 16 June 1913, LAC, RG 10, volume 7934, file 32-48, part 1.

²⁴Petition of Bear River reserve to DIA, 14 April 1926, LAC, RG 10, volume 7934, file 32-49, part 1.

election held at the Big Cove Reservation for the choice of a chief was made on a show of hands and not according to the regulations.”²⁵ Similarly, in 1936 Agent Joseph McKinnon of Sydney held an election at which he had voters sign their ballots. This earned Agent McKinnon a sound Departmental scolding. An agency inspector rebuked McKinnon’s lack of “common sense” in the matter.²⁶ As well, an Ottawa official reprimanded him and advised that “this procedure of requiring voters to put their names on the ballot is quite illegal and should not have been done.”²⁷

Even where agents tried to adhere to proper procedure, federal legislation tripped them up. In September 1912, Agent W.C. Chisholm of Antigonish County proudly reported that he had overseen an election of the local Mi’kmaq community according to “sections 182-184 of the Indian Act.”²⁸ Formerly known as the Indian Advancement Act, this legislation differed from the triennial system in that electoral districts were employed and the term of office was just one year. The DIA hastened to inform the agent that sections 182 through 184 were part of Section II of the Indian Act and that Mi’kmaq communities were not subject to this particular section of legislation. Rather, the electoral

²⁵George L. Harris to J.D. McLean, 24 July 1929, LAC, RG 10, volume 7935, file 32-55, part 2.

²⁶Thos. McGookin, Inspector, to DIA, 6 March 1935, LAC, RG 10, volume 7936, file 32-61, part 1. McGookin argued that complaints about the open ballot could have been avoided with “the use of a bit of common sense on the Agent’s part.”

²⁷A.F. MacKenzie to Joseph McKinnon, 23 March 1935, LAC, RG 10, volume 7936, file 32-61, part 1.

²⁸W.C. Chisholm to Secretary DIA, 20 September 1912, LAC, RG 10, volume 7934, file 32-46, part 1.

rules governing Mi'kmaq communities were codified in section 93 of Section I of the Indian Act.²⁹ Even a conscientious reading of the Indian Act in no way guaranteed clarification of electoral rules. The following lament of one confused agent faced with the task of supervising a 1922 election speaks to the frustration experienced by agents in the field. Charles Davidson admitted that "in looking over the Indian Act I am not sure which way to conduct this election."³⁰

Confusion over electoral procedure was fueled in part by the fact that it was out of step with national policy on franchise eligibility. The legislation specifically barred men under 21 and women from voting or running for office.³¹ As of 1918, this stood in sharp contrast to the federal franchise which allowed non-Native women to vote and run for office. Some agents such as Kentville's W.S. Prince and Prince Edward Island's John A. McDonald questioned the Department about women's eligibility in triennial elections.³² Gender and age were the extent of stated federal electoral policy on Native voter qualification. But eligibility to vote and run for office was a thorny issue with which both

²⁹In 1906, the *Indian Advancement Act* and the *Indian Act* were combined, and the former became Section II of the *Indian Act (1906)*. J.D. McLean to W.C. Chisholm, 26 September 1912, LAC, RG 10, volume 7934, file 32-46, part 1.

³⁰Charles Davison, Acting Agent to DIA, 21 June 1922, LAC, RG 10, volume 7934, file 32-48, part 1.

³¹Indian Act regulations denying the band status of Native women who married non-Native men also influenced voter eligibility, as none of the offspring of these marriages were eligible to vote.

³²W.S. Prince, Kentville, to DIA, 9 January 1924, LAC, RG 10, volume 7935, file 32-54, part 1; John A McDonald to Mr. Fabier, 14 July 1927, LAC, RG 10, volume 7936, file 32-57, part 1.

agents and the Mi'kmaq struggled.

The considerable mobility of the Mi'kmaq in the first decades of the twentieth century complicated this issue of voter eligibility. In 1924 Agent W.S. Prince asked the DIA how long a Mi'kmaq person had to live in a county before he could vote in that county's elections.³³ The question of one's entitlement to vote in an election was a pressing one, and one that was unanswerable for there were no fixed guidelines as to who had a "right" to live on a given reserve, let alone to vote as a member of the community. Ottawa asserted that having a Mi'kmaq father gave one status as a Mi'kmaq, requiring one to adhere to DIA regulations and entitling one to departmental services. However, when paternity was unclear, it was difficult to determine Mi'kmaq status according to this criteria. Ottawa, therefore, routinely made arbitrary status determinations. This was clearly the case when the New Germany reserve was de-commissioned in the summer of 1926.

Lunenburg County's 953 acre New Germany reserve, established before Confederation, had been surveyed and subdivided by Ottawa in 1880.³⁴ In 1901 it had 54 residents. A quarter century later, however, Ottawa deemed residents to be non-Indian and revoked its support. Ottawa apparently began to reconsider the status of New Germany reserve in 1925 when Deputy Superintendent Charles Stewart received a letter from Jacob F. Penney, a self-styled "concerned citizen" who alleged that the New

³³W.S. Prince to DIA, 9 January 1924, LAC, RG 10, volume 7934, file 32-54, part 1.

³⁴"Schedule of Indian Reserves in the Dominion," Annual Report of the Department of Indian Affairs for the year ended June 30, 1901, *SP* 11, 36(1902), 57

Germany Reserve was “inhabited solely by white people who do not pay one cent of taxes.”³⁵ Initially, day school at New Germany was the crux of the issue as the DIA was concerned that non-Mi’kmaq children were being educated in the federal facility. When the agent for Lunenburg County, J.S. Chisholm, failed to respond to DIA requests for information, the department asked Penney himself to furnish information on the identity of the New Germany students and their parents.³⁶ Penney reported that just one child at New Germany was “Indian,” and he warned the department that “the taxpayers of Lunenburg County considers [sic] it an outrage for the Government of Canada to furnish the White inhabitence [sic] of the Indian Reserve with free School[,] free land[,] free road[,] free bedding[,] free house for teacher[,] . . . free medical attendance, and at Death a free Burial.”³⁷ When Agent Chisholm belatedly responded, he explained that just one of the children at the school was a “pure Indian” while the other four were “half-breeds.” However, recognizing that Mi’kmaq paternity would assure the Indian status of the children, noted that “some of the half breeds have I believe Indian fathers.”³⁸ In a

³⁵Jacob F. Penny to Charles Stewart, 6 March 1925, LAC, RG 10, volume 6024, file 42-1-1, part 1.

³⁶A.F. MacKenzie to Jacob F. Penney, 12 March 1925, LAC, RG 10, volume 6024, file 42-1-1, Part 1. On 12 March 1926 DIA secretary A.F. MacKenzie asked Chisholm to report on the matter. Subsequent letters dated 30 March and 15 May reiterated this request and chastised Chisolm for his failure to furnish the requested information. LAC, RG 10, volume 6024, file 42-1-1, part 1.

³⁷Jacob F. Penney to DIA, 16 March 1925, LAC, RG 10, volume 6024, file 42-1-1, part 1.

³⁸J.S. Chisholm to J.D. McLean, 15 May 1925, LAC, RG 10, volume 6024, file 42-1-1, part 1.

subsequent report Chisholm explained with little more precision that five adults on the reserve were “pure bred” and all the children were “half breeds.” He deferred to Ottawa as to what to do about the situation but cautioned that “it would be a pity . . . to close this school as it would mean that none of . . . the children . . . would be educated.”³⁹ The DIA asserted that “the people residing [at New Germany] are, through intermarriage, practically white” but nevertheless it took no action that summer and funded the school during the 1925-26 school year.⁴⁰ However, in August 1926, DIA secretary J.D. McLean, acting on a report from Nova Scotia Superintendent A.J. Boyd (which proclaimed the reserve to be inhabited by non-Mi’kmaq), informed Agent Chisholm that not only was the New Germany day school to close immediately, but that the inhabitants of New Germany, not being “Indians,” would receive no more financial support from the DIA.⁴¹ Agent Chisholm responded vehemently, denying the veracity of Boyd’s report. He implored the department to reconsider its plan due to “the fact that some eight or nine children will grow up without any education as they will not be admitted to the municipal schools, making the prospect of so many more illiterates who in future years will be no doubt a charge upon the public all because of a false statement to the Department and the saving of a few hundred dollars to the Department.” Chisholm concluded that “surely the Indians

³⁹J.S. Chisholm to J.D. McLean, 29 May 1925, LAC, RG 10, volume 6024, file 42-1-1, part 1.

⁴⁰A.F. MacKenzie to Jacob F. Penney, 15 July 1925, LAC, RG 10, volume 6024, file 42-1-1, part 1.

⁴¹J.D. McLean to J.S. Chisholm, 17 August 1926, LAC, RG 10, volume 6024, file 42-1-1, part 1; J.D. McLean to A.J. Boyd, 17 August 1926, LAC, RG 10, volume 6024, file 42-1-1, part 1.

who originally owned the whole of Lunenburg Co. are entitled to some consideration.”⁴² This prompted another DIA investigation and in a second report of October 1926 A.J. Boyd stated there was at New Germany just one “permanent resident” who was Mi’kmaq and suggested that the school be phased out after one more year of operation.⁴³ The DIA agreed to operate the school for one more year, but abrogated all other responsibility for New Germany and refused to re-institute relief payments.⁴⁴ New Germany effectively ceased to exist as a federally-recognized Mi’kmaq reserve. Though an extreme example, events at New Germany point to the problem of defining Mi’kmaq community membership. It is, therefore, little wonder that the issue of voter eligibility was a pressing and persistent one, as Mi’kmaq communities feared that people from outside a community would be allowed to vote, or, worse still, be elected chief or councillor.⁴⁵

⁴²J. Stanley Chisholm, to J.D. McLean, 25 August 1926, LAC, RG 10, volume 6024, file 42-1-1, part 1.

⁴³A.J. Boyd to D.C. Scott, 12 October 1926, LAC, RG 10, volume 6024, file 42-1-1, part 1.

⁴⁴D.C. Scott to A.J. Boyd, 21 October 1926, LAC, RG 10, volume 6024, file 42-1-1, part 1.

⁴⁵In 1922, the community at Big Cove faced just this scenario. In a letter to Prime Minister King, Peter Francis, Peter Joe, and Noel Tom Augustine reported that “We have learned about Shediac, Buctouche and all these places were destroyed on account of a strange chief, a man chosen away from the reserve, I mean not belonging to the reserve. The Chief over us now is not belong to the reserve and like a stranger don’t seem to conduct the band like he should so now we are going to have an election the 4th day of August, I mean the electing of a new Chief . . . we want a man belonging to the reserve so he will be more careful and will take interest into the band, and not cause destruction over the place.” Peter Francis (aged 91), Peter Joe (75), Noel Tom Augustine (66), Big Cove to Prime Minister W. L. MacKenzie King, 27 July 1922, LAC, RG 10, volume 7935, file 32-55, part 2.

Both agents and the Mi'kmaq saw an acute need to establish eligibility guidelines, and called on the DIA to create voters lists or in some other way define voter eligibility.

At Big Cove, where a system of elections prevailed since at least 1897, the Mi'kmaq called for the establishment of a voters' list that year to quell the confusion and discord that accompanied the electoral involvement of non-community members.⁴⁶ In response, the DIA stated its position on voter eligibility – a position that clearly persisted after 1899. Secretary McLean replied that the DIA had no such voters lists and that:

there is nothing to prevent temporary residents in the vicinity from voting if they are members of the Band but of course visitors, not being members of the band, whether resident in the vicinity or on the Reserve have no right to vote. Again it may be remarked that the mere fact of an Indian reputed to be a member, not having his name on the payroll, would not disqualify him from voting, for his name might have been removed without deprivation of other rights, or other rights might have been conferred upon him apart from that of sharing in the distribution of money . . . without going more deeply into the subject, enough has been said to show that the Department has not the necessary information upon which to make out a voters' list nor does it ever do so but in the case of an objection being made to any voter at the time his vote is recorded, the Department will consider the merits of such objection if brought to its notice immediately after and before it has confirmed the election.⁴⁷

In essence, the Department left the issue of voter eligibility for the communities and agents to decide. A quarter century later, when asked to clarify Departmental policy concerning voter eligibility, DIA Secretary McLean explained that all Band members could vote and that “members of an Indian Band are Indians who are born of recognized

⁴⁶Noel Nicholas to DIA, 30 October 1897, LAC, RG 10, volume 2604, file 121,698-48.

⁴⁷J.D. McLean to Noel Nicholas, 8 November 1897, LAC, RG 10, volume 2604, file 121,698-48.

members of that band or persons who are adopted as members.”⁴⁸ McLean also contended that previous involvement in an election could be taken as proof of band membership, regardless of whether or not the person had been formally and demonstrably admitted into a community.⁴⁹ These vague and circuitous guidelines failed to adequately respond to the need for a means of concretely establishing voter eligibility.

Agents were frequently criticized for their interpretations of voter eligibility. In 1915, the DIA heard complaints from the community of Red Bank about names the agent had allegedly removed from the community’s voting list. A complainant who alleged that the agent did this to secure the election of his favoured candidate, asked DIA officials “[h]ow [l]ong has a man to live in the Indian Reserve before he has a right to vote for Indian Chief. We had a disagreement about this on account the Indian Agent . . . he has taken the men off [the voting list] to elect the man he want to be chief[.] Those he has taken off have a home in the reserve from five to ten years and are not allowed to vote.”⁵⁰ The issue of voter eligibility again surfaced in the Big Cove election of August 1922. In describing the election, Agent Charles Hudson alleged that the four electees “are not legal members of the Band.” What was more, Hudson reported that “I also find many others

⁴⁸J.D. McLean to W.S. Prince, 26 January 1924, LAC, RG 10, volume 7934, file 32-54, part 1.

⁴⁹McLean wrote, “if you can prove that [a candidate] has been recognized as a member of the band either by being elected chief or councillor at any time in the past or in any other official way, it will not be necessary to go further into that question.” J.D. McLean to R.A. Irving, 27 August 1913, LAC, RG 10, volume 7934, file 32-55, part 1.

⁵⁰Michael Dedham to DIA, 11 June 1915, LAC, RG 10, volume 7934, file 32-55, part 1.

who have voted on both sides are not members of the band, it is going to be quite a job to find out just who is and who is not members of this band, it seems that there must have been some carelessness connected with letting these men vote at two or three elections.”⁵¹

A full three decades after the system of triennial elections was first established, the problem of contested voter eligibility was far from being resolved at Big Cove.⁵² And again, the community suffered through an election day marred by disputed eligibility, which prompted still another vain call for the DIA to furnish “a list of the approved members of the Big Cove Band . . . down to date as a basis for future elections.”⁵³

Within this context, the 1935 election at Eel Ground offers insight into the issue of voter eligibility. Some weeks before that summer’s election, Chief Peter McKay complained to the DIA that his community disapproved of a candidate who was alleged to be a “white man.”⁵⁴ Agent Hudson acknowledged that the man in question was in fact non-Native, but argued that he had been “taken [in] by the Indians when he was a week old and has resided with them ever since . . . and has always been recognized as an Indian

⁵¹Charles Hudson to Secretary DIA, 7 November 1922, LAC, RG 10, volume 7935, file 32-55, part 2.

⁵²The community was wracked by the same dispute during at least one other election. In 1913 the chief-elect was accused of not having Mi’kmaq lineage, or not being a bonafide band member. Telegram, Big Cove Committee, Noel Tom Augustine, Secretary to Chief Commissioner of Indian Affairs, 6 August 1913, LAC, RG 10, volume 7934, file 32-55, part 1.

⁵³George L. Harris to Secretary DIA, 3 August 1929, LAC, RG 10, volume 7935, file 32-55, part 2.

⁵⁴Peter J. McKay, Chief, to DIA, 2 July 1935, LAC, RG 10, volume 7935, file 32-55-4.

by the Department, and has always voted at any election.”⁵⁵ Only after the election was held and the man elected chief did the Department rule that because it was “unable to trace any record of [his] admission to the Eel Ground band,” and because his parents had been non-Native, the chief elect was not in fact a bonafide band member and therefore could neither vote nor run for office. As a result, the runner-up candidate was named chief.⁵⁶ McLean’s judgement in this case, far from establishing a workable precedent, merely added to the confusion as it contradicted his own earlier statement that electoral involvement served as adequate evidence of community membership.⁵⁷ For two months Eel Ground struggled to invest a council. Seemingly unaware that its own policy was the problem, the DIA implored Agent Hudson that “in future I have to request that you will make very full enquiries as to the status and membership of the Indians of your agency before permitting them to run as candidates.”⁵⁸ This was, of course, easier said than done, as agents had no guidelines upon which to make determinations of eligibility. In Eel Ground, as in other communities, the failure of electoral legislation to define voter eligibility caused confusion. Inevitably, this not only reduced the appeal of the electoral system among Mi’kmaq communities, but it also made the practical implementation of

⁵⁵Charles Hudson to Secretary DIA, 18 July 1935, LAC, RG 10, volume 7935, file 32-55-4.

⁵⁶A. F. MacKenzie to Charles Hudson, 1 August 1935, LAC, RG 10, volume 7935, file 32-55-4.

⁵⁷T.R.L. MacInnes to Charles Hudson, 4 October 1935, LAC, RG 10, volume 7935, file 32-55-4.

⁵⁸T.R.L. MacInnes to Charles Hudson, 4 October 1935, LAC, RG 10, volume 7935, file 32-55-4.

band elections a difficult task indeed.

Also noticeably missing from electoral rules was a mechanism by which Mi'kmaq communities could replace elected officials mid-term. Agent R.H. Kennedy of Hilden, Nova Scotia, noted this problem in 1921 when he attempted to coordinate the replacement of a recently resigned chief only to realize that "there is nothing very definite in this part about electing a successor."⁵⁹ If for some reason chiefs or councillors vacated their seats, they could not be legally replaced until the end of a council's three-year term. When, for example, the Mi'kmaq of Cumberland County wished to hold an election to replace their chief when he enlisted in the war effort in 1940, the Department refused the request, noting that "[t]he fact that he is absent from the Reserve . . . does not disqualify him from holding office of chief."⁶⁰ In 1935, moreover, one community requested an election to replace their chief who had suffered a "mental breakdown." Community members adamantly asserted that "a new chief is absolutely necessary."⁶¹ The agent reported that although he had attempted to dissuade the community on this score, community members "insist[ed] that they should have a chief."⁶² This very clearly illustrates the differing views of chieftainship held by DIA officials and the Mi'kmaq. To

⁵⁹R.H. Kennedy, Agent, Hilden to Secretary DIA, 15 September 1921, LAC, RG 10, volume 7934, file 43-47, part 1.

⁶⁰T.R.L. MacInnes to Thomas P. Murray, Agent, 14 May 1940, LAC, RG 10, volume 7934, file 32-48, part 1.

⁶¹Councillors Peter Noel and Thomas Francis, 11 March 1935, LAC, RG 10, volume 7934, file 32-46, part 1.

