

**HISTORY REVISITED  
BRINGING HISTORY BACK to the CLASSROOM**

by

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## ABSTRACT

The main theme of this thesis is related to the teaching of history to all students about land and the illegal taking of these lands that resulted in the genocide and oppression of the original inhabitants. Data was collected and compiled from history books and documents already stored on library shelves or in public archives.

My purpose is to create a clearer and more acceptable picture to students, parents, and members of society about how life may have been for the Native inhabitants living in the Maritimes when the newcomers arrived. I have compiled this material so that aboriginal students have the opportunity to read about the issues surrounding their home, life, and culture since the arrival of Columbus and Cabot.

Having read numerous books and articles on this subject, it is my personal opinion that life was sometimes not an easy one for Natives of this region. I offer my insights as one way to understand the oppression, genocide, and theft of lands by the European newcomers and link this to what is happening with Native people today.

My evidence is based on information from historians and archaeologists and focuses on the arrival of newcomers to North America and their initial encounters with the original inhabitants. It is my hope that this study brings the awareness that “it is education without negative biases” that is necessary and needed in order to build relationships that foster growth and erases racism in our students.

## ACKNOWLEDGEMENTS

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## **CHAPTER ONE INTRODUCTION**

### **THE PURPOSE**

The purpose of doing this research stems from my returning to school as a mature student to complete my education after a lengthy absence. I soon became aware of the change in the method and delivery of educational material from when I had left school in the 1960's. Learning became enjoyable and rewarding; it made me realize that I wanted to share with adult learners, teachers and parents who thought they could not do or succeed at the things they desired- that it was possible. This is when the “wheels of learning” became my primary learning tool simply because the one book method and approach to what had happened in the past was no longer the norm. As a result I soon found Cultural Awareness to be the first valuable process for addressing the misconceptions that a group of people would have about themselves.

Though a Scottish Highlander by birth, I was never aware of nor had any connection to my identity until I returned to school and majored in Native Studies with a focus on history. Being culturally aware of the need of a particular group is paramount to the survival of that group, which is why my focus narrowed even further to include only the history of the Maritimes and its original inhabitants, in particular, the Mi'kmaq peoples. Having been taken in and adopted at any early age by a Mi'kmaq family I could never understand why Natives were treated the way that they were in the public school system. As I grew older and entered adolescence I began to hide that part of my upbringing that was Native. My shame was largely due to the history that was taught and

learned at school in those days. Indians were always portrayed as heathens, savages, wild and drunk all the time, never once talked about as being good (Saulis, 1984, pp.4-5). This changed very quickly for me though because of my own involvement with Native people and growing up on a reserve, I knew that these teachings were false and were meant to serve only one purpose, that of putting down all Natives in order to keep future generations from learning about their true history and how the European visitors had taken illegal possession of their lands. Now that Native people have the chance to learn the truth I want to help by writing my findings based on my truth. However this truth is not based on the events known to have happened in the past, but rather my truth will be based upon the findings of other historians, writers, and reporters who have offered their own opinions into what may have happened in the past based on their research. Combining these opinions and omitting negative biases will be how I form my own opinion about the history of the Maritimes and will hopefully paint a clearer picture of what the past may have been like.

In order to begin one has only to review the history of current issues facing Canada's Native people to gain a perspective of their ongoing struggles to survive. Hardly a day goes by that the average Canadian does not read or hear about them in the media; poverty on reserves, invasion of hunting and trapping grounds by corporate interests, inequities in education, and justice" (York, 1992, p.54). Though it is not the full reason for this negative treatment, I feel that if all students, along with adult learners, teachers, and parents were taught the history of Native people while still in the public school system it would create a better understanding for everyone. This is not the case as yet, but it brings



me to the following section which deals with the signing of documents between Natives and Europeans. These are documents that were intended to erode the claim that Native people were the original inhabitants of this region.

To do this would first require having a successful defence of my thesis followed by having it bound into book form and allowing it to be distributed to the local schools. The next step would be to attract audiences by possibly offering to do introductory lectures followed by question and answer sessions. Another avenue I could explore is having students divided into teams and ask questions related to the history they have been exposed to and the history that I have offered. The purpose of this would be to help me evaluate their interest about what may have happened in the past which in turn would indicate a willingness on their part to explore other options such as replacing social studies with history classes. The end result of this is if there was enough interest generated among students wanting to learn history that the teachers of the school would consent to their wishes.

While this is all taking place, it would be important that I explain my reasons for doing this to the principals of each school. Beginning with racism in the classroom possibly being put to rest, learning could become more enjoyable for students as they would have the opportunity to offer their own views about the past based upon their own research of subject material. The materials they would research could all be found by using my thesis as a reference library that would allow them easy referencing by surfing the inter-net or searching their school library stacks. Once all the data was collected and compiled it would be easy for non-native students to see the contributions made by Native

people in making this country what it is today. As the aim would be equality, it would be important to stress to students that this is a history that is intended to promote the acceptance and equality of Native people, and that decisions over issues such as ownership are best left to the care of the people involved in the decision making process and the courts. The following sections deal with the treaties, definitions, and first visitors, information which will make this thesis a success for all classrooms.

## **DEFINITIONS**

With their planned takeover now in effect the newcomers needed to devise vehicles that would assist them in assimilating the Native people for the purpose of land theft. Following is a list of words and definitions that will I be using throughout my thesis in efforts to better explain what some of these vehicles I will be addressing are.

*Assimilation* - act of converting Native people to “fit in” with the dominant society.

*Encroachers* - settlers who moved onto Native land illegally.

*Enfranchisement* - Native people that gave up their status to become a member of the dominant society.

*Indian* - the name given to the original inhabitants by the Europeans.

*Newcomers* - name given to settlers by the Native people.

*Non-status* - Native person with no rights.

*Oral traditions* - history passed down orally to each generation of Natives by Elders.

*Original inhabitants* - inhabitants living in North America at the initial time of contact.

*Reservation* - small lots of lands set aside for use by Natives.

*Status* - a Native person

*Wards of the state* - term placing Natives under the control of government.

*Visitors* - term given to Columbus and his crew on their arrival to the New World.

## **METHODOLOGY**

My method for gathering information will be a historical research based on the differences I found in the history of the Maritimes I was taught as a student in my earlier years and the way in which it is taught and delivered today. This historical study will also examine the information pertaining to Natives which was filled with negativity. When I returned to school as a mature student, I discovered that most of what I had learned in my earlier school days was false. "How could this be?" was the question that kept rolling around in my mind. How could I have studied about this country and be so incorrect? This is what prompted me to begin the research for my thesis.

What I did was to take the four most common history texts used in schools in the Maritimes and compare them to the vast amounts of history written by other historians. The four texts that were used in schools of the Maritimes were; History Reader for Elementary Schools by L.L.W. Wilson, Ph.D., A Canadian History for Boys and Girls by Emily P. Weaver, Bold Adventures by S. John Rogers & Donald Harris, and New Brunswick: Its History and Its People by William and Carole Spray. These texts I have

listed in the order of their use beginning in 1898 and continuing until the 1990's at which time they were removed from schools due to their negative biases.

I then collected data written by other historians about the arrival of the first explorers, newcomers, and settlers. Their views were remarkably different. A total of twenty-nine historians (named in bibliography) disagree with the statements found in the four above mentioned school texts. This thesis provides the results of my investigation and is based on my opinion- the way in which I have interpreted their writing. This thesis is not, nor should not be used to suggest that one historian is any more accurate than another. This is my interpretation, based on my perusal and research of the documents.

## **OVERVIEW OF COMING CHAPTERS**

It is very important that readers, adult learners returning to the education scene, teachers, and parents are aware that repetition of events will arise throughout my thesis. The reason for this is because of the many illegal actions of the newcomers which were hidden by the use of treaties and proclamations. Statements made pertaining to the importance of history being taught in the classroom may arise in each section because an amendment has been deleted or added to a treaty that has already been discussed in earlier chapters. The repetition will serve as a tool to help Native and non-Native students remember events and what the purpose of each amendment represented. The second chapter will involve issues surrounding the Peace and Friendship treaties signed between the original inhabitants and the first settlers. I will include a list of words and their definitions to aid readers in better understanding what I am saying when referring to

certain issues involving contact, settling, and illegal possession. In the next chapter I will address the start of oppression during what I have termed the second stage years. This era is important because this is when the false claims of ownership began- it also marked the continued breaking of international and constitutional law.

Chapter Four will outline the move by the newcomers toward the oppression and assimilation of the original inhabitants. This began in what I have termed the third stage years, a time when theft of land by the settlers was rampant. This continued into what I have labelled the fourth stage years- a time when encroachment onto Native land was common by the French and British visitors. To conquer and divide was what the English did while the French were more into settling. With the people divided encroachment, oppression, and assimilation became easier tasks for the newcomers to perform or undertake.

