



1865 – 1949

Confederation Debates

intermediate/senior
mini unit

<http://theconfederationdebates.ca/>



Nova Scotia Edition



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ABOUT THE CONFEDERATION DEBATES MINI-UNIT

Before each province and territory became a part of Canada, their local legislatures (and the House of Commons after 1867) debated the extent, purposes and principles of political union between 1865 and 1949. In addition to creating provinces, the British Crown also negotiated a series of Treaties with Canada's Indigenous Peoples. Although these texts, and the records of their negotiation, are equally important to Canada's founding, as the Truth and Reconciliation Committee recently explained, "too many Canadians still do not know the history of Indigenous peoples' contributions to Canada, or understand that by virtue of the historical and modern Treaties negotiated by our government, we are all Treaty people."

The vast majority of these records, however, remain inaccessible and many can only be found in provincial archives. By bringing together these diverse colonial, federal and Indigenous records for the first time, and by embracing novel technologies and dissemination formats, *The Confederation Debates* (theconfederationdebates.ca) encourages Canadians of all ages and walks of life to learn about past challenges, to increase political awareness of historical aspirations and grievances and engage present-day debates, as well as to contribute to local, regional and national understanding and reconciliation.

This mini-unit for intermediate/senior-level classes helps students to understand and analyze the key ideas and challenges that preceded Nova Scotia's entry into Confederation. The first section deals with the debates in the provincial and/or federal legislatures, while the second section addresses more specifically founding treaty negotiations with the First Nations. Each section can be taught independently.

The activities and attached materials will help students understand the diversity of ideas, commitments, successes and grievances that underlie Canada's founding.

By the end of this mini-unit, your students will have the opportunity to:

1. Use the historical inquiry process—gathering, interpreting and analyzing historical evidence and information from a variety of primary and secondary sources—in order to investigate and make judgements about issues, developments and events of historical importance.
2. Hone their historical thinking skills to identify historical significance, cause and consequence, continuity and change, and historical perspective.
3. Develop knowledge of their province/region within Canada, minority rights and democracy, and appreciate the need for reconciliation with Indigenous Peoples.

Curriculum Objectives

This mini-unit has been broadly designed for intermediate/senior-level classes. The activities described in the pages, for example, fulfill the following outcomes listed in Nova Scotia’s “Social Studies Grade 7” curriculum.

CITIZENSHIP, POWER AND GOVERNANCE

- explain the origins and main features of the Canadian constitutional system
- analyze the distribution of power and privilege in society and the sources of authority in the lives of citizens
- explain the origins and continuing influence of the main principles of Canadian democracy
- appreciate the varying perspectives on the effects of power, privilege and authority on Canadian citizens
- develop attitudes that balance rights with responsibilities
- value decision-making that results in positive change

CULTURE AND DIVERSITY

- compare the ways cultures meet human needs and wants
- explain how and why perspectives influence the ways in which experiences are interpreted
- recognize and respond in appropriate ways to stereotyping/discrimination
- appreciate that there are different world views
- appreciate the different approaches of cultures to meeting needs and wants
- recognize the varying impact of economic decisions on individuals and groups
- recognize the role that economics plays in empowerment and disempowerment
- explain how and why perspectives influence the ways in which experiences are interpreted

INTERDEPENDENCE

- explain the complexity that arises from the interdependent nature of relationships among individuals, nations, human organizations and natural systems
- analyze selected issues to illustrate interdependence

PEOPLE, PLACE, AND ENVIRONMENT

- use geographic tools, technologies, representations to interpret pose and answer questions about natural and human systems
- analyze ways in which social, political, economic and cultural systems develop in response to the physical environment
- appreciate the varying perspectives of regions
- value maps, globes and other geographic representations as valuable sources of information and learning
- appreciate the relationship between attributes of place and cultural values

TIME, CONTINUITY, AND CHANGE

- identify and analyze trends that could shape the future

- demonstrate and understand that the interpretation of history reflects perspectives, frames of reference and biases
- value their society's heritage
- appreciate that there are varying perspectives on a historical issue
- recognize the contribution of the past to present-day society

COMMUNICATION

- read critically
- respect other points of view
- use various forms of group and interpersonal communication

INQUIRY

- recognize that there are various perspectives in the area of inquiry
- recognize bias in others and in themselves
- appreciate the value of critical and creative thinking

PARTICIPATION

- take responsibility for individual and group work
- respond to class, school, community or national public issues
- value the importance of taking action to support responsible citizenship

SECTION 1 | CREATING CANADA: NOVA SCOTIA

Prerequisite Skillset

- Word processing
- Web research
- Interpretation of primary sources
- Cooperative sharing
- Some familiarity with group debate

Background Knowledge

Students may need to be reminded of the following subjects from the preceding weeks.

SOCIAL

- Catholic/Protestant divisions in Canada during the first half of the 1860s

ECONOMIC

- Relations with the United States (and especially the American cancellation of the Reciprocity Treaty in 1866)

POLITICAL

- The difference between a legislative union (ex. Great Britain had a single legislature for England and Scotland) and a federal union (with federal and provincial legislatures that each have areas of exclusive jurisdiction)
 - Charlottetown and Quebec constitutional conferences of 1865
 - The concept of dividing powers between federal and provincial governments and the respective jurisdictions of each (ex. education, military)
 - Increasing Aboriginal marginalization (especially neglected Treaty Rights)
- The concept of Maritime (as opposed to British North American) union
- The worry that the main impetus for Confederation came from the Province of Canada's need to overcome its own political deadlock (as opposed to the genuine pursuit of common interests among the colonies)

Confederation Debates: Introductory Lesson

Lesson: Introduce Confederation and the concept of debate

Concepts Used: Brainstorming, concept map

Recommended Equipment: Computer(s) for viewing videos and reading *Dictionary of Canadian Biography* entries

Materials Provided: Video, handouts

Time Needed: 2 x 40-minute classes

INTRODUCTION

The teacher will engage students in a brainstorming session with the suggested list of framing questions below.

BRAINSTORM SESSION

To help students recall background knowledge (see previous page) please discuss the following questions:

1. What was Confederation?
2. What were the most influential ideas in Nova Scotia’s Confederation debates?
3. Who was the most influential individual in the Confederation debates?
4. How did linguistic or ethnic tensions impact the debates and our constitution?
5. What are some areas of continuity and change between the Confederation period and today?

CONCEPT MAP

1. When the brainstorm session has been completed, the teacher will circle the most pertinent/important subjects and sub-subjects that resulted from the brainstorm session.
2. Teachers may add subjects or sub-subjects if important topics were missed during the brainstorm session.
3. Students will then develop a concept map to highlight the important subjects and sub-subjects.
4. A concept map will provide a visual aid for students to see the important subjects and sub-subjects throughout the unit.

INTRODUCTION TO PARLIAMENT

1. Distribute the “72 Resolutions Handout” to the students and highlight and discuss:
 - a. The fact that representation in the House of Commons is representation by population, and representation in the Senate is by region (ex. the Prairies)
 - b. The division of powers between federal and provincial governments (note that one focuses on national issues like banking, while the other focuses on local concerns like hospitals).

2. Distribute “Introduction to Parliament: The Question Period” handout and review the questions with the class.
3. Show the class any Question Period video posted to <http://www.cpac.ca/en/programs/question-period/>.
4. Pause the video at the start and point out the government side (left), the opposition side (right) and the Speaker of the House (centre).
5. Play several minutes of the video and ask students to fill out and submit the handout for teacher evaluation.
6. When the video is complete and the handouts are submitted, discuss the following points with the class:
 - a. Note that different parties form the government and opposition, and that each take opposite sides on issues
 - b. During Question Period, one person asks questions; the other side answers/rebutts
 - c. The Speaker of the House controls the discussion
 - d. The classroom debate will not have any:
 - i. Yelling
 - ii. Talking over one another

Confederation Debates: Biographical Research

Lesson: Introduce the key historical figures in the Confederation debates

Concepts Used: Critical thinking, historical inquiry process, historical thinking, online research

Materials Used: Computers

Materials Provided: List of biographies, biography handout, primary document handouts, self-evaluation for jigsaw activity

Time Needed: 3 x 40-minute classes

HISTORICAL FIGURE COMPUTER RESEARCH

1. Teachers may wish to familiarize themselves with the key details listed in the historical figure briefs (see appendices) before beginning this activity.
2. Ideally, each student should do the research using their own computer. If there are no computers available, the teacher may wish to print off the *Dictionary of Canadian Biography* entries described below. Alternatively, if all students have access to a computer and internet access at home, this activity could be assigned for homework.
3. Divide the students into four equal-sized groups.
4. Assign each group one of the major historical figures listed below. Alternatively, teachers may allow students to choose their historical figure.
 - a. William Annand
 - b. Adams George Archibald
 - c. Joseph Howe
 - d. Charles Tupper
5. Distribute copies of the “Biography Activity Handout” (see appendices) to all of the students.
6. Tell students to use Google to search for their historical figure and find their listing on the *Dictionary of Canadian Biography* website as listed (see appendices).
7. Tell the students to read their respective *Dictionary of Canadian Biography* entries and record their answers in the blanks on the “Biography Activity Handout.”

GROUP DISCUSSION

1. After students have completed their research—in the computer lab or at home—the students should rejoin their groups (see 3 above) in the classroom.
2. Distribute the “Primary Source” handouts (see appendices) to the groups. (Each student should have their own copy.)
3. Each student will be given a task: reader, discussant and writer. (The reader will read the source to the group, the discussants will contribute to the discussion and the writer will record the group’s ideas on a separate sheet of paper.) There can be more than one student assigned to each role.
4. The teacher will encourage each group to decide which statements were most important and to discuss the possible historical significance of these statements. (Ex. William Annand said union was critical to Nova Scotia’s economic success).

5. When this work is complete, the students will compare and share these reflections with their group members and determine what facts and ideas they think will be important for their peers to know. Each group member will add these notes to their “Biography Activity Handout.”

JIGSAW

1. When all students have shared information with their group, they will separate into a jigsaw activity. The goal of this activity is for all students to learn about every historical figure from their peers.
2. The teacher will assign the students in each group a number between 1 and 4. (Ex. Students researching William Annand will be labelled 1.)
3. All number 1s, 2s, 3s and 4s will then gather together. Each student should have at least one person from every group to share their information.
4. If there are too many students in the historical figure groups, each member should share a portion of what they learned with the jigsaw group. If there are too few students to divide the historical figure groups among each of the jigsaw groups, one student can present their information to more than one group.

EXIT CARD

1. Students will fill out the exit card (see appendices) and hand it in to the teacher for evaluation.
2. An exit card is an exercise designed to engage students with the material learned in class at the end of a lesson. All students will answer questions before leaving class. Exit cards allow teachers to assess the class’s understanding of the day’s material in preparation for the next lesson.
3. Students will answer the questions and will hand in the exit card to the teacher at the end of the lesson.
4. The exit card questions found in the appendices satisfy the requirements for three historical thinking concepts: historical significance, cause and consequence and historical perspective.
5. The teacher has discretion on whether to mark the exit cards to ensure understanding.

Culminating Activity: The Debate

Culminating Activity: This culminating activity will introduce students to the basics of debate within a historical context and give them an opportunity to compare different historical positions on key issues of the 1860s.

Concepts Used: Critical thinking, primary sources, debate, using appropriate vocabulary, historical inquiry process, historical thinking concepts

Time Needed: 2 x 40-minute classes

Students/teacher will choose which figure they want to represent, which may be the same as or different than the historical figure they researched.

MATERIALS (ENCLOSED)

- Mock ballots for optional voting activity, to be printed or photocopied in advance of the lesson (See appendices; the ballot's text is loosely based on the motion that all of the Province of Canada's representatives debated in 1865.)
- Script for teacher to use as "Speaker of the House" (See "Culminating Activity Script" below.)

OPTIONAL MATERIALS (NOT ENCLOSED)

- Voting booth (set up before the debate begins for optional voting activity)
- Voting box (if the class is also going to do the voting activity)
- Costumes (ex. The teacher may borrow a graduation robe to wear while acting as "Speaker of the House," or find a white wig)

DEBATE PREPARATION

1. If possible, rearrange the classroom desks to resemble parliament (i.e., the Confederation and anti-Confederation groups will sit across from each other, with teacher standing in between at the front of the room)
2. Students will gather in their historical figure groups and prepare for the debate by composing short answers to the following questions that will be posed during the debate. Each student in the group will write an answer to one of the questions. If fewer than four students are in a group, one or more students may answer two questions.
 - a. What are the benefits of union?
 - b. What are the drawbacks of union?
 - c. Do we need representation by population in Confederation?
 - d. Local autonomy, or the ability to run things like schools without interference from the rest of the country, was very important to most of Canada's founders. Will the division of powers between federal and provincial governments protect local autonomy?
3. Students should practice their speech in front of the other members of their group to remain within a two-minute time constraint.

DEBATE

1. The Speaker of the House (the teacher) will stand at the front of the classroom (between the pro- and anti-Confederation sides of the room, if the classroom desks have been moved to either side of the classroom). The Speaker of the House will then read from the script enclosed below to bring the debate to order, and will pose important questions.
2. Students will be given the opportunity, after everyone has shared, to offer a direct rebuttal to another student's statement. The Speaker of the House may allow students to rebut a particular point.
3. Once each theme has been addressed and all students have had the opportunity to make their case, the Speaker of the House will motion for adjournment.
4. After the debate is finished, teachers may hold the optional voting activity (below).

OPTIONAL VOTING ACTIVITY

1. Students should fill out the "Post-Debate Self-Evaluation" handout (see appendices) and submit it to the teacher during the voting activity. (If you chose to skip this activity, please proceed to the "Reflection Activity" below.)
2. The teacher will invite each student to the front of the classroom to vote.
3. Each student will go to the voting booth, make their mark for or against joining Confederation based on the debates they have just heard, and deposit the ballot into the box or bucket.
4. When every student has voted, the teacher will collect the ballots, count them, and announce the outcome to the class.

REFLECTION ACTIVITY

1. Debrief session on how the 1865 debates are important today. Guiding questions can include:
 - a. Why was their historical figure important in the Confederation debates?
 - b. What are some ways in which each historical figure responded to challenges and/or created change?
 - c. Imagine what it would be like if, as for Indigenous Peoples negotiating the treaties, English was not your first language.

Culminating Activity Script

1. To bring the House to order, the Speaker will say, "This meeting will come to order."
2. The Speaker of the House will then conduct a roll call for the four historical representatives. As each representative is named, students from that historical figure's group will say, "Present."
3. Once everyone is accounted for, the Speaker will read the House rules:
 - a. The Speaker of the House has ultimate power while Parliament is in session.
 - b. All representatives must stand to make their statements but will not leave their desk.
 - c. The Speaker will ask individual students to rise and sit as if they were debating in Parliament.
 - d. No name-calling or insults will be tolerated.
 - e. Representatives may ask to interrupt the current speaker with a question or counterpoint by raising their hand. The Speaker of the House will decide whether to ask the current speaker to pause.
 - f. Arguments must remain relevant to the subject of the debate. The Speaker of the House has the right to move to another speaker if anyone goes off-topic.
 - g. Students should write down any personal questions or comments for the debrief after the debate.
 - h. Optional: The Speaker may limit the amount of time representatives are allowed to speak. (ex. Two minutes)
4. The Speaker of the House will then introduce the first main question: "What are the benefits of union?" The groups representing Charles Tupper and Adams George Archibald will be asked to speak. Each group will be limited to a two-minute opening statement.
5. The Speaker will then introduce the second main question: "What are the drawbacks of union?" The groups representing William Annand and Joseph Howe will be asked to speak. Each group will be limited to a two-minute opening statement.
6. The Speaker will then introduce the third main question: "Should Nova Scotia accept representation by population in Confederation?" Prompting questions for students may include:
 - a. Is it fair for some provinces to have more representatives than other provinces in the new country? Why?
 - b. How did the founders expect the Senate (often referred to as the "Upper House") to protect the less populated provinces from being dominated by Ontario and Quebec? Did everyone think the Senate would be effective in this role?
7. Before introducing the next main question, the Speaker of the House will say, "Is everyone ready for the next question?" Additional discussion/debate may ensue.
8. The Speaker of the House will then introduce the fourth main question: "Local autonomy, or the ability to run things like schools without interference from the rest of the country, was very important to most of Canada's founders. Will the division of powers between federal and provincial governments protect local autonomy?" Prompting questions for students may include:
 - a. What powers does the Constitution give to the federal government?
 - b. What powers does the Constitution give to provincial governments?
 - c. Did the founders worry that the federal government would interfere in provincial affairs?

- d. How did the founders try to minimize and alleviate these concerns about provincial autonomy?
- 9. Before introducing the next main question, the Speaker of the House will say, “Is everyone ready for the next question?” Additional discussion/debate may ensue.
- 10. The Speaker of the House will then introduce the sixth main question: “Will Nova Scotia’s economy benefit from Confederation?” Prompting questions for students may include:
 - a. Will Nova Scotia’s trade increase or decrease if it joins Canada?
 - b. Should Nova Scotia focus on trading with the United States or with Britain and Canada?
- 11. When everyone has had the opportunity to state their case, the Speaker will say, “I move for the adjournment of this session of Parliament.”

SECTION 2 | CREATING CANADA: FURTHERING INDIGENOUS-CROWN RELATIONSHIPS

Prerequisite Skillset

- Word processing
- Interpretation of primary sources
- Cooperative sharing

Background Knowledge

Based on the background information provided (see appendices), teachers should familiarize themselves with the following ideas and consider how they will be discussed with students. These ideas will help the students think about treaties and the treaty relationship as important parts of Confederation and as founding documents of Canada's constitutional order. Understanding the treaties as important parts of Canada's constitutional architecture demonstrates the role Indigenous Peoples played in shaping the country. Important learning outcomes include:

- Nation-to-Nation relationship
- The Royal Proclamation, 1763 and the Treaty relationship
- The British North America Act, 1867
- The Indian Act, and how it was used to exercise jurisdiction *over* Indigenous Peoples
- The Treaties of Peace and Friendship
- Historical background on the signing of the Treaties and their main clauses

“I Left a Trace”: Lesson 1

Lesson: Introduce oral tradition, negotiations with the Indigenous Peoples; discuss the possibility of cultural/linguistic misunderstanding

Concepts Used: Brainstorming, historical significance, written response log

Materials Enclosed: Handouts (see appendices)

Time Needed: 2 x 40-minute classes

THINK, PAIR, SHARE

To introduce students to the idea that history is constructed from traces of the past (see list of examples below), we suggest this introductory activity. The two activities and the follow-up response log engage students by having them analyze their personal experience.

1. After describing what a trace is, ask students to take 10 minutes to record everything that they have done in the last 24 hours (and that would be appropriate for classroom discussion) on a blank sheet of paper. They must draw their reflections. Examples of traces include:
 - a. Telling your parent you loved her/him
 - b. Telling someone you know a story about your past
 - c. Bringing mud into the house
 - d. Things you created with your hands
 - e. Actions that influenced others
 - f. Digital traces
2. Ask the class to identify:
 - a. Which traces were purposeful and which were accidental by marking them with a “P” and an “A.”
 - b. How would someone who is not from Canada interpret your traces? Would they be the same or different?
 - c. Would an historian working 100 years from now be able to interpret your traces the same way you would today? Students should also mark traces that they believe historians would correctly interpret with an “H.”
3. Ask the students to find a partner.
4. The partners will then, without saying a word, exchange their drawings.
5. Tell the students that they are now historians, and instruct them take 5 minutes to examine each drawing and write down observations like:
 - a. What do they believe the drawing describes?
 - b. What is the drawing used for?
 - c. Why do they think the individual thought the drawing was important?
 - d. What does each trace mean?
6. Ask the students to pass the drawings back to their author.
7. Have the class discuss how many items their partners correctly identified. Did they correctly interpret the significance of the “H” items?
8. How many of the “P” items were interpreted correctly? Is the class surprised that their purposeful traces were not always the ones that were interpreted correctly?