⁶²W.J. Cameron to Secretary DIA, 25 March 1935, LAC, RG 10, volume 7934, file 32-46, part 1.

the DIA, chieftainships were tantamount to municipal electees, whose authority was confined to making bylaws and imposing local taxes, and whose actions were, at any rate, to be scrutinized by the DIA. An electee's inability to serve was therefore of little concern to the Department. To the Mi'kmaq people, however, chiefs held meaningful local authority and were not deemed subservient to the federal government. To them, a chief's presence in the community and his ability to fulfill his function was important. Naturally, this state of affairs displeased Mi'kmaq communities that found themselves with unsatisfactory or absent chiefs. Undoubtedly, too, this feature of federal electoral policy diminished the appeal of following federally-prescribed elections.

Agency conditions

While confusion and legislative shortcomings impeded the application of triennial legislation, conditions in Maritime agencies also worked against its implementation and allowed for continuity and autonomy in traditional Mi'kmaq leadership selection. Federal policy gave Indian agents considerable authority over the social, economic and political lives of reserves.⁶³ As chapter four illustrates, some agents did indeed use this authority to interfere in and manipulate Mi'kmaq politics. But conditions in Maritime agencies during this first half of the twentieth century severely limited the capacity of Maritime agents to

⁶³As Vic Satzewich and Terry Wotherspoon suggest, "the presence of the Indian Agent in the structure and administration of Indian Affairs provided the state with a cadre of local officials who were empowered to regulate a detailed range of social and economic life activities on the reserves." Vic Satzewich and Terry Wotherspoon, *First Nations: Race, Class and Gender Relations* (Regina: Canadian Plains Research Centre, 2000), 85.

wield unfettered authority and to impose their will or that of the Department upon Mi'kmaq communities. By the early twentieth century, Indian agencies across the country had to contend with failed assimilation policies and ever-tightening federal purse strings. Nationally, Indian agents were assigned the unenviable task of using under-funded, outmoded nineteenth-century policies to create economically and socially viable twentieth-century Native communities.⁶⁴ This situation was especially acute in Maritime Agencies where agents to the Mi'kmaq were often under-paid, understaffed, and overworked, and, in some instances, disinterested in their work. The time consuming task of planning and overseeing an election was not a top priority for many agents, and it was not uncommon for an agent to simply ignore electoral legislation and to allow the Mi'kmaq to continue to choose their own leaders.

Because the Maritime region faced neither the immediate challenges of twentieth-century treaty negotiation nor the influx of non-Native settlement that preoccupied western agencies, departmental neglect of the comparatively small, 'settled' Maritime agencies was a perennial problem. Until 1943, for instance, Nova Scotia was the only province in which the DIA employed part-time agents for duties that were clearly full-time. In 1900, 18 Indian agents – 16 part-time agents in Nova Scotia and 1 full-time agent in New Brunswick and one superintendent in Prince Edward Island – oversaw the federal administration of 3,286 Mi'kmaq.⁶⁵ This basic setup remained in place until 1943 when

⁶⁴Brownlie, 7.

⁶⁵Apart from his status as the only field worker on Prince Edward Island, that province's "Superintendent" had essentially the same responsibility as did agents in New Brunswick and Nova Scotia. "Officers and Employees of the Department of Indian

19 Nova Scotia Indian agencies were replaced by just two – one at each of the newly centralized communities of Eskasoni and Shubenacadie.⁶⁶ This left the region's Mi'kmaq to be administered by five full-time field personnel.⁶⁷ The responsibilities of these field employees were extensive. Not only were they to oversee and make reports on virtually all facets of Mi'kmaq life, the Department also expected agents to supervise schooling and band governance, to co-ordinate health care services and economic initiatives, and to act as 'moral watchdogs' by enforcing temperance. These duties, moreover, were to be accomplished frugally.

For the lofty responsibility of administering these services, agents in all three provinces were underpaid. In 1915, when food, fuel and accommodation costs for one year in New Brunswick were estimated to average \$670.28, the mean salary of full-time agents was only \$530.⁶⁸ On Prince Edward Island, where annual household expenses averaged \$513.76, the Superintendent earned \$400. Part-time Nova Scotia agents, meanwhile, earned significantly less. While the cost of maintaining a Nova Scotian

Affairs on July 1, 1900," Annual Report of the Department of Indian Affairs for the Year Ended 30 June 1900, *SP*, 35(11), 1901, 261-263.

⁶⁶Lisa Patterson, "Centralization in Nova Scotia: An adventure in Canadian Indian Policy," Paper Presented at the Annual Meeting of the Canadian Historical Association, University of Manitoba, Winnipeg, June 1986.

⁶⁷Report of Indian Affairs Branch, *Report of Department of Mines and Resources for the Fiscal year ended March 31, 1943*, 159.

⁶⁸Average costs in New Brunswick compiled from weekly Food, Fuel/Lighting and Rent costs cited in *The Canadian Year Book, 1916-17*, p. 504. In New Brunswick agents earned a high yearly salary of \$800, and a low of \$350. From Department of Indian Affairs Annual Report for the Year Ended March 31, 1915.

household in 1915 was pegged at \$703.56, agents received annual salaries averaging \$130.⁶⁹ In 1936, Departmental Inspector Thomas Robertson acknowledged that Maritime agents were underpaid, but justified their meager salaries by lauding their work as a noble, altruistic calling that was rewarding in its own right. An agent, he explained “must be a man who takes an active interest in the welfare of the Indians and looks on his remuneration not as a means of livelihood but as a means of permitting him to do a social service.”⁷⁰ This ideal was not easy for most agents to embrace, for, as Agent Joseph McKinnon of Sydney astutely observed in 1935, an agent “must study the policies of the Department, and acquaint himself with the attitude of the Department towards matters likely to come up, so I keep a little frost or aloofness always, that I may say no when I want to, in answering Indian applications.”⁷¹ Ultimately, too, it is clear that the Department itself was aware that this ideal failed to compensate for low wages. Thus, in 1933 one agency inspector noted of Indian agents that, “we cannot expect much in return for such small pay nor are we receiving much.”⁷² This dismal assessment is confirmed by

⁶⁹Nova Scotia household costs derived from *The Canadian Year Book, 1916-17*, p. 504. Agents in Nova Scotia earned yearly salaries ranging from \$50 to \$200. Department of Indian Affairs Annual Report for the Year Ended March 31, 1915.

⁷⁰Thomas Robertson, Report on Nova Scotia Agencies, 23 March 1936, LAC, DIA, Central Registry, RG 10, Volume 3220.

⁷¹Joseph McKinnon to Secretary, DIA, 8 April 1935, LAC, RG 10, volume 7936, file 32-61, part 1.

⁷²This unidentified inspector noted Maritime agents received only 27.5 cents to 50 cents per day for their service. Cited in Marilyn Thompson-Millward, “Researching the Devils: A Study of Brokerage at the Indian Residential School, Shubenacadie, Nova Scotia,” (PhD diss., Dalhousie University, 1997), 287.

the comments of Cape Breton's Agent D.M McIntyre who clearly demonstrated a lack of devotion to DIA work and frustration with the poor remuneration. In 1906, Agent McIntyre sarcastically agreed that he remained in the employ of the department "only for the honour attached to the position." Moreover, McIntyre was clearly dissatisfied with his salary, noting that "[t]here are times when I certainly do think that the salary is not commensurate with the nuisance which attendance on [the Mi'kmaq] entails."⁷³

It is clear that the DIA cultivated a cadre of under-qualified, often disengaged, staff. In part, this was beyond the control of the Department itself, and was a function of the federal government's general under-funding of the entire DIA. But the Department's own protocol and the nature of agency administration also worked to ensure that agents were not selected based upon their abilities as social service providers. Patronage, for example, was hailed as a major impediment to the work of some Maritime Indian agents. In 1935 Prime Minister R.B. Bennet received a scathing condemnation of Indian agent patronage in Nova Scotia from Father Leo Murphy, parish priest at Bear River. He charged that "the positions of Indian Agents are made purely political appointments as a sop to local workers and the Indian is left at the fate of the mercy or lack of mercy of the ward heeler's appointment." "In most cases," Father Murphy continued, "the Agents are more interested in their salary than in the Indians. They [the Agents] know little of [the Mi'kmaq] and their ways; they are in most cases absolutely unfamiliar with their religion

⁷³D.K. McIntyre, MD, Agent to Secretary DIA, 16 November 1906, LAC, RG 10, volume 7936, file 32-61, part 1.

or their customs and the result is that the Indians are dissatisfied.”⁷⁴ The Reverend D.J. Rankin, who served as agent in Cape Breton, seems to have agreed. In 1938 Rankin complained of the negative influence of patronage upon Department work, noting that “some people are active [in Indian Affairs] in the interest of the party in power [and] they get the patronage regardless as to whether or not they serve the public faithfully and honestly or not.” Rankin concluded that too much authority was given to “politicians who very often have no interest whatsoever in the Indians.”⁷⁵

For many agents, especially those part-timers in Nova Scotia, DIA work was merely a second job to their primary wage-earning occupations. In 1932, for example, agents in Nova Scotia participated in a wide range of occupations, in addition to their agency work. Their numbers included a clerk in a men’s haberdashery, a carpenter/labourer, a butcher, a co-op manager, a credit union officer, three farmers and three parish priests.⁷⁶ Committed to such demanding primary professions, some agents did not have much time to devote to their responsibilities.

Undoubtedly, all features of administration suffered from the inability and unwillingness of some agents to take an active interest in the work of their agencies. However, elections, perhaps more than any other facet of agency administration, suffered from agent disinterest and overwork. Agents who lacked Departmental guidance and

⁷⁴Father Leo Murphy to R.B. Bennett, 14 January 1934, University of New Brunswick Archives, R.B. Bennett Fonds, Box 374 Indian Affairs, File D-201, 245936.

⁷⁵D.J. Rankin to Secretary, IAB, 10 November 1938, LAC, RG 10, volume 7936, file 32-63, part 1.

⁷⁶Thompson-Millward, 272.

resources and who were inundated with other, more pressing tasks such as relief administration simply had neither the time nor the financial inducement to oversee time-consuming triennial elections.

Elections demanded a sustained presence in Mi'kmaq communities. And the mere fact of getting to Mi'kmaq communities, especially when elections were held in the winter months, was no small impediment to agent work. In March 1928, Agent Charles Hudson informed the DIA that it would simply be impossible for him to hold the election slated for that month at Burnt Church. Hudson noted that "it may be impossible to reach the reserve" as "during the winter season, or any time before navigation on the river opens, it is necessary to drive with a team for a distance of twenty miles." Hudson requested, therefore, that the election be postponed until later in the spring.⁷⁷ Agents had to meet with communities and negotiate a time and place for an election, arrange and oversee the nomination process (which could prove especially time-consuming amidst allegations of individuals' non-eligibility for which, as noted above, there was no simple remedy), and finally, supervise election-day polling itself. In the not uncommon event that electoral results were contested, an agent could conceivably be embroiled in months of negotiation and discord. Frustrated by an election held at Sydney in 1937, Agent Joseph McKinnon noted how hard it was to "suit the winner, the loser, the agitator, and the Department, all on election day, besides the effort at being fair and just."⁷⁸ Because

⁷⁷Charles Hudson to Secretary DIA, 2 March 1928, LAC, RG 10, volume 7935, file 32-55, part 2.

⁷⁸Joseph McKinnon to Secretary DIA, 3 August 1937, LAC, RG 10, volume 7936, file 32-61, part 2.

the Department insisted that in the event of such disputes “[t]he Indians should go to the Agent,” the process of resolving such disputes could add much to agents’ workloads.⁷⁹ Elections continued to be the bane of existence of a future Cape Breton official. In February 1948 when three councillors resigned their positions at Eskasoni, Superintendent F.B. McKinnon revealed to Ottawa his disdain at holding a new election, noting “I do not feel like wasting time on nomination or election days at the whim of every Indian Councillor.”⁸⁰ Officials in Ottawa did not take kindly to F.B. McKinnon’s attitude and instructed him to hold an election and admonished him that “Your concluding sentence ‘as I do not feel like wasting time on nomination or election days at the whim of every Indian Councillor’ has been noted with regret as it does not indicate a proper approach to the question or understanding of your functions in the matter.”⁸¹ To Ottawa’s chagrin, many field agents viewed elections as administrative burdens.

It is not surprising, then, that concern about the administrative encumbrances associated with holding an election were voiced by a number of agents. In 1905, Cape Breton Agent D.K. McIntyre only grudgingly agreed to oversee an election in Sydney, admitting that he had hoped to “avoid the trouble of holding an election this fall.”⁸²

⁷⁹Assistant Deputy and Secretary to G.L. Harris, 20 July 1929, LAC, RG 10, volume 7935, file 32-55, part 2.

⁸⁰F.B. McKinnon to IAB, 9 February 1948, LAC, RG 10, volume 8494, file 50/3-5, part 1.

⁸¹T.R.L. MacInnes to F.B. McKinnon, 18 February 1948, LAC, RG 10, volume 8494, File 50/3-5, part 1.

⁸²D.K. McIntyre to Secretary, DIA, 22 November 1906, LAC, RG 10, volume 7936, file 32-61, part 1.

Similarly, when in 1934 members of the Mi'kmaq community at Indian Island, in Northwestern New Brunswick, requested a chief to help combat the "out-siders" who were coming to the community and "carrying on just [the] way they likes, with this home brewed beer [and] nobody to look after them," the Agent, Charles Hudson, was likewise concerned about the added workload that an election would entail.⁸³ In assessing the request for a chief, Hudson's key consideration was how an election would complicate his busy schedule. He suggested that while "it might be advisable to have a chief elected for this band . . . if it would make extra work for the Department I would not recommend in favour of having a chief for this band for it is not altogether necessary."⁸⁴

The experiences of Agent Daniel Chisholm of Halifax County epitomize both the array of difficulties faced by agents seeking to implement triennial elections and the willingness of agents to abandon their electoral responsibilities in the face of such difficulties. In 1906, the private concern of "sickness in my family" prevented Chisholm from seeing to an election in his agency.⁸⁵ Meanwhile, in 1913, seven years after the last Indian Act-prescribed election in Halifax County, the Mi'kmaq informed the DIA that they had selected a new chief. Though invited, Agent Chisholm failed to attend the selection process. Chagrined that elections had been neglected by the agent in the Halifax

⁸³Petition of Indian Island to Charles Hudson, 22 March 1934, LAC, RG 10, volume 7935, file 32-55-9, part 1.

⁸⁴Charles Hudson to DIA, 27 March 1934, LAC, RG 10, volume 7935, file 32-55-9, part 1.

⁸⁵Daniel Chisholm to Secretary DIA, 7 June 1906, LAC, RG 10, volume 7934, file 32-52, part 1.

County agency, the Department reprimanded Chisholm, demanding to know why he “did not remind the Department” that elections were due, and why he had “refused to do anything in the matter when called upon to do so by the Indians.”⁸⁶ Three years later, when the Department insisted he hold an election, Chisholm quietly delegated his duty to supervise his agency’s election to Nova Scotia Indian Superintendent, A.J. Boyd. Once again, Chisholm’s apparent lackadaisical commitment to the elective process came under Departmental scrutiny. The DIA demanded an explanation from Chisholm who explained that the task of overseeing the Halifax County election was simply too taxing. In the first place, the sheer size of the electoral jurisdiction was unmanageable. Geographically, his Agency was huge. In addition, the reserve was located “some eighty miles” from his Sheet Harbour home.⁸⁷ All this was complicated by the fact that, as a part-time Agent, Chisholm’s primary occupation “as manager for a certain lumbering operation” forced him “to be absent from his home most of the time” and prevented him from overseeing the Halifax County election.⁸⁸

Agents’ abilities to implement triennial elections were undermined by a myriad of personal encumbrances. It is also evident that a number of more practical forces prevented agents’ wholehearted devotion to implementing triennial elections. To a large

⁸⁶J.D. McLean to Agent Daniel Chisholm, 19 August 1913, LAC, RG 10, volume 7934, file 32-52, part 1.

⁸⁷Daniel Chisholm to Department of Indian Affairs, 2 May 1906, LAC, RG 10, volume 7934, file 32-52, part 1.

⁸⁸Superintendent A.J. Boyd to J.D. McLean, 27 November 1916, LAC, RG 10, volume 7934, file 32-52, part 1.

extent, there was little incentive for agents to invoke Indian Act elections. As the persistence of politically astute life chiefs indicates, Mi'kmaq communities were quite capable of selecting leaders in the absence of the triennial system. Furthermore, Mi'kmaq leaders, even those selected without Departmental sanction, played important roles in assisting over-worked, under-qualified agents in agency administration. Sometimes it was simply not in agents' best interests to circumscribe the effective local authority of chiefs in the manner demanded by federal electoral rules.

Although a central goal of electoral legislation was to limit the authority of chiefs, many agents proved unwilling or unable to take the measures necessary to satisfy this goal. In some cases, agents' work necessitated the persistence of the same chiefly authority that was to be undermined by electoral regulations. Joseph McKinnon, perhaps more than any other agent of this era, was caught in this particular electoral policy contradiction. In 1935 Agent McKinnon was reprimanded for allowing Chief Ben Christmas of Sydney "too much authority on the reserve." Relief requests, an inspector complained, were inappropriately submitted to Chief Christmas "and it is his pleasure whether he passes them on" to Agent McKinnon.⁸⁹ Far from denying Chief Christmas's importance in determining relief allocations, however, McKinnon defended him, arguing that as agent he depended upon Christmas's intimate knowledge of the local community. Indian agents, McKinnon reasoned, "must know of such things, before authorizing government expenditure, and he certainly must find it out from some source other than

⁸⁹Inspector Thomas McGookin to DIA, 6 March 1935, LAC, RG 10, volume 7936, file 32-61, part 1.

the applicant.” McKinnon noted the impossibility of assuming a greater personal role in relief matters, explaining that “[i]t will make too much work for the agent, work of no value to anyone.”⁹⁰ Agents also confirmed the administrative significance of chiefs named outside of federal electoral rules. The Grand Chief, for example, was clearly highly regarded by some officials in the field, including Nova Scotia Superintendent A.J. Boyd.⁹¹ Similarly, Life Chief Alexander Prisque of Bathurst was commended for devoting “a great deal of his time to looking after the interests of the Indians attached to this Reserve.”⁹² For some agents, then, the implementation of federally-prescribed elections was unnecessary and even counter-productive to their work in Indian agencies. This antipathy stymied the achievement of the Department’s goal of instituting triennial elections in Mi’kmaq communities.

Mi’kmaq resistance

The implementation of Indian Act electoral legislation was, of course, not a one-sided process. Mi’kmaq peoples’ own responses, as much as flawed federal regulations and problematic administration, influenced the implementation of this policy. By openly opposing the system, and in insisting on their autonomy in local political affairs,

⁹⁰Agent Joseph McKinnon to DIA, 22 March 1935, LAC, RG 10, volume 7936, file 32-61, part 1.