Chapter six will be what I term the fifth and final stage years of oppression, a time to revisit the past to make sure the same mistakes are not made in the present. This stage heralded the end of legalized racism against Native women by the federal government. I will address the importance of education as the tool most likely to undo the racism between Native and non-Native students in the classroom because of the use of selected history texts. Chapter seven will address the historical views and reasons for the importance of teaching history and why the history of the Maritimes is important to answering many questions involving ownership and oppression. Important questions over international and constitutional law could be addressed making it possible for students to discuss important questions relating to first contact and who broke what laws first.

Chapter eight will be a commentary of all the data that I have compiled while doing my thesis. I feel that this is important as this data could be used to address the current events involving the many issues facing Native people today. The chapter will also show how I am able to form a personal opinion regarding my reasons for bringing history back to the classroom and the good that it could produce. It is important that non-Native students are aware of the contributions made by the original inhabitants of this land before and after the arrival of the first newcomers. Though the process may take time it is possible for all students to re-educate their families and communities by the use of this thesis. The chapter will also point out how bringing lesson assignments home with them and using my thesis as a reference guide to completing their tasks would enable students to look at written history not yet used in the classroom. I believe that my thesis could help ease feelings of racism in schools as students are made more aware of the past and the role Native people were forced into. Now to begin my historical journey...

## CHAPTER TWO

### THE BEGINNING

My purpose in writing this thesis is to help promote a greater sense of awareness and understanding of the many history books that were written and used as educational tools within the Canadian school systems and targeted toward students in their junior and senior grades in high school. These books were read and understood by two different types of learners, which over the span of their educational years as students, created misinterpretations that lead to chaos and confusion when issues such as ownership, original inhabitants, location, and rights arose mainly within the Native student population. History is interpretive in that a person collects information and interprets it as being an account of events that have happened in the past. These views are then shared for the purpose of learning. Due to the way the history of the past has been presented in the classrooms there have been many negative biases taught about the “original inhabitants” that need to be addressed. This can only be accomplished by bringing this history back to the classrooms and “teaching from the heart” (Apps, 1996) the issues of the past and how they were used as a means of oppressing Native people.

In order to maintain interest and equality for all students it is important to note the different views that are offered in history books. All learners should be able to choose and form their own opinions rather than studying from the one book that has negative biases contained in it along with being the entire subject matter for an entire year. This was the old way of teaching history to all students, I hope that this thesis will provide the support

needed for Native students to search out other avenues of learning about their past while providing an increased sense of belonging. As well, in this thesis I will show the many and varied views of the historians that wrote these books by showing the many negative biases that they contained when issues about Native people are addressed. One more important note to make is that there is so much history that was omitted from the classroom by the use of these pre-selected text books that it was difficult for Native students to show the contributions that their ancestors had made in shaping this country. Added to this is that both Native and non-Native students missed out on very valuable information. The most recent examples of this omitted history can be found in the text *New Brunswick: Its History Its People* (Spray, 1984).

With the arrival of the first European explorers there lies a shroud of mystery as to the real reasons for their relentless pursuit of Native people and their land. It is well-documented that when Columbus first arrived here in 1492 he was on a voyage to Asia (Dyson, 1991) in search of silk and other commodities. Having being blown off his course for Asia, Columbus arrived on the shores of the Bahamas (Dalgiesh, 1995) on October 12<sup>th</sup> 1492 not the shores of Eastern Canada, where he met with a Mi'kmaq chief (Wallis & Wallis, 1955, p.469). Though these historians never said where Columbus landed, it is safe to say they were referring to the Maritimes because there were no Mi'kmaq in the Bahamas, Asia, or India. It is recorded that both Columbus and the Chief were sociable by smoking the pipe and drinking from Columbus' flask at which time they danced and had a good time (Wallis & Wallis, 1955, p.469). Furthering this maze of when and where Columbus landed another historian has Columbus landing in India on the same date as



mentioned by others: Friday, October 12, 1492 (Wilson, 1907, p.31). With all this confusion of when and where Columbus landed and who and what he found, it seems quite evident there is a need for education on these issues. The history taught in schools today does little to address any of these issues as it is combined with geography and taught as Social Studies. It is almost as confusing as the Columbus event because all incidents of the past involving contact are mentioned but not discussed to any degree or simply omitted.

Other explorers are then said to have made voyages to what was called the New World, meaning North America, in search of the rich fishing grounds and other goods. One of these explorers, John Cabot, was outfitted and given a crew and supplies to make a voyage to this New World with strict orders not to land, molest, or bother anyone or make any claims until they were sure this land had no inhabitants. After arriving and filling their ships holds with the harvest of fish from the sea, Cabot returned to Europe leaving his son Sebastian and part of his crew to continue fishing until he returned. Winter was upon these fishermen before Cabot's return, and the result was that they had to land in order to stay sheltered from the cold winter weather. This is said to have been the first reported sighting of the Beothuk's or "Red Indians" by fishermen along the coast of Newfoundland. The following spring John Cabot returned and on June 24, 1497 laid claim to Newfoundland in the name of King Henry 7<sup>th</sup> of England (Paul, 1993).

There are important factors missing from these pieces of history. First, Natives were already living there which meant that Newfoundland was inhabited, and no discovery had occurred; secondly, international law was broken because these explorers were not to

step foot on land or make any claims of ownership if the land had inhabitants which it did. The Beothuk were living there. This means that the vast amounts of codfish that Columbus accidentally sailed through when blown of course on his way to Asia would appear to be the only discovery made, as Columbus thought himself to be in Asia. This is the information which brought about the voyages of Cabot or so it would seem.

Furthering the problems associated with discovery are the many missing pieces of historical data which are not taught to students in any of their history classes in a high school setting. This missing information creates a negative impact on all students, especially Native students, which makes them feel inferior because they know that their ancestors have been here for generations. There is no mention in the history that Native students are been taught (Spray, 1984; Weaver, 1944) about the issues over ownership which means that their peers only know of the negative biases being taught in the classroom. Modern historians say “history is an account of events know to have happened in the past” (News in Review, 1997) which leaves Native students becoming angry and frustrated with a system that teaches negative biases about their ancestors and their land. These are but a few of the issues which bring me to the next section and why it is so important that history be taught in such a way as to include those Native students wishing to pursue a career in education.

## **PEACE AND FRIENDSHIP TREATIES**

After the arrival of the explorers Columbus and Cabot, the news of their voyages reached all over Europe setting the stage for others to venture in their wake. One of the

more noted of these explorers was Marc Lescarbot, described as a journalist, a lawyer, and a poet. It is said that he arrived on his first voyage with Samuel de Champlain and/or DeMonts on March 7, 1604 (Microfiche #: FC18 C 54 300966), yet other historians have him arriving with Poutrincourt at Port Royal in 1606. This could have marked his second voyage; however, according to the Spanish Collections his first voyage was 1534. These explorers set about discovering the areas around what is today Nova Scotia, New Brunswick, Quebec, and the eastern coast of Maine. Lescarbot wrote of his adventures in these new places and talked of the way they were treated by the people that were living there at the time. Champlain tried to settle Ile. St. Croix; his attempt failed, and he returned to Europe. What is important here is the book written by Lescarbot called *Nova Franca: A Description of Acadia in 1604* which talks about their encounters with the Native people. There was no mention of hostility but rather of how well they treated each other.

Over the years, more French people came and began settlements at Port Royal which were more successful than the earlier attempts. The result of this was that they had to become involved with the people that were living there and as a result, treaties were drafted and signed between the two peoples. The first of these was the Peace and Friendship treaty of 1693. As time passed this treaty was ratified and changed to meet the demand of increased settlement (Appendix A). They are now known as the Maritimes Treaties. The first treaties signed were with the French and finally with the English newcomers. Through the course of this treaty shuffling, settlements were allowed to expand and spread outward to such a degree that Natives were forced onto small parcelled

lots by the local government bodies.

## **FIRST VISITORS**

It is stated in many history books that the Spaniards, Norsemen, and Vikings had visited this part of the New World prior to the arrival of Columbus and Cabot, stayed for a time, then left. After the exploration voyages of Columbus and Cabot the Europeans who came were called visitors or newcomers, two of whom I have mentioned, Samuel de Champlain and Marc Lescarbot. Both of these visitors shared entirely different views about the Native people as compared to the accounts of Columbus and Cabot. Though an interesting point, my intention here is not to imply or suggest that any of these historians are right or wrong, rather it is to point out one very important issue, perhaps America was not discovered by these explorers. People were already living here for thousands of years and furthermore had already made contact with other people, visitors from other countries, years before the arrival of Columbus and Cabot.