RESPONSE LOG

1. Hand out the “Response Log Handout.” (See appendices.) Students should answer one of the five questions to reflect on the topic. Recommended reflection time is half an hour.
2. If the students do not have time to finish their response, the teacher can assign it as homework.

VIDEO DEBRIEF

Debrief the class with one or both of these Indigenous “Trace” videos.

- “Wab Kinew — Heroes” (song about Indigenous heroes). <https://youtu.be/3Ul4KmHlzMc>.
- “The Ballad of Crowfoot,” which examines the situation of Aboriginal people in North America through the figure of Crowfoot, the legendary nineteenth-century Blackfoot leader of the Plains Cree. <https://youtu.be/l-32jc58bgI>.

Museum Curation Activity: Lesson 2

Lesson: Introduce negotiations with the Indigenous Peoples; discuss the possibility of cultural/linguistic misunderstanding, nation-to-nation relationships and museum curation techniques

Concepts Used: Historical significance, flow charts

Materials Enclosed: Handouts (see appendices)

Time Needed: 2 x 40-minute classes

Note: Teachers may wish to invite an Indigenous leader into the classroom to tour the exhibit that the students will produce, comment on their interpretations of the “artifacts,” and share their own experiences with the Canadian state and/or reconciliation.

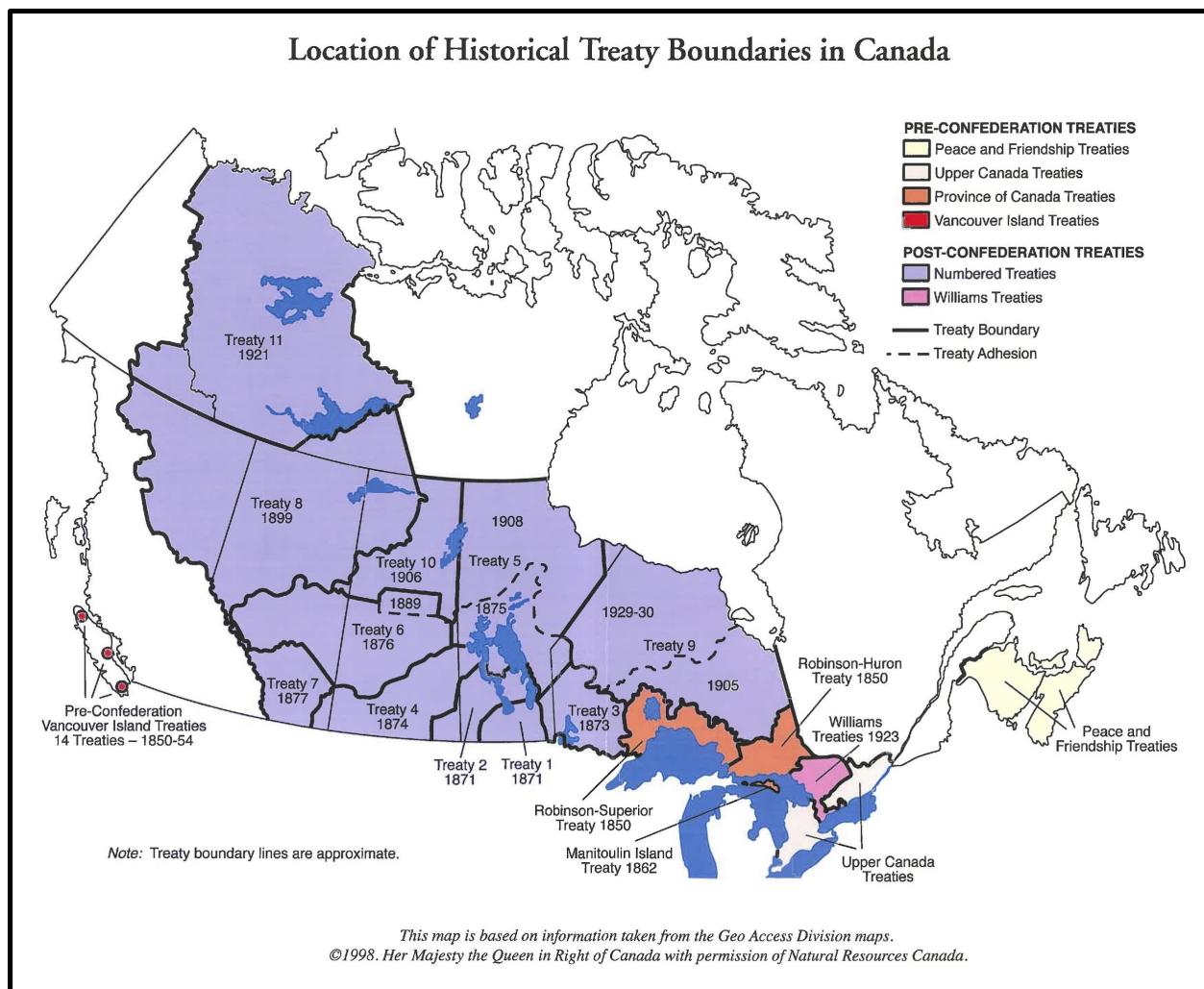
INTRO/BACKGROUND INFORMATION FOR TEACHER TO PREPARE FOR THE MUSEUM CURATION ACTIVITY

Introducing the Treaty Relationship:

There are two very distinct stories we can tell about Confederation and Canada’s Indigenous Peoples. In one story, Indigenous Peoples are largely invisible. Here, their only presence is found in s.91(24) of the British North America Act, 1867, where “Indians, and lands reserved for the Indians” were deemed to be federal, as opposed to provincial, jurisdiction. This has subsequently been interpreted as providing the federal government with a power over Indigenous Peoples and their lands. The Indian Act of 1876, which is largely still with us today, was passed on this basis. This created what political philosopher James Tully has called an “administrative dictatorship” which governs many aspects of Indigenous life in Canada. Many of the most profoundly upsetting consequences of colonialism are traceable in large part to the imposition of colonial authority through s.91(24) and the Indian Act of 1876.

But there is another story as well. Canada did not become a country in single moment. Though the British North America Act, 1867, created much of the framework for the government of Canada, Canada’s full independence was not gained until nearly a century later. Similarly, the century preceding 1867 saw significant political developments that would shape the future country. Canada’s Constitution is both written and unwritten. Its written elements include over 60 Acts and amendments, several of which were written prior to 1867. The Royal Proclamation, 1763, for example, is a foundational constitutional document, the importance of which is reflected by its inclusion in s.25 of the Canadian Charter of Rights and Freedoms. The Royal Proclamation, 1763, established a basis for the relationship between the British Crown and Indigenous Peoples in North America. By establishing a procedure for the purchase and sale of indigenous lands, the proclamation recognized the land rights of Indigenous Peoples and their political autonomy.

Both the pre-Confederation and post-Confederation Treaties form an important part of this history and what legal scholar Brian Slattery calls Canada’s “constitutional foundation.” It is through Treaties such as these that the government opened lands for resource development and westward expansion. It is also through the treaty relationship that Indigenous Peoples became partners in Confederation and helped construct Canada’s constitutional foundations.



For a detailed discussion/background information, and a detailed version of what you will present to the class, consider watching “Legal Fictions of the Indian Act”: <https://youtu.be/PBXnjBX7j3c>.

If you want to present a video to the class on this, consider “Nation to Nation: Honouring the Royal Proclamation of 1763”: https://youtu.be/eFyuI7gzy_0.

This helpful article outlines the Crown-Aboriginal relationship and the importance of the Treaties: “Why It’s Time to Clearly Define the Crown’s Role with First Nations,”
<http://www.macleans.ca/society/why-its-time-to-define-the-crowns-role-with-first-nations/>.

INTRODUCING THE TREATIES OF PEACE AND FRIENDSHIP: TEACHER BRIEFING

A series of treaties known now as the Peace and Friendship Treaties were signed between the British and the Indigenous inhabitants of the Maritime Provinces, the Mi'kmaq, Wolastoqiyik (Maliseet) and Passamaquoddy, in the eighteenth century. These are recognized as the treaties of 1725–1726, 1749, 1752, 1760–1761 and 1779. This lesson plan will focus on the treaties of 1725–1726 and 1752. As the Department of Indigenous and Northern Affairs website states, all of these treaties “are important historical documents that can be viewed as the founding documents for the development of Canada.” Understanding the importance of the Peace and Friendship Treaties requires a brief account of the historical context in which they were signed.

The British claim to sovereignty in the Maritime provinces was based on two treaties with the French, the Treaty of Utrecht, signed in 1713, by which the French ceded peninsular Nova Scotia, and the Treaty of Paris, signed in 1763, by which Cape Breton and Prince Edward Island were ceded. New Brunswick has been determined by the courts to have come under British sovereignty in 1758 with the fall of Quebec. New Brunswick was a part of Nova Scotia until 1784.

When the British acquired Nova Scotia (previously called Acadia) from the French in 1713, there were almost no British people in the province. The British occupied only a small fort at Annapolis Royal. Outside the fort there were some 2,000–2,500 Mi'kmaq and about the same number of Acadians. As a result, Britain had no effective control of the territory at the time, and the sovereignty they had gained by the Treaty of Utrecht was a mere formality: the French continued to make claims to Cape Breton and Prince Edward Island, while Indigenous Peoples and Acadians occupied the land and lived according to their own legal and political orders. In 1722, a three-year war began between New England and the Wabanaki. The Wabanaki Confederacy was an “alliance composed of four societies: the Mi'kmaq, the Maliseet, the Passamaquoddy and a loosely-allied group of communities living between the Penobscot and the Kennebec Rivers” (Wicken 2010). The war was the result of Wabanaki concerns over colonial expansion.

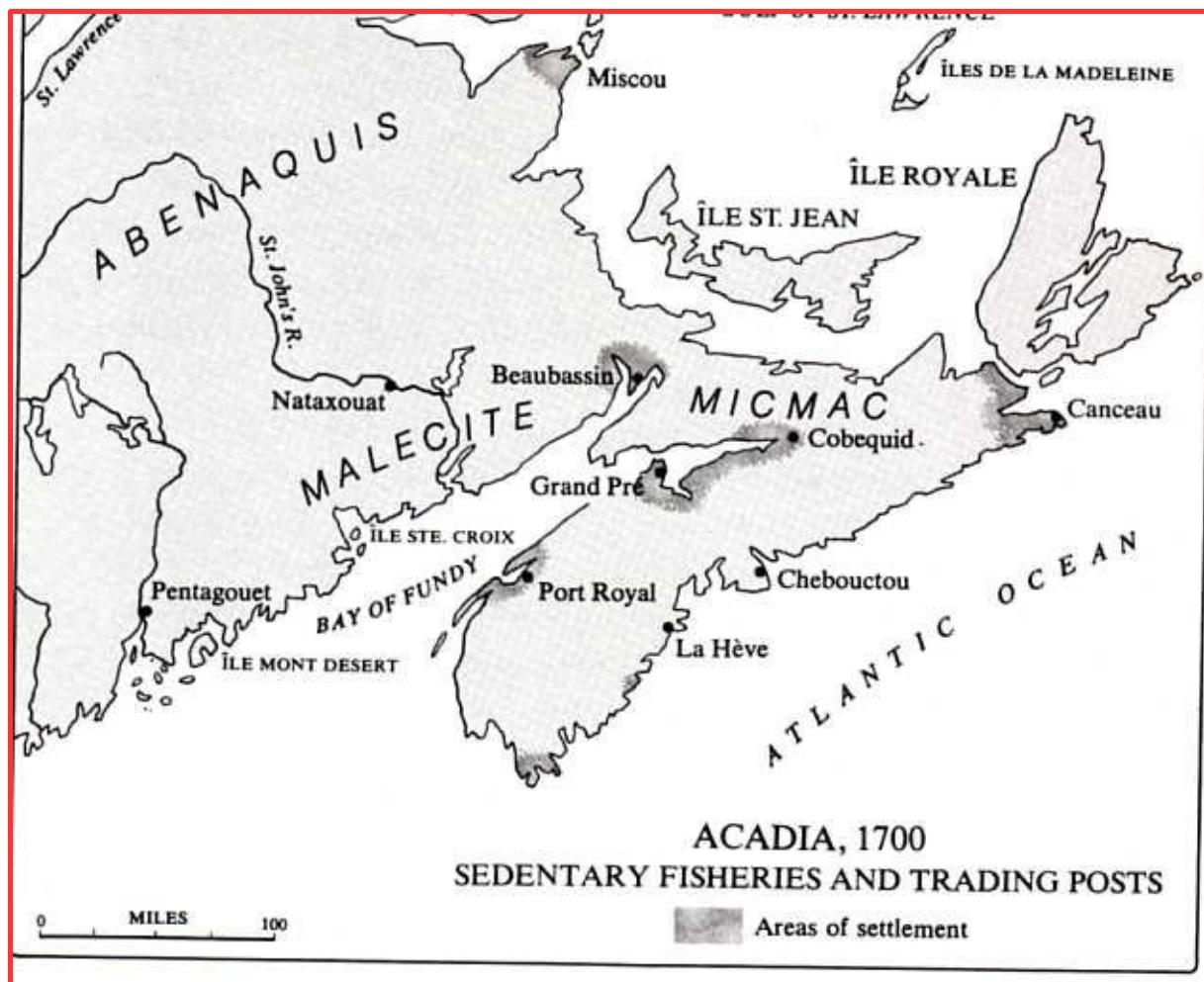
The Three Years’ War (also known as Dummer’s War, Father Rale’s War, Lovewell’s War, Greylock’s War, the 4th Anglo-Abenaki War, or the Wabanaki–New England War of 1722–1725) was formally ended when the first of the Peace and Friendship Treaties was signed between the British and the Wabanaki in Boston on December 15, 1725. It was ratified by Mi'kmaq and Wolastoq delegates at Annapolis Royal, Nova Scotia, in 1726. The Treaty of 1725–1726 is composed of two documents: the Articles of Peace and Agreement, signed by 77 male delegates from the signatory indigenous nations, and the Reciprocal Promises, which contain commitments made by the British (see appendices). The Reciprocal Promises were signed by the Lieutenant-Governor of Nova Scotia, Lawrence Armstrong, and the Lieutenant-Governor of the British garrison at Annapolis Royal, John Doucett.

As historian William Wicken argues, the Treaty’s most important provisions concern land. The Indigenous signatories agreed not to molest the British in settlements which had already been “lawfully” made. This implied that existing settlements were considered “lawful” by both parties and that it would be possible for future settlements to be made lawfully, though what exactly “lawfully” means is not explained in the treaty. To contemporary readers trying to understand the treaties, this suggests that the parties agreed that future settlements would, at the very least, require subsequent negotiations. In other words, this demonstrates that the British understood the Indigenous Peoples to have land rights and makes clear that these treaties do not cede those rights. Importantly, at this time there were no British settlers in the region and only two small

military forts at Annapolis Royal and Canso, meaning that any settlement outside those forts would be subject to further negotiations.

For their part, the British agreed not to interfere with Indigenous fishing, hunting, planting and “other lawful activities.” Again, the specifics are vague. Nowhere is the size or extent of the hunting or fishing areas, or the nature of “other lawful activities,” defined. In particular, as Wicken notes, “it is not clear whether or not all those lands outside the ‘existing settlements’ could be considered to be part of the ‘fishing, hunting, and planting grounds.’” Thus, there is some confusion about what land, precisely, the Treaty of 1725–1726 protects. What is clear, however, is that the Treaty was intended to shape the political and legal relationships between the British and the Mi’kmaq, Wolastoqiyik (Maliseet) and Passamaquoddy. Thus, the Treaty represents the negotiation of a body of shared inter-societal law governing relations between the parties. While the British were certainly seeking to bring the Indigenous parties into their legal sphere and gain recognition of the sovereign authority they believed they had acquired from France at the Treaty of Utrecht, this did not happen in the 1725–1726 treaty.

Several subsequent treaties were signed in the following decades (1749, 1752, 1760–1761, 1779). Each of these has its own unique history, being signed by different parties and in response to different sets of political concerns. (The treaties of 1752 and 1760–1761, for example, added what is known as a “Truck House” clause, under which the British promised to build trading posts to encourage trade.) Each new treaty, however, reaffirmed the Treaty of 1725–1726. Thus, the recognition that there existed both British and Indigenous lands in the region and that the British would not interfere with any Indigenous hunting, fishing or planting remained central to the treaty relationship. The treaties were signed during a period when the British had little control over much of the territory they claimed. Through the treaty relationship, they hoped to build a trade and diplomatic network with the Indigenous Peoples of the region that would pull the region away from its relationship with France and bring it into the British imperial world.

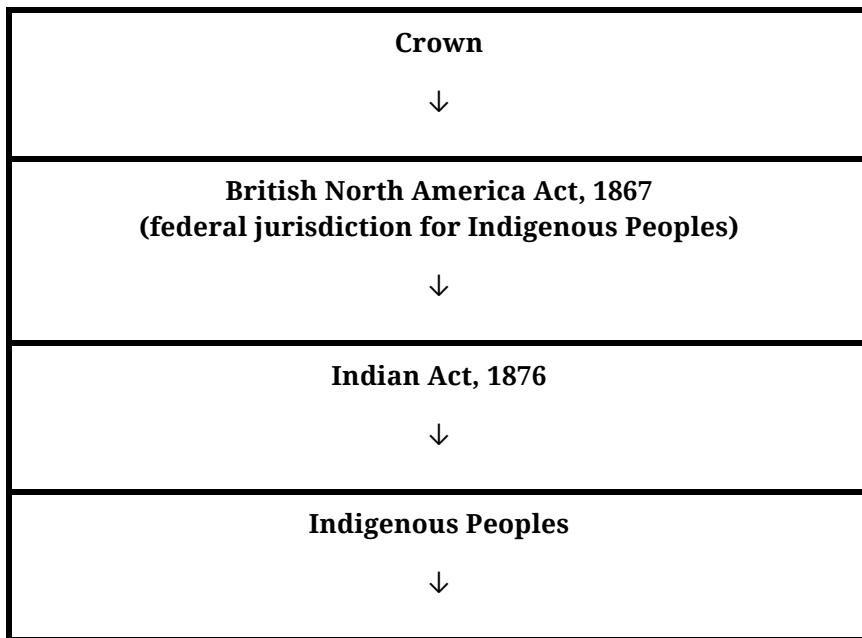


Note: This map is also included as a handout in the appendices.