⁹¹See for example, Indian Superintendent A.J. Boyd to Mr. Scott, 19 August 1919, LAC, RG 10, volume 7936, file 32-60, part 1.

⁹²P.J. Veniot to DIA, 7 December 1932, LAC, RG 10, volume 7935, file 32-55, part 2.

Mi'kmaq people themselves thwarted federal efforts to excise existing Mi'kmaq political practices and to replace them with elected councils and Euro-Canadian political structures and practices.

The election of band councils did not signal universal support of triennial elections even in communities where the system prevailed. In 1907 for example, Agent William Carter reported that just "some of the Indians" at Burnt Church "request that an election be held."⁹³ In 1908, moreover, Agent Robert Smith of Colchester County reported that "a number of [Mi'kmaq people] opposed . . . the idea" of an election, and recommended that "with regard to the wishes of many of the Indians . . . it would be conducive to the welfare and peace of mind of the Department of Indian Affairs, and myself, if the matter of election of chief was allowed to stand over for the present."⁹⁴ Finally, in 1930, both community members and the agent of the Cambridge reserve asserted to the DIA that the community was divided by the prospect of a band election.⁹⁵

At the same time, the economic and mobility patterns of Mi'kmaq people often made elections difficult to coordinate. In December 1926, for example, Agent Harry S.

⁹³Wm. D. Carter to Secretary DIA, 23 November 1907, LAC, RG 10, volume 7934, file 32-55, part 1.

⁹⁴Robert H. Smith, Agent, to Secretary DIA, 9 March 1908, LAC, RG 10, volume 7934, file 32-47, part 1.

⁹⁵Dommick Bradford noted that while the community was in need of a chief, four voters of the ten-family community opposed the holding of an election. Dommick Bradford to Parliament of Indian Affairs, 5 March 1930, LAC, RG 10, volume 7934, file 32-54, part 1. At the same time, Agent W.S. Prince noted that "[t]here are some differences of opinion among them as to the desirability of electing a chief . . . I think the majority are against it." W.S. Prince to Secretary DIA, 15 April 1930, LAC, RG 10, volume 7934, file 32-54, part 1.

Lavers requested Departmental permission to postpone an election at the Newville Reserve because of the difficulty posed by winter travel. He noted that at the time the community “scattered.”⁹⁶ That summer Lavers requested the election be postponed until late August, as harvest time had again taken people from the community.⁹⁷ Although the Department was annoyed because “this election should have taken place in 1925,” it allowed the extension.⁹⁸ When the delayed election was finally held on 31 August, the agent noted that, because the “Indian [f]amilies of this County are scattered over a radius of approximately seventy miles,” the gathering was rendered “very difficult.”⁹⁹ Mi’kmaq mobility patterns in some cases stymied efforts to implement triennial elections.

In their refusal to surrender leadership traditions and autonomy, the Mi’kmaq even more directly thwarted federal efforts to implement the triennial electoral system. They did not view chieftainships as meaningless, powerless offices; both elected and traditionally-named chiefs and councillors held their positions and responsibilities in high esteem and believed that they could meaningfully benefit their communities. A candidate in the 1905 Lennox Island electoral contest clearly believed that the chief had certain local authority, promising that, if elected, he would provide “a raise in the annual grant,”

⁹⁶Harry S. Lavers to Secretary DIA, 20 December 1926, LAC, RG 10, volume 7934, file 32-48, part 1.

⁹⁷Harry S. Lavers to Secretary DIA, 11 July 1927, LAC, RG 10, volume 7934, file 32-48, part 1.

⁹⁸J.D. McLean to Harry S Lavers, 14 July 1927, LAC, RG 10, volume 7934, file 32-48, part 1.

⁹⁹Harry Lavers to Secretary DIA, 2 Sept 1927, LAC, RG 10, volume 7934, file 32-48, part 1.

and ensure that the Mi'kmaq could "cut lumber on white men's farms in PEI."¹⁰⁰ In 1907 the councillors at Sydney described their positions as having considerable clout and claimed that they could use their mandates to "to better the condition of the Reserve and the people at large."¹⁰¹

The Mi'kmaq people "at large" also clearly believed that chiefs had important roles to play in community life. In February 1909, Chief Joseph Knockwood was overwhelmed by his constituents' demands for him to "go around to visit them all every week or so to see if they need anything or not."¹⁰² The lofty expectations of the Mi'kmaq toward their community leaders became especially pronounced when chiefs failed to meet communities' expectations. In 1907, the Mi'kmaq at Sydney alleged that their chief was not fulfilling his responsibility because he was "not getting enough for them from the government."¹⁰³ Similarly, in April 1932, one Mi'kmaq woman wrote the DIA complaining about her community's chief, noting that he "was not worthy." In large part, her criticism stemmed from the fact that the man "can't speak one word of our language." This, she contended, was unreasonable because a chief needed to "speak in our Language so if there is a chief come to visit our Reservation he could talk with him" and not "put us

¹⁰⁰Petition, Mi'kmaq of Lennox Island to Minister of the Interior, (received) 18 March 1905, LAC, RG 10, volume 7936, file 32-57, part 1.

¹⁰¹A. Bernard and J. Paul to Secretary DIA, 26 September 1907, LAC, RG 10, volume 7936, file 32-61, part 1.

¹⁰²Chief Joseph Knockwood to Mr. McLean, 22 February 1909, LAC, RG 10, volume 7934, file 32-54, part 1.

¹⁰³Chief Solomon Morris to D.K. McIntyre, undated, but forwarded to DIA 3 December 1907, LAC, RG 10, volume 7936, file 32-61, part 1.

to shame.” After all, she concluded, “we don’t want to lose our Native Language.”¹⁰⁴

These objections, moreover, were not limited to one person, but as the agent suggested were “voiced by quite a number of Indians of the reserve” and, he cautioned, “it is going to be difficult to get all the residents to respect [the incumbent] in a manner befitting an Indian Chief.”¹⁰⁵

Many Mi’kmaq also believed that chiefs and councillors, and not the DIA, should be the arbiters of community life. Few, indeed, conceded that the chief was subservient to the agent or his superiors in Ottawa. In 1905, for instance, the newly named chief at Lennox Island refused to acquiesce to federal officialdom when he assured his constituents that he personally would see to the appointment of a new superintendent.¹⁰⁶ In 1925, Agent R.H. Kennedy reported that the newly elected officials at Millbrook “have not as yet subscribed or taken the Oath of office as required by the forms sent from the Dept.” The electees, the agent explained, “claim that so far as they know no chief in Nova Scotia has heretofore been asked to subscribe to any such form,” and they feared that by signing the papers, “they will be in some way giving up . . . certain hunting and fishing rights” that they believed they held “under old treaties.” The electees were fervent in their conviction, and asserted that while the signing of such forms “might be all right for a

¹⁰⁴Mrs. Matthew Pictou, Bear River, to Indian Dept., 14 April 1932, LAC, RG 10, volume 7934, file 32-49, part 1.

¹⁰⁵J.W. Maxner to Secretary DIA, 14 May 1932. LAC, RG 10, volume 7934, file 32-49, part 1.

¹⁰⁶Petition, Mi’kmaq of Lennox Island to Minister of the Interior, (received) 18 March 1905, LAC, RG 10, volume 7936, file 32-57, part 1.

white man . . . [it was] not for an Indian.”¹⁰⁷ Neither did Chief Peter Julian recognize his chieftainship to be subordinate to that of the agent when, in 1934, he embarked on a campaign to hire an agent to be based in Newcastle. Styling himself “King of the Micmac Tribe,” Julian appealed to Prime Minister R.B. Bennett, stating that “[i]t is my duty to take steps and grant their [members of the Mi’kmaq community] request [for an agent] . . . selection among the Indians will be final result and will be great satisfaction to them and will settle all disputes with my Tribes.”¹⁰⁸ Julian’s proposal for a new agent was spurred by dissatisfaction with Agent Charles Hudson’s administration. Mi’kmaq opposition to Hudson is summed up in a telegram from Mi’kmaq advocate and Lawyer Francis L. Fish to Prime Minister Bennett. Fish explained that “the Indian Chiefs of this County have been in here every other day complaining about Mr. Charles Hudson, the Indian Agent. He does not look after their property – he neglects the T.B. cases, does not see that houses are repaired, or that they get relief money enough to keep from starving. They claim he has been keeping stumpage money.” Fish agreed with this assessment of Hudson, and recommended that “they certainly ought to change the Indian Agent here at once and stop the graft that is going on at the Indians’ expense.”¹⁰⁹

In November of 1911, the community at Burnt Church repudiated the DIA’s

¹⁰⁷R.H. Kennedy to Secretary DIA, 16 February 1925, LAC, RG 10, volume 7934, file 32-47, part 1.

¹⁰⁸Peter Julian, “King of the Micmac Tribe” to Prime Minister R.B. Bennett, 27 August 1934, LAC, RG 10, Volume 7934, file 32-55-4. F.L.

¹⁰⁹Fish to R.B. Bennett, 6 July 1935, UNB Archives, R.B. Bennett Fonds, Box 374 Indian Affairs, File D-201, number 246009-246010.

avowal to implement the triennial electoral system when it opted to replace its council in a proceeding with no precedent in federal electoral protocol. Thirty two signatories explained that they wished to disband the elected council altogether, and to replace it with a “Board of Officers” which would name council members.¹¹⁰ Twenty-two years later, in March 1933, Burnt Church was still not enamored of the electoral system and advanced another alternative to the DIA protocol. This time, though, the community took action without first advising the Department of its plan. In March, several community members informed the DIA that they had held a meeting at which they passed a number of resolutions, appointed councillors and named of officers which were not part of Indian Act electoral regulations. The disaffected writers informed the DIA that the local agent had no authority to prevent such meetings or to influence their agendas, stating that they “always held the Council Meeting every three months and we will continue to handle our Business in future.”¹¹¹ Finally, the unwillingness of Mi’kmaq communities to unilaterally embrace the council system was nowhere more clearly and forcefully stated as it was in the community in Edmunston. There, the Mi’kmaq vociferously opposed the electoral system on the grounds that they did not “require [a] chief or anyone else to run their affairs as they are going to do it for themselves.”¹¹² This persistence of community

¹¹⁰Petition of Burnt Church to DIA, 7 November 1911, LAC, RG 10, volume 7934, file 32-55, part 1.

¹¹¹Lemey Ward, Chief and Abraham Louie, Councillor, Burnt Church to Hon. Mr. Murphy, Supt General Indian Affairs, 18 March 1933, LAC, RG 10, volume 7935, file 32-55, part 2.

¹¹²N.J. Wooten, Perth N.B. Agent to J.D. McLean, 8 January 1920, LAC, RG 10, volume 7936, file 32-66-1.

leadership without DIA sanction suggests that, in some communities at least, local opposition succeeded in preventing the implementation of triennial elections.

In the face of such resistance, it would be impossible for Departmental officials to be unaware of the political stake that Mi'kmaq people placed in, and attached to, local leaders. Indeed, DIA officials both in Ottawa and in the field were often disturbed by the extent to which local leaders exercised authority within their communities, and noted that these elected officials were not acquiescing to federal objectives. In March 1933, Agent A.C. MacNeil complained that the council at Whycomaugh "propose[s] to do everything but officially take over the running of the Dept of Indian Affairs."¹¹³ In 1934, the chief of Eel Ground apparently refused to submit to Agent Hudson's authority. According to Hudson, the Chief "does not want me to do anything for any Indian of the band without first taking orders from him."¹¹⁴ Chief Abraham Louis at Burnt Church came under similar criticism in 1935. The local agent complained that the chief "thinks that he has authority to give orders for relief and firewood and such things at any time as he sees fit, and that I should not interfere, this is also what he calls controlling his affairs."¹¹⁵

¹¹³A.C. MacNeil to Secretary DIA, rec'd 20 March 1933, LAC, RG 10, volume 7934, file 32-53, part 1.

¹¹⁴Charles Hudson to Secretary, DIA, 26 February 1934, LAC, RG 10, volume 7935, file 32-55-4.

¹¹⁵Charles Hudson to Secretary DIA, 8 February 1935, LAC, RG 10, volume 7935, file 32-55-6.

Agent misgivings

It is clear, then, that problematic electoral legislation, administrative necessity, and Mi'kmaq peoples' reluctance to abandon pre-existing governance customs or to unilaterally embrace electoral rules, all conspired to ensure that the electoral system was not universally imposed across Mi'kma'ki. It is not surprising that a number of local agents joined Mi'kmaq voices in opposing the triennial system. For their part, agents resisted the holding of elections on the grounds that they were so difficult to implement and caused problems in Mi'kmaq communities. Agents also began to spurn the electoral system on the grounds that elections created an electorate and leaders who were simply too active and strong-willed to suit agents whose mandate under federal law was to alone administer reserve communities. This scenario was not unique to Mi'kmaq electoral contests. In their study of western Canadian band elections, Vic Satzewich and Linda Mahood suggest that the politicization of Native people was an unintended and unwanted result of band elections from the point of view of the DIA and its field officials.¹¹⁶ E. Jane Dickason-Gilmore recounts a similar phenomenon in which elected councils, "once firmly ensconced within the local seat of power" used the council, its power, and its processes as mechanisms to prevent rather than to promote 'progress' as defined by the state."¹¹⁷ Like the Mohawk of Dickason-Gilmore's study, the Mi'kmaq "used and

¹¹⁶Vic Satzewich and Linda Mahood, "Indian Affairs and Band Governance: Deposing Indian Chiefs in Western Canada, 1896-1911," *Canadian Ethnic Studies* 26, 1 (1994), 44.

¹¹⁷Dickason-Gilmore, 444.

opposed the elective system to further their own, not entirely consistent, ends.”¹¹⁸

In a very real sense, then, electoral contests and incumbents who embraced the electoral system and who took their mandates seriously, undermined federal support of the DIA’s electoral programme. By the third decade of its implementation, Maritime Indian agents began to voice their own disapproval of the DIA’s triennial elections. In 1927, the agent at Lennox Island requested that in this community “some means may be devised to have [the elective band council system] dispensed with altogether.”¹¹⁹

Meanwhile in October 1932, Thomas Gideon of the Eel River Bar Reserve in New Brunswick wrote to the DIA, explaining that his community was being wracked by “disorder.” Gideon explained that the community, whose only official was a “constable,” required a chief to help maintain order in the community.¹²⁰ The local agent, however, opposed the idea, and suggested that “there is no need of a chief for this band.” He cautioned that Gideon was “rather clever, and has been promising the members of the band that he would do a lot of things for them The first thing was to be the election of a chief, and other things were to follow.” Fearing the outcome of an election, and Gideon’s ability to challenge the status quo in his community, Hudson advised the

¹¹⁸Dickason-Gilmore, 445.

¹¹⁹John A. McDonald to DIA, 4 August 1927, LAC, RG 10, volume 7936, file 32-57, part 1.

¹²⁰Thomas Gideon, Eel River Bar Reserve, to DIA, 19 October 1932, LAC, RG 10, volume 7935, file 32-55, Part 2.

Department to deny Eel River an election.¹²¹ The DIA agreed, and the band became one of the few to be denied its electoral 'privileges.'¹²² Also in 1932, Agent R.H. Kennedy maintained that because the chief at Truro was "expected to do a great deal" he was of the opinion that "they are better off without a chief."¹²³ In 1939, Agent Hudson of New Brunswick's Southwestern agency urged the Department that "the Indians . . . get along even better when they have no chief."¹²⁴

The growing reluctance of agents to sanction band elections is well-illustrated in Middle River, Nova Scotia. In 1932 Agent A.J. McDonald, apparently encouraged by Mi'kmaq requests, explained to the DIA that the Middle River Reserve had no chief or councillors.¹²⁵ McDonald, however, advised Ottawa officials that "if you are considering a change in the program I would strongly advise the contrary, as such matters only stir up the Indians and make them feel they should have more authority."¹²⁶ The matter lay

¹²¹Chas. Hudson to Secretary DIA, 5 November 1932, LAC, RG 10, volume 32-55, part 2.

¹²²A.F. MacKenzie to Chas Hudson, 9 November 1932, LAC, RG 10, volume 32-55, part 2.

¹²³R.H. Kennedy to Secretary DIA, 8 October 1932, LAC, RG 10, volume 7934, file 32-47, part 1.

¹²⁴Charles Hudson to IAB, 21 April 1939, LAC, RG 10, volume 7935, file 32-55-4.

¹²⁵It seems that in the absence of their own elected chief and council the community looked to the elected leaders at Whycocomagh. A.J. McDonald to Secretary DIA, 17 October 1932, LAC, RG 10, volume 7936, file 32-63, part 1.

¹²⁶A.J. McDonald to Secretary DIA, 17 October 1932, LAC, RG 10, volume 7936, file 32-63, part 1.

dormant that winter, but early the next spring McDonald faced renewed calls from the Mi'kmaq community for the election of a chief and council. Although he passed this wish on to federal officials, McDonald again asserted in a letter dated 4 March 1933 that he did not "think it would be in the best interest of the Band or Dept. to elect one." He cautioned that "as far as I can see they want to use the [chief] as a sort of petitioner for more relief."¹²⁷ For its part, the Department accepted McDonald's argument, and took no action to hold an election at Middle River.¹²⁸ While the Department may have been content to keep Middle River without an elected chief and councillor, the Mi'kmaq inhabitants were not. Later that same month, the community held a meeting at which they nominated candidates for chief and councillors. The Mi'kmaq chairman of this meeting argued that by electing these officials, "there would not be so much mis-understanding between the Dept. and reserve."¹²⁹ Still, no election was endorsed by the DIA and by 1938 Middle River requested acknowledgment of its non-sanctioned but elected councillors.¹³⁰ The local agent, who by this time was the Reverend D.J. Rankin, reported that the councillors had been elected "to assist the captain in preserving order and make suggestions to the

¹²⁷Rev. A.J. McDonald to Secretary DIA, 4 March 1933, LAC, RG 10, volume 7936, file 32-63, part 1.

¹²⁸A.F. MacKenzie to Rev A.J. McDonald, 9 March 1933, LAC, RG 10, volume 7936, file 32-63, part 1.

¹²⁹Martin Simon, Chairman, to DIA, 20 March 1933, LAC, RG 10, volume 7936, file 32-63, part 1.

¹³⁰D.J. Rankin to T.R.L. MacInnes, 10 September 1938, LAC, RG 10, volume 7936, file 32-63, part 1.

agent in regard to the best welfare of the Indians of this reservation.”¹³¹ Yet, just like his predecessor, Rankin insisted that he did “not think any [federal endorsement] is necessary”¹³² Finally, six years after Middle River initiated its request to have an officially sanctioned council, the Department “entitled” the community to one such elected official.¹³³ Very clearly, elections were increasingly being viewed by field agents as undesirable institutions that challenged their authority in Mi’kmaq communities.