Christopher Columbus left Genoa, Italy on August 3<sup>rd</sup>, 1492 and arrived in the Bahamas, it is reported, on October 12<sup>th</sup> or 17<sup>th</sup>, 1492 (Microsoft Encarta, 1995). Here is where we are left with the question, "If Columbus arrived, as we are taught, on October 12<sup>th</sup>, 1492 and discovered this area of the world how could he be in the Bahamas at the same time?" Even if an attempt is made to answer this question, how do we dispel the fact that Columbus himself died with the belief he had actually reached Asia or India? We have historians that have him visiting and meeting with Mi'kmaq chiefs in Nova Scotia (Wallis & Wallis, 1955). Also, the history records state he thought he was in Asian waters all the

while he was making his discoveries (Taviani, 1991). Where does his Discovery Act of 1492 apply and to whom? Would this act be for North America, or would it be for an Asian continent? It would seem that having no idea that he is even in this New World called North America, Columbus could not have possibly written the Act of Discovery for North America based upon the findings of what he thought was the Asian coast. Some historians from Europe appear to dispel this as a myth (Barry, 1995), even though Columbus died believing he had reached Asia and not the North America. There were many other visitors and newcomers that ventured to this New World, but for the first years it seems that Columbus and Cabot were the most damaging, as far as setting the stage for the illegal takeover and theft of Native land and its resources. This is material that would serve well to create a clearer understanding for Native and non-native students that are interested in easing the feelings of racism and oppression which resulted from the misuse of history and its method of educating people through the school system. Bringing history back to the classroom to use as a means of erasing racism and oppression among students is a positive step and deserves a chance to work.

#### **THE FIRST YEARS: 1492 - 1600**

Prior to the arrival of Columbus in 1492, there are few known facts about the history of the Maritime Provinces except that there had been earlier explorers from northern Europe which were the Norsemen and Vikings. The Spaniards were also said to have visited. They stayed for some time, then left. Throughout my research and reading on this particular topic, the accounts of these groups of explorers, as well as their first

encounters with the people that were living here, would be an indicator that this land, if discovered, was visited long before the arrival of the Europeans. So from this piece of historical data, we can safely assume that there was indeed a people and culture already set up and established, free to do as they wished, within certain guidelines that would have been in place and governed by councils and chiefs during this time period. There were no attempts by these first visitors to colonize, settle, or claim ownership of any sort.

Historical data states only that these visitors came for a time, then they left.

This is the history that is not taught in the public school system today but rather it is left for those who continue on to university or other avenues of learning. The reasons for this are discussed further on, but it would seem that this may be where history recording was first put into a perspective of a planned takeover of a nation. I state this because of statements made in one of the school history texts: “explorers began coming to Canada in the sixteenth century for two purposes, that of making new colonies or for claiming lands in the name of their monarchs”(Spray, 1984, p. 24). When one thinks about International Law with respect to this statement, is this not the same as the planned attempt of “misprison of treason.” The taking of land from a nation within an nation constitutes an act of war and is punishable by death.

We can further explore this avenue of hidden history with the arrival of Jacques Cartier in 1534. It was stated that he was the first white man to encounter the Mi’kmaq in Mirimachi Bay (Wallis, 1955). As well, Wallis states that Father Biard, a Jesuit missionary, arrived in 1611 and that Marc Lescarbot arrived five years earlier in 1606, and that they were the first ethnographers of the Mi’kmaq in Nova Scotia (Wallis, 1955). How can this

be if Lescarbot's first voyage was made with Jacques Cartier in 1606 (Lescarbot, 1534)? Many historians state that this was the date in which Lescarbot first arrived as does his first book of poetry which he wrote while sailing the Bay of Fundy to the St. John River and finally along the coast to Maine (Microfiche FC18 C5 #: 300966) where the first encounters were made with the Armouchqois (Maliseet) people. In any event, the only thing that these first visitors all agreed upon was that the living conditions here were very harsh during the winter, a condition which has still not changed.

## **SUMMARY**

Summing up these first encounters between the original inhabitants and the newcomers to this continent required many hours of reading and research. The history books that are in use in the public school system, now or in the past, offer no help in conveying any contributions that Native people may have made in the forging and building of this country. As I mention in the introduction, it is the purpose of this thesis to emphasize the contributions of Native people in order to increase students' understanding of their country.

The Peace and Friendship treaties between the newcomers and Natives were schemes of trickery in that after the first treaty was signed between the French and Natives, other treaties were then ratified and signed to include the English as well. The first treaty promised that the visitors, newcomers, and settlers would not harm, molest, or interfere with any Native person while the final treaties state that the Natives now need permission to travel within their own country. This was setting the stage for the final

takeover of all lands by these European visitors.

Equally as bewildering in the final section of this chapter is that three of the most noted historians of our time (Spray, Upton, and Wallis) all have different opinions about what happened during these first years. They have Champlain arriving at different times, yet the most puzzling is the arrival of Columbus on October 12<sup>th</sup> 1492 to the Bahamas, North America, India (Spray, 1984) and Asia (Barry, 1995). To further question these historians, I asked myself why they all had little or no information about Marc Lescarbot, the poet, who writes about the daily habits of the Native people already living here (Lescarbot, 1534) paying particular note to the role that each individual family member played in the survival of their communities. His first book totally falsifies the writing that is found in the book *Micmac's and Colonists* (Upton, 1979).

If the old history books that were used in the classrooms were placed in storage and the books, journals, and articles of today used in their place, Native students could learn about the contributions their ancestors made and in time could increase their sense of belonging about who they are which could result in a renewed interest in education. Because of this new interest, it is possible that the high dropout rates among Native students would lessen. The writing of Canada's new history could be designed to change a history that was once used to oppress and assimilate Native culture. It is my aim in this thesis to accomplish that task.

With the rewriting Canada's history, a history that is only five hundred years old, it would be easy to omit all of the negative biases. As a result of having this thesis bound and made available to students at the high school level, students would have access to



important historical references. They would have the chance to view the historical research which I have uncovered. All students would have a clearer picture of what the past may have been like. Whether students are convinced or not is not as important as is providing the information without prejudices or negativity. This is how I would hope to convince students that there is more than one side to the way in which the original people of this country have been portrayed in the history used in the past. Bringing this new history to the classroom is how I would give all students an identity that was equal which in turn could eliminate school prejudices and racism.

## CHAPTER THREE

### THE START OF OPPRESSION

Whether French or English, the books on the issue of settlement always leads to one final conclusion, “convert the heathens, the savages of this new world to Christianity” (Paul, 2000, p.5). This seems to have been the main coverup that was used to justify the illegal taking of Mi’kmaq lands by the newcomers. The more land the European visitors wanted, the greater the acts of genocide that occurred. I will explore this process in this chapter.

Oppression and assimilation are evident in much of the history written since the arrival of Columbus. People were already here just as there were people living in France, England, Portugal, Spain, and so on. As stated in Chapter Two, it would be an offence for someone from another country to try take over their lands because they were already inhabited. This is why when the news of this New World reached back to Europe, the rush was on and explorers were sent to claim and settle the lands abroad in the names of their perspective monarchs. The people of Europe knew about Columbus and his new title “Captain of the Seas” which he received from the King of Spain. The thought of his being lost at sea never crossed their minds. Europeans thought “it would be impossible for an explorer such as Columbus to get lost, so when the settlers and newcomers eventually began arriving to a land that was discovered and the Native inhabitants put up a fight, they were viewed immediately as the savages and heathens. They were branded savages because of their fighting tactics and as heathens because of the way that they were

dressed. This was why the missionaries were sent to this New World; to convert these savages and make good Christians out of them. It seems that it was not until Membertou, his family, and a few supporters were converted in 1610 that the doors to settlement opened wide. The importance of this event should be known to all students, especially non-Native students. It is during this time frame that the illegal taking of land for the purpose of settlement were made.

Native students are already aware of their inherent rights because their ancestors were the original inhabitants of this land. When treaties were made there is no mention of land given away for the purposes of settlement (Appendix B). However, when Native students claim this inherent right to land they are ridiculed and laughed at because these rights are not taught in the present day school system. Because of omitted history, non-Native students have no reason to believe it was not their ancestors who owned this land as a result of discoveries by earlier explorers. The books used in the schools strengthen the notion of the heathen savage. It is very important then to put in place an avenue of learning about the past from sources other than the historians whose oppressive views filled classrooms with negativity about the past.

## **STAGES OF SETTLEMENT AND TAKEOVER**

News of the heathen savages finally being christianized in 1610 was sent back to Europe, and preparations were made to send the first successful colony of seventy-nine people to form a settlement in Acadia which is present day Port Royal (Spray, 1984). This is not to be confused with the first attempts in 1534 which failed due to hardship and

disease or the attempt to form a settlement at Ile St. Croix, a settlement which ended on June 25, 1605. This failure was not discussed in any great length but appears that it was the result of having no vegetables or fresh water (Spray, 1984) anywhere on the island. These types of settlement were what was happening throughout much of the same area but not rapidly enough for the purposes of a take over of land, meaning that farming was not one of the reasons for settlement. Rather, it was the inclusion of fur trading and fishing under the guise of farming that attracted many of the settlers (Spray, 1984). Greed was the true reason for the sudden influx of settlers. There was a bountiful profit to be made, and it was easy to accomplish now with this French settlement in Acadia as a starting point. Profit and greed were the main reasons for these illegal settlements to start up (McGee, 1983), yet the Europeans were left with the knowledge that the land still belonged to the Native people. As settlements grew, the newcomers had to come up with ways to make this happen.