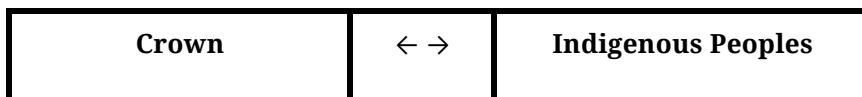
INTRODUCING THE TREATIES OF PEACE AND FRIENDSHIP: HOW TO PRESENT THIS INFORMATION TO THE CLASS

To present these messages in an accessible way to the class:

1. The teacher will write all of the keywords on the board before the students enter the classroom:
 - a. British North America Act, 1867 (remind students that they have a handout on this from the parliamentary activities)
 - b. Indian Act, 1876
 - c. Royal Proclamation, 1763
 - d. Treaty Relationship
 - e. Treaties of Peace and Friendship
 - f. The Crown
2. The teacher will discuss the keywords by mapping out the relationship on their own flow chart at the front of the class visually linking these points as the federal government has traditionally seen it. (i.e., Indigenous Peoples are a jurisdiction of the Crown, wards of the state who needed to be assimilated into dominant Canadian society.) The drawing will be hierarchical:



3. The teacher will then ask the class to draw a second flow chart, and follow the teacher as they describe and link these ideas again according to a nation-to-nation relationship. (i.e., the Crown and Indigenous Peoples have a long pre-Confederation history as co-equal, non-hierarchical partners that was continued after Confederation.) The flow chart will emphasize equality:



Museum Curation Exercise

1. Divide the class into six groups and assign each group one of the following:
 - a. Treaties of 1725–1726 and 1752
 - b. John Doucett
 - c. Jean-Baptiste Cope
 - d. Jean-Louis Le Loutre
 - e. Map of Mi'kma'ki
 - f. Reflections on Treaty Implementation
2. Each group will research their artifact using the resources provided in the appendices.
3. Teachers have the discretion to allow the groups to present what they learned in creative ways (ex. diorama, YouTube video), but we recommend that each produce an historical plaque (roughly 200 words).
4. Each group will pair their plaque (or other visual displays) with the historical artifact.
5. The class (teacher, students and Indigenous guest, if applicable) will then re-congregate and tour their collective exhibit.
6. Suggested talking points for each:
 - a. *Treaties of 1725–1726 and 1752*
 - i. What rights and responsibilities are in the written guarantees of the treaty?
 - ii. The treaty uses very complex and technical legal language. Did you find it easy to understand? Would it have been difficult for people who did not grow up with English to understand?
 - iii. Which of the parties to the treaty might have benefitted most from having it written this way? What does this tell us about how power is exercised by creating certain historical accounts?
 - b. *Biography of John Doucett*
 - i. Did Doucett believe the Mi'kmaq were allied with the French?
 - ii. Why might Doucett have believed that the Acadians were only pretending to be afraid of the Mi'kmaq?
 - iii. Why might Doucett have thought it was important to give the Mi'kmaq presents, as he did in the early 1720s?
 - iv. What might have driven the Mi'kmaq to capture fishing and trading boats in the early 1720s?
 - c. *Biography of Jean-Baptiste Cope*
 - i. What was Cope's influence among the Mi'kmaq?
 - ii. Why were the French angry when Cope signed a treaty with the British?
 - iii. Think back to our "I Left a Trace" activity. Did you notice that historians do not know as much about Cope as about the European historical figures?
 - iv. What did Cope hope to have resolved in the 1752 Treaty?
 - v. What led the 1752 peace to be broken? (Expect the students to provide different assessments.) Why do you think historians don't agree about what happened?
 - d. *Biography of Father Le Loutre*
 - i. Why might the English have been angry with Le Loutre?
 - ii. What was Le Loutre's plan for the Acadians? How did he threaten them?
 - iii. How did Le Loutre use his position as a spiritual advisor to try to influence the Mi'kmaq?
 - iv. When Le Loutre thought he was in danger, what did he do?
 - e. *Map of Mi'kma'ki*
 - i. Who did the Mi'kmaq believe the land in Mi'kma'ki (Nova Scotia) belonged to?
 - ii. How was Mi'kmaq territory traditionally divided?
 - iii. What was the political organization of Mi'kmaq society?
 - iv. What was the role of the summer village?
 - f. *Treaty Negotiation and Implementation*

- i. How differently did Mi'kmaq leaders view the settlements at Annapolis Royal and Halifax?
 - ii. The Treaty is all about who controls land. In what ways did Crown and Indigenous leaders disagree on the rights and obligations in the treaty?
 - iii. Mi'kmaq leaders and the Crown are still debating the extent of their rights and obligations today. How does the history of the treaties help us to understand what is going on now?
7. Ask the class to return to their desks and then raise some or all of the following questions in a debrief discussion:
- a. How do the maps you have seen over the last few days compare to maps of Canada now?
 - b. What do these maps tell us about how Canada was formed?
 - c. Thinking about our museum exercise, how are these maps similar to or different from stories you've heard about Canada's history?
 - d. How do these maps demonstrate the important role of Indigenous Peoples in shaping Canada?
 - e. What do you take from the fact that the treaty borders do not match the provincial borders?

APPENDICES

SECTION 1: MATERIALS AND HANDOUTS FOR CREATING CANADA: NOVA SCOTIA AND CONFEDERATION

Handout: Introduction to Parliament

THE QUESTION PERIOD

What were the main topics discussed in the video?

/5

List the political parties of the different politicians who spoke in the video (ex. “Conservative”).

/5

Do the politicians address each other directly? Explain.

/5

How do members of the Parliament behave during Question Period?

/5

Total: /20

Biography Activity Handout



Your Name: _____

Name of Historical Figure: _____

Birth and Death Dates: _____

Family Members:

Where were they born? _____

Where did they live? _____

Pro- or anti-Confederation? _____

Reason(s) for pro-Confederation or anti-Confederation position:

Exit Card

Your Name: _____

Date: _____



Historical significance: Name the three historical figures you think had the biggest impact on Confederation and write a sentence about each explaining why. (You should have at least one figure from pro- and one from anti-Confederation.)

Cause and consequence: Name one way that Canada would be different if we didn't have Confederation.

Historical perspective: Name one person and one reason they were anti-Confederation.

If you were to select a new national capital, what city would you choose? Why did you choose this location? Do you think your choice would be different if you lived in a province other than Nova Scotia?



William Annand in Brief

William Annand was born in 1808 in Halifax, Nova Scotia, where he entered the agriculture industry and bred cattle in the Musquodoboit River Valley. In 1836, he secured a seat in the Assembly and developed a reputation as a Reformer by following Joseph Howe, but he was dropped from their ticket in 1843 after he began opposing further public financial support for sectarian colleges. Howe subsequently offered Annand a loan to purchase and edit the *Novascotian*, which was Halifax's most popular newspaper. Annand accepted, and also founded his own newspaper, the *Morning Chronicle*, which championed the cause of responsible government. Annand re-entered the Assembly in 1851, and his loyalty to Howe allowed him to secure the post of financial secretary in 1860. Despite accusations that Annand was engaged in improper land speculations, he retained his seat in Assembly even after the Liberal government fell during the 1863 general election.

Annand opposed the Confederation scheme worked out at Quebec and published Howe's "Botheration" letters, which argued against Nova Scotia's union with the Province of Canada. However, since Annand allowed pro-union editorials in the *Morning Chronicle*, his anti-Confederation stance lacked conviction. Annand urged his anti-Confederation peers to support a new conference on colonial union, but ambiguity on whether he really opposed union of the colonies or merely wanted better terms negatively affected the anti-Confederation movement. Annand consequently led a weak minority in the legislature, which lost to Charles Tupper's pro-Confederation resolution in April 1866. Annand and Howe then went to London in July 1866 and March 1868 to argue against Nova Scotia's inclusion in Confederation. To appease his assembly, Annand opposed union even when Howe opened up to the idea.

After Confederation in 1867, Annand held a seat in Nova Scotia's Legislative Council and became premier of Nova Scotia, commanding the anti-Confederation representatives. His government, however, was divided among several factions and Annand was temperamentally unsuited to bold leadership. Fearing further divisions, he continued to advocate repealing the union, but simultaneously engaged in negotiations with Sir. John A. Macdonald's government for better terms. Late that year, he suggested that Nova Scotia would pursue annexation to the United States if it did not secure these terms, which created a rift with the pro-Imperial Howe. The latter subsequently negotiated better terms with Macdonald while refusing to allow Annand to join the talks. When Howe joined John A. Macdonald's cabinet in 1869, Annand campaigned to destroy Howe's career. In 1871, Annand's government was re-elected but its majority reduced, and Annand subsequently aligned himself with Alexander Mackenzie's Liberal party, which came to power in 1873.

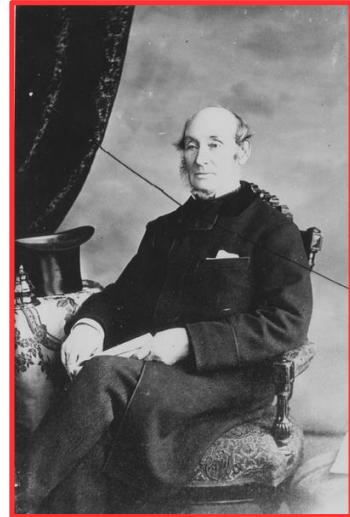


Image held by Library and Archives Canada.

Adams George Archibald in Brief

The second son of Samuel and Elizabeth Archibald, Adams George Archibald was born on 3 May 1843 in Truro, Nova Scotia. He began a career in law as a notary public in 1836 and became an attorney after being called to the bar of Prince Edward Island in June 1836 and to the Nova Scotia bar seven months later. From there, Archibald became commissioner of schools in 1841, registrar in 1842 and judge in 1848. In 1849, he was appointed one of five commissioners to oversee the building of a telegraph line linking Halifax to the New Brunswick border.

Following the family tradition, Archibald successfully ran as a Liberal candidate for Colchester County during the 1851 general election. Thereafter, he proved to be especially effective in committees, often speaking quietly and offering well-structured arguments. He strove for consensus, but stubbornly fought for or against particular causes, and even broke party lines when he believed it to be necessary. (Archibald, for example, consistently opposed universal male suffrage.) In 1852, he advocated reciprocal trade with the United States and, in 1854, supported an agreement worked out in Washington between the British North American colonies and the United States. Archibald also supported railway construction in Nova Scotia, maintaining that it would be economically beneficial to the province.

On 14 August 1856, Archibald was appointed solicitor general, but this position ended with the resignation of Premier Young the following February. In 1859, he became attorney general despite allegations of corruption during the by-election ratifying his appointment. Archibald became the Liberal leader in 1862, after Joseph Howe became the imperial fisheries commissioner. In 1864, his attempts to curtail universal male suffrage led to his government's defeat.

Archibald had not previously shown much interest in the Maritimes becoming part of the British North American union, but he became a strong proponent of Confederation after the 1864 Charlottetown and Quebec conferences both because he believed that it would likely secure the Intercolonial Railway for Nova Scotia and because Confederation offered him liberation from provincial politics. As sole Nova Scotian Liberal Confederation supporter, he was selected to also attend the 1866 London Conference. Despite conjectures that the financial terms of union disadvantaged Nova Scotia, he contended that additional concessions had been made at London, and that further adjustments could be made after 1867.

In 1867, John A. Macdonald appointed Archibald as Secretary of State in the first post-Confederation cabinet. In the resulting by-election, however, Archibald lost his seat and he resigned from the cabinet in April 1868. He was re-elected during another by-election the following year, and subsequently became the first lieutenant governor of Manitoba and the North-West Territories.

After his time in Manitoba, Archibald briefly served on the Supreme Court of Nova Scotia before becoming the province's lieutenant governor from 1873 to 1883. In 1888, the federal Conservatives asked Archibald to stand in the Colchester County by-election. Archibald agreed and won the seat, but subsequently made no speeches in the House of Commons. In 1891 he was too ill to stand for re-election and passed away the following year.

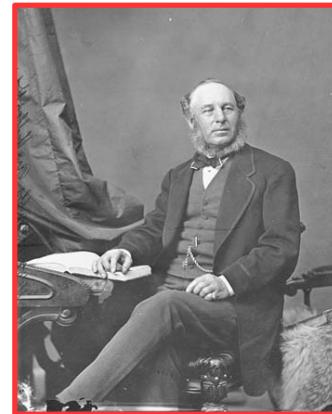


Image held by Library and Archives Canada.

Joseph Howe in Brief

Born in 1804, Joseph Howe was raised in a loyalist household and was largely self-educated. By the age of 13, Howe helped his father with his duties as Postmaster General and King's Printer. By 1827, Howe purchased the *Weekly Chronicle* and published it as the *Acadian*. Later that same year, he acquired the *Novascotian*, and went on to build it into the colony's most influential newspaper.

He was elected to the Assembly as a Reform representative for the county of Halifax in 1836 and pursued reforms to make government more responsible to the people. In 1840, he joined the request for Britain to remove Lieutenant Governor Colin Campbell after the latter refused to accept radical Reformers into his cabinet despite their significant numbers in the Assembly. This led to Howe's entry into the coalition Executive Council as Speaker of the Assembly in 1841 and Collector of Excise at Halifax in 1842. He resigned the following year and subsequently shifted his focus to reviving partisanship and the Reform Party through the *Novascotian* as well as the *Morning Chronicle*. In 1847, the Reform Party won the general election and Nova Scotia became the first colony in North America to achieve responsible government. Howe was the Provincial Secretary. He advocated the construction of a railroad from Halifax to Windsor, Nova Scotia and, in 1854, resigned as Provincial Secretary to become Chief Commissioner of a bipartisan railway board.

In 1855, Howe lost to Charles Tupper during the general election when he mishandled relations between Nova Scotian Catholics and Protestants. He returned to the Assembly in 1859, and soon became Provincial Secretary under the leadership of William Young. In 1860, Howe became premier and dealt with Canada's political obstacles towards the construction of the Intercolonial Railway (ICR). In 1863, Howe accepted appointment as Imperial Fishery Commissioner, and the leaderless Liberals lost the election to the Conservatives.

Howe did not sit in the Assembly during the Confederation debate, nor was he present at the Charlottetown and Quebec constitutional conferences. Instead, he anonymously published a series of "Botheration Letters" in the *Morning Chronicle* between 11 January and 2 March 1865 critiquing the proposed union. Howe opposed the union on several grounds. He worried that the union would distance Nova Scotia from the British Empire and contended that the deal served and empowered central Canada at the expense of Nova Scotia's prosperity and autonomy. His strongest objection, however, was Premier Charles Tupper's willingness to approve Confederation without asking voters to validate it at the polls. When the Assembly approved Tupper's motion to pursue further negotiations towards union in England, Howe took up a speaking tour and then spent nearly a year in London fruitlessly lobbying against the union deal.

After Confederation, Howe negotiated better terms for Nova Scotia within the union and entered the federal cabinet as Secretary of State in 1869, where he oversaw Manitoba's entry into Confederation. In 1873, Howe became Lieutenant Governor of Nova Scotia and died three weeks later on 1 June 1873.

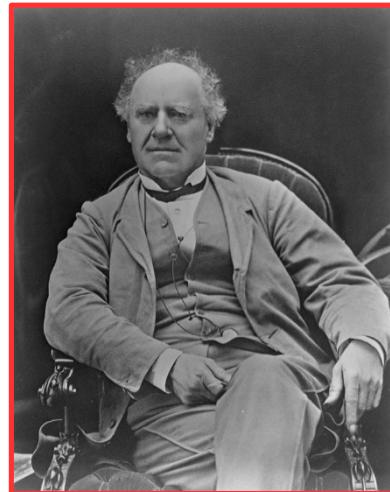


Image held by Library and Archives Canada.

Charles Tupper in Brief

Sir Charles Tupper was born on 21 July 1821 near Amherst, Nova Scotia. After being home-schooled in a Baptist family, Tupper earned his diploma in medicine from the Royal College of Surgeons of Edinburgh in 1843. He would go on to become a highly esteemed physician as well as the first president of the Canadian Medical Association.



Tupper first entered politics in 1855 when, under the guidance of Conservative leader James William Johnston, he defeated the Liberal leader Joseph Howe. Tupper influenced the Conservatives to embrace the Catholic minority in Nova Scotia as well as government construction of railways. Over the next few years, leadership of the Conservatives gradually shifted from Johnston to Tupper, who regularly delivered charismatic speeches in the House of Assembly. Tupper encouraged defections to the Conservative Party and, on 24 February 1857, the Liberal government fell and Tupper became Provincial Secretary.

The Conservatives focused on developing an intercolonial railway to ensure Nova Scotia's prosperity. In September 1858, Tupper took an intercolonial railway proposal to London which failed, in part, because the Province of Canada's delegation was more interested in forming a British North American federation. He returned to Nova Scotia convinced that the Imperial authorities did not fully understand Nova Scotia's interests, and he began to believe that Nova Scotia would benefit from closer ties with its neighbouring colonies. After resigning his seat in 1860 due to losing a vote of no confidence, Tupper subsequently became Premier of Nova Scotia in May 1864.

A few months later, Tupper gathered with other Maritime leaders at Charlottetown and then in Quebec City to discuss the future of British North America. At the conference, Tupper worked with New Brunswick's Leonard Tilley to negotiate the details. While Tupper personally preferred a legislative union, he recognized that this arrangement would not be acceptable to Quebec, and instead worked with the Canadians to propose a highly centralized federal union. Yet Tupper was also keen to preserve local autonomy within certain fields, so he opposed attempts to alter the local legislatures, fought for their right to levy duties on natural resources, and secured what he believed to be adequate representation for the Maritimes in the Senate. He claimed that Nova Scotia would have sufficient revenues under Confederation, but his decision to forgo compensation for customs duties would prove to be short-sighted.

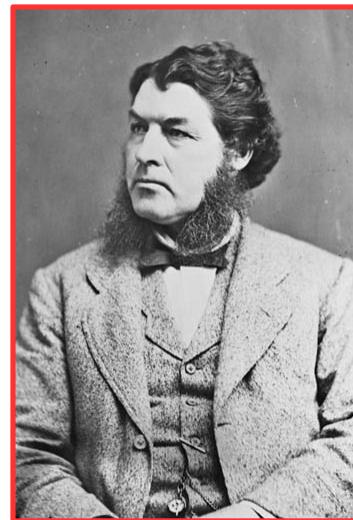


Image held by Library and Archives Canada.

Upon returning to Nova Scotia, however, Tupper faced fierce opposition to Confederation. Instead of asking the legislature to support the Quebec Resolutions, he asked it to instead approve them with the understanding that further changes would later be made. The resolutions passed by a vote of 31 to 19. While negotiating these additional terms in London, he wrote a series of pamphlets and letters to newspapers to counteract Joseph Howe's anti-Confederation letters.

After the 1867 federal election, Tupper was the only pro-Confederation MP from Nova Scotia to keep his seat. He would go on to become Canada's High Commissioner (ambassador) in London and subsequently became Prime Minister for a few months in 1896, before Wilfrid Laurier's Liberals began their reign.

Ballots**BALLOT**

Be it resolved that the Imperial parliament should unite the colonies of Canada, Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island with provisions based on the 72 Resolutions.

 Yes No**BALLOT**

Be it resolved that the Imperial parliament should unite the colonies of Canada, Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island with provisions based on the 72 Resolutions.

 Yes No**BALLOT**

Be it resolved that the Imperial parliament should unite the colonies of Canada, Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island with provisions based on the 72 Resolutions.

 Yes No

Teacher's Rubric for Evaluation of Confederation Debates

| | 4 | 3 | 2 | 1 | Points |
|---------------------|---|--|---|---|--------|
| Factual Information | Significant contribution to the debate. Student was able to provide historical information relating to their character. | Reasonable contribution to the debate. Student missed a few crucial elements of historical information about their character. | Minimal contribution to the debate. Student missed a significant number of crucial elements during the debate. | Unsatisfactory contribution to the debate. Student did not provide enough crucial pieces of historical information about their character. | |
| Comprehension | Student fully understands the historical content and significance of the debate. Speech is well prepared and all questions are answered during the debate. | Student somewhat understands the historical content and significance of the debate. Speech is prepared and major concepts are understood. | Student vaguely understands the historical content and significance of the debate. Speech is somewhat prepared but major concepts are missed or misunderstood. | Student does not understand the historical content and significance of the debate. Speech is not well prepared and student has not contributed significantly to the debate. | |
| Delivery | Student clearly articulates during the jigsaw and debate. All questions are answered and delivered articulately. | Student reasonably articulates during the jigsaw and debate and questions are reasonably answered. | Student sometimes articulates during the jigsaw and debate but there are a few misunderstandings. | Student does not articulate during the jigsaw and debate and does not deliver the speech well and there are many misunderstandings. | |
| Rebuttal | Student can effectively rebut during the debate. | Student can adequately rebut during the debate. | Student has limited rebuttal during the debate. | Student is not able to rebut during the debate. | |
| Historical Thinking | Student shows significant understanding of historical thinking concepts and uses them throughout the debate (e.g., speaking as their historical figure would as opposed to giving their own views). | Student shows a general understanding of historical thinking concepts and uses some throughout the debate (e.g., can somewhat speak as their historical figure would). | Student shows some understanding of historical thinking concepts and uses a few throughout the debate (perhaps with some misunderstanding or citing their own views). | Student shows little understanding of historical thinking concepts (e.g., not speaking as their historical figure would or giving irrelevant arguments). | |
| Total | | | | | |



Post-Debate Self-Evaluation

Name: _____

Your self-grade: _____

Describe your contribution to the group:

What would you do to improve your group work next time?

What would you do to improve your debating skills next time?

How could your team improve next time?