Conclusion

A number of forces conspired to insure that triennial elections did not become ubiquitous across Mi’kma’ki in the first decades of the twentieth century. The confusion and contradiction inherent in federal electoral legislation itself impeded its application. In addition, conditions in Maritime Indian agencies made adherence to electoral rules difficult and impractical. Some agents charged with a multitude of reserve responsibilities found the implementation of elections to be an onerous undertaking. This was especially so in the case of isolated reserves or in communities where people were seasonally mobile. Apart from the often difficult logistics of implementing band councils, agents also questioned the usefulness of the triennial system. The work of Chiefs was deemed a

¹³¹Rev. D.J. Rankin to T.R.L. MacInnes, 19 September 1938, LAC, RG 10, volume 7936, file 32-63, part 1.

¹³²D.J. Rankin to T.R.L. MacInnes, 10 September 1938, LAC, RG 10, volume 7936, file 32-63, part 1.

¹³³T.R.L. MacInnes to Rev. D.J. Rankin, 7 November 1938, LAC, RG 10, volume 7936, file 32-63, part 1.

boon to busy agents and limiting chiefly authority through triennial elections was not always in an agent's own administrative interests. Mi'kmaq people too worked to ensure that band elections did not undermine their political traditions and authority as they defied the strictures placed on their political activity and disregarded federal electoral rules. Finally, electoral successes ironically discouraged the wholehearted and complete implementation of the triennial system because agents grew wary of the political processes that might undermine their authority. By the 1940s, the DIA was willing to rethink its electoral policy and other aspects of Indian affairs throughout the nation. A Special Joint Committee of the Senate and House of Commons was appointed by Parliament in 1946 with a mandate to "examine and consider the Indian Act." This committee would lead to important changes to the electoral processes of Mi'kma'ki.

Chapter 7:
“Now the mountain brings forth a mouse”: The Joint Committee, the 1951 Indian Act and their implications for Band Politics in Mi’kma’ki

Introduction

After 1899, coercive assimilation remained the hallmark of the Department of Indian Affairs policy. Events of the 1930s caused the DIA to question the viability of this goal, but it did not undermine its ultimate dedication to the goal of assimilation and this remained the essence of the DIA’s mandate through to the mid-twentieth century. As had been the case before 1899, twentieth-century policy-makers were little concerned with Native political aspirations and electoral legislation reflected the assimilation and social control agendas of the federal government. This is illustrated by the triennial system of elections, which remained the federally-sanctioned mode of band governance in Mi’kmaq communities for more than half a century. In September 1951 an amended Indian Act imposed a new electoral system upon Native communities across Canada. This chapter returns this study to issues of electoral policy formation. It shows that, although the Mi’kmaq found themselves largely excluded from the mid-century process of electoral policy reform, between 1946 and 1951 they made very clear to the DIA their desire for greater political independence. Despite these clear demonstrations, however, the electoral rules that were part of the 1951 Act showed little recognition of Native political

aspirations.

Indian Affairs policy and Aboriginal politics, 1899 to 1946

During the first half of the twentieth century assimilation remained the objective of federal Indian policy. Although events of the 1930s caused policy makers some pause, the DIA nevertheless remained ideologically and practically committed to a policy of coercive assimilation until after World War Two. Indian policy enacted in this era clearly reflected the Department's ideological stance. For example, a ban on the potlatch ceremony, first instituted in 1884, was applied with increased vigour at several points during the 1900-1930 period.¹ Likewise, commitment to residential schooling, a policy also predicated on the concept of coerced assimilation, grew in this era to peak in 1931 when 80 such institutions were in operation. Moreover, state authority over pupils increased. In 1920, the Indian Act was amended giving the superintendent-general powers to enforce compulsory attendance.² This same Indian Act amendment brought another new policy which, perhaps more than any other, denoted Ottawa's ongoing intent to coercively assimilate Native people. This amendment enabled Ottawa to forcibly

¹For a discussion of the Potlatch regulations during this era see Douglas Cole and Ira Chaikin, *An Iron Hand Upon the People : The Law Against the Potlatch on the Northwest Coast* (Seattle: University of Washington Press, 1990).

²The Indian Act amendment made it mandatory for children from age 7 to 15 to attend school and empowered truant officers to enforce the law. John S. Milloy, *A National Crime: The Canadian Government and the Residential School System, 1878-1986* (Winnipeg: University of Manitoba Press, 1999), 70-71.

enfranchise Natives, removing from them their status as “Indians” against their wills.³

This legislation was repealed in 1922 but reinstated in 1933.⁴

Native politics also felt the heavy hand of federal interference and coercion between 1900 and 1946. Although the mechanisms of band council elections were unaltered, Indian Act amendments of this period placed tighter restrictions on band councils while increasing the authority to the Superintendent General. In 1906, the Indian Act was consolidated and the Indian Advancement Act of 1886 became Part 2 of the Indian Act. It restated the 1886 band council regulations, reiterating that the powers and responsibilities of elected Indian councils ought to mirror those of municipal town councils.⁵ An amendment of 1918 gave the Superintendent General increased power over band expenditures as it noted that if a band council refused “to consent to the expenditure of such capital moneys as the Superintendent General may consider advisable” and if the Superintendent General believed that “such refusal is detrimental to the progress or welfare of the band” the “Governor in Council may, without the consent of the band, authorize and direct the expenditure of such band capital for such of the said purposes as

³E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986), 50.

⁴J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1989), 281.

⁵Wayne Daugherty and Dennis Madrill, *Indian Government Under Indian Act Legislation 1868-1951* (Ottawa: Research Branch, Department of Indian and Northern Affairs, 1980), Part 2, 45-46.

may be considered reasonable and proper.”⁶ Other 1918 amendments allowed the Superintendent General to lease uncultivated reserve land without a surrender and reduced band councils’ authority further by giving to the Superintendent General the power to make reserve by-laws concerning taxation, the control of dogs and protection of sheep.⁷ The next Indian Act amendment, in 1927, gave the Department head even more authority over what had previously been a band council responsibility as it allowed him to regulate pool rooms, dance halls and other places of amusement on reserves.⁸ In 1933 the Superintendent General was empowered to determine where roads would be placed on reserves, while three years later, his authority was boosted even further when he was authorized to devise regulations, or to apply to reserves provincial regulations, concerning game laws, the control of noxious weeds and the operation of motor vehicles.⁹

Despite its ongoing ideological commitment to assimilation through coercion, in the 1930s the DIA was forced to grapple with practical obstacles to this objective. The first of these was a startling demographic shift. Until the early 1930s, the Canadian Native population was on a downward spiral. However, in the early years of the 1930s the Native population grew for the first time.¹⁰ This posed a problem for federal policy designed to undermine the viability of distinct Native cultures. The growth of the Native

⁶*An Act to Amend the Indian Act*, S.C. 1918, c. 26 (8-9 George V.)

⁷Daugherty and Madrill, 52.

⁸Daugherty and Madrill, 56.

⁹Daugherty and Madrill, 59.

¹⁰Miller, *Skyscrapers Hide the Heavens*, 314.

population also created financial concerns for a perennially parsimonious government department. The policy of assimilation, once envisioned as temporary and attainable with finite resources, appeared by the 1930s to have no end in sight and no limit to cost. Land transfers and sales of previous decades further compounded the situation as reserves became overcrowded and required greater federal support. In this context, criticism of Ottawa's Indian policy grew as tax payers lamented the high cost of Canada's policy of assimilation and as Natives themselves criticized its oppressiveness.

The Second World War generated further criticisms of Canadian Indian policy. Atrocities suffered in Europe awakened Canadians to the injustices suffered by Natives in their own back yards – injustices perpetuated by the Indian Act. This realization was all the more poignant in light of the fact that Native soldiers gave their lives to the cause. The 1948 passage of the United Nations Declaration of Human Rights reaffirmed public resolve to reform the insular, out-dated and heavy-handed Act.¹¹ By 1946 Indian Affairs was a branch of the Department of Mines and Resources headed by that department's Minister, J.A. Glen.¹² Responding to mounting public criticism, Glen initiated what would become a five-year process of Indian Act reform. In May 1946 he appointed a 26-member Special Joint Committee of the House of Commons and the Senate to consider aspects of Indian policy ranging from "treaty rights and other obligations" to "any other

¹¹J.R. Miller notes that "World War II seemed for a time to have blown Canadian Indian policy apart as it crushed the Axis powers," and that Canadians were "seriously discomfited when, on rare occasions, they looked at the way in which they treated the aboriginal peoples of their country." J.R. Miller, 220.

¹²Indian Affairs was incorporated as the Indian Affairs Branch of the Department of Mines and Resources in December 1936.

matter or things pertaining to the social and economic status of Indians and their advancement.”¹³ According to Glen, the Committee had its origins in the “demands” of “representative groups of Indians . . . church authorities, and . . . groups of citizens who have displayed an active interest in the advancement of the Indian population.”¹⁴ For two years the Joint Committee entertained recommendations for policy reform, and this process led to a new Indian Act in 1951.

The Special Joint Committee of the Senate and House of Commons, 1946-48, and the 1946 Royal Commission

Remarkably little has been written about the work of the Special Joint Committee. One notable exception is Peter Kulchyski’s article on the role of ethnologist Diamond Jenness in influencing and justifying the Joint Committee’s work. Another is Hugh Shewell’s consideration of the Committee’s impact on post-war Indian welfare policy. Shewell argues that the post-war era was marked by “a different kind of state paternalism,” one that saw the solution to the “Indian problem” in increased rights of citizenship and diminished special rights for Native people. The work of the Joint Committee, what Shewell calls a “tool of state propaganda,” reinforced this federal agenda as it “provided a public arena for the government to share with the Canadian people its individualistic vision of the place of Indians within Canadian society, and it

¹³ House of Commons *Debates*, 13 May 1946, 2(1946), 1446.

¹⁴ House of Commons, *Debates*, 13 May 1946, 2(1946), 1446.

minimized Indians' attempts to speak against it."¹⁵

Before considering how the new Act influenced Mi'kmaq politics, it is important to consider the context in which federal policies were changed. The central site of the Committee's work was its Ottawa-based hearings. These sessions in the nation's capital were divided into several phases. In 1946, various representatives of the Indian Affairs Branch (IAB) came before the Joint Committee. That same year, the Joint Committee established a travelling Royal Commission to investigate and report upon conditions in Native communities throughout eastern Quebec and the Maritimes. In 1947 the hearings entertained the testimony and evidence of church and other non-governmental organizations with a role in Indian administration as well as Native organizations. In 1948, the federal government began to revise its Indian policy in light of the Joint Committee's findings. By early 1950, the IAB believed that it had completed its task. Indian Act amendment proposals were incorporated into Bill 267 and introduced into the house of commons in June 1950. These proposals, however, elicited a hailstorm of criticism from parliamentarians and Natives alike, and the government was forced to withdraw them. The following year, a revamped Indian Act, tabled as Bill 79, received parliamentary approval and was enacted in September 1951.

The issue of band elections was not specifically mentioned in the Joint Committee's terms of reference. Officially, the Committee was appointed to:

¹⁵Peter Kulchyski, "Anthropology in the Service of the State: Diamond Jenness and Canadian Indian Policy," *Journal of Canadian Studies* 28, 2 (Summer 1993), 21-50; Hugh Shewell, *'Enough to Keep them Alive': Indian Welfare in Canada, 1873-1965* (Toronto: University of Toronto Press, 2004), 172-206.

consider the Indian Act . . . and amendments thereto, and to suggest such amendments as they may deem advisable, with authority to investigate and report upon Indian Administration in general and, in particular, the following matters: 1. Treaty rights and obligations 2. Band membership 3. Liability of Indians to pay taxes 4. Enfranchisement of Indians both voluntary and involuntary 5. Eligibility of Indians to vote at Dominion elections 6. The encroachment of white persons on Indian Reserves 7. The operation of Indian Day and Residential Schools 8. And any other matter or thing pertaining to the social and economic status of Indians and their advancement.¹⁶

Despite the absence of band elections as a specific agenda item, they figured prominently in the revised Indian Act of 1951. This is attributable, in large measure, to the actions of Native people themselves. By repeatedly raising the matter before the Committee, Natives ensured that band elections were included in the reform package. The 1951 Act, however, did not satisfy the most pressing political concerns of Native people. During the amendment process Native people called for greater political autonomy. They demanded that their community politics be freed from federal interference and insisted that they be entitled to choose leaders in the manner they saw fit. These demands were ignored. Instead, the legislation imposed a new federally-controlled two-year electoral program, similar to the 1899 triennial system, upon all Native communities in Canada. In a move that ran contrary to Native peoples' wishes, the 1951 Act reaffirmed the federal government's goal of asserting ultimate authority over local Native politics.

¹⁶Canada, Parliament, Special Joint Committee of the Senate and the House of Commons, Appointed to Examine and Consider the Indian Act, *Minutes of Proceedings and Evidence* (Ottawa: Edmond Cloutier, Printer to the King's Most Excellent Majesty, 1946), 16 May 1946, 1.

Aboriginal input and criticisms

Although the Mi'kmaq had been subject to the triennial system since 1899, they were only marginally involved in the process of legislative amendment that would influence electoral legislation. They were not invited to attend the Ottawa hearings or encouraged to submit written briefs to the Joint Committee. Although they took advantage of an opportunity to make did make presentations to the Royal Commission that travelled through New Brunswick, Prince Edward Island and Nova Scotia in 1946, this Commission did little to remedy the lacking involvement of the Mi'kmaq in the work of the Committee. It was largely window dressing. In effect, the Mi'kmaq had no more say in the electoral rules generated from the 1951 Indian Act amendments, than they had in the federal decision to establish the triennial system in 1899.

The federal government made much of its consultations with Native people, repeatedly stressing that it was committed to considering and acting on Native testimony. But even the most cursory examination of the Joint Committee's work shows that mere lip service was paid to "Indian consultation." The very fact that a Joint Committee was assigned the job of Indian Act reform is indicative of federal disregard of Native concerns, as Natives had called for a full-fledged Royal Commission to reconsider Indian Affairs. For example, in 1945 the Indian Association of Alberta requested that "a Royal Commission of Inquiry consisting of competent and informed persons, with a knowledge of, and experience with, the Indian people, to investigate the needs of the Indians of

Canada, to be appointed without delay.”¹⁷The Mi’kmaq, too, favoured a Royal Commission and in April 1946, Ben Christmas, President of the United General Indian Council of Cape Breton, Nova Scotia (UGICNS), wrote to inform Chief Noel Marshall of Barra Head, Nova Scotia that the UGICNS “include[d] among [its] demands the appointment of a Royal Commission to inquire into Indian Problems.” Christmas, however, noted that “To date, the Government has promised to appoint a committee of Parliament, to whom the Indians will make representations on the revision of the Indian Act etc, but we await the scope of their duties.”¹⁸ Squamish British Columbia’s Chief Andrew Paull, President of the North American Indian Brotherhood (NAIB), demanded that this disregard for Native wishes appear on the official record of the Committee. He testified that “this is not the kind of committee we asked for. Now while we are prepared to speak to you and present our grievances to you I want this to go on the record; we asked for a Royal Commission to investigate ‘you’ and ‘me.’”¹⁹ That a Joint Committee was struck instead symbolized the low status afforded to both Native recommendations and Indian Act reforms.

The IAB’s dismissal of Native demands is both reflected in, and the result of, the

¹⁷Indian Association of Alberta to IAB, July 1945, LAC, RG 10, volume 6811, file 470-3-6, part 1.

¹⁸Ben Christmas, President, United General Indian Council of Cape Breton, Nova Scotia to Captain Noel Marshall, Barra Head, Cape Breton, 3 April 1946, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-003, 1940-49.

¹⁹Special Joint Committee, *Minutes and Proceedings of Evidence*, 27 June 1946, No. 9, 419-20.

Committee's composition. In 1946, there were no Native Members in the House of Commons or Senate, and the Committee had just one Native participant, Norman Lickers, an attorney from Brantford, Ontario.²⁰ In his capacity as a "liaison officer between the Committee and Canadian Indians and all organizations interested in the well-being of Canadian Indians," Lickers was the sole "Indian" chosen to represent all Native interests.²¹ The underwhelming Native representation on the Committee did not go unnoticed by Committee Commissioner G.H. Castleden:

I am sorry that this committee will not have some group representing the Indians . . . I should like to see an Indian from the Micmacs of the Maritimes. I should like to see one from the Iroquois reserve and one from the Caughnawaga. I should like to see on the committee representatives who can listen to the deliberations, and I would recommend to the government that a place be made on the committee for representative groups of Indians from across Canada.²²

He argued that it would be only by making a concerted effort to include Natives from across Canada that, "for the first time in the history of the country," Natives would have a significant voice in federal policies that affected them.²³

Despite federal assertions about the desirability of hearing Native witnesses, the

²⁰James Gladstone, from the Blood Reserve in Alberta, was the first Native Senator in Canada, appointed by Prime Minister Diefenbaker in 1958. Leonard S. Marchand of British Columbia's Okanagan First Nation, became the first Native MP when he was elected to the House of Commons in the June 1968 general election.

²¹On June 6, 1946, the Joint Committee accepted the services of Norman E. Lickers. Lickers was paid \$50/day for each day he attended the Ottawa hearings, as well as travelling expenses and living costs. Minutes and Proceedings of Evidence, 2, 6 June 1946.

²²House of Commons, *Debates*, 13 May 1946, 2(1946), 1464-1465.

²³House of Commons, *Debates*, 13 May 1946, 2(1946), 1465.

Ottawa proceedings were ill-designed to facilitate Native input. The Committee limited Native attendees to a few specially selected “representatives,” and it was not interested enough in Native testimony to fund their trips to Ottawa. Those who wished to appear at meetings in the nation’s capital had to pay their own travel and accommodations.

Maliseet Chief William Saulis of Tobique, New Brunswick, was not officially invited to appear before the Commission, but he travelled to Ottawa of his own accord to meet unofficially with Committee members. Such unsolicited visits were fairly common but were not warmly received by IAB officials. In a June 1948 memorandum to regional departmental officials, the Deputy Minister of the IAB, H.L. Keenleyside, complained that “[t]he tendency of Indians to meet at the capital has become more pronounced since the Special Parliamentary Committee was appointed . . . to undertake the revision of the Act.” Keenleyside insisted that there were no departmental funds available to defray travel costs incurred by Natives travelling to appear at Committee meetings in Ottawa.²⁴ This policy decision limited Natives’ ability to testify at, or witness, the Ottawa hearings.

Even the Natives who managed to make their way to Ottawa or to a Royal Commission hearing were less likely than their non-Native counterparts to be given the attention they deserved. In the first two years of the Committee’s work, 64 days were devoted to hearing a range of witnesses, including Indian Affairs officers and other federal officials, church leaders, community interest groups, and Native representatives of various communities and organizations. Of these 64 days of testimony, 50, or 78 percent,

²⁴ H.L. Keenleyside to Regional Supervisors, Indian Superintendents and Officers of the Indian Field service, 6 June 1948, LAC, RG 10, volume 8377, file 55/3-7.

were devoted solely to non-Native witnesses. Only 14 days, or roughly 22 percent of the sessions, featured Native peoples. Moreover, the 14 days of Native testimony were 'marathon' sessions in which an average of six witnesses were seen in a single meeting. In contrast, in the 50 sessions that featured non-Native witnesses, an average of fewer than two people were heard at each session. Thus, Native people were not only allocated fewer sessions at the hearings, but also had less time to make their cases. It is equally telling that the witness accorded the most attention was R.A. Hoey, the Director of the IAB, who appeared at nine days of hearings.