This is an area of history that should be taught openly in the classroom to all students, in particular the non-Native students, as this is when the takeover of Native land began. Most, if not all, Native students are aware of what really happened, yet it would serve both cultures well to know a bit more of the details surrounding this time period. The settlers arriving from Europe were told that the Natives who lived here were wild, savage heathens. Knowing no different they would naturally be afraid for their lives. When these settlements grew larger and had to extend their boundaries, settlers felt the Native presence and became alarmed. This is what prompted the oppressors to force Natives into moving from their lands. The excuse used by these first oppressors, forcing Natives to

move, was their signing of the Peace and Friendship treaties of 1693 and 1713 (Appendix A). When Natives refused to move from their lands, a war was declared on them by the signing of a Proclamation of War on October 24, 1745 (Appendix C). Though a war was already being fought since October 19, 1744 (Paul, 1993) it was through this proclamation that it became legal and profitable to get paid for killing Natives. The sum of one hundred and five pounds was offered for providing the scalp of a male warrior. Further, the Proclamation states that for every female and child over the age of twelve years, an additional fifty pounds would be paid upon proof to the Governor In Council for the scalp of these victims.

This is the history that should be made known in the classrooms so the descendants of these first visitors could see and judge for themselves the wrongs that were committed against the original inhabitants of this land. "Much the same as the holocaust that occurred during World War II, thus began the slaughter of unknown numbers of innocent men, women, and children (Paul, 1993, p.109)." Groups of men were hired to hunt down and kill the Mi'kmaq people because Lord Cornwallis assumed that they had extinguished their rights and given up their land due to the ratification of the 1715 treaty. Land was never mentioned in any of these treaties as being given up, ceded, or disposed of, but Lord Cornwallis would not accept the fact that the Natives were a free and independent people.

## **CLAIMS OF OWNERSHIP**

Ownership of land, as predefined by the Europeans in 1492 and again in 1497, stated that unless land was unoccupied it could not be claimed as being discovered nor

could it be entered upon unless invited by the inhabitants who were living there. When Cartier first arrived, he was invited by the inhabitants to visit with them. This historical data is now televised on Canada's Vignettes with Cartier being welcomed by a Native Chief. From their first encounter with Native people there is an indifference among Cartier and his crew over what is being said by the Chief. Cartier insists that the country's name is Kanata while the crew says that they are being invited to visit the village of the Native people. This Vignette shows this voyage as not about discovery but about searching for a place to make a settlement. This point can be found in the books and journals dealing with this voyage of 1534 (Lescarbot, Microfiche #: FC18 C54-200113-115). It was not until after the first winter that the harshness of the weather was known, yet Cartier gained the knowledge of the bountiful riches that were here. Though the idea of ownership was not yet a concept, it was the news of these riches that Cartier brought back to Europe which prompted the French to attempt the first permanent settlement of Acadia. It seemed the first priority during this time period was to establish a permanent base in North America that was owned by the French. The expedition in 1604 by deMonts and Champlain failed, which made Acadia the first settlement to prosper in the New World.

With the settling of Acadia came the baptizing of Chief Membertou, his family, and his followers by Jesuit priests from France. Other than a settlement, the Europeans were interested in only one other thing at this point in time- profits (McGee, 1983). The priests and missionaries had a similar view which was to Christianize the savages for the purpose of harvesting souls (Thwaites, 1901). With the amount of furs being sent back to Europe, the King decided it was time to send more people so he began offering parcels of land to

those people wishing to move (Spray, 1984). As more newcomers arrived, they came believing that they were entitled to this land. Because there was no one to argue, illegal settling went unnoticed for quite some time. By the time land and the resources began to lessen, settlers had already gained a strong foothold in Acadia.

## **SECOND STAGE YEARS 1601-1750**

What I refer to as the second stage years is when Native people lost their land as a result of trust and trickery. The Europeans knew they had to think of ways to get the land in order to stay, and this was why the King of France began offering large tracts of land before anything could be done to stop him. The evidence that Native land was illegally taken is overwhelming. One document known as the Papal Bull (Sublimus Deus, 1537) is clear on this. After Cartier's visit and the introduction of disease epidemics, the first word of maltreatment toward the original inhabitants began. King Phillip's War of 1675 further supports these findings of illegal land taking. To add to this list, there is also Queen Anne's Order-In-Council of March 9<sup>th</sup>, 1704 that makes it illegal for any heads of state, government, sovereign, or King to sell, dispose of, or give away, in any form for time immoral, lands that are owned and occupied by Native people (Appendix D). This is the same document used in the Maine Land Claims Deal of 1980 and the Lestigouche Salmon Wars in 1995 by attorney Bruce Clark.

Another important note to mention about land claims and ownership during these second stage years is that the Europeans would have to have known that the Native people were the original owners when they signed the first treaty. A treaty is a document

that is only signed between two or more nations. The first treaty known to have been signed is the Maritimes Treaty of Peace and Friendship in 1693. When the King of France started to give away parcels of land to the first settlers, he knew that it was illegal because he never had the permission of the Native people to do so. The Treaty of Utrecht in 1713 and the Treaty of Paris in 1715 had no mention of land or lands that were being ceded anywhere in their wording. The treaties of 1760, 1761, Belcher's Proclamation of 1762, and the Royal Proclamation of 1763 likewise do not mention land. The one thing mentioned in them is that Natives should not be molested or disturbed in any way, and that any persons situated on any lands, so reserved to or claimed by the said Indians, should immediately remove themselves forthwith.

That the Crown may extinguish aboriginal rights by legislation or treaties (Indian Act, 1990) is somewhat of a confusing statement when first read. The message conveyed is that the government signs treaties only to break them. It raises the question as to why the government does not live up to their word or promise. Are these documents real or do they imply assimilation and oppression? My answer, based on all the information, would have to be yes.

## **SUMMARY**

The first question that comes to mind in this chapter is why would anyone want to build a fort on an island with no fresh water to drink? Could the answer be that it was because this island may have been seen as an important site in the event of a war- a place where it would be easy to defend other settlements in the future? These topics are not



discussed in any of the history books or school curriculum available in the classroom because it is not important to the causes of oppression and assimilation, facts already known and understood by the majority of Native students today.

I feel forts built during these second stage years should be talked about and discussed more in the classroom. It is interesting to note that even in the most up-to-date text (Buckner & Reid, 1994) there is no mention of Fort LaTour. For the purpose of French and English dominance in the New World, this site would have being pivotal to ownership, yet no mention is made except for Madame LaTour and her relations. Could it be because both Charnisay and LaTour were oppressors of Native people, and because they both fought each other over the same fort that it became an issue not worthy of fame for either French or British interests? So many thoughts come to mind when thinking of this issue of ownership that it become difficult to come up with the questions to ask.

For the purpose of education and the teaching of history in the classroom, I feel that it is vital to have all the facts concerning the subject matter being taught. In this case, it involves the students and their true feelings of belonging. If history is the collection of facts known to have happened in the past (News In Review, 1997) then the classroom text books of today serve only those students who are of European ancestry. The contents and validity of the many issues as they pertain to first contact are questionable and biased. School text books compared to other sources of history and archives are severely outnumbered.

The possibilities for renewing interest and increasing student awareness toward different cultures could eliminate walls of racism and erect new stages of understanding

for everyone concerned. Learning about the past would become something to be proud of, making school a place where all students could get along by learning with the negative biases about the past removed from the classroom. The next chapter deals with ways in which this could be achieved by placing more emphasis on teaching history that contains no negative biases. After all, we will never truly know what happened in 1492, 1604, or 1610, but we can all share our opinions and acknowledge those of us that were here first.

## CHAPTER FOUR

### REWRITING FRIENDSHIP

For this next chapter it is important that the words in the previous two chapters are understood as opinion and not fact. Also, any biases that may appear are those of the authors that have made the claims of statement and fact as written. We must remember that according to modern day historians, history is a collection of data about events that are known to have happened in the past (News In Review, 1997). Given the different views held by historians, I find it rather difficult to concur with such a statement as this.

The majority of history taught in public schools is about exploration and discovery (Rogers & Harris, 1962) which, for the purpose of my thesis, targets only a specific group of students. The Native student population is not considered when there are specifics relating to the original inhabitants such as ownership, culture, identity, and rights. Where there is mention and documenting of contact with the Native people, the message given is that had it not been for the coming of these European visitors and explorers, the people that were living here would have been doomed. This information is usually taken from the records of the Jesuits sent to this land for the sole purpose of assimilation, oppression, and the harvesting of souls.

As this history is not taught adequately in the schools, the Native students are left feeling ashamed about who they are and, even worse, of how their ancestors lived. They leave school not fully aware of their place in history and thinking they are different from everyone else. They were programmed by the system to think and believe that their

ancestors played no role and had no place in the making of this land which would explain much of the low self-esteem witnessed on many reserves today. Though this is only speculation on my part, these negative biases could also lead to further problems such as drugs and alcohol abuse which would help in strengthening the drunken Indian image.