Teacher comments:

Teacher grade:

Additional Resources

GENERAL RESOURCES

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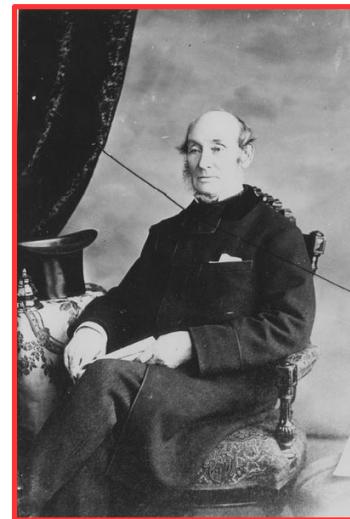


Primary Source: William Annand's Views on Confederation

When Nova Scotia's legislature debated Confederation between 1865 and 1867, William Annand said the following points:

SUMMARY STATEMENTS

"Nature evidently formed the island, now England and Scotland to be under one government, but with a narrow strip of land connecting the Maritime Provinces with Canada, in many places not more than twenty-six to thirty miles wide, it is not evident that geography protests against the union of Provinces, whose railways and telegraphs in time of war could be severed in fifty places, and all communication intercepted.¹ We are asked to be united to a country which is frozen up five months in the year, which has no trade to offer us of which we cannot avail ourselves now. More than that, Scotland went into the union with the advantage in a pecuniary² point of view, and we go into Confederation with the money part of the arrangement all in favour of Canada—so that the cases instead of being parallel, are entirely opposite. We being a maritime and consuming³ people, will consume, man for man, \$3 for every \$1 consumed by Lower Canadians, and more than even the better class of Upper Canadians. In the face of these facts I think the hon. gentleman has not shown that the measure is desirable from a commercial⁴ point of view, nor yet in relation to defence."



*Debates of the Nova Scotia House of Assembly, 19 March 1867,
pg 45.*

Image held by Library and Archives Canada.

"We are to remain, in future, a dependency,⁵ not of the mother country,⁶ because direct communication with the Crown is out off,⁷ but of Canada, and we are to be subjected to her taxation, and to be drawn into her broils and her isolation. That word isolation has been used in reference to Nova Scotia, but Nova Scotia can never be isolated as long as she remains beside the sea, forming a part of the magnificent Empire to which I am proud to belong, and commanding the ports to which every Englishman sailing from the Mersey or the Thames resorts. We are to become a dependency of Canada—to submit to new trade regulations imposed by a country cut

¹ Intercepted = taken away

² Pecuniary = something relating to money

³ Consuming = buying things

⁴ Commercial = selling things

⁵ Dependency = a province reliant upon Canada

⁶ Mother country = the British Empire

⁷ Is out off = this appears to have been a typo in the original text. This sort of problem sometimes happens with primary documents.

off from the rest of the world, whose policy is protection, and to share in her isolation; and our people, peaceful, prosperous and happy, are to be identified with the factions, and I might almost say, the bankruptcy of Canada."

Debates of the Nova Scotia House of Assembly, 26 April 1867, pg. 193.

"To those gentlemen who are urging a political Union, for defence and free trade, for the purpose of assimilating⁸ our currency and our postal arrangements, I say that all these things can be obtained without Confederation."

Debates of the Nova Scotia House of Assembly, 12 April 1865, pg. 231.

REPRESENTATION BY POPULATION

"But Representation by population, says the Provincial Secretary, is a sound⁹ principle as applied to the Confederation of the British American Provinces. He has said—and he argued the question at considerable length—that 19 members were as many as Nova Scotia, and 47 as many as all the Maritime Provinces were entitled to, in a House of 194. It must be recollected, however, that under Confederation you have separate interests if you retain¹⁰ separate Provinces, and whilst this is the case, you must expect difficulties to arise."

Debates of the Nova Scotia House of Assembly, 12 April 1865, pg. 233.

NOVA SCOTIA'S INFLUENCE WITHIN CONFEDERATION

"Now, a few words with respect to the Legislative Council, which, we are told, is to be composed of three divisions. Upper Canada has 24, Lower Canada 24, and the Maritime Provinces 24, or 72 in all. It has been said that it was a great concession to give us 24. What the Maritime Provinces require in the central Parliament is protection, and how are they going to get it, when they have but 24 Representatives to 48 Canadians in the Legislative Council....

"If we are to have protection in the Legislative Council, the only way we can get it, is to imitate the example of the United States. Under their system, the smallest State has the same number of Representatives in the Senate as the largest. Little Rhode Island has as many voices as the Empire State New York. But suppose in the event of Union, Canada had 12, and each of the Maritime Provinces the same number of members—Prince Edward Island as many as Canada, then, if any injustice was attempted to be done to these Provinces in the Lower House, their Representatives in the Legislative Council, by combining together, could prevent it."

Debates of the Nova Scotia House of Assembly, 12 April 1865, pg. 233.

INTERCOLONIAL RAILWAY

"...we are told we cannot defend ourselves unless Confederated. I admit the potency of the argument in reference to the Intercolonial Railway as a means of defence, and I believe that that road will be exceedingly¹¹ useful in time of war, but it might be cut in two or three places in the

⁸ Assimilating = merging cultures

⁹ Sound = good

¹⁰ Retain = keep

¹¹ Exceedingly = very

event of hostilities.¹² Any one reading the history of Sherman's campaign¹³ knows how easy it is to cut a railway, and how easily these Provinces could be separated."

Debates of the Nova Scotia House of Assembly, 13 April 1866, pg. 231.

"One reason why I have a strong feeling against this Union with Canada is, because I have no faith in Canadian statesmen. I remember the way we were treated with respect to the Intercolonial Railway—how the Canadian government agreed to the scheme,¹⁴ and put it in the form of a treaty engagement—how they went to England and violated the promises they made to the delegates from the Maritime Provinces—how they attempted to persuade the British government to look upon their share in the cost of the Intercolonial Railway as a contribution towards local defences."

Debates of the Nova Scotia House of Assembly, 12 April 1865, pg. 234.

"...the Canadians on two occasions shipwrecked the great scheme. These gentlemen would now give us an Intercolonial Railway, provided that they can couple it with Confederation? Does it follow that a union of the Provinces is necessary before the Railway can be built! We know it is not. We know that the sense of the people is against all union with Canada. We all know the character of the public men that have been dominant in that country for very many years. We know that the money of the country has been corruptly squandered by hundreds of thousands—that, they have proved themselves unworthy of all confidence by their action in respect to the Intercolonial Railway."

Debates of the Nova Scotia House of Assembly, 5 April 1866, pg. 205.

DEFENCE

"We all know how the American Colonies were lost to England, which probably never would have happened had the sage advice of such men as Adam Smith been taken, and a voice given to the old Colonies in the imposition of taxes and the making of laws. These States would now have been a part of the British Empire, and that Empire would now be invincible¹⁵ against the entire universe. What power would dare to assail the Empire if these, the now two greatest nations in the world, were one. Our true policy I contend, and our duty as British subjects are not to dissever¹⁶ the Empire, but to share the fortunes of England, to cling to, and, if need be, to defend her. I differ entirely from those who advocate the dismemberment of the Empire, and I believe this Confederation scheme to be the beginning of the decline and fall of that great country of which we are all so fond. How long will the West Indies be retained when we are gone? And will not the cry then come up for new nationalities and independence from the Australian Colonies and the Cape. New Zealand and the smaller Colonies will catch the infection, and when all is gone this new powerful and noble Empire will be reduced to two small islands. Against this fatal policy, the inevitable result as I believe of this Confederation scheme, I sincerely and solemnly protest. It is said that in twenty years our population will be eight or ten millions, enough to maintain our independence as a nation, but we may be assured that by that time the population of the United States, recruited from the old world, most of whom prefer to go there, will more likely be sixty-

¹² Hostilities = war

¹³ Sherman's campaign = a battle during Civil War

¹⁴ Scheme = plan

¹⁵ Invincible = too powerful to overcome

¹⁶ Dissever = take apart

eight or eighty million, making the discrepancy between that country and ours greater instead of less than now. I repeat what I said last night, that these Maritime Provinces must belong to either England or the United States—we cannot belong to Canada, nor can we form a new nation. You may call the Confederation, that is to be, monarchical, with a Governor-General at its head, but it must become a Republic."

Debates of the Nova Scotia House of Assembly, 19 March 1867, pg. 46.

"Would any union of the people of these Provinces—would any union of our means, unaided by the British Government, save us in the event of the Americans being determined to invade our country and possess it? I say no."

Debates of the Nova Scotia House of Assembly, 12 April 1865, pg. 231.

"If the Confederation was formed tomorrow, I don't believe it would last 10 years. It has not the elements of strength. At one extremity¹⁷ you have Vancouver's Island and British Columbia, and at the other, Nova Scotia and New Brunswick—inhabited by people of the Anglo-Saxon race with their, indomitable¹⁸ spirit. Then between these, in the very heart of the Confederacy, we find the French population, cherishing opinions adverse to those of the Anglo-Saxon, and it is out of such discordant materials as these that you propose to found a powerful and united Confederation."

Debates of the Nova Scotia House of Assembly, 12 April 1865, pg. 233.

"I admit that it is our duty in the case of hostilities to assist our brethren in Canada and New Brunswick, but under the existing state of our law you cannot move a single regiment of militia across the frontier. But does it require Confederation to do that? Cannot you, by a simple act of the Legislature, give the Governor the power to march out as many militiamen as you choose?"

Debates of the Nova Scotia House of Assembly, 12 April 1865, pg. 230.

"When we are confederated the Commander-in-Chief would have his head-quarters at Ottawa; and we will find that if Canada is attacked and these Provinces threatened, the Executive Government at Ottawa will naturally prefer the protection of their own home-steads to our security, and will withdraw our men for their defence."

Debates of the Nova Scotia House of Assembly, 13 April 1866, pg. 231.

TRADE

"The Provincial Secretary says, if our trade is ever expanded, it must be with British America. I would be much obliged to the hon. gentleman if he would show how that is to arrive under Confederation. We have now free trade with all British America in everything except manufactures. Have we not a right to exchange every article we produce—the products of the soil, the forest, the mine, the sea—free of duty. Would Confederation make one more customer than you have now without it. I admit, that with a population of four millions, there would be much greater temptation to embark in manufactures than there is; but I challenge hon. gentlemen to show me how we could compete with Canada. Can you show the place where the coal, iron, and limestone are found together in the position to be manufactured on the seaboard.... Although they have no coal in Canada, yet at the present day coal can be obtained at a cheaper rate in Montreal than in

¹⁷ Extremity = extreme

¹⁸ Indomitable = impossible to subdue

Halifax. Perhaps at some future time iron works may be established at Sydney, where there are large deposits of coal; but I fear, the period is yet far off. But if you think you can compete with the manufactures of Canada, who have so much the start of us, you can make arrangements for free trade now just as well as under Confederation. All that the Government has to do, is to introduce a resolution for a Conference at Quebec, and I will guarantee that the Canadians will be only too happy to second your wishes.... We took from the United States four millions worth, or 100 times our imports from Canada. We sent to them \$2,445,770, or 80 times our exports to Canada. Yet these gentlemen tell you that we are to have a great expansion of trade with Canada in the event of Confederation."

Debates of the Nova Scotia House of Assembly, 12 April 1865, pg. 233.



Primary Source: Adams George Archibald's Views on Confederation

When Nova Scotia's legislature debated Confederation between 1865 and 1867, Adams George Archibald said the following points:

DEFENCE

"I have heard it stated over and over again that England may forsake¹ Canada and retain Nova Scotia. This I consider a perfect fallacy,² and I defy anybody to produce proof in corroboration³ of such an idea, either from documents emanating from any English statesman, or from any speech delivered by any public man in Parliament."

Debates of the Nova Scotia House of Assembly, 12 April 1865, pg. 226.

TRADE

"I am not prepared to say—it would be absurd to suppose—that by a union with Canada we will arrive at the same commercial prosperity as the United States have attained, but I do say that just as the union of those States has contributed to that result, so will our union produce corresponding advantages on a smaller scale....

"Well, the union ultimately took place, and what was the result? A degree of prosperity which has astonished the whole civilized world. And well do the people of the United States appreciate it. What is it that now stirs the heart of that great nation to its inmost depths? Is it not their attachment to union?—their consciousness that upon union depends, to a large extent, their character, their prestige in the world, their national position? Is it not this which has plunged them into the most sanguinary⁴ war which history records? Is it, then, all a chimera⁵ they are fighting for? I do not suppose—I am not desirous of conveying the absurd idea, that all that union has done for them it will do for us; but what I do contend⁶ is, that it will largely improve our trade, our industry, our manufactures; that on a small scale, to be sure, but, to a large extent, it will develop every resource we have, and improve our prosperity."

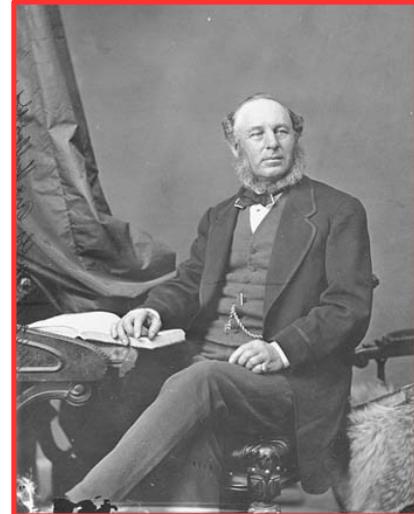


Image held by Library and Archives Canada.

¹ Forsake = abandon

² Fallacy = invalid reason

³ Corroboration = confirmation of a decision

⁴ Sanguinary = causing bloodshed

⁵ Chimera = illusion; unattainable dream

⁶ Contend = believe; claim

Debates of the Nova Scotia House of Assembly, 12 April 1865, pg. 227.

"I believe that is only by means of Confederation that we can prevent our Provinces from being absorbed in the American Union, I have more faith in the opinions of the ally of the hon. member for East Halifax than I have in his own. I believe that by the establishment of a large country on this continent, within which labor shall be free and untaxed, we shall present a field for industry which will contrast most favourably with that other field alongside of us in which labor is pressed down by enormous taxation....

"As it is with shipping, so it will be with other industries, and the new Confederation may look forward to a future in which the growth and increase of every industrial pursuit will bring into play the vast and varied resources which are scattered profusely⁷ over the country.

"A brilliant prospect is before us, and when we shall have become a country with our sister colonies in the West, and have fairly entered on our new course, I believe there will be nothing at which some of those who now view the prospect with timidity or apprehension will be more amazed than at the recollection of the doubts and fears that they honestly entertained at this crisis of our history. The men who sit around those benches have a deep stake in the country. They represent not only the intelligence and public spirit—but they fairly represent the wealth and prosperity of the country. If in what they are now about to do they mistake the true interests of the country, they will themselves be the sufferers from the mistake. But there is a feeling dearer to a public man than any considerations of a material interest. It is the desire to enjoy the esteem and respect of those among whom his life is to be spent. If in the course we are now taking, we have misapprehended⁸ the true interests of the country, if it shall turn out that the Confederation we advocate shall be what its opponents declare it will, we shall pay the penalty of our rash act by a lifelong exclusion from the esteem and respect of our fellow country men. But, if it be otherwise—and if it shall turn out that we saw what was not only for the interests and prosperity, but what was absolutely necessary for the safety of the people, then we shall see that we have done right to fix our eyes steadily on what was for the permanent benefit of our common country, and to pursue it regardless of the temporary passions and prejudices which may beset⁹ us."

Debates of the Nova Scotia House of Assembly, 19 March 1867, pg. 38.

INTERCOLONIAL RAILWAY

"The merest tyro¹⁰ in history knows that the United Provinces of the Old World combined only under the iron heel of Spanish despotism. It was the hostile legions of Alva that created a union which peace and prosperity would never have produced. All the other unions of independent States, that have had any permanence, are those which have been cemented under the pressure of urgent necessities. The Prov. Sec. has referred to a letter which has recently appeared, and which will have great influence. I will not undertake to say that I consider the picture of our dangers from Fenian¹¹ invasion rather overdrawn, but this I do say that if I were addressing this

⁷ Profusely = in large amounts

⁸ Misapprehended = misunderstood

⁹ Beset = constantly trouble

¹⁰ Tyro = a beginner

¹¹ A group of Irish-Catholic nationalists who believed that they could invade British North America from the United States and use it to force the British Empire to give Ireland its

house, and desired to make the strongest appeal on behalf of Union, I would have tested it on the very premises which that letter contains. I should have drawn conclusions from it the very opposite of these of the very able and eloquent author. There are certain considerations connected with the dangers so powerfully descanted on in that letter, which should press upon us with great force. Our position is this: We stand alongside a country which has suddenly developed itself into the greatest military power in the world. It contains large numbers of armed and trained men, at this moment hordes of them are threatening an inroad upon our territory. We have opposed to us not merely the irradicable¹² hatred of British power which distinguishes the descendants of Ireland who have emigrated to the United States, and who compose the Fenian element, but we have that hatred sympathised in by the great body of the American people, and no man can tell at what moment our soil may be invaded. Let us, then, look at England and see how she stands. England fought for seven years to subjugate the rebellious States, and yet with only three million to fight with, she was obliged to retire unsuccessful. Now thirty millions of people occupy the place of the three."

Debates of the Nova Scotia House of Assembly, 10 April 1866, pg. 223.

"No British statesman can fail to see that of all the points at which the Imperial power can be assailed, this presents the elements which make a war most to be dreaded. Do we wonder, then, that despatch¹³ after despatch has been sent by the home authorities, requiring us to put ourselves in such a position that England, if called upon to defend us, can do so successfully. Is it any wonder that we find the Colonial Secretary, time after time, almost imploring us, if we have any desire to retain our allegiance to the Crown, to put ourselves in such an attitude that the Crown can protect us? I feel that if there were no commercial advantages to be derived from striking down an agonistic barriers; if our material interests even were not promoted by Union, we could not gracefully resist the expression of such desire on the part of those to whom we are indebted for protection, and of whom we are even now imploring aid. For they say, 'we are ready to place the whole resources of the Empire at your back, we will defend you as long as you desire to remain with us; but we claim it a right which our position gives us to offer you advice as to the attitude you shall assume, and in which, we think, you can best be defended.' Even admitting that there were no commercial advantages in the proposed Union, admitting even that we did not agree that the British government were right in the belief that Union would aid our defence, is there a man in the country who could look a British statesman in the face and say 'we will accept your protection, but we decline your advice?' This argument alone, the deference which is due from our position as the protected and defended, to those who protect and defend, I feel to be irresistible. I have never hesitated in this assembly from the first hour when the proposition for Colonial Union was mooted,¹⁴ from giving it my support."

Debates of the Nova Scotia House of Assembly, 10 April 1866, pg. 224.

"I was not surprised when the Prov. Sec. rose and stated that he was not in a position to give an answer to the question because he can hardly be said to represent even Nova Scotia, for he was but one of those who represented this Province— It is not very agreeable to gentlemen interested

independence. Between 1866 and 1871, they mounted 5 unsuccessful raids into present-day New Brunswick (1866), Ontario (1866), Quebec (1866, 1870) and Manitoba (1871).

¹² Irradicable = a feeling that cannot be destroyed

¹³ Despatch= dispatch; message

¹⁴ Mooted = moved a resolution for vote by the legislature

in the Quebec scheme to hear the allusions¹⁵ that have been made; I am prepared to advocate that scheme as conferring upon these Provinces everything that they should ask. At the same time, no one would be more pleased than I if further concessions could be obtained; but any such concession must be obtained at the expense of some other Province. I agree with the hon. member for Richmond that no new scheme would place us in a worse position. The reticence¹⁶ with which the Prov. Sec. approached the question was due to the gentlemen, in this country and beyond, who were connected with the formation of the present scheme of union."

Debates of the Nova Scotia House of Assembly, 3 April 1866, pg. 193.