The Committee was also reluctant to open its findings to Native scrutiny and criticism. As the bills outlining Indian Act reforms were brought before the House, much was made of the invitations to comment that were extended to Native people. And yet, Native comment was solicited at late notice and subject to tight time constraints, seriously undermining Native ability to thoroughly comment on the revisions. For instance, when invited to the House to consider the first proposed Bill, Native representatives were given less than two weeks to consider the legislation that would have such a major impact on their lives.²⁵ The Committee effectively used the tool of time to minimize debate.

Natives who did not appear in Ottawa had two other means of being heard by the Committee: some were invited to submit written briefs, and those living on reserves in Eastern Quebec and the Maritimes could attend hearings held in that region in October 1946. Between 1946 and 1948, select bands and Native organizations were invited to submit written briefs to the Joint Committee. As Hugh Shewell points out, the

²⁵House of Commons, *Debates*, 21 June 1950, 4(1950), 3936.

submissions of individual bands tended to “follow the same format, addressing each of the committee’s eight themes of inquiry in order and often using the identical phrases.” Meanwhile, the submissions of broader associations, such as the Indian Association of Alberta and the Union of Saskatchewan Indians were “considerably more expansive and detailed.”²⁶ It is telling that, of the 134 briefs written by Native groups and communities and officially appended to Joint Committee minutes, only three were from Maritime communities, and all of these were Mi’kmaq; Shubenacadie (Indian Brook), Mill Brook, and Red Bank were the three Mi’kmaq communities to submit written briefs.²⁷ Written submissions had other limitations as well. Submissions were expected to conform to a Committee agenda of eight questions. As this bureaucratic approach was alien to most bands, it probably discouraged their participation. Moreover, this approach did not allow Natives to express particular concerns and suggestions that fell outside of the Committee’s agenda. The three Mi’kmaq briefs, for example, focussed narrowly on the eight points of agenda advanced by the Department of Indian Affairs.

Since Natives in eastern Quebec and the Maritimes were not invited to appear in Ottawa before the Committee, their interests were instead heard by a travelling Royal Commission. The prospect of an eastern fact-finding mission was considered from the Joint Committee’s earliest phase. Originally part of a larger plan to send Committee delegates to various regions across Canada, the Joint Committee had decided by the end

²⁶Shewell, *Indian Welfare in Canada*, 193.

²⁷“Report to the Senate and the House of Commons,” Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 21, 13 August 1946, 854-882.

of the 1946 sitting of Parliament to confine visits to Maritime Canada and eastern Quebec. Despite some opposition from Committee members such as Thomas Reid who cautioned that “once you take the step of sending a commission to the Maritimes, you will be duty bound, from the point of view of the Indians, to follow it out across the country” and J.D. MacNichol who argued that “it would cost the Government less to bring [to Ottawa], say, the Mic Macs from the Maritimes than to have a Commission go down there,” the “Royal Commission on the Indian Act and Indian Administration in General” was struck on 11 October 1946 by order-in-council PC 3797.²⁸ It was composed entirely of Joint Committee members, none of whom were from the Maritimes. Senators J. Fred Johnston and William H. Taylor, and Members of Parliament Don F. Brown, William Scottie Bryce, W. Garfield Case, Thomas Farquhar, Wilfred Gariepy, Douglas S. Harkness, Walter Little and Léon-Joseph Raymond comprised the Royal Commission which was instructed to visit eastern Native communities and report its findings before the next sitting of Parliament. As a result, it became the primary means by which eastern Natives, such as the Mi’kmaq, could voice opinions before the Joint Committee.

The Joint Committee advanced several reasons for this eastern investigation. First, the eastern Commission was designed help the Joint Committee complete its work in its allotted three years, a time-line that weighed heavy on Committee members as its first year of work drew to a close in August 1946. Because the eastern consultation would be completed while Parliament was in recess, the Committee believed this tour would ease

²⁸Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 16, 25 July 1946, 680; Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 18, 1 August 1946, 724.

its workload when Parliament reconvened in the winter of 1947. According to MP and Committee and Commission member William S. Bryce, he and his colleagues “realized the magnitude of the task and that we could do only so much, and that whether or not we could clear up this work in three years’ time we really had to do something [during the 1946] recess.”²⁹ The east represented a region that could, according to Committee members, be easily investigated within two weeks. Joint Committee Chairman D.F. Brown explained that a tour of the east was desirable because Natives there were concentrated “at one side of the Continent” and because the “the Indian population in that area is not very considerable.” Second, the eastern tour was viewed as an exercise in public relations. As Brown suggested, the eastern visit would endear the Committee’s efforts to Canadians by “indicat[ing] to the public that we are going about [our work] systematically” and were determined to “to hear [the Natives] where they are.”³⁰ Finally, some Commissioners argued that an eastern Commission was necessary because Natives there were ill-equipped to otherwise present their interests to the Committee. Commissioner W. Garfield Case, for example, explained that the eastern Royal Commission was established because “the Maritime Indians were not as well organized” as were communities in central and western Canada, and because “they were not possessed of band funds and therefore would have difficulty sending witnesses to

²⁹Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 18, 1 August 1946, 723.

³⁰Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 16, 25 July 1946, 680.

Ottawa.³¹ Whatever the motivation for its creation, the ten-member Royal Commission, headed by Senator Johnston, visited eastern Native communities in a whirlwind excursion deployed in October 1946. Considering itself to be a “fact finding body,” and committed to the eight areas of inquiry established by the Joint Committee, the Royal Commission held 18 days of hearings, heard 170 witnesses and reported its findings back to the Joint Committee.³²

A significant feature of the Royal Commission was that it, unlike the Ottawa hearings of the Joint Committee, established a presence in Native communities.³³ Originally intended to include “three points only in the Maritime Provinces,” the protests of New Brunswicker and Committee member C.T. Richard, who pointed out the difficulty of having all Natives in New Brunswick meet in “any particular centre . . . because they are scattered all over the province,” likely inspired the broader Commission agenda.³⁴ The Royal Commission’s eastern tour began on 21 October with a visit to the reserve at St. Anne de Restigouche. The next day, the Commission visited Eel Ground, Red Bank and Burnt Church. On 23 October, it moved to Prince Edward Island, spending a day at Lennox Island and Summerside. The following day, 25 October, the entourage

³¹W. Garfield Case to Edwin Tappan Adney, 24 March 1948, University of New Brunswick Archives, E. Tappan Adney Fonds, Case 5, File 4, Number 58.

³²Report of the Royal Commission on the Indian Act and Indian Administration in General, 8 July 1947, 2.

³³Shewell, *Indian Welfare in Canada*, 203.

³⁴Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 16, 25 July 1946, 680-681.

travelled to Nova Scotia, visiting in Antigonish, before moving on to Afton and Chapel Island. On 26 October, the Commission visited the Cape Breton reserves at Sydney and Eskasoni. On Sunday 27 October the Commission travelled to Halifax. From there it visited Millbrook and the Shubenacadie Indian Residential school on 28 October, before hearing from Mi'kmaq representatives at the Nova Scotian Hotel in Halifax the next day. On 30 October the Commission moved on to Saint John, New Brunswick, where it entertained Native submissions at the Admiral Beatty Hotel. On Halloween, Commissioners travelled up the Saint John River to Oromocto, Fredericton, Kingsclear and Devon. On 1 November, the Commission lunched in Woodstock, before driving to Tobique. Commissioners spent Saturday 2 November visiting the St. Basil Reserve, and holding hearings at an Edmundston-area hotel. By 4 November, the Maritime leg of the tour was completed and the Commission headed for Ottawa, stopping in Riviere-du-Loup and Quebec City. The tour concluded on 5 November at Quebec's Lorette reserve.³⁵ The IAB depicted its eastern jaunt as evidence of its concern with Native points of views on the amendment process. According to one Commissioner, their 900-page report gave the federal government "a greater conception" of Maritime Indians' concerns compared to those of Native people living elsewhere in the nation.³⁶

Notwithstanding this claim, the Royal Commission, like the Joint Committee

³⁵This agenda was detailed by Commission member W. Garfield Case, MP in a radio address published as a column in the *Hartland Observer* on 19 June 1947, 9.

³⁶Frustratingly, this report has been lost. W. Garfield Case to E. T. Adney, 24 March 1948, University of New Brunswick Archives, E. Tappan Adney Fonds, Case 5, File 4, Number 58.

generally, limited the impact of Native perspectives on policy changes. For one thing, the Commission travelled at a dizzying pace. It paused briefly at each stop, and visited only selected communities in the area. Even Commission members acknowledged that its eastern mission was brief and superficial. In covering the Commission's 31 October stop in Saint John, the *Telegraph Journal* reported that Commissioners had "pointed out that the Commission's examination of conditions in New Brunswick, Prince Edward Island, and Nova Scotia is of a 'cursory' nature, rather than an exhaustive inspection."³⁷

The overall tenor of the Royal Commission's work-schedule suggests that it was not consumed by a goal to hear from as many Natives as possible. Instead, the Commission devoted substantial time and effort to what were seemingly well-orchestrated efforts to high-light Indian policy "achievements." Most stops along the way, for example, featured a display of what the IAB considered to be successes of its administration, whether it be the Mi'kmaq children at Burnt Church who "gave a demonstration of their work and entertained the commission with choral songs," a tour and luncheon graciously sponsored by the students and staff of the Shubenacadie Indian Residential School and served up by "the Indian girls resident of that school," or a sunny morning spent wandering the picturesque Lennox Island reserve capped off with a feast of Malpeque oysters furnished by the Chief's wife.³⁸ These, of course, all stood as self-

³⁷The *Telegraph Journal*, Tuesday, 31 October 1946, 16.

³⁸Commissioners' activities at Burnt Church were reported in the *Moncton Daily Times*, 23 October 1946, 3. The stop at the Shubenacadie Residential school was reported by Commission member W. Garfield Case's radio address that was published as "Tells of Work of Indian Affairs Committee," in the *Hartland Observer*, 19 June 1947, 9. See also the account of the *Halifax Herald*, Tuesday, 29 October 1946, 18. Commission activities

aggrandizing testimonials to the commendable eastern work of the IAB, but did little to further the Commission's fact-finding agenda.

In addition to their rapid pace, the Commissioners also had a prolific social agenda thanks to almost daily luncheons and dinner receptions. In Halifax, the Commissioners were wooed by the Harbour Commission with an "extensive cruise in the Atlantic."³⁹ At a Summerside luncheon hosted by Lieutenant Governor J.A. Bernard, Commissioners were offered more tasty oysters. In New Brunswick, they were provided a luncheon in Fredericton and further up the Saint John River Valley in Woodstock, they were "entertained at a luncheon by the Woodstock Board of Trade."⁴⁰ Commissioner Garfield Case devoted much of his account of the Royal Commission's work to the many social events they enjoyed while in the Maritimes. Indeed, his report reads more like travel guide than an account of Committee business as he stressed the "wealth of hospitality" that he and his companions enjoyed. Case recalled with fondness the "beautiful Annapolis valley," where the hillsides were "a riot of colour" and he acknowledged "beautiful Prince Edward Island," that "little spot of Heaven with its red soil, its undulating hillsides which could compare favourably with any Ontario country scene, but [that] their buildings were all painted white and well kept, and these beautiful places against the red soil made a very beautiful picture for one to carry in their

in Charlottetown were recorded in the Charlottetown *Guardian*, 25 October 1946, 1.

³⁹Radio address of W. Garfield Case, MP, published as "Tells of Work of Indian Affairs Committee," in the *Hartland Observer*, 19 June 1947, 9.

⁴⁰Radio address of W. Garfield Case, MP, published as "Tells of Work of Indian Affairs Committee," in the *Hartland Observer*, 19 June 1947, 9.

memory.”⁴¹ The Commissioners obviously enjoyed themselves, but serious Native consultations do not emerge as a high point of their eastern agenda.

It is difficult to ascertain what Maritimers thought of the Commission. Some, like the author of an anonymous letter to the editor of the *Moncton Times*, complained about its dearth of Native representation, suggesting that “while the Government has been commended, and rightly so, for appointing this commission, on [the] other hand exception has been taken in some quarters that there should have been included a representative of the Indians themselves.”⁴² What Natives themselves thought of the Royal Commission is even more difficult to ascertain. Fortunately, the correspondence of Woodstock, New Brunswick’s Edwin Tappan Adney, a non-Native advocate of Native issues, is helpful in this regard.

In 1946, Edwin Tappan Adney was a retired journalist and artist based in Woodstock, New Brunswick.⁴³ An amateur anthropologist of no mean ability, Adney was

⁴¹Radio address of W. Garfield Case, MP, “Tells of Work of Indian Affairs Committee,” *Hartland Observer*, 19 June 1947, 9.

⁴²Unidentified author, *Moncton Daily Times*, 24 October 1946, 4.

⁴³Adney was born in 1868, in Ohio, and died in Woodstock in 1950. His obituary notes that “he went from one career to another” but a common theme in his life’s work concerned the plight of Native people. In 1898, he was sent to the Klondike to cover the gold rush for *Harpers Magazine*. This material led to a successful book and fuelled a lucrative lecture tour. In 1899, he married Minnie Bell Sharp, daughter of a prominent Woodstock family and Woodstock became the home-base of the widely-travelled Adney. After he retired in 1930, he leant his talents and convictions to studying and writing about Maliseet culture and supported their political aspirations. Jim Wheaton, “The Edwin Tappan Adney: Home Page Tappan Adney and Minnie Bell Sharp: New Brunswick’s Oddly Wonderful Couple,” 15 May 2004, (June 28, 2004) <<http://www.siterrific.com/Adney/>> For more on Adney’s work with the Maliseet see Nicolas N. Smith, “Between the Lines: Notes and Insights from Forty-Eight Years among

very much interested in studying Maliseet culture. Indeed, he and noted anthropologist Frank Speck regularly exchanged letters discussing the topic. Adney dedicated himself to a number of political issues facing the Maliseet people of the Saint John River valley. In the mid-1940s, he worked with them in opposition to a federal scheme which, like that of Nova Scotia, planned to centralize the Maliseet on two reserves – in this case at Kingsclear and Oromocto. When the Special Joint Committee was struck, Adney endeavoured to make Maliseet concerns known to Committee members, carrying on a lively written exchange through which he served as an intermediary between the Maliseet and the Committee. In a series of letters to the editor, Adney made public the work of the Committee and his criticisms of it. He also appeared before the travelling Commission when it stopped in Woodstock in the autumn of 1946. Adney's archives provide a useful barometer of Native concerns about the Committee and its work.

The Maliseet who lived in the Saint John River valley had grave concerns about the efficacy of the Commission – concerns likely shared by the region's Mi'kmaq population. Some clearly felt that the work of the Commission was impaired by the brevity of its visits. Referring specifically to complaints made to him by Maliseet Chief Saulis of the Tobique Reserve, Adney noted that "Saulis had been expected to be given time enough [before the Royal Commission] to make the full statement that he and his councillors were prepared to make. There was and still is much to say."⁴⁴ Adney also

the Wabanaki," *Papers of the Thirty-First Algonquian Conference* ed. John D. Nicholas (Winnipeg: University of Manitoba, 2000), 367-380.

⁴⁴Adney to Mr. Case, 27 March 1948, University of New Brunswick Archives, University of New Brunswick Archives, E. Tappan Adney Fonds, Case 5, File 4, Number

suggested that Commission visits were disingenuous concoctions of church and Indian Affairs officials. In a letter to Commissioner and Joint Committee member Garfield Case, Adney detailed the Commission's short-comings:

The tour did give an impression. There was much they had to say left unsaid You didn't hear at Restigouche or Tobique taking over administration of the reserves that belong to the elected chief and councillors, by the spiritual advisors at these reserves? No, certainly not. Not how at Tobique, the Agent . . . with the priests, discuss and settle the question about the Indians without consulting the elected representatives, who are beginning to demand to know what they the elected representatives are there for, if not at least to be consulted Of course, in a sense, there was 'opportunity' given But there was little time afforded oral complaints that were ready to be made. The report no doubt contains Chief Saulis' vehement complaint of not being allowed time to have his witnesses heard.⁴⁵

So disheartened was Adney at the conduct of the travelling Commission that he predicted that: "In the light of the exercise of unlimited authority over the Indians and Indian Affairs in Canada and absence of the consultative element I have fears that the new Indian Act may not go far enough toward enabling the Indian, while remaining an Indian, to manage his own property and affairs."⁴⁶

Repeatedly Adney expressed what he claimed to be the point of view of "Maritime Indians" – and this viewpoint soundly criticised the role of the Royal Commission in the work of the Joint Committee. According to Adney, Maritime Natives

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⁴⁵Adney to Mr. Case, 28 March 1948, University of New Brunswick Archives, E. Tappan Adney Fonds, Case 5, File 4, Number 60.

⁴⁶Adney to Mr. Case, 28 March, 1948, University of New Brunswick Archives, E. Tappan Adney Fonds, Case 5, File 4, Number 60.

felt slighted by the Joint Committee's almost total reliance on the Royal Commission in ascertaining eastern perspectives on Indian Act reform. For most Maritime Natives, these few days of meetings represented the sole means of making an official submission to the Joint Committee, and, as Adney suggested, New Brunswick Natives were angered that they, unlike Natives in central and western Canada, were discouraged from submitting written briefs to or appearing before the Joint Committee. He complained that "the Maritime Indians did not receive a form for the different reserves to fill out stating their views on the various matters the [Joint] committee was appointed to investigate. The West got these. The Maritimes did not. We have not been given a fair hearing."⁴⁷ Adney was also critical of the fact that Maritime Natives were not briefed about issues being considered by the Commission in advance of its visit.⁴⁸ Indeed, Ben Christmas, who appeared before the Commission at Eskasoni on 26 October was only informed of its pending visit in a letter from Eskasoni Chief Sylliboy dated October 23.⁴⁹ Adney complained that neither he, a self-proclaimed expert on matters pertaining to "Maritime Indians," nor any Natives from the region, were invited to the Ottawa-based hearings. He alleged that this was by design and that the Commission provided justification for not inviting Eastern Natives to Ottawa "because it would have been asked, if you did a

⁴⁷E.T. Adney to Chief Saulis, Tobique, 5 July 1947, University of New Brunswick Archives, Edwin Tappan Adney Fonds, Case 5, File 3, Number 45.

⁴⁸Undated letter to the editor, *Woodstock Sentinel*, University of New Brunswick Archives, Edwin Tappan Adney Fonds, Case 3, File 6, Number 29.