The main focus of the first chapters was to point out the different views that some authors have made about first contact between the Natives and Europeans. Reading the many history articles that have been written seems to suggest that Christopher Columbus and John Cabot were not the discoverers of this continent nor is it possible that they could be. All historians agreed on one major point in history which was that the Norsemen and Vikings had been the first to visit and explore this land. Basically then, both seafarers proved and found that the world was round and not flat (Bold Adventures, 1962). This Columbus and Cabot accomplished by continuing their westward voyages. Columbus never did discover the area in question but rather he landed in the West Indies or an island in the Carribean. He thought he had reached India and after seeing the dark-skinned people that were living there called them Indians (Bold Adventures, 1962). In Maritime History, the voyages of Christopher Columbus are of no significance, except when used in the classroom for the purposes of assimilation and oppression. Even until his death in 1605 Columbus believed he had reached India or Asia. Because historians have different views about Columbus, this piece of history is invalid because the point of landing is unclear and cannot be considered as known to have happened. Even had Columbus landed in the West Indies I do not feel that this piece of history would be of importance to the lands in question. Even the disputes over Cabot's initial voyages are not of great importance

because some historians say Cabot landed in Newfoundland, then continued up the St. Lawrence River to present day Quebec. There is controversy here as well. Some say that Cabot landed in Neil's Harbour on Cape Breton Island's northern tip where a monument commemorates this event.

With these points mentioned, now would be a good time to rewrite some of the past by looking at ways in which land loss and oppression could have occurred. Looking at the treaties and proclamations seems the next best avenue to take. Again, this is history that should be looked at and studied in the classrooms. This is how theft of lands and resources began and it is information that could ease feelings of difference and racism among students. It would also serve as proof to non-Native's that Natives have a place in the making of the history of this land.

### **THEFT OF LANDS**

Throughout many of the text books pertaining to first contact, it is easy to see that the purpose of the European explorers was to exploit the fur trading industry. With the arrival of more and more European settlers came the need for more land. After the signing of the Treaty of Peace and Friendship in 1693, the task of claiming lands became harder for newcomers because the land was already occupied by the original inhabitants. It is important to remember as well that treaties could only be signed between two nations. In order to overcome this problem the Europeans found it necessary to attempt to gain allies with the Natives that were living in the area. This brought about William Shirley's Proclamation of War against the Cape Sable's and St. John's Indians (Appendix C).

Here lies an important piece of history that is not taught in classrooms and consequently goes unnoticed by many. The purpose for this is clear because this proclamation makes the aboriginal appear to be the “bad guy” by insinuating Natives started fighting with the Europeans, an event which is not the case according to other documents. Both Native and non-Native students would find that prior to this proclamation another one had been signed by Major Paul Mascerene who had hoped that war could be averted. Unfortunately it was not, and in defence of attacks by the white wood rangers, a group used solely for the purpose of killing Indians (Wallis and Wallis, 1955, p.46), the Mi’kmaq were forced to defend themselves. This shows the Natives were already at war against the British.

What this war did was force Natives, who were already allies with the French, to fight those that were allies with the British. This was the first of two moves in the breaking up of unity among Native people. “Divide and conquer” became one of the strongest tools used for the purpose of assimilating aboriginal people. With Natives now fighting Natives, some on the side of the French and the rest for the British, ownership and possession of land slowly faded from sight until it was too late for Natives to do much in the way of correcting this illegal takeover. The next strongest tool in the assimilation process was the education system used by the Capuchins in their Christianization efforts (Hamilton, 1986). When the children returned from Christian schools, they were not totally accepted in their communities. They lost their ability to speak fluent Mi’kmaq. This created another entire group of Natives because they were forced to live in smaller groups, making them easier targets for the assimilation process. They had also lost and forgotten

many of their traditional skills, making survival harder for them.

Throughout the eighteenth century there were many treaties and proclamations that were made and signed. This is the method which created the most damage for Native people regarding the illegal taking of their land. From 1704 until the Indian Act was created in 1867 and finally in 1876, the treaties that were drafted and signed were invalid from a legal standpoint. There were two documents signed making this claim: the Papal Bull (*Sublimis Deus*, 1537) and the Order in Council of March 9, 1704 (Clark, 1996). What these two documents state is that no harm nor molestation should come to any Native person. They further go on to state that all lands should be saved for the express use of the Natives and that encroachment by anyone be immediately stopped. The 1704 proclamation states that for all time and forevermore there should be no molestation, removal, or interference of any kind by any sovereign, country, law official, or government leaders. It was Queen Anne's Order In Council of March 9, 1704 (Clark, 1996) that was successfully used in winning fishing rights for the Mi'kmaq people of Listigoutj in 1996.

William Shirley's proclamation was signed at a time when there was a war already in progress between the French and British forces. Mascarene's Treaty of October 1743 was used to state the point that the 1744 proclamation was invalid because war was already being waged between the French and British troops and their allies. In the following section I point out the different proclamations and treaties with the intent of showing how these documents were used in the move toward oppression and assimilation.

## **MOVE TOWARDS OPPRESSION AND ASSIMILATION**

This is an area of history that all students within the Public School System should be aware of. Native students are subjected to many forms of abuse and racism because non-Native students are not aware of the issues surrounding oppression and assimilation that resulted in genocide. This knowledge would create a more solid base for understanding and acceptance. Students need to know there was never any mention of land cessation in any of the treaties that were signed during this time (Appendix B). It is my hope that this thesis will shed light on issues pertaining to the way Native people are omitted from history. By studying the data previously collected by all historians, not just for the invaders, non-Native students would be better informed about the past, allowing them to share this knowledge in their homes as well as with others. Eventually, tales of the heathen savages would only be a myth that would hopefully disappear in time. Unfortunately though, this is not yet the case so that the teaching of history continues as follows.

With the founding of Halifax in 1749 and New Brunswick becoming a province in 1784, there were many amendments made to the treaties and proclamations that had to be signed by the newcomers. The purpose for this was to change the original wording of these documents in such a way as to hide the true intent of the initial documents. Since the signing of the first Peace and Friendship Treaty in 1693, the invaders from across the ocean sought for means and a way of doing this. This was a cleverly disguised plan and was performed by the most brilliant scholars in Europe during those years. Another important factor in this move toward a complete takeover is that prior to 1784, Nova



Scotia was all one province that encompassed a large area of the east coast extending into parts of the United States. What makes the proclamation of 1704 so valuable for Native people today is the fact that the Massachusetts Bay Colony, Maine, New Hampshire, Connecticut, Vermont, Rhode Island, New Brunswick, and Nova Scotia, at the time of the treaty making process, were all one large body of land known only as the Maritime region. Connecticut served as a third party adjudicator for the British Crown in the treaty making processes that took place during this time period and was aware of the entire encroachment that was being done by the newcomers. Land and land cessation were never once mentioned in all of the talks that occurred as a result of this proclamation, nor were they mentioned in any of the articles of peace and friendship (Appendix A). Even though this was the case, this particular proclamation of March 9<sup>th</sup>, 1704 gets no mention, making way for the move to take control of the land.

### **THIRD STAGE YEARS 1751 - 1900**

Shortly after Halifax was formed, large numbers of settlers began arriving in Chebucto Bay which is when encroachment upon Native land soared. These newcomers had found the task of settling to be very easy as the sites had long been used by the Natives (Upton, 1979). The land had already been cleared for them. Newcomers could start building homes and growing crops almost immediately, making it easier to prepare for the winter. Natives were being invaded by this influx of newcomers to their land, and in 1750, whether the Mi'kmaq had any idea of land ownership prior to the arrival of the whites or not, they had acquired it by then. From the arrival of the first settlers until this

point in time is how long it took this second generation of Mi'kmaq to learn from their elders about the value of land.

The knowledge that this second generation had been taught became their strongest asset. In all treaties and proclamations that had been signed and/or reaffirmed, the main concern of the Natives now was that of land. History has recorded this fact in so many instances, yet it appears to have gone unnoticed then and in the present day. In March 1760, June 1761, and again in May of 1762, there was never mention made about the cessation of land. These three proclamations reaffirmed the Submissions Treaty of 1726, "each was in the same effect, renewing the treaty of 1726" (Upton, 1979, p.58). What is equally important here is the fact that this 1726 treaty was a ratification of the Peace and Friendship Treaty of 1725. There are two more very strong points made by both sides in the ratification processes that took place with the 1762 Proclamation. First are the words of Johnathan Belcher stating that the Indians were "in full possession of English protection and liberty," meaning that all of the settlers should have left Native lands. Secondly are the words that are used by the chief of the Cape Breton Indians, "as long as the sun and moon shall endure" and regardless of whether "things in these countries be restored to their former state or not" (Upton, 1979; Appendix A), the Indians will hold this treaty inviolable. This information is only available to anyone doing research and not offered in any great depth in the classroom. It would be an asset for all students to learn this history as they would all be able to see the contribution Native leaders played in the forging of this country. Many non-Native students are unaware of Native input and policy because the history is not taught. Most, if not all, classroom history texts refer only to the uncivilized ,

savage, lazy Indian. One final note about the 1762 Proclamation is that it was never published at larger for fear that the Indians may notice and begin making what was termed “unwarranted and extravagant demands” after every Native person was promised one blanket. The promises of gifts that were made lasted only a short time when they stopped coming. In this treaty, it would appear the newcomers were so intent on oppression, they forgot to mention anything about land.