NOVA SCOTIA'S INFLEUNCE WITHIN CONFEDERATION

"...many might suppose that it would be too great a shock to our social framework, if at the same moment we were to construct the Union of the Lower Provinces by an amalgamation¹⁷ of our Legislature, and erect a central machinery at the headquarters of the Federation. There is, therefore, much to be said in favor of the smaller Union, when the action of New Brunswick has rendered the discussion of the other question not a practical discussion. In the Lower Provinces at all events there are no distinctions of race, of creed, of commercial or territorial interest to separate us—united, we should have a broader field; a larger revenue, a less proportionate¹⁸ burden in the maintenance of civil government. If the time should come when we enter into Confederation, the Maritime Colonies, united, will form a more solid phalanx¹⁹ in the United Legislature—would be governed by a more united sentiment—would wield powerful influence. Therefore, whether this Union should end with the Lower Colonies or should expand to Confederation, it will be alike useful to us—and I have great pleasure, therefore, in seconding the resolution introduced by the Provincial Secretary."

Debates of the Nova Scotia House of Assembly, 12 April 1865, pg. 227.

"Need we fear that in Confederation the party which shall be supported by the Maritime Provinces—which shall owe its power very largely to their adhesion²⁰—will be in a position to refuse to the Provinces whose aid is so essential to them any fair advantage which they are entitled to ask? No, sir, I have no fears on that point. If there is any portion of the Confederacy which may be in a position to ask more than its fair share from the public funds, that portion is not either of the Canadas,— and we may rest assured that the Maritime Provinces will receive, as they will be in a position to demand, the most ample justice. More than what is fair and right, it would be a reflection on our character to suppose we should ask. Less than that, it would be a reflection on our patriotism, if we did not obtain."

Debates of the Nova Scotia House of Assembly, 19 March 1867, pg. 35.

¹⁵ Allusions = references

¹⁶ Reticence = showing of no emotion

¹⁷ Amalgamation = combination or union

¹⁸ Proportionate = matching in size

¹⁹ Phalanx = body of troops standing in close formation

²⁰ Adhesion = attachment to a surface



Primary Source: Joseph Howe's Views on Confederation

Joseph Howe did not sit in the Nova Scotia House of Assembly when it debated the 72 Resolutions, but he published his critiques of Confederation in a series of editorials entitled the “Botheration Letters” in the Halifax Morning Chronicle. You can read snippets from these editorials below.

REPRESENTATION BY POPULATION AND PARLIAMENTARY INFLUENCE

“When they go to Ottawa they will be merged into the General Legislature.¹ If they all hang together and always support the Government of the day, they may be largely consulted and very influential in the management of their own Province; but should they act together and go into opposition, who then will manage Nova Scotia? Some wily Canadian, who will have this own correspondence and servile² creature here, and who will so make his appointments as to mortify³ and weaken the influence of the Novascotian [sic] delegation. Men that no Novascotian likes—that no man trusts—that all our members disapprove—may and will be appointed in spite of their unanimity,⁴ so sure as they dare oppose the Government.

“But will they be unanimous? Who believes it? Dr. Tupper and Mr. McCully may be friends from the teeth outwards,⁵ just so long as it necessary to carry this scheme, but when once it is carried and they met on the floor of the Parliament House at Ottawa, they will be rivals, perhaps enemies again. Our members will be no longer unanimous, but split into two factions each following the fortunes of its leader, and each trying to bargain with the minister for the patronage⁶ and control of Nova Scotia. No matter which succeeds, the Province will be at the mercy of either, with a following of three, five or ten members, as the case may be. Is this what Novascotians desire to see? Is this the kind of Responsible Government⁷ which any sane man would desire to substitute for the wholesome⁸ control which the two Branches now exercise over nine gentlemen,

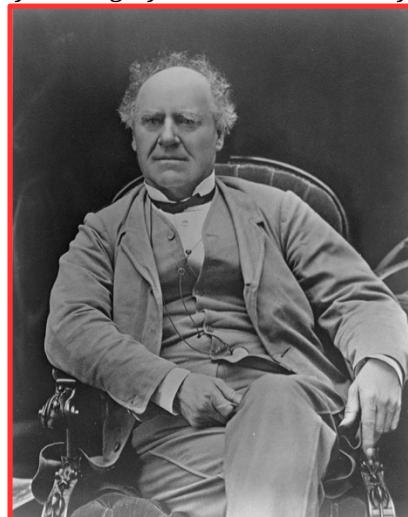


Image held by Library and Archives Canada.

¹ General Legislature = the parliament in Ottawa

² Servile = bowing to another's will

³ Mortify = to cause shame or embarrassment

⁴ Unanimity = when everyone in a group agrees to something

⁵ From the teeth outwards = in appearance only

⁶ Patronage = government jobs and favours

⁷ Responsible Government = when the Crown is responsible to the people's elected political representatives

⁸ Wholesome = full

discharging Executive functions in presence of the people, and day by day liable to be questioned or displaced by a Parliamentary majority? We think not."

Halifax Morning Chronicle, 11 January 1865

"... Now that the Upper Province⁹ has increased her numbers, regardless of the principle she enforced upon the French, and of which for years she enjoyed the advantage, she demands representation by population, has made Parliamentary Government impossible in order that she may obtain it, and seeks to destroy the union by enforcing a principle the very opposite to that upon which, at her own instance, it was framed. Such conduct may well excite suspicion, and ought to warn us not to surrender the management of our affairs to a people who can so readily combine for selfish objects, whenever it suits their interest. Besides, if your population, who lives in the same Province, cannot work in one Parliament, being divided by adverse nationalities or incompatibility of temper, so striking that Government is impossible, what security have we, that, when we have broken down our constitutions, and adopted the one you offer, we shall not always be in hot water?¹⁰ We wish you well, but we are very happy and very well off, and we cannot consent to peril all in a rather hope-less attempt to reconcile elements so conflicting and incongruous."¹¹

Halifax Morning Chronicle, 14 January 1865.

PROVINCIAL AUTONOMY

"....We are still open to negotiation upon all questions of intercolonial¹² importance, but as to surrendering to you the control of our revenues,¹³ the appointment of our officers, and the management of our affairs, pardon our sincerity, but there is nothing in your past history, of in your dealing with intercolonial questions to justify such confidence."

Halifax Morning Chronicle, 14 January 1865.

NOVA SCOTIA'S INFLUENCE WITHIN CONFEDERATION

"But see how carefully, in the United States, the authority and the interests of the smallest Provinces were guarded, in framing the national Constitution. Every State had an equal representation in the Senate. In that body the small states of Rhode Island and Delaware had the same weight and influence as the Empire States of New York and Pennsylvania. We are to be content with a proportionate vote, the numbers being so arranged as always to leave in the hands of the Canadians the power to do as they please. In surrendering their revenues, these small States reserved to themselves substantial power over their appropriation.¹⁴ Our delegates have stipulated¹⁵ for no such checks and guards. By our system, the upper branch¹⁶ may accept or reject a bill of supply, but cannot strike out a single vote. The Senate of the United States revises every appropriation, so that no wasteful or improper expenditure of the public money can take

⁹ Upper Province = Ontario

¹⁰ Hot water = trouble

¹¹ Incongruous = do not match

¹² Intercolonial = matters between multiple colonies (future provinces)

¹³ Revenues = tax money

¹⁴ Appropriation = the spending of tax money

¹⁵ Stipulated = decided

¹⁶ Upper branch = Senate

place without the smallest State having the opportunity and the power to check it as effectually as the largest State in the Union....

"Will the Maritime Provinces have any analogous powers, or chance of self-protection, when this crude scheme has been adopted? None whatever. Mr. Brown or Mr. Galt may select for governor, or councilor, or collector, the most obnoxious, profligate,¹⁷ or distasteful person in either Province, and there is no revision or redress. Secure of the support of his Canadian majority, he may laugh at our complaints, and regard even our criticism as an impertinence."¹⁸

Halifax Morning Chronicle, 10 February 1865.

NATIONAL UNITY

"England and Scotland were united *because they were near neighbors, forming parts of the same Island*. They had fought for centuries, mutually wasting each others¹⁹ territories, exhausting each others treasures, and slaughtering each others people by hundreds of thousands. The boundary which separated them had been for ages unsettled and undefined. Predatory²⁰ bands crossed it with or without provocation,²¹ carrying fire and sword into all the adjoining²² settlements. Cattle were nowhere secure, life was nowhere safe, and men kept their houses only by the strong hand. *To obtain peace, was therefore, in both countries the great motive to induce the two populations to unite.*

"Now Nova Scotia and Upper Canada are not the same island, but are 800 miles apart—they have no disturbed boundary, and have never been at war. They can never, by any possibility come into collision, or inflict nay injury upon each other. It is clear then that the reasons which induced Scotland to unite with England do not apply to the case of Nova Scotia and Canada.

"But did anybody ever propose to unite Scotland with Poland or Hungary, inland countries eight hundred miles off in the very heart of Europe? Any Scotchman who had proposed a union of that kind would have been sent to a lunatic asylum—and certainly would have lost his head had he attempted to bring it about. Yet Nova Scotians, who passed for sane men, propose not merely to unite us a country as far from us as Poland and Hungary are from Scotland, but to hand over our revenues to a people who have about as much knowledge of our affairs as the Poles ever had or have of the affairs of Scotland."

Halifax Morning Chronicle, 20 January 1865.

"We have a notable illustration, in the abuse in Nova Scotia, of late, of the three words 'Union is Strength.' This phrase has been used by the Botheration people in all circles and in all arguments, with a confidence so profound as occasionally to impose upon the weak-minded, who have not the shrewdness²³ to perceive that nothing can be made to lie so completely as a proverb,²⁴ except perhaps it be a calculation. Is union always strength?..."

¹⁷ Profligate = wasteful

¹⁸ Impertinence = lack of respect

¹⁹ Others = this should read other's, but we have reproduced the typo from the primary document

²⁰ Predatory = exploitative

²¹ Provocation = cause

²² Adjoining = nearby

²³ Shrewdness = good judgment

²⁴ Proverb = a well-known expression that illustrates a general truth

“Ask the shareholders if it was. We need not wait for the answer, but may go forward and assume, that *where there are no cohesive [illegible]²⁵ in the material, no skill in the design, no prudence in the management, unite what you will and there is no strength.*

“Was there strength when the new wine was united to the old bottle, or the new cloth to the old garment? Are two dogs stronger when they are coupled against their will? How would Newfoundlanders and Pointers work together... Is union strength when a gentleman’s daughter runs off with the footman, or when a quiet man marries a shrew? Is union strength when a prudent man, doing a snug business, is tempted into partnership with a wild speculator?...

“The editor of the Montreal *Witness* has put the case very prettily, when he says that the Provinces, if united, would not have the strength of the bundle of sticks,²⁶ because no skill can give them the compactness of a bundle; their union would be that of a fishing rod—strong enough, when linked together, to catch trout or gudgeon, but for all purposes of defence, only a reed shaken by the wind.

“Here are lines of ‘progress’ distinctly marked, that we may advance upon without peril or impediment; with no distant authority to control us—with no outward drain upon our public and private resources; and we say in all sincerity to our people, let us work out our destiny upon these lines, without running away, above tide-water, after the will-of-the-wisp²⁷ at Ottawa, which will land us in a Slough of Despond.”²⁸

Halifax Morning Chronicle, 8 February 1865.

TRADE

“As respects free trade, we have it now in everything but manufactures. Mr. Wier can send fish, and oil, coal and cordwood, plaster and grindstones, and we have nothing else to send, as freely to Canada as he can to the United States under the Reciprocity Treaty.”

Halifax Morning Chronicle, 14 January 1865.

INTERCOLONIAL RAILWAY

“We admit that if the Intercolonial Railroad was built, there might be some inducement²⁹ to an interchange of productions with Canada that now does not exist; but, even then, *we should take care that we did not burthen³⁰ our commerce with three or four hundred millions of people*, that our exchange of commodities with *three millions* might be facilitated. If the thing can be done without such a sacrifice, we would be willing to run the risk; *but, [illegible] it can only be done by adding [illegible], three or five per cent. on our trade with all the world, then we are content to purchase manufactures from the Mother Country*, and let Canada keep up her high duties if she prefers that system.”

Halifax Morning Chronicle, 14 January 1865.

²⁵ Illegible = there was a word in the primary document that is now too blurry to read

²⁶ A bundle of sticks tied together is very hard to snap in half.

²⁷ Will-of-the-wisp = difficult to determine

²⁸ Slough of Despond = hopeless depression

²⁹ Inducement = incentive

³⁰ Burthen = burden

“As respects this road,³¹ we will only say that we have always regarded it as a great improvement, tending towards social and commercial intercourse, out of which some sort of Zollverein³² or political Union might ultimately grow, when the populations of British America had rubbed out their divisional lines by familiar intercourse,³³ and were prepared to unite *in one free Parliament, and under one Government*. But we never dreamed of the railroad coming after the Union, or of our *paying anything but money for it*. Had we been asked, at any hour of our lives, if we would pay for it our personal honor, the freedom of our fireside, or the Constitution of our Country, we should have spurned³⁴ the offer as promptly as we do now.”

Halifax *Morning Chronicle*, 14 January 1865.

DEMOCRACY

“No Parliament, elected by a free people to maintain their constitution, and to legislate within its limits, have the right to destroy what they were expressly chosen to guard. Would the Parliament of England venture, without the expressed sanction³⁵ of the people, to vote itself out of existence, and propose to send a limited representation to the Parliament of Paris, or to the Congress of the United States? The idea is absurd. For nearly two hundred years no important change in the constitution of the mother country—no limitation of the prerogative³⁶—no extension even of the suffrage³⁷—no important relaxation of restrictive commercial policy—has been adopted by the Parliament of England, without having been debated for several sessions, and referred to the people at the hustings³⁸—once at least, and some of them have been so referred two or three times; and we believe that if an attempt were made, by the strongest government, to abolish³⁹ the House of Commons, the answer would be a revolution, and the minister would lose his head....

“Yet we are told that three Novascotian gentlemen, one of them who passes for a Conservative—one who claims to be an advanced Liberal, and the third, who ought to be a sound Constitutional Lawyer, meditate, by a surprise, by treachery unheard of in any free State, to destroy our Constitution without the sanction of their fellow countrymen, though every elector has in it a right as sacred and as dear as either of the three. They may do this, but we will not believe it. It is yet very uncertain if they have the power. Let us, in God’s name, trust that they have not the disposition.⁴⁰ We have personally no unkind feeling to either of these gentlemen. On the contrary, few people know them better, admire their talents more, or would more gladly see them rise, by honorable means, and the confidence of our countrymen, to the highest distinctions in the Province, or the Empire. But, more in sorrow than in anger, we tell them plainly, that if they do this thing, or attempt to do it, they will do an act almost without parallel, for meanness and atrocity, in all history, since the days of Cataline. Nova Scotia may be a small country, but her voice can be heard far and wide over the world, and down the stream of time; and as long as she has a headland breasting the ocean surges, or a river rushing to the sea, the memory of this act of

³¹ Road = railway

³² Zollverein = an economic (as opposed to political) union

³³ Intercourse = interaction

³⁴ Spurned = reject

³⁵ Sanction = approval

³⁶ Prerogative = power

³⁷ Suffrage = voting eligibility

³⁸ Hustings = a political debate

³⁹ Abolish = end

⁴⁰ Disposition = willingness

treason will never pass from the souls of those who tread her seacoasts or labor in her vallies [sic].”

Halifax *Morning Chronicle*, 1 February 1865.



Primary Source: Charles Tupper's Views on Confederation

When Nova Scotia's legislature debated Confederation between 1865 and 1867, Charles Tupper said the following points:

SUMMARY STATEMENT

"The fact is, if we are known at all across the Atlantic, notwithstanding the immense resources of these Maritime Provinces, it is because we happen to be contiguous to Canada. Everything connected without interests tell us of the insignificance of our position. Therefore it is not a matter of surprise, in view of these facts, and of the position we occupy, that the intelligent men of these Provinces have long since come to the conclusion that, if these comparatively small countries are to have any future whatever in connection with the crown of England, it must be found in a consolidation¹ of all British North America. I regret that this harmony does not exist down to the present moment, but I am dealing with the position the question occupied at the time these negotiations were going on."

*Debates of the Nova Scotia House of Assembly, 22 March 1865,
pg. 211.*

PROVINCIAL AUTONOMY

"To the local governments were reserved powers of an important character, though of a local interest, which could be exercised without any interference whatever with the unity and strength of the central government. The construction of the local governments was to be left to the local legislatures themselves. The establishment and tenure of Local Offices, and appointment and payment of Local Officers; Education; Sale and Management of Public Lands; Local Works; The Administration of Justice, Property and Civil Rights. I have only referred to some of the more important powers that would be given to the local and general governments respectively. The local governments would not interfere with the powers of the general government, or weaken its strength and unity of action, but would be able to deal with such questions as touch the local interests of the country—the construction of roads and bridges, public works, civil jurisdiction, &c. "

Debates of the Nova Scotia House of Assembly, 22 March 1865, pg. 208.

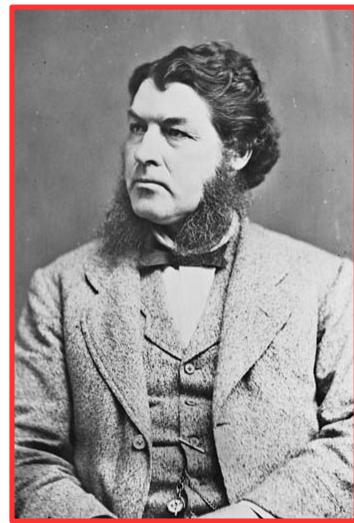


Image held by Library and Archives Canada.

¹ Consolidation = unification

REPRESENTATION BY POPULATION AND NOVA SCOTIA'S INFLUENCE WITHIN CONFEDERATION

"I ask any public man to show me, although the scheme has been rigidly examined a single statement in the press of England, or of any other country, calling into question the soundness of the principle of representation by population, as applied to British North America. I have examined all the criticisms I could have access to, and I have yet to find a single press that has objected to the application of that principle. It has been said that, assuming the principle to be right, it would nevertheless place these provinces in a position that would jeopardise the interests of the people in connection with this scheme of government. I would ask this house to consider that, in the first place, under the principle Nova Scotia would be entitled to 19 representatives in all in a parliament of 19+ members. I would ask this house, when any man ventures to question whether the 19 members or the 47, would not have a fair share of influence in the united parliament, to look at the only criterion by which it is possible to come to any conclusion on the subject. Look across the Atlantic at the parliament of England— at the House of Commons of 600 members— where the parties into which the country are divided, the Liberals and Conservatives, are separated by lines less strong than those which divide Upper and Lower Canada, and must divide them for a century to come. There you will see a dozen independent men controlling parties and influencing the destinies of the country. Is not this evidence that in a British American parliament of 196 members the representatives of the Maritime Provinces would render it impossible for their interests to be ignored or set aside. It may be said they would not be united— personal antagonism² would arise to keep them divided. I grant it. But the moment that parliament would attempt to touch the interests of any part of these Maritime Provinces; would you not see them forced into such a combination as would enable them to dictate to any party that would attempt to override them. Go to Canada and take your illustration there. Not 19, but three or four members only, for years, have dictated which party should control the government of the country....

"I confess I would have been ashamed to say in the conference that Nova Scotia's position was such that in order to have influence and control in a parliament of 194 members she would require to send more than 19 men. Mr. Howe told the people of this country ten years ago that all that he required would be two men in the British Parliament in order to have the mining monopoly broken down in a single night's discussion. Ten years after he made the statement, I would feel that I was occupying a position that my countrymen would never forgive if I said that the intellect of this Province was at so low an ebb³ that she could not send 19 members that in point of weight and energy and ability would not protect our interests in the general parliament of united British America."

Debates of the Nova Scotia House of Assembly, 22 March 1865, pgs. 209–210.

ANNEXATION/MANIFEST DESTINY⁴

"I am not wrong in assuming that the desire of every British American is to remain in connection with the people of Great Britain. If there is any sentiment that was ever strong in the breast of our people, it is a disinclination⁵ to be separated in any way whatever from the British empire, or to be connected in any manner with the United States of America. But what is our present position?