⁴⁹Chief Sylliboy, Eskasoni Chapel to Ben Christmas, 23 October 1946, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-008, 1940-49.

complete job down there why should it be necessary to summon witnesses?”⁵⁰ In a letter to Norman Lickers, Adney complained that “[i]n effect the Indians of the Maritimes have not been properly heard from, and no representative Indians have been called before the committee.”⁵¹ While the federal government heralded the Royal Commission as the pinnacle of its consultative process, the Commission’s workings cast doubt on this lofty assessment.

Adney also criticised the underlying ideals and assumptions of the Joint Committee. He insisted that a speech made in the House of Commons by IAB secretary, T.R.L. MacInnes, reflected gross federal misunderstanding of regional Native issues. On 4 June 1946, MacInnes rose in the House and offered his understanding of Mi’kmaq treaty rights. Noting how MacInnes “denied at length they had any treaty rights whatever [and] denied there were any treaties,” Adney declared that “the ignorance of a man in the position of Secretary MacInnes is hardly excusable.”⁵² MacInnes, he continued, was “utterly unqualified to be heard further on the question of Indian rights in these Maritime

⁵⁰Undated letter to the editor, *Woodstock Sentinel*, University of New Brunswick Archives, Edwin Tappan Adney Fonds, Case 3, File 6, Number 29.

⁵¹Edwin Tappan Adney to Norman Lickers, 5 November 1947, University of New Brunswick Archives, E. Tappan Adney Fonds, Case 5, File 4, Number 64.

⁵²Adney took exception to MacInnes’s statement that the British had never signed treaties with Native people of the Maritimes. MacInnes testified that “although it is true that there was some agreement [in the Maritimes] between the Indians and military commanders of the forces which are referred to as treaties; but they really did not have Royal Sanction as treaties, and those Indians in the maritimes are not under treaty.” Special Joint Committee, *Minutes of Proceedings and Evidence* No 2, 4 June 1946, 58-59. Adney to Hatfield, 18 February 1948, University of New Brunswick Archives, E. Tappan Adney Fonds, Case 5, File 4, Number 39.

provinces.”⁵³

Juxtaposed to the Commission’s lackadaisical dedication to the concerns of eastern Natives were the earnest and hopeful responses of the Mi’kmaq to its visit. The Mi’kmaq in Nova Scotia clearly hoped that the Commission would be the harbinger of political change in Mi’kma’ki. The Commission arrived in Mi’kma’ki at a time when (as discussed in chapter four) the Mi’kmaq of Nova Scotia and New Brunswick were calling for greater political autonomy and demonstrating their commitment to this issue by affiliating themselves, via the UGICNS, with the newly-formed national Native political organization, the North American Indian Brotherhood. The creation of the Cape Breton-based UGICNS had been predicated on a desire to stop centralization but also on a mandate of advancing Mi’kmaq self-governance. The UGICNS saw in Ottawa’s Indian Act reform undertakings, particularly the visit of the Royal Commission, an opportunity to make these demands known to federal officials.

In late October, just three days in advance of its visit, UGICNS president, Chief Christmas, learned that he was to submit a brief to the Eskasoni stop of the Royal Commission.⁵⁴ Despite the short notice, Christmas presented to the Commission meeting a brief containing wide ranging concerns of the UGICNS, all of which demanded in some fashion the lessening of federal control and increased Mi’kmaq autonomy in Mi’kmaq

⁵³Adney to Col. Harkness, 12 March 1948, University of New Brunswick Archives, E. Tappan Adney Fonds, Case 5, File 4, Number 52.

⁵⁴Ben Christmas to Noel Marshall, 30 June 1946, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-008, 1940-49.

communities. Christmas began by lambasting the federal centralization plan being enacted at Eskasoni, detailing its flaws:

From the viewpoint of the Indians, the site selected in Cape Breton was unsuitable and offered no advantages over our present reserves, with about twenty miles of secondary road impassable several months of the year completely isolating the reserve that period of time through winter months and seriously interfering with food supplies, medical attention, hospitalization and general traffic. There are no fishing, hunting or trapping opportunities to centralized Indians. Lumbering operations are limited, difficult and expensive fuel wood supply is inadequate. Apart from a small scale lumber operation, there is no other industry. Employment is very irregular and wages low. Unfinished homes are cheaply constructed, cold and very drafty. No proper source of water supply and no sanitation. For three years the children of centralized Indians were denied education. There has been more unemployment and distress at the centralized reserve than all other Cape Breton reserves combined, despite the fact that thousands of dollars have been spent there. Medical, hospital, clinic and church records would show, I believe, that more Indians at centralized locations are sick or in poor health and died than all the Cape Breton reserves combined. As far as the unemployment and distress at centralized reserve are concerned, the administration records there I think should bear me out in that request.

Christmas invited Commissioners to tour the expanded community of Eskasoni to see for themselves the poor conditions prevailing there. Christmas also demanded that the “educational system on our reserves . . . be completely revamped.” Day schools, he argued, must continue to operate but with less IAB control and according to the curriculum of the Nova Scotia Department of Education. He also called for high-school level classes and vocational training to be made available on reserves. The Residential school at Shubenacadie, he noted, “should be thoroughly reorganized [because] . . . [i]ndications are that too much child labour is prevalent there and not enough classroom study. Most of Christmas’ brief focused generally on the attainment of greater autonomy

in Mi'kmaq communities. However, he did speak briefly of band elections, demanding that band councils disbanded under centralization be re-established "immediately, to maintain good reservation government."⁵⁵

The Maliseet of New Brunswick's Saint John River Valley were also eager to influence the work of the Joint Committee. Although the Mi'kmaq and Maliseet worked independently of each other, the Maliseet also used the work of the Committee and the travelling Commission to vociferously oppose federally-prescribed elections.⁵⁶ Beginning in the early winter of 1947, the Maliseet undertook to replace band councils with a long-dormant political structure, a union of the "St. John River Tribe of Indians."⁵⁷ This carefully-timed political movement might well have been expected to influence the Joint Committee. According to Edwin Tappan Adney, the Maliseet had decided upon a "reconstitution of the old Walastukw or St. John River Tribe of Indians consisting of a central council of representatives from the Chiefs of present reserves until special representatives are chosen by the reservations who will elect a chief or chairman at

⁵⁵Brief to Chair, Honorable Senators and Members of Parliament" (Royal Commission) from executive and members of the UGICNS, undated, Oct 1946, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-008, 1940-49.

⁵⁶Perhaps this is because centralization, though threatened, had not become reality in New Brunswick as it had for the Mi'kmaq in Nova Scotia, or perhaps Maliseet association with the well-connected activist Adney amplified their concerns.

⁵⁷The "St. John River Tribe" or the Wulustuk, refers to the Maliseet people of New Brunswick's St. John River valley and politically distinguishes them from the Maliseet of present-day Maine. Vincent O. Erickson, "Maliseet-Passamaquoddy," *Handbook of North American Indians, Volume 15: The Northeast* ed. Bruce G. Trigger (Washington: The Smithsonian, 1978), 123-135.

present headed by an acting secretary protem, to deal with tribal affairs internally.” This action, Adney explained, would “break up the band government and the [federal] government will deal with the tribes, not the bands and individuals by which Indian Affairs has destroyed tribal unity.”⁵⁸ To illustrate Maliseet concerns about the impact of the Indian Act on their politics, Adney made the following analogy: “Before [the Indian Act], the Reserves were like so many sticks. Tied firmly together the bundle may be bent, but never broken. Separately, the sticks can be broken by the fingers . . . So when the government broke up the old tribal government and replaced it with independent Bands, they could do as they pleased. It is a very old rule of despots and dictators: Divide and rule.”⁵⁹

A key player in this new political organization, Chief William Saulis of Tobique travelled to Ottawa in July 1947 to meet with members of the Joint Committee and to introduce to federal officials the new political structure. Saulis had in hand a letter that was signed by all other members of the new political body – a tactic he thought would be valuable as the joint effort in writing “in one body” would “pack a final punch.”⁶⁰ In Ottawa Saulis secured an audience with Joint Committee members Brown, Case and MacNicol and he spoke with them off the record about “the tribal set-up” that was being

⁵⁸E.T. Adney to Mr. Rosenhek, 16 February 1947, University of New Brunswick Archives, E. Tappan Adney Fonds, Case 5, File 3, Number 4.

⁵⁹E.T. Adney to Chief William Saulis, 11 July 1947, University of New Brunswick Archives, E. Tappan Adney Fonds, Case 5, File 3, Number 74.

⁶⁰Chief William Saulis to E.T. Adney, 7 July 1947, University of New Brunswick Archives, E. Tappan Adney Fonds, Case 5, File 3, Number 67.

arranged back home.⁶¹ The submissions of the UGICNS along with the written submissions of Western and Quebec organizations, and the off-the-record contributions of the Walastukw political organization speak to the fact that some Native people saw the amendment process as an opportunity to challenge the very fact of elected band councils. Native people made clear to the Joint Committee their desire for a return to Native-controlled political traditions, free from federal interference.

Responses to Special Joint Committee recommendations: Bill 267 and Bill 79

On 7 June 1948 the Joint Committee submitted its recommendations to the IAB. Two years later, in June 1950, H.E. Harris, Minister of the Department of Citizenship and Immigration, finally introduced to the House of Commons the IAB's proposed amendments to the Indian Act based on these recommendations.⁶² Fanfare surrounded the introduction of Bill 267. The proposed reforms were heralded by their makers as a watershed piece of legislation and Branch officials lauded it as an enlightened policy, the product of unprecedented Native-government cooperation. Members of Parliament and Native representatives were given 13 days to digest and critique Bill 267. On 21 June 1950, in his preface to a request for a second reading of the Bill, Harris again stressed the Native consultations, paying particular attention to the recent Native involvement in

⁶¹William Saulis to E.T. Adney, 21 July 1947, University of New Brunswick Archives, E. Tappan Adney Fonds, Case 5, File 3, Number 78.

⁶²Indian Affairs was transferred to the Department of Citizenship and Immigration in 1949. With the transfer, Harris replaced the former head of the Indian Branch, J.A. Glen.

reviewing Bill 267 and noting that it was “only fair to give the Indians an opportunity to consider the bill before its enactment into law.”⁶³ Harris reiterated that “the representations that have been received from Indian organizations and bands have been given very careful consideration by the government,” and assured Parliament that the new Act would “provide for the present and future requirements of the Indian people” and would lead to “more widespread attention to Indian affairs and better administration.”⁶⁴

Given such laudatory comments, Harris and his IAB colleagues must have been surprised by the vitriol shown by Members of Parliament in debating Bill 267. Armed with written and verbal complaints from Native constituents, MPs unleashed a barrage of damning criticisms. Calgary East Conservative MP D.S. Harkness lambasted the two-year delay between the presentation of the Committee’s final report and the government’s tabling of the Bill, a delay that he argued showed that “the government did not consider it a very urgent matter.”⁶⁵ What is more, Harkness dismissed as unsatisfactory the content of the Bill. He suggested that it contained “a large number of things which Indians across the country, many of us here [in the House of Commons], and other people who have been interested in the subject, do not approve.”⁶⁶ Harkness’s vociferous criticisms were supported by fellow Conservative Member of Parliament J.H. Blackmore of Lethbridge. Blackmore was aghast at Harris’s cheery endorsement of Bill 267 and insisted that “[o]n

⁶³House of Commons, *Debates*, 21 June 1950, 4(1950), 3936.

⁶⁴House of Commons, *Debates*, 21 June 1950, 4(1950), 3936-3938.

⁶⁵House of Commons, *Debates*, 21 June 1950, 4(1950), 3939.

⁶⁶House of Commons, *Debates*, 21 June 1950, 4(1950), 3939.

reading this act I find that I simply cannot justify the minister's optimism by any stretch of the imagination."⁶⁷ Blackmore alleged that the Act was "designed to keep the Indians inferior and subordinate."⁶⁸ Later that day, Saskatchewan Member of Parliament John Diefenbaker levelled an especially damning assessment of the proposed Bill. With typical rhetorical flourish, the future Prime Minister stated that:

In other words, at a time when throughout the world freedom is being challenged, when the very nature of democracy is being challenged, we have before us a bill that places shackles on a large part of the population For three years that Committee sat. Now the mountain brings forth a mouse. Here we have not what was recommended by the committee, but what apparently meets the desires and the wishes of administrative officials. In its present form this bill is a perpetuation of bureaucracy over the Indian. It is a denial of his rights. It places him in the position of a second class citizen under law. It denied him freedom except with the consent of the minister or with the consent of some officials of the Indian department That type of legislation has no part in a world in which freedom is challenged.⁶⁹

Native people across Canada also voiced disapproval of the proposed legislation. Before being silenced by the House Speaker, D.S. Harkness read some of the telegrams that had been sent to him by Native people. One particularly harsh Native critic declared the Act to be "without elements of decent respect for a human being."⁷⁰ Meanwhile, Ben Christmas, President of the United General Indian Council in Nova Scotia, likewise outlined Mi'kmaq opposition to bill 267 in a brief prepared for the Joint Committee. He

⁶⁷House of Commons, *Debates*, 21 June 1950, 4(1950), 3945.

⁶⁸House of Commons, *Debates*, 21 June 1950, 4(1950), 3946.

⁶⁹House of Commons, *Debates*, 21 June 1950, 4(1950), 3976.

⁷⁰House of Commons, *Debates*, 21 June 1950, 4(1950), 3940.

wrote:

We the Indians of Nova Scotia, are very jealous of the rights and privileges we now enjoy. In the proposed new Act we see some sections that may prove to be the downfall of the Reserve system. We protest vigorously any changes which would threaten the Reserve set-up, as we have it now. In particular we urge that section 35 of Bill 267 be either deleted or amended. As it now stands, the section is arbitrary and permits local authorities to take reserve lands without the consent of the bands involved, which to us seems to be another disregard of the rights of Indian tribes in this area. . . . We cannot emphasize this point too strongly that reserves must be reserved for Indians because the Indian finds most freedom there.⁷¹

Additionally, Christmas argued: “We suggest that it should not be up to the Minister when a new band ought to be formed. We feel that if the Indians in a certain district feel that a new band is necessary, that they should be permitted to petition the Minister to have their request granted.” He also noted that the bill’s provision that Natives were to be prohibited from purchasing alcohol for use on reserves was “in this day and age when so much stress is placed on the various freedoms and with the shadow of Communism hovering over us” an unacceptable abrogation of the “simple rights of an individual as a human being.” Moreover, Christmas called for a claims commission to study Mi’kmaq treaties and for a reformed reserve educational system. Christmas took special exception to section 12 of Bill 267, which stated that “in the future any person of one quarter blood or less may not be registered as an Indian.” This, he noted, caused “great indignation” among his people. “Perhaps,” he mused, “it was included because of faulty understanding

⁷¹Brief Presented to Royal Commission on Indian Affairs by Ben E Christmas, President, United General Indian Council of Nova Scotia, undated, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-008, 1940-49.

of the situation as it exists on most of our Indian reserves where, through intermarriage, there are a large number of Indian families who although the blood strains are well mixed have, nevertheless, never known any other life than that of the reservation.” Christmas concluded with a warning: “To enforce this Section 12 would mean that families would be split asunder, that wives could be separated from their husbands and children would be torn from their parents”⁷² Not surprisingly, given the opposition to Bill 267 in Parliament and among Natives, the Bill was withdrawn on 22 June, just fifteen days after its introduction, condemned for ignoring the recommendations of the Joint Committee and Natives.⁷³

Still intent on remodelling Indian policy, the IAB re-worked the much-criticised Bill for six months. On 27 February 1951, amid fanfare reminiscent of the previous June, Harris again stood before the House of Commons and announced that a new bill would be introduced later that week. He assured his colleagues that in the aftermath of the Bill 267 debacle his Branch had vastly improved the legislation. As he had six months earlier, Harris congratulated the Branch on Native consultations. “[W]e wrote to every Indian or Indian organization,” he boasted, and “asked that they send written submissions.”⁷⁴ He

⁷²Brief Presented to Royal Commission on Indian Affairs by Ben E Christmas, President, United General Indian Council of Nova Scotia, undated, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-008, 1940-49.

⁷³House of Commons, *Debates*, 21 June 1950, 4(1950), 3984.

⁷⁴House of Commons, *Debates*, 27 February 1951, 1(1951), 714. This invitation was eagerly embraced by the Mi’kmaq of Nova Scotia. They hired two solicitors to view the bill and with some urgency in October 1951 Ben Christmas encouraged reserves in his province to come together in “united protest” for when “the Bill becomes law, at the next

also assured the House that as soon as the new and improved legislation was introduced, “representative Indians” would be invited to discuss it. This, Harris professed, was “an historic occasion for the Indians” for “[u]ntil this moment representative Indians have not sat down with a minister of the crown to discuss legislation affecting them.”⁷⁵ An unconvinced but optimistic D.S. Harkness responded to Harris’s endorsement of the looming bill. Calling Bill 267 a “regrettable mistake” that had “aroused fears of all kinds among the Indians” and had “destroyed high hopes,” he expressed hope that the new Bill, unlike its predecessor, would reflect both the recommendations of the Joint Committee and Native wishes.⁷⁶

On the evening of 27 February 1951, Harris introduced the much-awaited Bill 79 to the House of Commons, where it quickly passed first reading. Meanwhile, in keeping with Harris’s promise to consult Natives about Bill 79, a “Conference” of “representative Indians” was assembled in Ottawa for five days of meetings, from 29 February to 3 March, 1951. Eighteen Natives, a combination of community chiefs and the heads of more broadly-based political organizations were part of these discussions. Of these, four were from British Columbia, two from Alberta, three from Saskatchewan, two from

session of parliament. It will be too late then for any actions. Do not be afraid to ask your people to help as it is their business . . . in fact, it is every Indian’s business. Act now, and at once, there is no time for delay.” Ben Christmas, President, UGICNS, to Captain Noel J. Marshall and residents of Barra Head Reserve, 21 October 1950, Treaty and Aboriginal Rights Research Centre of Nova Scotia, Ben Christmas Papers, 92-1002-01-004, 1950-59.

⁷⁵House of Commons, *Debates*, 27 February 1951, 1(1951), 714.

⁷⁶House of Commons, *Debates*, 27 February 1951, 1(1951), 714.

Manitoba, five from Ontario, and two from Quebec. The sole Maritime representative was Mi'kmaq Chief Stephen Knockwood of Shubenacadie.⁷⁷ According to an official summary of these meetings, Native delegates overwhelmingly supported the proposed changes to the Act. Of the 124 amended Indian Act clauses, Native representatives were reputed to have unanimously supported 103, while 118 clauses marked for amendment were supported by the “majority.” The Branch contended that just six sections were not supported by the majority, and only two were rejected unanimously.⁷⁸ Broken down this way, the Branch stressed Natives’ overwhelming support and downplayed their opposition to Bill 79.