The Royal Proclamation of 1763 issued in the name of King George III brought peace to both sides but not trust. This was the first attempt to bring the management of the Indian Problem under the control of the Federal Government, but it ended in failure in 1768, giving the responsibility back to the individual provinces. The uneasy rest that followed is where one will find many of the biases in history beginning to form against the Native people. One such bias is that of the Feudal System not being introduced into the British North American Act (Buckner & Reid, 1994). The argument was that it would give too much land to one person. The island of Saint John, or Prince Edward Island, was set up in just that fashion except that in 1769 it was known as *crofting*, a method of land appropriation that still exists today. The reason this is allowed today is because of the claim made by a few historian that many of the clauses dealing with the Native people did not extend to the Atlantic region (Buckner & Reid, 1994). The truth however lies in Belcher’s Proclamation of 1761 which was not issued until 1762 when it was ratified. Public monies could not be used to buy back Native land. Subsequently it was granted to an absentee proprietor in 1767 (Reid, 1995). As previously mentioned, land cessation was not mentioned in these proclamations, meaning that even if public monies could have been

used, there should have been no land given away that needed to be bought back. The only places that the Mi'kmaq people were left at peace were usually those places which were inaccessible or had no rich land resources. This is how the last part of the 1700's would unfold for the Natives of the Maritime region; they were slowly being moved from their usual places of occupation to those areas which could not be used by the settlers.

In the 1800's another form of trespasser appeared known as squatters. These invaders moved here from all over Europe and the United Colonies, taking whatever lands that were left and driving the Mi'kmaq further into the barren lands that were of no use for these unwelcomed visitors. Because of the tremendous influx of illegal settlers and the shifting of the people, all that was left of Cape Breton was a tract of land seven hundred acres in size, containing a village, a burial ground, and a grove of sugar maples (Reid, 1995). Proclamations, treaties, and wars had finally achieved the coverup that was needed for the Europeans to illegally take control of Native land. It was plotted so well that it is only within the last ten years that Natives are finally being heard by the courts.

## **SUMMARY**

Having read the data that is on file in archives and libraries throughout the Maritimes it is hard to comprehend how much suffering has been allowed to happen to the Native people who were and still are living here. However, this is not the intent of this chapter nor is it in any way an attempt to discredit anyone. This is a paper about the collection of historical data that should be taught in the classrooms of today for the purposes of education and awareness rather than the history books we see being used

today. These selected history texts address and teach to only one audience of listeners, the non-Native group. According to the majority of historians, these texts are filled with biases about another culture which are simply not true. They paint a picture of a hostile race of savages waiting to be saved from certain doom because of the way they live and carry out their affairs on a daily basis. There is no point made about how well they lived or about how they survived the climate prior to the arrival of the newcomers.

Today's students need to be able to read about both sides of the discovery story. They would then be able to pick and choose between instances that may or may not have happened in the past rather than hearing about only one side. When one reads the Peace & Friendship Treaty or Belcher's Proclamation, there is little doubt as to what is being said. In all of the Articles of Submission and Agreement, there is no place where it is stated that the Natives are not the rightful owners of this land. More importantly, this approach to history would serve as an excellent tool for boosting the esteem and overall feeling of belonging and contributing among Natives students.

This thesis is not about whether the government of this county or their chosen historians are right or wrong. I am not advocating change based on any wrongdoing on the part of anyone. Instead my thesis is about allowing Native and non-Native people to study a history that does not place blame while they are still in a classroom where it would be an effective tool in creating harmony among all people for the good of future generations. Racism against Native students is a reality, and it could be due in part to the history that is taught in schools. The images that are portrayed about Natives as heathens, savages, drunks, and a lazy and shiftless people is what could set the stage for conflict and

unrest among students. Many Native students are aware of their past due to the teachings of their elders through the use of their oral traditions and spirituality. This is in direct conflict with what they are being taught in schools. Non-Natives on the other hand are not aware of anything other than what they have been taught to believe in the classroom. Issues of ownership and theft of land never arise so non-Native students remain uneducated about what other historians are teaching. Even the findings of the Supreme Court of Canada go unnoticed (Historical Pattern of Dealings With Native People: ss C: Conclusion, 1985, p.105) where it states, "there is no indication of land cessation treaties being made nor any compensation given to the Indians (House of Commons Debates, 1971)." This finding was based upon and taken from The Journal of The Legislative Assembly of Nova Scotia in 1845 (Page #70). It is much the same as the finding of the Supreme Court of Canada in 1982 when aboriginal rights were again, "recognized and affirmed." This is all well and fine that the rights of Natives are recognized and affirmed by the Supreme Court of Canada; however, the Federal Government does not seem to agree.

This is the history that should be taught in the classroom if for no other reason than to let the non-Native population know that Native people and their ancestors played a very important role in building this country. Native students would no longer have to feel left out of discussions and it may produce a better self-image about who they are to their peers.

## CHAPTER FIVE

### CHANGING THE LAND

This chapter deals mainly with the continued encroachment of the English and French squatters. Many of the French left the Atlantic Provinces after the last British defeat and moved westward or so it would appear. There is little evidence of French occupation around this time as both England and France were fighting for supremacy in the New World, a fight which meant that there had to be a loser. In this case it was the French. Having lost against the English, they did not go back to France, so it could have been to central Canada they went and later joined forces with other groups such as the one led by Louis Riel. The French Acadians that remained in western Nova Scotia refused to swear allegiance to the England, which resulted in their expulsion in 1755. Five years later, large numbers of United Empire Loyalists from the Thirteen Colonies as well as groups from Northern England and Ireland arrived and prepared to settle on this now vacant land. They have continued settling into what is now present day Nova Scotia and New Brunswick.

Here is where encroachment has been made legal by the British for the purpose of the theft and control of Native land. Even though treaties and proclamations of the past have said that it was illegal for the newcomers to settle on Native soil or to molest or injure Natives in any way, the newcomers were permitted to break their own laws. What has happened here is that over the last 150 years the crown had allowed the Acadians to farm and fish citing that this did not hinder or interfere with the way the Native people

lived. This incident became just another one of many “broken promises” by the English that could easily be hidden after the war because the first to leave were the Natives, then the Acadians. Unoccupied lands which were cleared and not being used could now be settled upon by the English (Whitehead, 1991). This single act alone went against the policies, principles, and endorsements of every treaty or proclamation that the Europeans ever made or were a part of. This even went against the submissions in the Papal Bull (Sublimis Deus, 1537) that was endorsed and signed by Pope Paul III. These acts were committed because of England’s quest for world dominance and power.

It is my intent in this chapter to further show the importance that history could play in promoting a greater sense of belonging among aboriginal students along with informing the non-Native population about the illegal deeds of their ancestors. Racism in the classroom could be quieted or even removed allowing for greater harmony between everyone. The non-Native student population could help increase awareness of Native rights by bringing this new knowledge into their homes and informing their parents and other family members of the negative biases that have been spread about Native culture. This act alone will not eliminate all of the racism and negative biases that occurs but by teaching and bringing this new history into their homes a beginning step will be made. The question over the promotion of hatred the other way around arose from this form of education; Natives learning to hate non-Natives. The likelihood of this happening is slim simply because of the fact that Native people have been aware of this for years, it is only the non-Native population that seems unaware of the genocide committed against the original inhabitants.



## ENGLISH AND FRENCH ENCROACHMENT

This is an area of history that should be taught differently from the way it is being taught today. What is needed in the junior and senior high school grades is the freedom to cross-reference any of the original texts that were used in the past with present day journal articles and texts much the same as is done for university essays. Students could research their topics using multiple texts, allowing individual decision making rather than the banking method of teaching (Friere, 1974) from one pre-selected text book. Commonly used texts continuously speak negatively about the contributions made by Native people, citing that had it not been for a European presence, the culture would not have survived (for example see Spray, 1984). This seems the basic theme of all school history texts and it should be readdressed.

Students who have read about the voyages of the early explorers, Columbus, Cartier, Cabot, and Champlain, surely must question their meetings with the original inhabitants. How can it be assumed that these people never knew how to survive or take care of themselves yet had survived for centuries prior to the arrival of the explorers? Students must wonder what happened to change the relationships, especially after Native people had welcomed the newcomers with hospitality, warmth, and friendship. It was the newcomers who were shown how to survive the harsh winter conditions (Whitehead, 1991) and not the other way around. The Native people were thanked for their good deeds by the encroachment of the English and French settlers sent from Europe in two ways. The first was with John Cabot's English in Nova Scotia and secondly, forty years later, Jacques Cartier's French on the Gaspé coast. To add to this saga of discovery is the

arrival of Christopher Columbus who, up until his death in 1605, believed he had reached Asia, the West Indies, Bahamas, or India, a point still not conclusively decided upon by historians. The latter landing point could explain why Natives were called Indians.