² Antagonism = opposition

³ Ebb = when water is low (people felt low)

⁴ Manifest Destiny = the belief that the United States would eventually include Canada and Mexico

⁵ Disinclination = not wanting to do something

Isolated and separated as we are now, I ask the house whether all the protection we have is not that which the crawling worm enjoys—and that is its insignificance is such as to prevent the foot being placed upon it? Does it comport⁶ with the position and dignity of freemen, that we should have our only guarantee of security and protection in our insignificance? I feel in our present isolated position, standing in the presence of a power so gigantic and unfriendly⁷ that we must take speedy and prompt measures for security. I may be told that four millions of people would still stand in the presence of thirty millions, and that we would be unable to make any resistance that would ensure our safety; but I would ask the house to consider the fact that we have every reason to know—for no one can doubt the declaration of the ministry of England—that the resolve on the part of Great Britain is to stand in all her integrity by British America, provided these provinces assume such an attitude as would make the power of the parent state to be put forth with a reasonable prospect of success. Although our numbers may be comparatively small still while we have the good fortune to be a part of the British empire, and know that all that is necessary is for us, by union and consolidation, to take such a position as would give England the guarantee that we are prepared to do our duty, and her power would not be put forth in vain, we need not fear the future. Every man who wishes to keep the liberties and rights he now possesses as subject to the Crown of England—who values the institutions he now enjoys, must see the necessity of our taking such a course as would guarantee us security in the case of conflict with any power in the world, and what would be even better, the avoidance of conflict which our attitude would accomplish.”

Debates of the Nova Scotia House of Assembly, 10 April 1865, pg. 213.

“The hon. member now tells you that the United States do not want these Provinces. I do not require to labour that question. He tells you himself that the United States, if they could grasp this Province, would become the first Naval Power in the world—able to dictate terms to the world. Does he think that eludes the scrutiny of the keenest statesmen to be found in that Country—whose policy is to grasp where they can gain a foothold⁸ and extend their dominion. Therefore I ask the hon. member if he has not himself shown you that there is sufficient inducement⁹ for the United States to obtain these Colonies; and I do—not require to take up your time with showing that the only means we have of resisting their encroachments¹⁰ is Union.”

Debates of the Nova Scotia House of Assembly, 5 April 1866 pg. 203.

DEFENCE

“Assuming that you are to reject a union on the ground that we are defenceless, what is our position? You are likely to be overwhelmed without a struggle, or, in the language of Mr. Howe,—without an Intercolonial Railway, or the means of communication with Quebec, the inhabitants of Nova Scotia would have to beg permission to haul down¹¹ their own flag. Humiliating as is such a statement every man knows that it is true, and how useless it would be for Nova Scotia to undertake any resistance. At the present, those who assail¹² Nova Scotia in its isolated position,

⁶ Comport = agree

⁷ Tupper is referring to the United States.

⁸ Gain a foothold = to get a small hold on something with the intention of getting more of it

⁹ Inducement = influence to do something

¹⁰ Encroachments = intrusions

¹¹ To haul down = to bring down

¹² Assail = criticize

would only attack 350,000. but, with British America united, whoever put a hostile foot upon our 1000 miles of sea coast would assail nearly four millions of freemen, sustained by the mightiest power in the world."

Debates of the Nova Scotia House of Assembly, 10 April 1865, pg. 214.

"It is only last night the Lieu-Governor¹³ received a despatch that two hundred Fenians had arrived at Portland; and there is deep apprehension that St John or Yarmouth may be the first object of attack. In the presence of a common danger like that, the duty of a patriot and statesman would be to sink all differences and combine for the purpose of protecting the rights and liberties of British North America. Let the aegis¹⁴ of British protection be withdrawn and what can Nova Scotia do in the face of such danger as Mr. Howe depicts? Simply nothing. The hon. member for Halifax told us that the United States of America are looking to British North America, feeling that if they only possessed these Provinces they would become the first Naval Power in the world and able to dictate their terms of all nations."

Debates of the Nova Scotia House of Assembly, 10 April 1866, pg. 221.

"The hon. member [Annand] has referred to a question which is at this moment engaging the attention not only of the Legislature, but of the best minds not only in this Province, but in the whole Empire, and that is, the defence of the country. He felt, in view of the prominence this question has now assumed, that it was necessary that he should show to the House how he proposed to deal with it. He says we would be exposed to simultaneous attack, and therefore Union would be of no avail,¹⁵ in as-much as New Brunswick, Nova Scotia and Canada would have each to defend themselves. The Government of which he was a member, the delegates and representatives of that Government, did not state that the Union of British North America would be of no avail for the security of Nova Scotia. Is he not bound by the public record of his views, given as a member of the Government, that the citadel of Halifax was insecure without an Intercolonial Railway, which would enable Canada at the hour of need to come to the rescue of this Province?... I would ask the hon. member when he comes here with his story of simultaneous attack, whether 250,000 souls in New Brunswick and 350,000 in Nova Scotia are as secure from the possibility of invasion as four millions of people sustained by the mightiest Empire in the world? Is not his story of simultaneous attack then swept away?"

Debates of the Nova Scotia House of Assembly, 5 April 1866, pg. 199.

¹³ Lieu-Governor = Lieutenant Governor

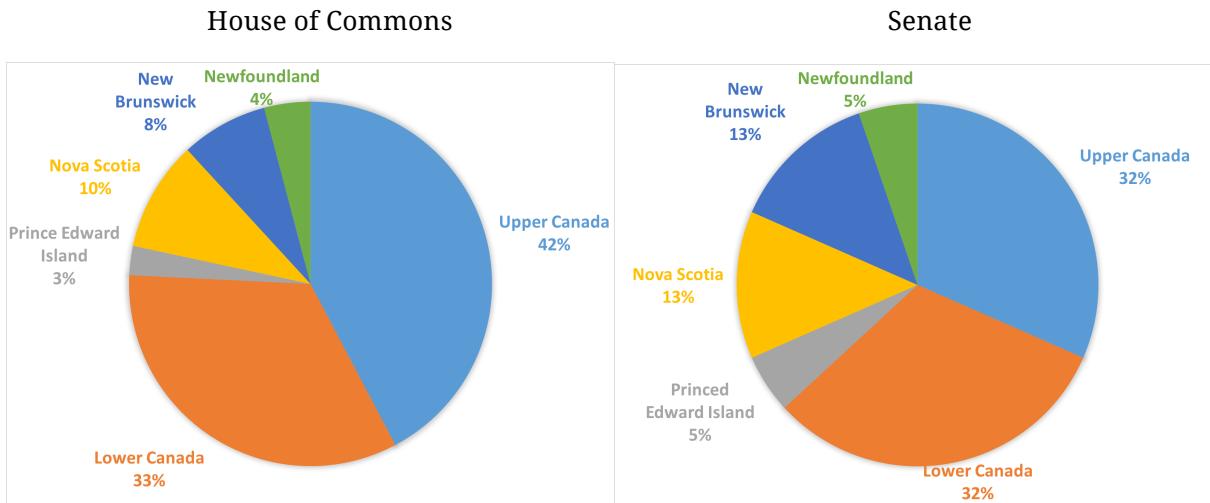
¹⁴ Aegis = shield

¹⁵ Of no avail = without success



72 Resolutions Handout

PARLIAMENTARY REPRESENTATION



DIVISION OF POWERS

| | | | |
|-------------------|----------|----------------|--------------------|
| Federal Powers | | | |
| Provincial Powers | | | |
| | Military | Postal Service | Indigenous Peoples |
| | School | Health Care | Prisons |

SECTION 2: MATERIALS AND HANDOUTS FOR CREATING CANADA: FURTHERING INDIGENOUS-CROWN RELATIONSHIPS



Response Log Handout

| | |
|---|--|
| Name: | |
| Date: | |
| Answer one of the five questions below: | |
| Mark out of 5 | |
| Questions I have: | |
| Mark out of 5 | |

Please answer **ONE** of the following questions:

- Were there any things you did that left no trace or that left only traces that would not be preserved? What does this suggest about the historical record?
- What might future historians think about you if they were able to study your traces?
- If the historian was from a difficult culture or language, would they understand your trace?
- What if historians only examined traces that you left purposefully? How much of a trace would you have left?
- What other kinds of traces, relics, testimony and records would help historians learn about our society?
- Would it have been easier if you had recorded your traces with words? What if these words were in another language?



Handout: Copies of Treaties of Peace and Friendship

Note: The spelling in these treaties is very inconsistent, so we did not mark misspellings with [sic].

Treaty of 1725, for Ratification at Annapolis Royal

ARTICLES OF SUBMISSION AND AGREEMENT made at Boston, in New England, by Sanquaaram alias Loron Arexus, François Xavier and Meganumbe, delegates from Penobscott, Naridgwack, St. Johns, Cape Sables and other tribes inhabiting within his Majesty's territories of Nova Scotia or New England.

Whereas His Majesty King George by concession¹ of the Most Christian King, made at the Treaty of Utrecht, is become the rightful possessor of the Province of Nova Scotia or Acadia according to its ancient boundaries: We, the said Sanquaaram alias Loron Arexus, François Xavier and Meganumbe, delegates from said tribes of Penobscott, Naridgwack, St. Johns, Cape Sables and other tribes inhabiting within His Majesty's said territories of Nova Scotia or Acadia and New England, do, in the name and behalf of the said tribes we represent, acknowledge His said Majesty King George's jurisdiction and dominion over the territories of the said Province of Nova Scotia or Acadia, and make our submission to His said Majesty in as ample a manner as we have formerly done to the most Christian King.

And we further promise on behalf of the said tribes we represent that the Indians shall not molest² any of His Majestie's subjects or their dependants in their settlements already made or lawfully to be made, or in their carrying on their traffick and other affairs within the said Province.

That if there happens any robbery or outrage committed by any of the Indians, the tribe or tribes they belong to shall cause satisfaction and restitution to be made to the parties injured.

That the Indians shall not help to convey away any soldiers belonging to His Majestie's forts, but on the contrary shall bring back any soldier they shall find endeavouring³ to run away.

That in case of any misunderstanding, quarrel or injury between the English and the Indians no private revenge shall be taken, but application shall be made for redress according to His Majestie's laws.

That if the Indians have made any prisoners belonging to the Government of Nova Scotia or Acadia during the course of the war they shall be released at or before the ratification of this treaty.

That this treaty shall be ratified⁴ at Annapolis Royal.

¹ Concession = to give up

² Molest = bother

³ Endeavoring = trying to accomplish something

⁴ Ratified = made official

Dated at the Council Chamber in Boston in New England, this fifteenth day of December, Anno Domini one thousand seven hundred and twenty five, Annoq. Regni Regis Georgii, Magna Britannia, & c., Duodecimo

Signed, sealed and delivered in the presence of the Great and General Court or Assembly of the Province of the Massachusetts Bay.

Sanquaaram (totem) alias Loron (L.S.)

Arexes (totem) (L.S.)

François Xavier (L.S.)

Meganumbe (totem) (L.S.)

Treaty of 1725, Promises By Lieutenant Governor of Nova Scotia

By Major Paul Mascarene one of the Councill for His Majesty's Province of Nova Scotia or Accadie and Commissioned by Honourable Lawrence Armstrong Esqr Lieut. Governour and Commander in Chief of the said Province for Treating with the Indians Engaged in the Late Warr⁵

Whereas Sanquarum Alias Laurens Alexis, François Xavier and Meganumbe Delegates of the Tribes of Penubscutt Norrigewock St. Johns Cape Sables and other Tribes Inhabiting His Majestys Territories of Nova Scotia or Accadie and New England; have by Instruments signed by them, made their Submission to His Majesty George by the Grace of God of Great Britain France and Ireland King Diffender of the Faith and Acknowledged His Majesty's Just Title to the Province of Nova Scotia or Accadie and promised to live peaceably with all His Majesty's Subjects and their Dependants with what further is contain'd in the severall Articles of those Instruments I do in behalf of his Majesty's said Governour and Government of Nova Scotia or Accadie promise the said Tribes all marks of favour protection and friendship. I further Engage and promise in behalf of the said Government.

That the Indians shall not be molested in their persons, Hunting, Fishing and planting grounds nor in any other their lawfull Occasions by His Majesty's subjects or their Dependants nor in the exercise of their Religion provided the Missionaries⁶ residing amongst them have Leave from Governour or Commander in Chief of His Majesty's said province of Nova Scotia or Accadie for so doing.

That if any Indians are Injured by any of His Majesty's aforesaid Subjects or their Dependants they shall have the Satisfaction and Reparation⁷ made to them according to His Majesty's Laws whereof the Indians shall have the Benefit Equall with His Majesty's other Subjects.

That upon the Indians Bringing back any soldiers endeavouring to Run away from any of His Majesty's Forts or Garisons the said Indians for this good office shall be handsomely Rewarded.

That the Indians in Custody at Annapolis Royall shall be Released except such as the Governour or Commander in Chief shall think proper to keep as Hostages at the Ratification of this Treaty which shall be att Annapolis Royall in presence of the Governour or Commander in Chief and the Chiefs of the Indians.

Given under my hand and Seal att the Council Chamber in Boston in New England this fifteenth day of December Anno Domini one thousand seven hundred & twenty five annoque Regni Regis Georgii Magnae Brittaniae & c., Duodecimo.

P. Mascarene

/Attested by me

L Armstrong

Lt. Govr.

Endorsed

⁵ Indians Engaged in the Late Warr = Indigenous groups who fought against the British during the war

⁶ Missionaries = individuals sent by the church to try to convert Indigenous Peoples to Christianity

⁷ Reparation = payments made to apologize for past wrongs

Treaty of 1725, Promises by Lieutenant Governor of Massachusetts Bay

By the Honorable William Dummer Esqr. Lieutenant Governor and Commander in Chief of His Majesties Province of the Massachusetts Bay in New England

Whereas Sanquaaram alias Loron Areaus, François Xavier & Meganumbe the delegates from the Tribe of Penobscot Naridgwalk St. Johns Cape Sables and other Tribes of the Eastern Indians Inhabiting within His Majesties Territorys of New England and Nova Scotia Declaring themselves fully Impowered thereto Have in the Name and Behalf of the said Tribes Signed & Executed an Instrument of Submission to His Majesty bearing date the fifteenth day of this Instant December therein firmly promising & Engaging forever to Cease all Hostilities and Violences and to live in Peace & Amity with all His Majesties Subjects.

I do therefore in the Name of His Most Excellent Majesty George by the Grace of God of Great Britain France and Ireland King Defender of Faith etc. Receive and recommend the said Tribes to His Grace and Favour Promising them Benefit and Protection of His Majesties Laws in like manner as His English subjects have and Enjoy.

That all Acts of Hostility from this Government against the said Tribes of Indians shall Cease and that a firm and constant Friendship & Amity shall hereafter be Maintained with them.

That upon the Indians delivering up all the English Prisoners, as they have Engaged to do all the Indian Captives within this Government shall likewise be set at liberty.

That the said Indians shall Peaceably Enjoy all their Lands & Properties which have been by them Conveyed and Sold unto, or possessed by the English & be no ways Molested or Disturbed in their planting or Improvement And further that there be allowed them the free Liberty and Privilege of Hunting Fishing & Fowling as formerly

And whereas it is the full Resolution of this Government⁸ that the Indians shall have no Injustice done them respecting their lands

Indians do therefore assure them that the several Claims or Titles (or so many of them as can be then had and obtained) of the English to the Lands in that part of this Province shall be produced at that Ratification of the present Treaty by a Committee to be appointed by this Court in their present Session, and Care be taken as far as possible to make out the same to the satisfaction of the Indians and to distinguish & ascertain⁹ what Lands belong to the English in Order to the effectual prevention of any Contention¹⁰ or Misunderstanding on that Head for the future.

That Commerce and Trade shall be carried on between the English & Indians according to such directions as shall be agreed by His Majesties Government of this Province.

That no Private Revenge shall be taken by the English; but in Case any Person shall presume so to do; upon Complaint & proof there of Justice shall be done the party aggrieved In Testimony whereof I have signed these presents & caused the Publick Seal of the Province of the Massachusetts Bay aforesaid to be hereunto Affixed Dated at the Council Chamber in Boston this fifteenth day of December Anno Domini one thousand seven hundred and twenty five Annoq RRS Georgij Magnee Britaniae & c Duo decimof.

⁸ Full Resolution of this Government = determination of this government

⁹ Ascertain = learn

¹⁰ Contention = claims

Wm. Dummer
By Comand of His Honour
the Lieut Governour
J Willard, Secretary

Treaty or Articles of Peace and Friendship Renewed 1752

Note: Treaty transcript from Supreme Court of Canada decision. No signed original documents are known to exist.

Reproduced from: "Treaty or Articles of Peace and Friendship Renewed 1752." *Indigenous and Northern Affairs Canada*. <https://www.aadnc-aandc.gc.ca/eng/1100100028593/1100100028594>.

Treaty or Articles of Peace and Friendship Renewed between

His Excellency Peregrine Thomas Hopson Esquire Captain General and Governor in Chief in and over His Majesty's Province of Nova Scotia or Acadie. Vice Admiral of the same & Colonel of one of His Majesty's Regiments of Foot, and His Majesty's Council on behalf of His Majesty.

AND

Major Jean Baptiste Cope, chief Sachem of the Tribe of Mick Mack Indians Inhabiting the Eastern Coast of the said Province, and Andrew Hadley Martin, Gabriel Martin & Francis Jeremiah, Members and Delegates of the said Tribe, for themselves and their said Tribe their Heirs, and the Heirs of their Heirs forever, Begun made and concluded in the manner, form and Tenor following, vitz:

It is agreed that the Articles of Submission and Agreement, made at Boston in New England by the Delegates of the Penobscot Norridgwolk & St. John's Indians, in the year 1725 Ratified & Confirmed by all the Nova Scotia Tribes, at Annapolis Royal, in the month of June 1726, & lately renewed with Governor Cornwallis at Halifax, & Ratified at St. John's River, now read over, Explained and Interpreted, shall be and are hereby from this time forward Renewed, Reiterated,¹¹ and forever Confirmed by them and their Tribe; and the said Indians for themselves and their Tribe and their Heirs aforesaid Do make & Renew the same Solemn¹² Submissions and promises for the Strickt observance of all the Articles therein contained as at any time heretofore hath been done.

That all Transactions during the late War shall on both sides be buried in Oblivion with the Hatchet,¹³ and that the said Indians shall have all favour, Friendship & Protection shewn them from this His Majesty's Government.

That the said Tribe shall use their utmost endeavours to bring in the other Indians to Renew and Ratify this Peace, and shall discover and make known any attempts or designs of any other Indians or any Enemy whatever against His Majestys Subjects within this Province so soon as they shall know thereof and shall also hinder and Obstruct the same to the utmost of their Power, and on the other hand if any of the Indians refusing to ratify this Peace, shall make War upon the Tribe who have now confirmed the same; they shall upon Application have such aid and Assistance from the Government for their Defence, as the case may require.

It is agreed that the said Tribe of Indians shall not be hindered from, but have free liberty of Hunting & Fishing as usual: and that if they shall think a Truckhouse needful at the River Chibenaccadie or any other place of their resort, they shall have the same built and proper

¹¹ Reiterated = repeated

¹² Solemn = deeply sincere

¹³ Be buried in Oblivion with the Hatchet = to be made a lasting peace

Merchandise lodged therein, to be Exchanged for what the Indians shall have to dispose of, and that in the mean time the said Indians shall have free liberty to bring for Sale to Halifax or any other Settlement within this Province, Skins, feathers, fowl, fish or any other thing they shall have to sell, where they shall have liberty to dispose thereof to the best Advantage.

That a Quantity of Bread, Flour, & such other Provisions as can be procured, necessary for the Familys , and proportionable to the number of the said Indians, shall be given them half yearly for the time to come; and the same regard shall be had to the other Tribes that shall hereafter agree to Renew and Ratify the Peace upon the Terms and Conditions now Stipulated.

That to Cherish a good Harmony & mutual Correspondance¹⁴ between the said Indians & this Government, His Excellency Peregrine Thomas Hopson Esqr. Captain General & Governor in Chief in & over His Majesty's Province of Nova Scotia or Accadie, Vice Admiral of the same & Colonel of one of His Majesty's Regiments of Foot, hereby Promises on the Part of His Majesty, that the said Indians shall upon the first day of October Yearly, so long as they shall Continue in Friendship, Receive Presents of Blankets, Tobacco, and some Powder & Shot; and the said Indians promise once every Year, upon the first of October to come by themselves or their Delegates and Receive the said Presents and Renew their Friendship and Submissions.