This portrayal of Natives’ endorsement of Bill 79 was contradicted by a telegram sent to William S. Bryce by the Indian Association of Alberta. When the Bill passed with the offending sections unchanged, the Alberta group complained that it had been “[i]nformed [the] special committee [had] passed bill seventy-nine without incorporating recommendations from [the] conference Indian representatives.” The telegram continued, “If report true, [we] deeply regret and strongly protest such action. Urge reconsideration of contentious clauses during debate. Urge amendments suggested by conference be included. Consent of governed i[s] principle concern.”⁷⁹ This telegram suggests that Native opposition to the Bill was not as insubstantial as the Branch had insisted. Despite being made aware of this complaint, Members of Parliament remained positively

⁷⁷House of Commons, *Debates*, 27 February 1951, 2, Appendix B(1951), 1367.

⁷⁸House of Commons, *Debates*, 16 March 1951, 2, Appendix B(1951), 1364.

⁷⁹House of Commons, *Debates*, 15 May 1951, 4(1951), 3046.

disposed to the Bill and it easily passed second and third readings. On 4 September 1951, the new amended Indian Act was passed into law.

The 1951 Indian Act and Aboriginal politics

The new Act's passage did not, however, silence the debate that accompanied its birth. Since 1951, the Act's supporters and detractors have variously defended and criticised it. Scholars, too, have offered varying assessments of the legislation. Some have agreed with policy makers, albeit in qualified terms, that the 1951 Act marked a watershed in Canadian Indian Administration. Olive Dickason, for instance, argued that the new Act marked a "new era" in Indian administration.⁸⁰ Similarly, Peter Kulchyski has suggested that the work of the Joint Committee and the creation of the new Indian Act, which occurred during "a critically important period in the development of State policy towards native people," marked a clear departure from earlier federal policy toward Native peoples. Though careful not to declare the new Act an "improvement" or a departure from the assimilative agenda that characterised its predecessor, Kulchyski emphasized that the Act signalled an ideological shift in Indian Affairs administration in which "the State shifted from using primarily coercive methods to achieve its objective of assimilating Native people, to relying primarily on an ideological apparatus."⁸¹

Other have asserted that the new act did not represent a policy departure at all,

⁸⁰Olive Dickason, *Canada's First Nations: A History of Founding Peoples from Earliest Times* Third Edition (Toronto: Oxford University Press, 2002), 311.

⁸¹Kulchyski, 23.

either in terms of the goals or in the methods of Indian administration. Instead, these scholars contend that both the work of the Joint Committee and the new Act reflected the Indian Branch's all too familiar assimilative agenda and paternalistic approach. They have assailed the Branch's adamant claims that Native people had been integral to the policy amendment process and have criticised the content of the Act itself. J.R. Miller, for example, notes that "[i]f the hearings of the special committee from 1946 to 1948 were remarkable for the opportunity they gave the newly organized Indians to express their opinions, the subsequent legislation was notorious for the ways in which it ignored what they had said."⁸²

There is, however, one aspect of the Act that has received some consensus among scholars. Both those who see the Act as a "new day" in Indian administration and those who see the Act as the embodiment of all that was wrong with Indian administration in Canada agree that the Act's amendment of electoral processes was a marked improvement over previous legislation.⁸³ Election reforms have been heralded either as a benchmark of a new positive, if tentative, programme that departed from and improved earlier federal policy, or, according to less robust endorsements, as a flickering bright light in an otherwise contemptible piece of legislation.⁸⁴

⁸²Miller, 325-26.

⁸³Robert John Cloney's work on post-1951 policy and the Maliseet people, for instance, refers to the changes to the electoral policy as "progressive changes." Robert John Cloney, "Doctor, Lawyer, Indian Chief . . . Dependency among the Maliseet and the Impact of the Indian Act," MA Thesis, St. Mary's University, 1993, 159.

⁸⁴J.R. Miller, for example, suggests that although the "general outlines of the policy remained unchanged," the "department's ability to interfere politically was reduced

To be sure, the new Act made some important changes to electoral rules. One of the most significant of these was that the 1951 Act for the first time gave women the right to vote and hold office.⁸⁵ In addition, the powers of chiefs and councillors was augmented and their by-law making authority increased.⁸⁶ These changes, cast by policy-makers as generous concessions to Native wishes, are often identified as the high points of the new Act. However, when considered in light of the recommendations made by Natives to the Joint Committee, the electoral reforms appear less impressive. A consistent message of Native submissions to the Joint Committee was a demand for reform to heighten Native political autonomy. In official and unofficial visits to Ottawa, in written submissions, and through the meetings of the eastern Royal Commission, Native people pronounced a desire for greater political independence. Some called for complete political autonomy free from any federal intervention, while others wanted concessions within an Indian Act

somewhat." Miller, *Skyscrapers Hide the Heavens*, 221-222. Likewise Olive Dickason notes that while the new Act "did not allow bands to establish their own forms of government, it did increase their measure of self-control." Dickason, 329.

⁸⁵The new Act allowed for women to vote and hold office for the first time, and Section 76 of the new Act stipulated that "[a] member of the band who is of the full age of twenty-one years and is ordinarily resident on the reserve is qualified to vote. 15 George VI, Chap. 29, *An Act respecting Indians*.

⁸⁶Councils were empowered by section 80 to pass by-laws pertaining to such issues as the health of community members, the regulation of traffic, the maintenance of law and order, the prevention of trespass, the construction of roads and bridges, surveying, the control of weeds and the regulation of peddlers. Additionally, Councils were allowed to impose fines up to \$100.00 and prison terms of up to 30 days, although all these bylaws had to be consistent with both the Act and "any regulation made by the Governor in Council or the Minister." 15 George VI, Chap. 29, *An Act respecting Indians*.

electoral system.⁸⁷

Native peoples from across the nation opposed federal control over community governance and demanded that political processes be made strictly community affairs outside of the purview of the IAB. Many Native witnesses who appeared before the Committee made this point as they called for federal recognition of their own political traditions. For example, the community at Caughnawaga opposed federally-controlled elections in no uncertain terms.⁸⁸ So too, did Natives in the west. Unlike their eastern counterparts, western Native communities had been subject neither to the triennial system nor to elections under the Indian Advancement Act. Therefore, the 1951 Act represented for them the first effort of the federal government to install band elections in their communities. This prospect met stiff western opposition. For example, the Alberta Association's submission contended that, "[t]he Indians to-day feel they should still be able to choose their Chiefs and Councillors in any way that they see fit."⁸⁹

⁸⁷Others were less adamant that the political process be entirely removed from the Indian Act – but they too wanted some fundamental changes that would simultaneously improve the authority of elected band councils and diminish the federal government's ability to interfere.

⁸⁸The 12 June 1947 statement of Matthew Lazare, a spokesman for Caughnawaga, reveals this sentiment and caused quite a furor. Lazare explained that his community had "no desire to be governed in the future by the "Indian Act" or any other form of government," and concluded "Gentlemen! is it too much to assume that you do not want us or a foreign government to make laws for you? Then, how can you expect us to accept or like the laws you impose on us?" Submission of the Council of Caughnawaga, members of the Six Nations Confederacy, Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 33, 12 June 1947, 1708.

⁸⁹Submission of the Indian Association of Alberta, Special Joint Committee, *Minutes of Proceedings and Evidence*, No 12, 21 April 1947, 588. The Union of Saskatchewan Indians voiced the same concern. Submission of the Union of

Even where they did agree to elected band councils under the Indian Act, Natives wanted rules amended to give them greater authority over their own politics. Written submissions to the Joint Committee made this clear. In these demands, Natives across Canada reiterated many of the same concerns voiced by the Mi'kmaq over the preceding half century. For example, while representatives from British Columbia's Lower Kootenay Reserve did not suggest the removal of the Agent from their reserve, they did stress that "the Indian Agent has too much power over the chief of our reserve" and that the Agent should be "set back behind the chief."⁹⁰ Natives also demanded that band councils institute the female franchise.⁹¹ In addition, other witnesses argued that the special status of elected Chiefs ought to be officially recognized with salaries.⁹² For

Saskatchewan Indians, Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 19, 8 May 1947, 976-977.

⁹⁰The Lower Kootenay Reserve Band, Creston, BC, to Norman E. Lickers, Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 21, 13 August 1946, 865.

⁹¹The Indian Women's Tillicum Club of the reserve at Nanaimo, British Columbia, insisted that women be granted the right to vote and to serve on elected councils. Submission of Mrs. J.H. Alicewright, President The Indian Women's Tillicum Club of Nanaimo Reserve, Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 21, 13 August 1946, 853. Similarly, the United Farmers' Organization of the Stahlo Tribe of Sardis, BC asserted that the Indian Act should stipulate that "All Native women shall have equal rights with Native men— they have the right to vote. Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 21, 13 August 1946, 850

⁹²For example, the Indian Association of Alberta, while still very much opposed to the federal band elections, insisted that "[i]n order that the Indian Chiefs and Councillors may be able to perform their duties in a whole hearted and efficient manner, this organization submits that an increase in remuneration be provided them." The Association also argued that the annual salaries paid chiefs as part of western treaties were "not sufficient when the nature of the duties – as outlined in the Indian Act – is fully comprehended." Submission of the Indian Association of Alta., Special Joint Committee,

example, the Alberta Association noted that the existing salary scheme, “is wholly inadequate if the Indians are to be given every opportunity to govern themselves and direct their own affairs in a responsible manner.”⁹³ The issue of remuneration was similarly imperative to members of Saskatchewan’s Fort a la Corne reservation who insisted that “[t]he Chief and Council should be given a living bonus so that they might put more time with their Band.” They reasoned that “if the Chief and Council were given a decent living bonus, they would take more interest in their work in helping the Government towards improving the living conditions of the Indians.”⁹⁴

Acceptance of some features of band council elections was nevertheless accompanied by Native insistence that the power of the IAB over elections, especially its veto capacity, be curtailed. In May 1947, representatives of the Fort A La Corne Reservation complained that Agents “use[d] to their advantage, the powers they have over the Chief Council.”⁹⁵ While stressing their will to conciliation, and adamant that they did not “want the Government to take offence,” the Fort A La Corne representatives

Minutes of Proceedings and Evidence, No 12, 21 April 1947, 576.

⁹³The Indian Association of Alberta argued that the “scale of remuneration be increased and that the Chiefs receive an annual payment of at least one hundred and fifty dollars and the councillors receive at least one hundred dollars.” Submission of the Indian Association of Alta., Special Joint Committee, *Minutes of Proceedings and Evidence*, No 12, 21 April 1947, 577.

⁹⁴“A Brief Summary of Indian Administration and the Conditions of the Indians in our Reserve, No. 100, at Fort A La Corne,” Special Joint Committee, *Minutes of Proceedings and Evidence*, No 21, 12 May 1947, 1128.

⁹⁵“A Brief Summary of Indian Administration and the Conditions of the Indians in our Reserve, No. 100, at Fort A La Corne,” Special Joint Committee, *Minutes of Proceedings and Evidence*, No 21, 12 May 1947, 1128.

insisted that “if we are going to get anywhere we have to be frank with each other. The powers of the Indian Agent should be limited to such an extent that the Council of a Band should have just as much say as to their own affairs.”⁹⁶ In the brief from the Serpent River Reserve, the community echoed its chief, asserting that “[s]elf-government in directing the affairs of the village should be more fully in the hands of the councils. Where it is the unanimous opinion of the village or band concerned to spend money out of the band funds for the improvement of village life, the Indian agent should not exercise his veto power.”⁹⁷ Members of Ontario’s Garden River Reserve likewise argued that “[t]here should be a changed status and attitude of the Indian Agent” and asserted that chiefs and councillors, not the Agent, “should conduct the government of the reserve.”⁹⁸

⁹⁶Special Joint Committee, *Minutes of Proceedings and Evidence*, No 21, 12 May 1947, 1128. The concerns of the Fort A La Corne band are reflected in the 1 May 1947 testimony of Rev. Peter R. Kelly of the Native Brotherhood of British Columbia, who advocated self-government whereby “the Indian agent or the commissioner of Indian Affairs should comply with the wishes of the band and not exercise his veto power.” Testimony of Rev. Peter R. Kelly, Native Brotherhood of B.C., Special Joint Committee, *Minutes of Proceedings and Evidence*, No.16, 1 May 1947, 771. Chief William Meawasige of the Serpent River Reserve at Manitoulin Island voiced a similar idea and told members of the Joint Committee that it would “help matters a great deal, if the council itself could do more work of its own accord and make decisions in ordinary matters” and that “Far too much business is handled in Ottawa, that could be handled by the local council Sometimes in matters of public decorum and morality they have a clearer insight into things than Ottawa seems to have. Many clear abuses could easily be corrected by the chief and councils, that Ottawa never seems able to correct or even want to correct.” Chief William Meawasige, Serpent River Reserve, Manitoulin Island, Special Joint Committee, *Minutes of Proceedings and Evidence*, No 25, 22 May 1947, 1297.

⁹⁷Submission of Serpent River Reserve, Special Joint Committee, *Minutes of Proceedings and Evidence*, No 25, 22 May 1947, 1345.

⁹⁸Submission of the Garden River Band of the Ojibway Tribe Situated on the Garden River Reserve, Ontario, Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 26, 23 May 1947, 1405.

Government officials were clearly well-informed of Native demands for greater political autonomy. In February 1951, J.H. Blackmore noted that the issue of “self-government or autonomy in their tribes and bands” was “worrying the Indians.”⁹⁹ MP E.D. Fulton of Kamloops, British Columbia, likewise stressed that political autonomy was important to Native people living in his province and that he had been asked by Natives to “bring [this matter to the Committee] on their behalf.” Fulton noted that Native advisors had told him that “they object to the preservation of any principle whereby, as has been the case in the past, decisions of the band council affecting the band where the council is entitled to take such decisions have been subject to the veto of the Indian Agent.” Fulton noted that “if we wish . . . to insist the Indian to take part in all the procedures and machinery of government, then it is surely not a sound beginning on that course to say: You cannot even have self-government in your own band because when you take a decision it is liable to veto by the Indian agent.” This, he reasoned, was “a denial of the very system of self-government.”¹⁰⁰

In the final amendment phase of 1951 Native peoples continued to call for greater political autonomy. They joined the fray against the much-criticized Bill 79, particularly because of its failure to “provide for . . . [the] gradual extension of self-government and administration of reserve affairs.”¹⁰¹ Some Joint Committee members shared this concern. J.H. Blackmore, claiming to speak on behalf of the Blood community that had named him

⁹⁹House of Commons, *Debates*, 27 February 1951, 1(1951), 719.

¹⁰⁰House of Commons, *Debates*, 27 February 1951, 1(1951), 723.

¹⁰¹House of Commons, *Debates*, 27 February 1951, 1(1951), 753.

an honorary Chief, reiterated this point and pressured IAB Minister Harris to acknowledge whether or not the impending bill would “fail to provide for . . . self-government and the administration of reserve fairs.” Harris responded that the legislation would “provide ample authority for every kind of self-government from the least unto the greatest.” At this, Blackmore asked point blank, “[c]an the decision of the band council be vetoed by the agent or the minister?” As Blackmore saw it, if this were the case, “there is a power which overrules the band’s decision and renders it of no avail.” This forced Harris’ hand and he conceded that Bill 79, just like Bill 267, “does not give band councils complete authority” because, as he reasoned, “there are some things which must remain the responsibility of the government of Canada.”¹⁰²

According to the official summary of the meetings held with Native delegates prior to the passage of Bill 79, Natives opposed just eight of the Bill’s 124 Indian Act revisions.¹⁰³ Of these eight, the provision surrounding federally-monitored elections was a major source of discontent. The delegates to this “historic conference” made specific recommendations regarding band elections: “[a]ll of the representatives present at the conference agreed that the Government of Canada should continue to extend self-government to the Indian band councils consistent with their demonstrated ability to exercise increasing responsibility.”¹⁰⁴ Meanwhile, the band election clauses of Bill 79 were criticised by Natives on the grounds that they opposed the power given to Indian

¹⁰²House of Commons, *Debates*, 27 February 1951, 1(1951) 755.

¹⁰³House of Commons, *Debates*, 16 March 1951, 2, Appendix B(1951), 1364.

¹⁰⁴House of Commons, *Debates*, 16 March 1951, 2, Appendix B(1951), 1364.

Agents *vis a vis* band councils. According to the rather vague notation of the official minutes, “there was some objection by some representatives to Indian Agents attending council meetings.”¹⁰⁵ Moreover, “several of the representatives were concerned” about the nature of the powers given by the Bill to band councils. The Bill’s more technical considerations about band council form and function were also addressed by Native representatives, including the proviso that a band council be entitled to a minimum of just two councillors. Native representatives insisted that this number be raised to four.¹⁰⁶ At the same time, “the question of absentee councillors” was discussed. The Bill stated that elected officials who missed more than three months of band council meetings would be dismissed. The Native representatives allegedly requested that the three months time frame be changed to “three meetings” as not all band councils met regularly on a monthly basis.¹⁰⁷ In addition, “a considerable number of representatives” took issue with the section of Bill 79 that established two years as the term of elected office for chiefs and councillors. They insisted that “a term of 2 years was too short a period for chiefs and councillors to gain sufficient experience for the effective management of band affairs,” and they proposed that if the electoral system was to be imposed, the term of office be extended to three or five years. Another representative suggested that the election of chiefs and councillors be staggered “in order to obtain continuity of experienced

¹⁰⁵House of Commons, *Debates*, 16 March 1951, 2, Appendix B(1951), 1364. 1367.

¹⁰⁶House of Commons, *Debates*, 16 March 1951, 2, Appendix B(1951), 1365.

¹⁰⁷House of Commons, *Debates*, 16 March 1951, 2, Appendix B(1951), 1365.

councillors on the band council.”¹⁰⁸ Despite this wealth of valid criticisms, only the issue of bands’ responsibility for traffic regulation emerges as a concern in the official summary of the proceedings. The fact that the summary noted that Natives raised “general questions” that in turn prompted an explanation about how “by-laws which did not conflict with regulations made by the minister or the governor in council would be effective,” suggests that the issue of band council powers was up for debate.¹⁰⁹

Native people clearly saw the issue of band council elections to be important to the Indian Act amendments. Some Native representatives called for an end to the system altogether and a return to more traditional political practices. Others called for an election process that would simultaneously increase Native peoples’ authority and limit federal interference in political matters. They insisted that women be permitted to vote and called for an end to federal veto power over community politics. Although federal officials insisted that Native concerns were paramount in their deliberations, and although government officials were well-informed of Native criticisms of Indian Act band electoral policy, the policy makers did not bend.

The IAB remained committed to continuing and even extending an electoral system as implemented in eastern Canada in 1899. In 1947, IAB Secretary T.R.L. MacInnes explained before the Committee that Native people in Alberta were not under the elective system. Instead, he noted, “[t]hey are under what is known as the indefinite or life system.” When asked to explain why the triennial system had never been extended to

¹⁰⁸House of Commons, *Debates*, 16 March 1951, 2, Appendix B(1951), 1365.