To begin the saga of encroachment involves discussing the first contact made between European explorers and the original inhabitants. The French fishing fleets were the first to break International Treaty Laws when they decided to stay here during the winter months rather than make the perilous trip back to Europe in the winter. They made their first contact with the Beothuk Natives while wintering here, and it is they who were quite possibly responsible for killing the vast majority of Natives; perhaps because of fear. There is no proof of this, yet it seems from the amount of history written about these first encounters, there were no other people that could have committed such an act as this. The voyage by Cabot to the fishing grounds was for the purpose of reaping riches from the sea rather than for exploration purposes. Since landing was against International Law, the killing of the Beothuk by these French fishermen may have begun. Realizing that there may be other Natives in the area, Cabot and his crew decided that it would be easy to say that it was the Natives that had committed the crimes. The accounts of the Cabot discoveries are said to be untrustworthy (Howley, 1974, p. 20), yet these accounts are still taught as genuine in schools. It is also mentioned that it may have been because of the presence of Europeans that the Beothuk became extinct and blotted from existence.

It is safe to say that encroachment began and flourished because of false information given by the Cabots. These first visitors told lies from the beginning about their business and findings in Newfoundland, and it should be noted that they were indeed

making voyages back and forth between Europe and the New World with fishing as their coverup. According to one source (Howley, 1974) French fishermen broke International Law when they landed ashore because they were ordered not to land if they knew the land was inhabited. This is more of the history that should be taught in order to return fairness to all. Non-Native students have to be made aware of these events in order to heal the wounds of the past. Encroachment began very early, yet the problem is still occurring due to a lack of education on the part of both cultures.

It should be noted that the Native people had been aware of their own identity since the start of the oppression and assimilation processes. The teachings that were passed down over the last five generations is what has been harmed by the newcomers. These teachings are still alive today and can be reaffirmed through education and the awareness of the harm that has occurred as a result of this presumed discovery.

## **DIVISION OF PEOPLE**

The more you divide something, the weaker it becomes. This is what happened to the Native people of the Maritimes. Through the settlements of land and the encroaching of illegal settlers, the original inhabitants of this continent were forced to move further and further inland and away from their seasonal camps. This process of division was constant for the first one hundred years of the European invasion. The hardships encountered by the newcomers were eased with the help of the people living here long before the newcomers' arrival. Once forts were built and crops began to grow, life became easier for the newcomers, and they soon discovered the abundance of furs that could be trapped.

This meant money for them in Europe so they began hunting and trapping on a large scale. With the arrival of different explorers to the region, it was apparent that the settlers with the most area to trap, would make the most money. Relationships between the Natives and Europeans up to this time was usually friendly, as they kept a certain distance from each other. When the Europeans realized that more land would be needed for trapping, the newcomers knew that it would be whoever had the most friends who would control the fur trade. Because of greed and power, the struggle for ownership began between the French and English explorers to the Maritimes. To do this included gaining as many allies as possible which meant offering presents as tokens of loyalty and friendship.

Changing the normal habits of the people and trying to convert them to Christianity soon became the prime objective of the newcomers at this juncture in time. The Europeans knew that if they could convert some of the Natives that they would have them on their side by offering them gifts. They sent for priests and missionaries to come and do this work for them using the savage heathen syndrome they had set up about these people who worshipped and dressed differently than the newcomers did. In 1610, the French succeeded with the baptizing and conversion to Christianity of Chief Membertou, his family, and twenty followers. So started the division of the people, a move that is still evident today.

All this time the British were giving presents to the Malecites as per the terms of the Peace and Friendship Treaty of 1693. The British hoped by giving gifts to the Malecites, as promised to the Natives by the treaties, more Mi'kmaq would join with them as allies against the French. This proved a useless venture on the part of the British, yet

with both of these events happening at the same time, feelings were tense for everyone.

The Mi'kmaq knew the English were conquerors (Jackson, 1996) and had no interest in their well being. The French on the other hand were colonists and needed the help of the Natives as much as that of their own settlers.

The strongest division of people occurred as a result of the wars that were fought between the British and French oppressors. The French were busy settling and colonizing the area while the British were preparing to conquer the Natives. What both sides needed was the help of the original inhabitants to gain strength in numbers. This is where a lot of the controversy over ownership lies. While the French spent their time trying to Christianize and tame the savages, the British were busy building strongholds where they could gain control of French-held claims to the land. The Natives posed no great threat to the English oppressors; it was the French with their small colonies of converts that were the problem. The priests and missionaries sent by France to Christianize and settle the people had the backing of France and the Catholic Church. The Declarations and Proclamations of War that followed were a tool used by the English Crown to establish a loophole by which to begin the illegal takeover of land. In all of the wars fought between the French, British, and their allies, there was a victor who enjoyed all the spoils and losses that occurred as a result of that war. Though treaties were not signed between Natives and newcomers over land, the Europeans automatically assumed that the losses of war included land, an issue not addressed in any of my research.

#### **FOURTH STAGE: 1901 - 1985**

This is the stage in history where most of the damage for and against Native Rights has occurred. All Native and non-Native students should be educated about the effects of the forced education, centralization, and Christianization of all Native children. Whether these factors are right or wrong are not so much a factor as are the outcomes of both schemes of oppression. After reading much of the history of the arrival of these visitors, one cannot help but notice the discrepancies. The European adventurers needed to change, alter, or hide the fact that the lands were inhabited prior to their arrival, and that they took possession of them illegally. This was and is still the driving force behind the drafting of the Indian Act. This document was to be in the best interest of the Natives, yet it is difficult to find any legislation in it that goes toward the good of Natives. The contents page (Hawley, 1990) has no reference made to either the order-in-council of March 9, 1704 nor to Belcher's Proclamation, both documents of which played the most vital role in "lands being returned to the Indians" during the 1900's. One would suppose that this would be top on their agenda as Natives are under the direct care of the Federal Government. Another point about the Indian Act is that the government allowed for the discrimination against women in an amendment clause added to the Indian Act of 1886. A Native woman lost her rights if she married outside her culture, yet men were allowed to do so. This amendment stayed in place for over a century until it was removed in 1985 as a result of the Lovelace case on the Tobique First Nation Reserve. To read the Indian Act is an experience of total awe and almost total disbelief. It is hard to imagine that you could not have a soul unless the government gave you one (Sublimis Deus, 1537).

In 1894, the first of many schools was built for the sole purpose of educating Native people. This was supposed to rid governments of the “Indian problem” which was felt on both sides of the border. The first schools originated in the United States and gradually spread out to reach the Maritimes. They were known as “farm” or “barn” schools. It is from this design of school that the residential schools were formed. The first Residential School opened in Shubenacadie, Nova Scotia in 1929 (Knockwood, 1992) and was to be the most modern and up to date school of the decade for “Indian Students Only”.

It is essential that students become aware of the nature of the Residential Schools. This is a history that is not in the distant past requiring twenty or more supporting documents. The legacy that is left behind should be carried forward into the future to show the damage that can result from oppression and assimilation. The issues relating to the Residential School are a difficult subject for all parties involved to discuss. *Out Of The Depths* (Knockwood, 1992) is the leading book to use when the children that have managed to heal decide to discuss their good old days in the Shubenacadie Residential School. Trevithick (1998, p.63) is not able to see the anger that this would create as he was never subjected to such cruel and unusual punishment. The comments he makes are a testament to this as Knockwood’s book is a testament to the facts. It shows not so much the anger but rather that a person can heal. If anger is expressed toward the government or the church, it is because of the treatment the First Nations continue to receive.

Throughout the first half of the 1900's, the main focus on Native people was assimilation and oppression. Education, Christianization, and centralization were the tools

used in these struggles by government to fix the “Indian Problem.” Trevithick’s approach to fixing the Indian Problem is no better than what is already before Native people since the beginning of European expansion. Trevithick suggests a revisionist rather than a traditionalist approach to the Indian Problem which in the end mean the same-- assimilation, but with a difference. No matter what approach the government would take, it would still be the same for Native people.

The government introduced new legislation known as the Centralization Policy which they said was designed and setup to better serve the Native people. Rather than being scattered about on small reserves, they would be better served if they all fell under the one reserve unit. This is not what happened, yet it was reported that this policy ceased in 1949 (Patterson, 1986). The hardships this policy caused and its effects were felt until 1962 at which time proper funding procedures were reinstated for each of the five reserves remaining on Cape Breton Island. Some people within the federal Department of Indian Affairs suggested that hauling homes across the Bras d’Or Lakes to a more central location in Eskasoni was a good working plan yet when they began to sink because of the ice melting in the spring, the government had a second opinion. I elaborate further on this in Chapter 8.

## **SUMMARY**

History books used in previous years were filled with many negative connotations and biases. It was “bad” to be Native. Native people were told they had to change or be changed in order to become civilized. This type of history was taught since the arrival of



the newcomers in order to hide the crimes of misprison against all Native tribes in North America. European law states explicitly that to commit crimes against another nation within a nation constitutes a direct act of war, yet this is exactly what happened to the aboriginal tribes of this continent. The Europeans did this out of greed and their urge to conquer and monopolize the lucrative fur trade of the Maritimes. In order to hide their crimes, they committed more crimes against the Native people that were living here.