That the Indians shall use their best Endeavours to save the lives and goods of any People Shipwrecked on this Coast, where they resort, and shall Conduct the People saved to Halifax with their Goods, & a Reward adequate to the Salvadge shall be given them.

That all Disputes whatsoever that may happen to arise between the Indians now at Peace, and others His Majesty's Subjects in this Province shall be tryed in His Majesty's Courts of Civil Judicature, where the Indians shall have the same benefit, Advantages and Priviledges, as any others of His Majesty's Subjects.

In Faith and Testimony whereof, the Great Seal of the Province is hereunto Appended, and the party's to these presents have hereunto interchangeably Set their Hands in the Council Chamber at Halifax this 22nd day of Nov. 1752, in the Twenty sixth year of His Majesty's Reign.

(Signatures removed)

¹⁴ Correspondance = communication



Handout: Crown Biography (John Doucett)

DOUCETT, JOHN, captain, was lieutenant-governor of the fort of Annapolis Royal, N.S from 1717–26, and administrator of the government of Nova Scotia from 1717–20 and 1722–26. He was probably born in England, and died 19 November 1726 at Annapolis Royal. Although presumed to be of French descent, Doucett was, as he himself put it, “a Stranger to the French Tongue.” He received several military commissions from 1702 on, and was appointed lieutenant-governor of the garrison of Annapolis Royal on 25 May 1717, succeeding Thomas Caulfield. Richard Philipps, the new governor of Nova Scotia, remained in England to gather information and arrange for instructions about his responsibilities; meanwhile Doucett went out to Nova Scotia, arriving at Annapolis Royal on 28 October 1717.

He was concerned to find the fort in ruins and the garrison unruly because of lack of pay and shortage of clothing, and he took steps to remedy this situation. Doucett was alarmed that the Acadians, who formed the bulk of the population in the settlement, had not signaled their allegiance¹ since the territory was surrendered to the British in the Treaty of Utrecht in 1713. Doucett drafted an oath for their signature. Within a few days of his arrival, he summoned the neighbouring Acadians to sign it, and early in December he sent a copy of it to Peter Mellanson (Pierre Melanson?) of Minas to be translated into French and made public there. He also urged Father Félix Pain, the French priest at Minas, not to influence the inhabitants against swearing allegiance to King George I.

Doucett’s efforts with respect to the oath were of little avail.² The Acadians of Annapolis replied that unless the garrison could protect them from the Mi’kmaq they dared not take the oath. Otherwise, they could only take an oath not to take up arms against England, France, or any of their subjects or allies. Doucett regarded this dread of the Mi’kmaq as mere pretence, and believed that the Acadians actually feared their priests. The reply from Minas was received on 10 February 1717/18. The inhabitants refused to sign the oath for three alleged reasons: it did not assure them freedom of religion; upon taking the oath they would be threatened by the Mi’kmaq; and their ancestors had never taken such an oath.

Doucett proposed to Vaudreuil at Quebec and to Brouillan at Louisbourg that mutual efforts be made to cement the peace, between Britain and France. In his letter to Vaudreuil, dated 15 April 1718, he expressed his desire that those Acadians who were inclined to become British subjects should be free to do so, and asked that Vaudreuil order all those who would not to withdraw to French territory. In his letter of 15 May 1718 he complained to Brouillan about French encroachments on the fisheries of Nova Scotia, as well as about the French failure to comply with the agreement signed by the Acadians with Louis Denys de La Ronde in 1714, in which they

¹ Had not signaled their allegiance = had not taken sides

² Efforts ... were of little avail = did not work

signified their willingness to leave Nova Scotia. Doucett considered the agreement annulled, but was willing to allow any Acadians who still wished to leave to do so.

Brouillan replied, in July, that he had no knowledge of French encroachment on the British fishery, that in his opinion the Canso (Canseau) Islands belonged to France, and that the failure of the Acadians to emigrate was attributable to obstacles raised by the former governor, Francis Nicholson, and others who did not wish them to carry off their goods. Vaudreuil's reply was similar in substance. He also requested Doucett not to allow English vessels to sail the Saint John River which, Vaudreuil claimed, was under French control. Doucett was convinced that Vaudreuil's claim to the Saint John was without foundation for that river was "much about the center of Nova Scotia." The gravity of the matter, however, was emphasized by letters from Vaudreuil to Louis Allain of Annapolis, which fell into Doucett's hands. Vaudreuil told Allain that the Saint John was not under English control and that the Acadians could obtain land along it by applying to Father Loyard who had authority to make such grants. The boundary dispute was clearly more than academic, for the French claimed that only the peninsula of Nova Scotia fell within the ancient limits of Acadia as ceded to Great Britain by the treaty of Utrecht.

The subject of trade also bristled with difficulties. Smuggling was prevalent, and there was considerable trade between Île Royale (Cape Breton Island) and the Acadian settlements at Minas and Cobequid. Doucett hoped that measures would be taken to prevent clandestine³ trade and encroachments on the fishery⁴ and in letters dated 6 February 1717 to the Lords of Trade and to the secretary of state he pointed out the advantages of having three or four sloops, of four or six guns each, cruising between the Strait of Canso (Grand Passage de Fronsac) and Mount Desert Island (Îles des Monts Déserts), and in the Bay of Fundy. Doucett continued to press for this support, but although his advice was sound, effective action was not taken immediately. In the meantime, in September 1718, French fishermen at Canso were plundered by a New England vessel commanded by Thomas Smart. When, in turn, English fishermen at Canso were raided in 1720 by French and Mi'kmaq, a company of troops was stationed there for the ensuing winter, and Captain Thomas Durell, in the Seahorse, provided protection for the fishery in 1721.

Governor Philipps arrived at Annapolis Royal about the middle of April 1720, and on 25 April established His Majesty's Council of Nova Scotia, with Doucett as president. Philipps took up residence at Canso in the summer of 1721, remaining there until his return to England late in 1722, when he left Doucett in command at Annapolis Royal.

The need for winning over the Mi'kmaq of Nova Scotia had become obvious to Doucett, and on 13 December 1718 he urged Philipps to apply to the Lords of Trade for presents to give them. In the summer of 1721 these arrived and early in 1722 Philipps gave a feast at Canso for Indigenous chiefs. The chiefs solemnly promised their friendship. Relations between the Abenakis and the government of Massachusetts had been steadily worsening, however. In mid-June Abenaki raids began at the Kennebec River, and simultaneously the Mi'kmaq, perhaps joined by Maliseet and Abenaki, made an attack upon shipping in the Bay of Fundy and along the eastern coast of Nova Scotia. Reports were received that the Mi'kmaq and their allies had captured 18 trading vessels in the bay and 18 fishing boats off the eastern coast. Doucett heard that their design was to capture Annapolis Royal. Seizing as hostages 22 Mi'kmaq who happened to be encamped nearby, he sent a sloop to Canso for Philipps's instructions and to warn the fishermen and traders along the coast to be on their guard. Doucett's initiative at Annapolis Royal and Philipps' actions at Canso thwarted

³ Clandestine = secret

⁴ Encroachments on the fishery = moving into another group's fishing waters

the plans. Doucett later expressed the belief that the Mi'kmaq living at Father Gaulin's mission had taken part in the plundering.⁵

A definite peace with the indigenous peoples of the region was not established in New England until 1727, but the war in Nova Scotia officially ended with the ratification of the peace at Annapolis Royal on 4 June 1726. Among the Mi'kmaq and Maliseet present were Joseph Nepomoit (Nipimoit) of Saint John, and representatives of the Cape Sable, Shubenacadie, La Have, Minas, and Annapolis River Indians. It cost Doucett nearly £300 in presents and feasts to achieve this peace, but the ratification gave him a measure of satisfaction.

Lawrence Armstrong was commissioned lieutenant-governor of Nova Scotia on 8 February 1724/25; Doucett continued as president of the council, as well as lieutenant-governor of Annapolis Royal. By August 1726 Doucett had received permission for a leave of absence of some months, but he remained in Annapolis Royal until his death in November. Doucett's wife was with him in Nova Scotia but her name is unknown. In 1721 they had a family of six children. In 1723, Isabella and Honoria Doucett, aunts and guardians of four of John Doucett's children, petitioned the War Office on their behalf.

Reproduced from Fergusson, Charles Bruce. "Doucett, John." *Dictionary of Canadian Biography*. http://www.biographi.ca/en/bio/doucett_john_2E.html with some updates.

⁵ Plundering = stealing



Handout: Indigenous Biography (Jean-Baptiste Cope)

Jean-Baptiste Cope (also John-Baptiste Cope, Major Cope) was a Mi'kmaq Sachem (also sakamaw, Chief) in the modern day province of Nova Scotia. Of course, to Cope and other Mi'kmaq, the territory was not called Nova Scotia, but Mi'kma'ki. Cope was Catholic, he spoke French, and he maintained close ties with Acadians. He was likely given the title of "Major" by the French. It is thought that he died sometime between 1758 and 1760, likely in the Miramichi region of New Brunswick.

Cope is best known as a Mi'kmaq signatory to the Peace and Friendship

Treaty of 1752. Some historians argue that he signed as Chief Sachem of all the Mi'kmaq, a point on which there is disagreement. As historian William Wicken points out, there is no historical evidence that he was the Grand Chief. This is not the same thing as saying he was not Grand Chief, it simply means that there is no direct evidence of it in written records. As Wicken suggests, what is clear is that, at the very least, "Cope's influence extended beyond his own village" (Wicken 2002).

The Treaty of 1752 was a peace treaty negotiated to bring an end to intermittent warfare between the British and Mi'kmaq, which had been ongoing since the Mi'kmaq (with the exception of one community) refused to join the Maliseet in signing the 1749 Treaty with the British. The Mi'kmaq refusal was the result of anger at the founding of Halifax, which the Mi'kmaq saw as an unjustified occupation of their lands and a breach of the 1725–1726 Treaty. The resulting war, with the British on one side and the French, Mi'kmaq and Acadians on the other, is sometimes known as Father Le Loutre's War. The War would outlast the signing of the 1752 Treaty, ending in 1755.

Upon signing the 1752 Treaty with Governor Peregrine Hopson, Cope would have been very aware of the 1725–1726 treaty and its terms. Some historians argue that he was likely one of the signatories to that earlier treaty. As Wicken (2002) notes: "At talks with the council [at Halifax] on 14 and 16 September 1752, Cope wanted to discuss how to define the territories where the Mi'kmaq and British would live in the future. To Cope, the founding of Halifax and Fort Lawrence had demonstrated the need to refine the 1726 treaty. In his view, 'the Indians should be paid for the Land the English had settled upon in this Country'" (Wicken 2002). Ultimately, Cope proposed "to divide mainland Mi'kma'ki into Mi'kmaq and British spheres. The Mi'kmaq would exercise jurisdiction over one area, the British over another" (Wicken 2002). The British did not negotiate on this point, choosing to emphasize trade instead. Thus, the 1752 Treaty was silent on land, simply reaffirming what had been agreed to in the 1725–1726 Treaty. The 1752 agreement



Signature of Jean Baptiste Cope (Beaver). Image from Geoffrey Plank, "The Two Majors Cope: the boundaries of Nationality in Mid-18th Century Nova Scotia", *Acadiensis*, XXV, 2 (Spring 1996), pp.

recognized the right of indigenous peoples to hunt and fish as they had before and included a promise to build “truck houses” (trading posts) where required by the Mi’kmaq.

Cope attempted to have other villages sign the treaty, but those more distant from Halifax and more dependent on the French were hesitant. The signing of the 1752 Treaty was controversial in its time and historians disagree about many details. To begin with, the French were upset at Cope for having negotiated with the British. What this shows, however, is that while the Mi’kmaq were allied with the French until the French ceded Cape Breton, Prince Edward Island and New Brunswick to the British in 1763 in the Treaty of Paris, the Mi’kmaq nonetheless exercised considerable agency. They were not simply tools of the European imperial powers, but were navigating a complicated and shifting political terrain to achieve the best outcome for themselves.

Shortly after peace was agreed to in November 1752, the peace was broken. On 21 February 1753 what is known as the “Attack at Mocodome” occurred. There are competing accounts of what happened, with the British blaming the Mi’kmaq and the Mi’kmaq blaming the British. Whatever the cause, two English and six Mi’kmaq died. In response, in the “Attack at Jeddore,” Cope and Mi’kmaq warriors under his command seized a ship transporting English diplomats, killing nine. By the time the next peace treaty was signed in 1760, Cope was likely dead, as he was not a signatory.



Handout: Jean-Louis Le Loutre

LE LOUTRE, JEAN-LOUIS, priest, Spiritan, and missionary; born 26 September 1709 in the parish¹ of Saint-Matthieu in Morlaix, France, son of Jean-Maurice Le Loutre Després, a paper maker, and Catherine Huet, daughter of a paper maker; died 30 September 1772 in the parish of Saint-Léonard in Nantes, France.

Le Loutre was a French priest and missionary who was active in Nova Scotia at a time of considerable tension between the English and French and the English and Mi'kmaq. The French had lost mainland Nova Scotia to the British, but hoped to continue to exert influence there through the Mi'kmaq and the Acadians. As such, the Acadian settlers often found themselves in the middle of the conflicts between the French and English. They had developed a distinct identity and self-sufficient farming communities and, for the most part, enjoyed close relations with the Mi'kmaq. Because of their French heritage, their ties to the Mi'kmaq, and their Catholicism, the English viewed them as potential barriers to English control. The French hoped to use the Acadians against the British, a role which the Acadians most often tried to escape from. The Mi'kmaq were also largely Catholic, and French priests played an important political role in the region.

On 22 September 1738, Le Loutre left île Royale (Cape Breton) for the Shubenacadie mission on mainland Nova Scotia. Before joining "his flock" Le Loutre spent some months at Maligouèche in order to learn the Mi'kmaq language. Le Loutre was to minister to the Mi'kmaq as well as to the French posts at Cobequid and Tatamagouche. With the cooperation of the authorities at Louisbourg he immediately undertook to build chapels for the Mi'kmaq. Although his relations with Governor Armstrong were strained at first, on the whole he remained on cordial terms with the British authorities until 1744.

With the declaration of war between France and Great Britain in 1744, the French authorities made a distinction in Acadia between the missionaries ministering to parishes with a French population and those serving among the Mi'kmaq. The former were advised to remain neutral, at least in appearance, in order to avoid being expelled; the others were advised to support the intentions of the governor of Louisbourg and encourage the Mi'kmaq to make as many forays into



Jean-Louis Le Loutre.

Image from: Bourgeois, Philias Frédéric. *L'histoire du Canada*, Montréal, Librairie Beauchemin,

¹ Parish = the area that a missionary works in

British areas as the military authorities considered necessary. In June 1745, Louisbourg fell to Anglo-American forces. Le Loutre then returned to France until 1749.

He returned to Acadia in 1749 with the new governor of Île Royale, which had been restored to France by the treaty of Aix-la-Chapelle the previous year. The situation in Acadia had changed considerably since Le Loutre's departure: Louisbourg was again French, and the British had just founded Halifax. The missionary was ordered to set up his headquarters at Pointe-à-Beauséjour (near Sackville, N.B.) rather than at Shubenacadie, which was too close to the authorities in Halifax who were clamouring for the missionary's head. The French claimed that Pointe-à-Beauséjour was outside the "old" Acadia, ceded to Great Britain in 1713 by the treaty of Utrecht, whereas the British maintained that Acadia extended as far as the Baie des Chaleurs. While the boundary commissioners were engaged in discussions in Paris, the French attempted to reinforce their claims to the region by encouraging the Mi'kmaq to harass the British and restrict their settlements and by trying to persuade as many Acadians as possible to leave enemy territory and settle in the area under French control.

With regard to the Mi'kmaq Le Loutre wrote: "As we cannot openly oppose the English ventures, I think that we cannot do better than to incite the Indians to continue warring on the English; my plan is to persuade the Indians to send word to the English that they will not permit new settlements to be made in Acadia . . . I shall do my best to make it look to the English as if this plan comes from the Indians and that I have no part in it." The attacks made by the Mi'kmaq led Edward Cornwallis, the governor of Nova Scotia, to swear that he would have Le Loutre's head, and to describe him in October 1749 as "a good for nothing Scoundrel as ever lived." Cornwallis tried to capture him dead or alive by promising a reward of £50.

As for the Acadians, Le Loutre thought that they were ready to abandon their land, and even to take up arms against the British, rather than sign an unconditional oath of allegiance to King George II. They were, however, perhaps not as determined to emigrate as Le Loutre maintained. Since 1713 the Acadians had found ways to co-exist with the British régime, and it was difficult for them to leave fertile lands that they had cleared and settled in French territory. On behalf of the French government Le Loutre promised to establish and feed them for three years, and even to compensate them for their losses. They were not easily convinced, and the missionary apparently used questionable means to force them to emigrate – threatening them, among other things, with reprisals from the Mi'kmaq.

During 1752 Le Loutre discussed with his religious superiors "certain circumstances in which he [might] find himself in relation to his Indians' warring and even that of the French, especially those who are still under the domination of the English." He pondered over his activity with the Acadians. What means could he use to persuade them to leave British territory? As for those Acadians who had taken the oath of allegiance to Great Britain, could he ask that they be deprived of the sacraments?² Was he empowered to threaten them with excommunication in order to persuade them to take refuge in territory claimed by France, or again could he ask the Mi'kmaq to force recalcitrants³ to abandon their lands? Le Loutre also wondered whether he could encourage the Mi'kmaq to attack and scalp British settlers in peacetime.

In 1753 Le Loutre made persistent efforts to persuade the Mi'kmaq to break the peace that had been signed with the British during his absence by Jean-Baptiste Cope, and he encouraged them to

² Sacraments = religious ceremonies (such as marriage) performed by missionaries

³ Recalcitrants = individuals who refuse to cooperate

harass the British settlers. He bought the trophies they brought back from hunts and raids; for example, he paid 1,800 livres for 18 British scalps. Le Loutre threatened to abandon the Acadians, withdraw their priests, have their wives and children taken from them, and if necessary have their property laid waste by the Mi'kmaq. Nevertheless, all Le Loutre's efforts proved vain. In June 1755 the British forces obliged Louis Du Pont Duchambon de Vergor to surrender Fort Beauséjour, and the deportation of the Acadians in the region began shortly thereafter. Knowing that he was in danger, the missionary had slipped out of the fort in disguise and reached Quebec through the woods. Late in the summer he went to Louisbourg and from there sailed for France.