¹⁰⁹House of Commons, *Debates*, 16 March 1951, 2, Appendix B(1951), 1367.

western Native communities, MacInnes noted that “to the best of my knowledge the reason is this: Until recent years there has been very little demand from the western Indians to come under the election system and furthermore there was considerable reluctance on their part to give up their tribal organization in favour of the rural municipal set-up.”¹¹⁰ MacInnes confused the issue, when he responded that where hereditary customs exist, “we do not interfere whatsoever.” But he then added, that such non-interference was only followed “until such time as we might apply the provisions of the Act.” In his next breath MacInnes acknowledged that the goal of the federal government remained to “[t]o put them under the elective system, with regular intervals, and with powers to make bylaws, and in short to have what we have set up as a sort of municipal election system, a rural election system.”¹¹¹ With this MacInnes committed to do the very thing that he knew western Native organizations did not want – Indian Act-imposed elections for representatives who had little power. Interestingly, Senator Garfield Case attempted to appeal to western Natives to accept the band electoral system by recognizing the persistence of Mi’kmaq political practice, noting that, “It might be of interest to the western men here to know that in some parts of the maritimes they recognize a grand chief who is a hereditary chief but they continue to elect their council according to the new formula.” This, Case argued, “does not seem to interfere with the other election.” He

¹¹⁰T.R.L. MacInnes, Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 14, 24 April 1947, 712-714.

¹¹¹T.R.L. MacInnes, Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 14, 24 April 1947, 716.

then queried, “Is there anything to prevent you from doing that?”¹¹²

As for the new Act itself, it did little to address the political changes proposed by Native people. Apart from women’s voting rights and increased by-law making capacities, the band council system established by the 1951 Act differed only marginally from the triennial legislation. Instead of the three year term of office mandated under the triennial system, the new Act called for elections to be held every two years. Moreover, the system allowed for (but did not require) the division of reserves into as many as six voting districts. The number of Chiefs and Councillors allowed under the new system remained unchanged: a community was entitled to one chief and one councillor for every one hundred community members, with a minimum of two and maximum of twelve councillors.¹¹³

Far more significant than the change to the band election process ushered in by the Act were the regulations that were maintained. Despite considerable opposition, the IAB committed to a federally-controlled nationwide system of band councils, with Ottawa retaining control over their implementation, operation and dissolution. Section 73(1) of the 1951 Act imposed the Band Council system upon Native communities and stipulated that “whenever he deems it advisable for the good government of a band, the Governor in Council may declare by order that after a day to be named therein, the council of the band, consisting of a chief and councillors, shall be selected by elections held in

¹¹²Special Joint Committee, *Minutes of Proceedings and Evidence*, No. 20, 9 May 1947, 1062.

¹¹³15 George VI, Chap. 29, *An Act respecting Indians*.

accordance with this Act.”¹¹⁴ With this, the federal government could bring Native communities under its electoral system, regardless of communities’ wishes. As well, the Governor in Council was empowered to “make orders and regulations” regarding nomination meetings, the appointment and duties of electoral officers, the method of voting employed, appeals of election results and the definition of residence which would be used to determine voter eligibility. While band councils were given greater authority over bylaws related to financial issues such as taxation and licensing, this authority was “subject to the approval of the Minister.”¹¹⁵ Finally, the federal government also retained the ability to unseat elected chiefs and councilors in a number of circumstances, including scenarios in which “the Minister declares that in his opinion the person who holds that office was guilty in connection with an election, of a corrupt practice, accepting a bribe, dishonesty or malfeasance.”¹¹⁶ This stipulation was reminiscent of the “dishonesty, intemperance, immorality or incompetency” that warranted deposal by federal authorities under the 1899 triennial system. Changes that may have been concessions to Native wishes were eclipsed by the fact that the new Act did not curtail the authority of the government over band council activities. In the big picture, what good would the female franchise and new law-making capacities do for Native aspirations for increased political authority when elected councils remained subject to federal control? The DIA remained committed to its assimilative agenda, and band elections remained a cornerstone of this

¹¹⁴15 George VI, Chap. 29, *An Act respecting Indians*.

¹¹⁵15 George VI, Chap. 29, *An Act respecting Indians*.

¹¹⁶15 George VI, Chap. 29, *An Act respecting Indians*.

goal. The 1951 Indian Act ensured the continued authority of the federal government over Native politics. Despite the DIA's trumpeting of Native collaboration, policy-makers had disregarded Native calls for political autonomy.

In the DIA's 1952 Annual Report, Departmental director and head of Indian Affairs, D.M. MacKay, lauded the new Indian Act which had been enacted on 4 September 1951.¹¹⁷ MacKay bragged that the Joint Committee had held 128 meetings, heard 122 witnesses and received 411 written briefs between 1946 and 1948. He emphasized the input of Native people, noting that "[p]roposed legislation was widely circulated among the Indians" and he stressed that a "conference of representative Indians [was] held at Ottawa with the Minister of Citizenship and Immigration, at which the proposed legislation was discussed clause by clause."¹¹⁸ In explaining some key policy changes, MacKay highlighted the electoral reforms, suggesting that the new act "provided for greater self-government for the Indians."¹¹⁹ He emphasized that "[g]reater scope has been given to the Indians through their band councils with respect to the expenditure of band funds" and he noted how, "[w]ith few exceptions, expenditure of capital and revenue funds, formerly at the discretion of the Governor in Council or the Minister, now

¹¹⁷Indian Affairs moved to a new political home in 1950 when it moved from the Department of Mines and Resources to the Department of Citizenship and Immigration.

¹¹⁸Annual report of D.M. MacKay, Director, IAB, Report of the Department of Citizenship and Immigration for the Fiscal Year Ended March 31, 1952, 42.

¹¹⁹Annual report of D.M. MacKay, Director, Indian Affairs Branch, Report of the Department of Citizenship and Immigration for the Fiscal Year Ended March 31, 1952, 43.

requires the consent of the band council.”¹²⁰ MacKay noted that the franchise had been extended to women and he revealed that, for the first time, “secrecy of voting has been provided under election regulations.”¹²¹ Although he tried to give it a positive spin, MacKay revealed the federal government’s intent to impose an elective system across the whole country. In his report of 1953, MacKay revelled in the fact that during the new Act’s first year, “102 bands which formerly chose their chiefs and councillors according to tribal or band custom were brought under the elective system.”¹²²

Conclusion

The new Indian Act was passed at a time of great political significance for the Mi’kmaq. Its passage coincided with the end of the federal drive to centralize Mi’kmaq people in Nova Scotia in two large ‘central’ administrative hubs. By 1951, this plan was all but declared a failure and halted. It was at this time, as Mi’kmaq people were leaving these centralized sites to return to their former communities, that the 1951 band election regulations were instituted. The new electoral system would become the federal mechanism by which these abandoned communities would restore their local politics. F.B

¹²⁰Annual report of D.M. MacKay, Director, Indian Affairs Branch, Report of the Department of Citizenship and Immigration for the Fiscal Year Ended March 31, 1952, 42-43.

¹²¹Annual report of D.M. MacKay, Director, Indian Affairs Branch, Report of the Department of Citizenship and Immigration for the Fiscal Year Ended March 31, 1952, 43.

¹²²Annual report of D.M. MacKay, Director, Indian Affairs Branch, Report of the Department of Citizenship and Immigration for the Fiscal Year Ended March 31, 1953, 40.

McKinnon, Regional Supervisor in Nova Scotia, made the connection between the new legislation and the return to old communities in a November 1951 letter to his superiors in Ottawa. He wrote that “[s]ince it is not the intention to bring any more Indians to Eskasoni or Shubenacadie Agencies, I feel that we should proceed with the election of chief and councillors on the remaining reserves of Nova Scotia.”¹²³

While band elections might have been expected to be rejuvenated with the collapse of centralization, it is also conceivable that the Mi’kmaq could have predicted the limited applicability of this new legislation. After all, for fifty years Mi’kmaq political practices concerning life chieftainships, regional political collaboration and the vaunted Grand Council and Grand Chief, had survived the imposition of federal electoral legislation. Mi’kmaq people were undoubtedly displeased with a new pronouncement of federal political hegemony, but their experience would likely have led them to agree with British Columbia MP E.T. Applewaite’s observation: “that the administration and legislation are not the same thing Those who are charged with the administration of the act will be the people who will decide whether the maximum, the minimum or something halfway between is to be applied.”¹²⁴ There was room for latitude in the application of federal policy and, as they had done since 1899, the Mi’kmaq likely realised that they could challenge and test the limits of the 1951 Act’s electoral rules.

¹²³F.B. McKinnon to IAB, 14 November 1951, LAC, RG 10, Volume 8494, File 50/3-5, part 1.

¹²⁴House of Commons, *Debates*, 2 April 1951, 2(1951), 1531-32.

Conclusion

In January 2004, violence erupted on Quebec's Kanesatake reserve, the product of a standoff between the Grand Chief James Gabriel and a group of dissident Mowhawks. The showdown marked the culmination of months of discord among Gabriel, the federal government and the Grand Chief's opponents. Two years earlier, Gabriel had lost a non-confidence vote, and since then, his political opponents had been angered by the federal government's continued recognition of Gabriel as the community's legitimate spokesperson. The dispute escalated in January 2004 when Gabriel, backed by the federal government, brokered an agreement between his community and the RCMP to replace the community's police chief, a Kanesatake Mohawk, with RCMP officers. At the time of writing, the situation remains unresolved. The Grand Chief, though exiled, is still recognised by the federal government as the community's paramount leader. Policing duties have been assumed by a Native force free from all RCMP influence.

Hugh Shewell's recent examination of the roots of the welfare system serving First Nations people stresses the overt connection between historical federal attitudes and policies and the current ideology and public discourse revolving around "Indian welfare." Shewell argues that, "Indian dependence on welfare is not simply an episode in the history of their dispossession; it is an integral aspect of the continuing history of relations

between First Nations and Europeans.”¹ In the same way, the current circumstance challenging community politics at Kanesatake finds its roots in long-standing practices, ideologies and circumstances, and can be traced to early federal policies designed to control and constrain Native politics. The issues of political authority, leader legitimacy, and the federal role in Native politics are central to this twenty-first century dispute at Kanesatake. Clearly, the matters of political authority and legitimacy remain important issues, and questions about the federal government’s role in Native politics, remain contentious. Such issues are by no means twenty-first century phenomena; they have a long historical pedigree. Between 1899 and 1951, the Mi’kmaq of Maritime Canada grappled with strikingly similar issues.

In 1899, Mi’kmaq communities, along with Kanesatake and all other Native communities from Quebec eastward, first came under direct federal influence when Ottawa applied its triennial electoral plan to these regions. Although little scholarship has considered the impact of the triennial system on Mi’kmaq, the overriding assumption that Mi’kmaq politics were supplanted by federal Indian policy has characterised the broad conceptualization of the post-1899 Mi’kmaq. A closer examination of Mi’kmaq politics during this era, however, dispels this notion of political acquiescence to federal electoral policy. The idea that Native people universally surrendered their political traditions to federal rules is no more true of the Mi’kmaq during the first half of the twentieth century than it is of the Mohawk of Kanesatake during the early years of the twenty-first.

¹Hugh Shewell, *‘Enough to Keep them Alive’: Indian Welfare in Canada, 1873-1965* (Toronto: University of Toronto Press, 2004), 23.

Triennial elections had profound and complex influences on Mi'kmaq politics. Under law, Mi'kmaq communities were compelled to adopt a three year system of elected councils, and their elected Chiefs and councils were subjected to unwanted federal interference. Agents were charged with implementing the electoral system and they routinely interfered in the political process. In addition, the federal government was able to oust elected leaders. Spurred both by community dissatisfaction and Agent insistence, the deposal of four Mi'kmaq leaders between 1899 and 1951 stands as testament to the power of the federal government over Mi'kmaq politics.

The forced imposition of the triennial electoral system, however, tells the story of just one aspect of twentieth-century Mi'kmaq politics. In keeping with other colonised people, the Mi'kmaq did not resign themselves to federal designs. In ways that varied over time and space, Mi'kmaq people continued political practices that were influenced both by the federal rules of 1899 and by their own distinct Mi'kmaq political customs. To borrow a phrase from Harald Prins, twentieth-century Mi'kmaq politics became a site of "resistance, accommodation and cultural survival."²

The 1899 imposition of the triennial system represents a significant milestone in Mi'kmaq politics. Occupying the eastern-most reaches of North America, the Mi'kmaq were among the first North Americans influenced by contact with Europeans. Like other aspects of their culture, Mi'kmaq political practice was modified as a means of negotiating this European presence. These modifications stemmed from European

²Harald E. L. Prins *The Mi'kmaq: Resistance, Accommodation and Cultural Survival* (Toronto: Harcourt Brace College Publishers, 1996).

designs, but also from Mi'kmaq assessments of their own best interests. Throughout the colonial era, as Mi'kmaq people were for the most part left to their own political devices, British policy makers based in the United Canadas began to develop more systematic programmes for Native political reform designed to align Native political practice with European custom. This political reform was seen as a central component of the assimilation and social control of Native people.

After Confederation, Native political reform became part of the federal government's broader assimilative agenda for Canada's Native population. Post-confederation policy culminated in the May 1899 legislation that brought the Mi'kmaq under the triennial system of elections. For the first time, Mi'kmaq political practice that had been largely ignored under colonial regimes, was pressured to reform. This was part of a federal plan to replace Mi'kmaq political values and customs with a political system akin to Euro-Canadian municipal politics, a plan that would simultaneously undercut Mi'kmaq political and community autonomy and strengthen federal administration in Mi'kmaq communities.

The triennial system became an important framework in Mi'kmaq politics. In some cases, it was a framework foisted on Mi'kmaq communities, and it became a much-reviled source of tension. Politics in Prince Edward Island's Lennox Island stands as a case in point. There, the triennial system was implemented over the protestations of community members who wished to name leaders traditionally, by hereditary life appointments. Repeatedly over the next fifty years, Mi'kmaq leaders of Lennox Island called for an end to band elections and for a return to a life chieftainship.

While Lennox Island waged an on-going battle against triennial elections, other Mi'kmaq communities avoided triennial elections altogether. For years, even decades, after 1899 some communities did not follow the triennial rules. Examples from around the region testify to this point: The Mi'kmaq of Yarmouth County elected their first council in 1932, 33 years after the system was enacted. Meanwhile, 38 years passed before the community at Chapel Island elected a band council, and 42 years before the Mi'kmaq at Bathurst or at Fisher's Grant came under the triennial system.

Although forced acquiescence and complete avoidance book-end the spectrum of Mi'kmaq responses to the triennial system, most Mi'kmaq communities had a more complex and ambivalent experience. In 1899, the Mi'kmaq world was one characterised by cultural syncretism. Though the Mi'kmaq lived like their non-Native neighbours in many respects, Mi'kmaq language, economic undertakings and cultural practices also continued to inform daily life. In a similar manner, Mi'kmaq political ideals and practices found mutual accommodation with the federal triennial system.

Political accommodation of the triennial system was possible because the Mi'kmaq made a subtle but significant distinction between their practical and ideological support for the triennial system. While some Mi'kmaq communities accepted the format of triennial elections, they clearly rejected the assimilative and social-control mandate behind the practice. In some cases, they saw band elections as a means of attaining greater community autonomy. Some Mi'kmaq contended that elections would bring economic improvement and would give communities political leverage *vis a vis* the federal government. Ironically, in this way triennial elections were viewed as a means of

reinforcing Mi'kmaq community interests and of challenging federal Indian administration.

Other Mi'kmaq communities attempted to reconcile Mi'kmaq politics with federal electoral rules by manipulating the triennial system. Inspired both by Mi'kmaq desires to adhere to local political traditions, and abetted by Maritime Indian agencies staffed by overworked agents, some of whom thought elections to be neither worthwhile nor viable, the triennial system was subject to considerable local modification. The electoral practices in Mi'kmaq communities in North-Eastern New Brunswick particularly speak to this modification. There, in communities such as Big Cove, Eel Ground and Red Bank, chiefs were chosen according to triennial rules, but councillors were named annually, in keeping with local tradition. In other Mi'kmaq communities the inauguration of triennial elections was followed by subsequent years of lapsed adherence. Elsewhere, chiefs might be acclaimed in election after election, effectively nullifying an important facet of the electoral process, and creating a leadership tradition that in practice was not so very different from Mi'kmaq politics by life-chiefs.

Modifications of triennial rules not only worked to accommodate certain Mi'kmaq political aims, but they also served the interests of Indian Agents. Some Agents, such as Halifax County's Daniel Chisholm balked at elections, believing that their coordination and implementation was too labour intensive. Others, like Lennox Island's Superintendent John A. McDonald, joined some Mi'kmaq in questioning the very efficacy of elections. In voicing their own opposition to elections, these Agents reinforced Native opposition to federal electoral rules that divided communities and violated

tradition that emphasized concensus.

It is also important to note that the adoption of elected councils did not bring an end to the authority of traditionally-selected political leaders. Although the replacement of traditionally-selected life chiefs with chiefs elected for three-year terms was certainly a federal goal of triennial legislation, across Mi'kma'ki life-chiefs continued to be named. These life chiefs held positions of political authority for decades after triennial rules were passed. The long political careers of life-leaders such as Chiefs James Muise, Matthew Francis and Alexander Prisk testify to this fact. Perhaps more significantly, however, the important Mi'kmaq Grand Council continued to function after 1899. This region-wide political structure that predated the triennial elections by at least two centuries (and much longer by some accounts) continued to be politically significant. Federally-mandated triennial elections and Mi'kmaq political traditions operated side by side as life chiefs and the Mi'kmaq Grand Council survived the 1899 implementation of the triennial system.

The triennial system came to an end in 1951 when a new Indian Act replaced it with a two-year system of elections. Despite Native demands for the restoration of political autonomy, the Act of 1951 offered little change in power relations between Ottawa and the Mi'kmaq. From a policy point of view, Native politics remained a tool of the federal government and the new electoral legislation attempted to re-assert federal authority over community politics. Though the impact of this legislation upon Mi'kmaq politics is beyond the scope of this study, Mi'kmaq responses to the triennial system would seem to suggest that federal rules would not alone define the scope of Mi'kmaq political practices. Just as they had a half century earlier, the Mi'kmaq would continue to

assert their political autonomy.

The responses of the Mi'kmaq to the triennial electoral system, and the persistence of Mi'kmaq political practice in its presence, profoundly challenges conceptions of Native politicisation. The long-standing notion that Native politics were subsumed by federal policy only to re-emerge with the fuel of 1960s political activism, clearly does not mesh with the fact of Mi'kmaq politics in the first half of the twentieth century. The Mi'kmaq did not become the puppets to federal electoral policy; they adhered to, opposed and challenged the limits of federal electoral rules while attempting to maintain and assert their own political customs. Through their actions, Mi'kmaq communities were able to retain a degree of political autonomy even under the sometimes watchful eye of Indian agents charged with their de-politicisation. In an era in which Native people are increasingly demanding the right of self-governance, Mi'kmaq responses to the triennial system demonstrate that this self-governance will be built upon a longer heritage of political engagement and competence than is generally acknowledged.

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