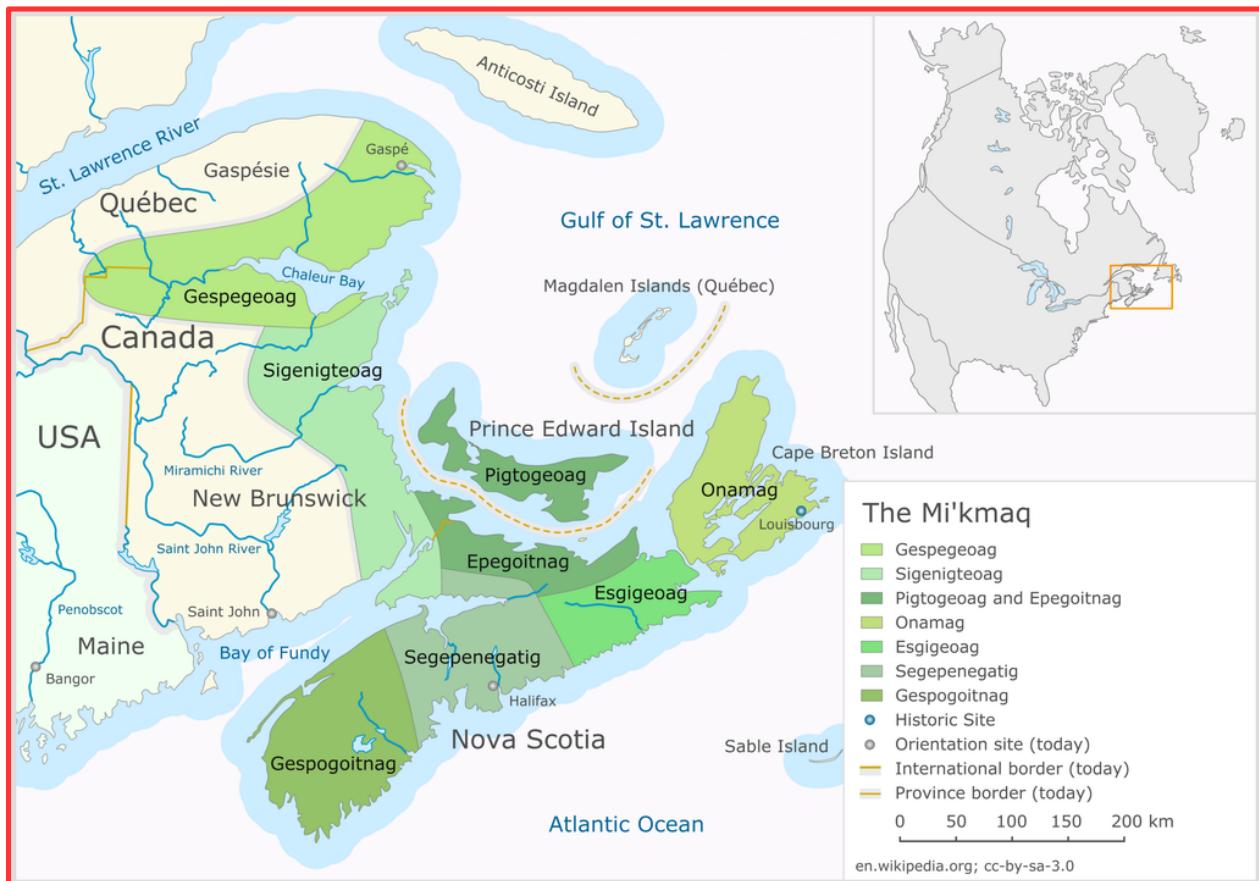
Historians are unanimous⁴ in recognizing the importance of Le Loutre's activity in Acadia but differ in their assessment of the significance of his role as a missionary. Several have criticized him for having acted more as an agent of French policy than as a missionary, and they hold him largely responsible for the deportation of the Acadians from Nova Scotia in 1755 because in threatening them with reprisals if they signed the oath of loyalty he condemned them to a forced exile. Le Loutre was a politically involved missionary, stubborn and prepared to make up for the lack of French civil government in Acadia. His activity was displeasing to the government in Halifax, and even to certain French officers. He was probably excessively zealous, and his conduct was often questionable.

Reproduced from Finn, Gérard. "Le Loutre, Jean-Louis." *Dictionary of Canadian Biography*. http://www.biographi.ca/en/bio/le_loutre_jean_louis_4E.html and edited for brevity and clarity.

⁴ Unanimous = when everyone agrees about something



Handout: The Mi'kma'ki Territory



The Mi'kmaq refer to their territory as Mi'kma'ki. Traditionally, this territory was divided into hunting districts. The Mi'kmaq considered this territory to be theirs and, after the arrival of the British, repeatedly accused the British of taking lands without requesting permission. Political power in Mi'kmaq society was partly arranged according to hunting groups. These groups, made up of people related through marriage, had exclusive hunting, fishing and trapping rights in well-defined territories. Each group would have authority within its hunting territory. For example, the group had the authority to punish outsiders who hunted in that territory without their permission.

In the summer, groups would come together at summer villages near the ocean. Here, political issues that affected the Mi'kmaq as a whole, or several groups of them, would be discussed and decisions made. This collective decision-making process involved the adult members of the nation. The broader political entity, the summer village, would delegate leaders to carry out political tasks, such as the negotiation of treaties. These included treaties with the British, but also

political affiliations¹ with other Indigenous Peoples. For example, the Mi'kmaq belonged to the Wabanaki confederacy, a group of Indigenous nations in the Atlantic provinces and New England. The Mi'kmaq, then, came to negotiations with the British with a long history of interacting with other nations and forming political relationships with them.

The Mi'kmaq controlled use and access to their territory through their internal laws. As an expert witness during a trial about Mi'kmaq land rights, Dr. William Wicken stated that:

...[T]here was a protocol, there was a relationship, a customary relationship that evolved over time between these people and which governed their relationships. If somebody come on to your territory then in fact there was a law, if I can use that word, aboriginal law, their law, about how this infringement upon their territory would be dealt with (*R v Bernard*, 2003 NBCA 55 at para 146).

This legal system pre-dated the arrival of Europeans. Professor Sakéj Henderson, commenting on the views expressed by early Europeans in the region, stated:

Neither European adventurers nor missionary priests of the seventeenth century who encountered the sacred order of the Mikmaq (Mikmaki) perceived an unorganised society. They did not find the anarchy that their state of nature theory presumed. Instead, they reported a natural order, with a well-defined system of consensual government and both an international and domestic law (Henderson, James Youngblood. "First Nations Legal Inheritances in Canada: The Mikmaq Model" (*Man. LJ* 23 (1995): 1 at 8).

The map above illustrates that territory was purposefully divided and named in a way that reflected the Mi'kmaq worldview. This illustrates the existence of political and legal orders that were necessary parts of governing territory.

¹ Affiliations = connections between groups



Handout: Record of Negotiation/Implementation: Who Controls the Land?

Since the eighteenth century, the Crown and Mi'kmaq Peoples have contested who owned the Maritime region and determined any future sharing of the land. In the past 30 years, the courts have recognized that the treaties include Mi'kmaq hunting and fishing rights on their historical lands and waters.

In practice, negotiations were rare. In 1749, Governor Cornwallis sailed into Chebucto Harbour—where Halifax now sits—with a convoy of ships carrying some 2,547 people intent on settling there (Wicken 2002). That same year, Halifax, the first British settlement in Acadia outside the fort at Annapolis, was

founded. The Mi'kmaq had long considered Chebucto Harbour an important part of their territory and objected to its settlement. They visited the governor there to express their displeasure. In doing so, they were carrying on a tradition of resistance to the ignoring of Indigenous rights to the region. This resistance has continued for centuries, as the British and then the Canadian governments refused to recognize the Treaty relationship and instead imposed unilateral control. In this section are excerpts expressing the Mi'kmaq understanding of their territory and the treaty relationship, as well as the competing British views.



Elsipogtog First Nation Chief Aaron Sock. Image from CTV

Excerpt 1. On 18 October 1749, Mi'kmaq elders and chiefs addressed Governor Cornwallis, stating:

The place where you are, where you are building dwellings, where you are now building a fort, where you want, as it were, to enthrone yourself, this land of which you wish to make yourself now absolute master, this land belongs to me. I have come from it as certainly as the grass, it is the place of my birth and of my dwelling, this land belongs to me, the Indian, yes I swear, it is God who has given it to me to be my country forever.... Show me where I the Indian will lodge? You drive me out; where do you want me to take refuge? You have taken almost all this land in all its extent. Nothing remains me except Kchibouktouk. You envy me even this morsel. Your residence at Port Royal does not cause me great anger because you see that I have left you there at peace for

a long time, but now you force me to speak out by the great theft you have perpetrated against me (Whitehead 1991).

Excerpt 2. By the nineteenth century, however, the Crown had begun to ignore the treaties and land claims altogether. The Mi'kmaq continued to assert rights based on the treaty relationship, while the Crown denied these claims and acted according to its own different goals. The Mi'kmaq often used petitions to make their views known. In 1853, a petition was penned directly to the Queen, this one by Baptist Missionary Silas Rand on behalf of the Mi'kmaq. As Rand wrote:

We can neither disbelieve nor forget what we have heard from our fathers, that when peace was made between the Micmacs and the British, and the sword and the tomahawk were buried by mutual consent, by the terms of the treaty then entered into which was ratified by all the solemnities of an oath, it was stipulated that we should be left in the quiet and peaceable possession of the far greater portion of this Peninsula. May it please Her Majesty. The terms of that treaty have never been violated by the Indians, but the white man has not fulfilled his engagements (Wicken 2002).

Excerpt 3. This trend of disagreement about land rights continued into the twentieth century.

In 1928, Gabriel Syliboy, the Grand Chief of the Mi'kmaq in Nova Scotia, was arrested and convicted under the Lands and Forests Act for possession of pelts contrary to the law. In short, he was arrested for hunting in violation of provincial law. In his defence, his lawyer argued that Syliboy held hunting rights under the 1752 Treaty. The judge rejected this defence on the grounds that the so-called treaty was not a treaty at all. An excerpt from his judgement shows how Canada refused to acknowledge the treaties and limited treaty rights.

Judge Patterson wrote:

... Two considerations are involved. First, did the Indians of Nova Scotia have status to enter into a treaty? And second, did Governor Hopson have authority to enter into one with them? Both questions must I think be answered in the negative.

... Treaties are unconstrained Acts of independent powers. But the Indians were never regarded as an independent power. A civilized nation first discovering a country of uncivilized people or savages held such country as its own until such time as by treaty it was transferred to some other civilized nation. The savages' rights of sovereignty even of ownership were never recognized. Nova Scotia had passed to Great Britain not by gift or purchase from or even by conquest of the Indians but by treaty with France, which had acquired it by priority of discovery and ancient possession; and the Indians passed with it.

.... Indeed the very fact that certain Indians sought from the Governor the privilege or right to hunt in Nova Scotia as usual shows that they did not claim to be an independent nation owning or possessing their lands. If they were, why go to another nation asking this privilege or right and giving promise of good behaviour that they might obtain it? In my judgment the Treaty of 1752 is not a treaty at all and is not to be treated as such; it is at best a mere agreement made by the Governor and council with a handful of Indians giving them in return for good behaviour food, presents, and the right to hunt and fish as usual—an agreement that, as we have seen, was very shortly after broken.

REX v. SYLIBOY [1928] N.S.J. No. 8 (paragraphs 21–23)

Excerpt 4. Sixty years later, Chief Albert Levi repeated the Mi'kmaq understanding of the treaties expressed since the early 1700s. The following speech was given on Treaty Day, 1987:

Fellow chiefs, invited guests, ladies and gentlemen:

I am filled with pride to be able to speak with you on this important day. Today we celebrate our eastern treaties: they are our deeds to the land of the Micmacs and our Charter of Rights. Non-Indian governments try to explain our treaties away, but they cannot:

- The Treaties say that no land can be held by non-Indians until it is sold by the Indians.

And I say, when was this ground that I am standing on ever sold by the Micmac Nation?

The answer is, "never".

- The treaties say we have a free right to hunt and fish and father those things of nature that our people need.

When did we ask the provinces to bother our hunters and fishermen with their laws?

The answer is, "never".

- The treaties say that we are nations; equals with non-Indian governments.

When did we ask other governments to manage our affairs?

The answer is, "never".

- In 1752 our treaties were law: Indian Law and non-Indian Law.

Now Ottawa and Halifax want to ignore and forget the treaty law. They want to forget that their forefathers got things from our treaties: peace and land and furs.

Now that they are rich governments, they refuse to pay their debts.

Well, on this day, the Indian Nations of the East are calling in all the treaty debts.

Governments, PAY UP!

In the 1760's the few people in the Department of Indian Affairs were only the Crown's Ambassadors to the Indian Nations:

But what do we have today?

- The department thinks that it owns us. It has no respect for our chiefs.
- It treats us like junior servants; it laughs at our nationhood.

But we know, and our treaties say, that this is not the basis of our ties to the crown.

Our governments ARE NOT agents of Indian affairs.

We were governments before there was an Indian affairs, we will still be governments when Indian affairs is gone.

We had our greatest strength when we were one Micmac nation and one confederacy of the Wabanaki.

Micmac, Maliseet, and Penobscot stood against a common enemy: they did not care about non-Indian borders or rules or regulations

They drew strength from unity.

We too, must practice unity and we must practice the old ways of Indian government. We must become real nations again.

By coming here today and answering an invitation made 235 years ago we are moving in that direction.

[As a Micmac chief and proud member of the Micmac nation, I would like to take this time to give _____ a complete copy of the treaty of 1725. This copy was beautifully made from the original treaty. I am proud of this treaty because it benefits every Micmac man, woman and child in the east. It is a clear declaration of our rights and I thank our ancestors for leaving it to us.]

Thank You.

Excerpt 5. In 2013, Chief Chief Arren Sock of Elsipogtog read the following in response to fracking on his band's traditional territory.

The "Whereas" statements should be read as if Chief Arren Sock is saying "Since Prime Minister Harper and the Canadian Government have washed their hands with regards to the environmental protection of our lands and waters, and since the provincial government has turned over all lands entrusted to them by the British Crown to a corporation for their own benefit...therefore...."

"Whereas Prime Minister Harper and the Canadian Government have washed their hands with regards to the environmental protection of our lands and waters," read Chief Sock from a prepared statement.

"And whereas the provincial government has turned over all lands entrusted to them by the British Crown to a corporation for their own benefit.

"And whereas our lands have been assaulted by clear-cutting and hardwood spray for the benefit of a few.

"And whereas the Queen, under whose name our lands are entrusted, has shown unequivocally¹ that she will not protect our interests.

"And whereas our present lands are not adequate for our populations.

"And whereas our lands have not yielded the amount capable of supporting our people due to mismanagement.

¹ Unequivocally = in a way that leaves no doubt

“And whereas we are capable of managing our lands better than other governments or corporations.

“And whereas we have lost all confidence in governments for the safekeeping of our lands held in trust by the British Crown.

“And whereas a notice of eviction from our Keptin has been totally ignored by the provincial government and Southwestern Energy.

“And whereas we have been compelled to act and save our water, land and animals from ruin.

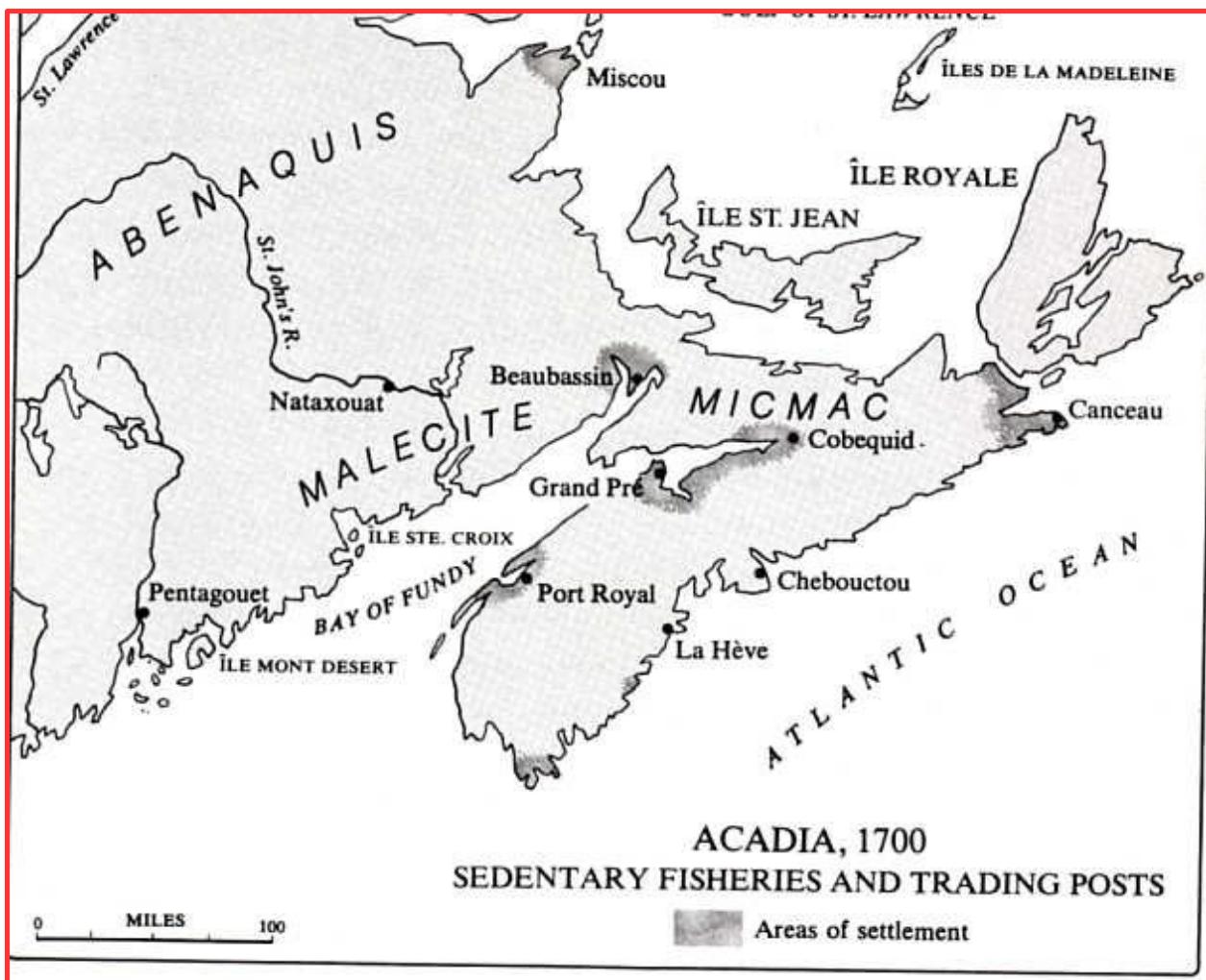
“Therefore, let it be resolved at a duly convened band council meeting, let it be known to all that we as Chief and council of Elsipogtog are reclaiming all unoccupied reserved native lands back and put in the trust of our people.

“Furthermore, we have been instructed by our people that they are ready to go out and stake their claims on unoccupied Crown lands for their own use and benefit.”

— Chief Arren Sock, Elsipogtog First Nation, Southeastern New Brunswick, September 2013



Acadian Map Handout



The Confederation Debates Education Team



Jennifer Thiverge led *The Confederation Debates* education committee. She is a PhD candidate in History at the University of Ottawa and has a Masters of Education and a Bachelor of Education in Voice, Drama, and History. Her research interests are interdisciplinary, ranging from using drama to teach about World War One, Dark Heritage and Collective Memory in the Museums, to how gender plays a role in the History of Computer Science. As an active historian and educator, Jennifer has extensive experience in both fields.



Daniel Heidt, PhD is the *The Confederation Debates* project manager. His doctoral research on Canadian politics and Ontario federalism during the nineteenth century demonstrated that asymmetrical political influence does not necessarily destabilize national unity. He also has a strong background in digital humanities and co-owns Waterloo Innovations, a company dedicated to working with researchers to improve digital workflows.



Bobby Cole is an MA student in Canadian and Indigenous Commemorative History at the University of Ottawa. His research focuses on the Historic Sites and Monuments Board of Canada's representation of Indigenous history in the 30 years following the Second World War.



Robert Hamilton is a PhD student at the University of Victoria Faculty of Law. His research focuses on Aboriginal law in Canada, with a specific focus on Aboriginal and Treaty rights in Canada's Maritime Provinces. Robert holds a B.A. (Hons) in Philosophy from St. Thomas University, a J.D. from University of New Brunswick Law School, and an LL.M. from Osgoode Hall Law School. He has published in the area of Aboriginal land rights in the Maritime Provinces and has presented his research at numerous academic conferences.



Elisa Sance is a PhD student in Canadian-American history at the University of Maine. Her doctoral research focuses on language, citizenship and identity in teacher training in Maine and New Brunswick during the twentieth century. As part of her training, Sance studied the teaching of modern languages, the teaching of children with learning and behavior problems in the regular classroom, and feminist pedagogy. She regularly attends professional development events on related topics and participates in outreach programs benefitting high schools and middle schools in Maine.

Varun Joshi and Eleanor Wong composed biography briefs for the historical figures included in this package.

In addition to the quotes identified by volunteer transcribers, Varun Joshi canvassed the records for many of the quotes found in the primary document handouts and Armand Naik transcribed the quotes from the *Morning Chronicle*.

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