Again, this is the history that must be taught in the classrooms today in the hope that it will restore dignity and pride to a deserving people. Non-Native students must become aware of the wrongs committed by their ancestors against the original inhabitants of this land, people that lived here for generations. All students should realize that the money given to Native people by the Federal Government is money that is owed them for the illegal settling and colonization created by European encroachment on Native land. In an address to the Conference on the Legal Status of Indians in the Maritimes it is clearly stated that in their haste to assist as many of the Loyalists as possible, the British neglected to extinguish Indian land rights (Sanders, 1971, p.105). This means that all land in the Maritime Provinces today is Native land, and the people presently living on these lands are there illegally. However, the important thing to remember in all of the debates that revolve around ownership is that Native people only want to be treated equally. They do not want the land back because the resources are gone.

With this in mind, as well as the stages of oppression and encroachment, students should be working on ways to remedy this situation. This can only begin to happen if history is brought back to the classrooms with a full view of the past included. The rights

and wrongs of all could be discussed in such a way as to bring harmony and unity to all people graduating and going out into the world to promote a clearer picture of the past. In the final chapter, I further address the role of education as the key to healing future generations.

## CHAPTER SIX

### SURVIVAL AND REBIRTH

In this chapter, I deal primarily with the latest changes in cultural awareness issues and developments in Native communities. Since the 1985 amendment to the Indian Act, giving Native women back some of their basic rights, there has been little change in the way Native women are viewed by society. The same feelings of guilt, shame and uncertainty about the past are felt by the majority of Native people because of a lack of education surrounding these issues. It is not because Natives do not know of the changes, but rather that the public is not properly made aware of them. A large portion of the non-Native community is blind to the racism committed by the government against Native people. Education is one way this could be corrected. Education can take place in many forms but for the purpose of my thesis, I focus on the teaching of history.

To be a good educator is to care about human beings ( Friere, 1972; Shor, 1995) so that we may be able to change the way people think and feel about others. For far too long Native students have been made to feel they do not measure up to the same set standards of living that non-Native students have. This is the result of how they have been portrayed in the history books that, until recently, have been used in the classrooms. Education is the key that could unlock many of the closed doors of racism and negative biases that were taught in the classrooms of the past and open doors of friendship, communication, and acceptance.

## **1986 - PRESENT**

Women not being allowed to participate in community activities because they are told they are no longer Native is beyond comprehension, yet this is how it was for any female that left a reserve to try better herself prior to April 17, 1985. One of the first acts of legal discrimination committed against Native women by the government was in the form of an amendment added to the Indian Allotment Act of 1868. Since that date not much has changed for Native women due to the damage this legislation created. Native women were told they were no longer Indian, and the majority of Natives were unaware of any discrimination having been committed. An amendment to the Annotated Indian Act of 1985, known as Bill C-31, gave Native women back their identity. This was the result of one woman's struggle to free herself from the bonds of male dominance and was a type of racism formed, legalized, and enforced by the Federal Government of this country; it is still never looked at when Native women and their families are having problems coping with mainstream society or living within a structured environment. This is where history fails students of all races. The real reasons why this form of racism was allowed is not read about or even discussed in classrooms of the past or present. I feel that issues resulting from past injustices need to be brought forward into the present if they are to be fully understood and addressed. The Social Studies courses taught in classrooms today do not address events of the past in their entirety but rather make only a brief mention of events. The depth of the events are not dealt with.

In 1986, one year after Bill C-31 was introduced, Linda Lovelace was still not accepted by society or by her community members of the Tobique First Nation Reserve.

She was told she had to leave her home because she was not willing to remain in an abusive relationship with her husband. Under policies adopted by reserve band councils through the Department of Indian Affairs in Ottawa, if a woman refuses to live with her husband she has to leave because the men get the house. This is a law that supports racism against women and is also supported by the Federal Government. In 1987, another amendment was added to the Indian Act (R.S.c. section 12:ss 6(1) & 6(2)[1987] 1970) which states that because all Native women are now recognized as Status Indians again some of their children may not be permanent Natives. This was a very confusing and complicated twist of words designed with the continued onslaught of the assimilation process of an entire culture in mind. To date nothing is being done to remedy this division of a culture using children who are known only as 6(1) or 6(2) Natives. England's method of winning by dividing the people is still used in their never ending attempts to eliminate the original inhabitants of this land. Education would be one way out of this form of entrapment. Students need to be aware that the crimes of the past are still being legalized in the present. Students working and studying together and looking through the mirrors of time to judge for themselves what actually took place in the past could create an awareness that would help bridge gaps of misunderstanding in society today. The sudden drop in the Native population, who or what caused it, who fired the first shot, and most importantly of all, who took what from whom, would also be learned. This may well be the only way to cease this process of assimilation of a culture and identity.

Native student enrollment in universities has increased over the last twenty years, yet awareness of this problem of assimilation is blinded by the neo-colonial tactics used by

Chief and Council in the structure of education programs on individual reserves. Many students leave university before completion of their degrees and return to their reserves to work at jobs that are unrelated to their learning or are seasonal, while others simply go on welfare. The students who do graduate stand a slim chance of getting work on their reserves within their fields because the positions they have been trained for are filled by band members whose only qualifications are that they are a relative of the chief. Some chiefs say that education is not important, exclaiming, "look at me, I am chief and have only grade eight." Any Native receiving an education has to leave his or her reserve to find work in urban communities in order to gain anything from their education. Teachers are a bit more lucky in gaining employment; however, they are dictated to by a system designed with assimilation as the key good of teaching. This is evident by the lack of interest in historical data or a renewed sense of belonging among the Native student population. With "social studies" being used to combine history and geography, there are enough half truths about first contact which appear to satisfy the need students have of learning about their past. We should focus more on belonging than ownership to show that Native people do belong here and are entitled to the same rights as everyone else. History teachings have shown only one side of the truth and left no room for the Native people to grow or become involved with anything other than survival. This can only be accomplished by bringing history back to the classroom and "teaching from the heart"(Apps, 1996; Cranton, 2001) to all students.

## EDUCATION

From the arrival of the first settlers, education for Native people has been nothing more than a tool of oppression and assimilation used by Europeans against the original inhabitants for the purposes of illegal ownership.

The earliest accounts of education are found in the Jesuit Relations (Thwaites, 1901; McGee, 1983) when the Mi'kmaq people were taught by the priests and missionaries sent here to teach and oppress the Natives in return for souls for the Pope. Father Pierre Mallard was working among the Mi'kmaq during a time when sickness and diseases were killing many Native people. These diseases were brought here through European expansion. The medicines used by Native medicine men had no effect on the new viruses. When Father Mallard used the medicine he had brought with him from Europe to cure Chief Membertou's disease, he believed right away that the white man's God must be more powerful than his own so he agreed in 1610, along with his family and twenty followers, to be baptized. So began the division of a people and the education that would eventually teach others about the heathen savage. As Leslie Upton (1979, p.xi) states, this began what is known to be the three horsemen of the European Apocalypse: disease, trade-goods, and Christianity. This is, no doubt, a very valid statement; however, there should have been a fourth horseman added to this statement: education.

Membertou's move to Acadia in 1610 made it easier for missionaries to teach Natives that their way of living was uncivilized. This same format of teaching continued right up to the closing of the Shubenacadie School in 1967 (Knockwood, 1992). The problem with education during all of this time is that Native people were continuously

referred to as savages and were never acknowledged for anything. Four hundred years later, it is time for history to be changed so we can learn why Native people were made to feel this way and by whom. More importantly, this could be a way to show that every culture has played an important role in the making of this new country. As for history itself, Native history is much older and more embedded in this land than the five hundred years of oppression created by the newcomers from Europe.

To see the importance of quality education for all Native students, one has only to view the Indian Act. From 1876 to 1927, the only Native people able to achieve an education or graduate were those willing to be enfranchised; this included all family members as well. Enfranchisement meant being stripped of their rights, including their right to reside on a reserve. This provision also applied to those who entered the armed forces, police forces, or became members of the clergy. One may argue that this provision ended with the amendment in 1927, yet look where it led the people-- to a system ran by priests, nuns, and missionaries. Residential schooling was worse for these children than a term in prison, not to mention the fact that the element of trust for any type of an education had long been removed. Students must be taught the truth about the past and be educated about the degradation and genocide created against Native people by their European ancestors. This form of maltreatment was the result of the newcomers lust for riches that belonged to someone else. Native people were willing to share, yet this was not enough for greedy merchants and government warlords. Harsh as the words seem, the truth is in the reality of the damage that this form of human bondage created. It is difficult to find ways of undoing the wrongs that were committed by European greed.



## REVISITING THE PAST

Prior to the arrival of the newcomers, Mi'kmaq civilization was well structured, fully functional, and democratic, with each district having its own chief, council, and rules by which to live. It is easy to see why people from other countries envied the Mi'kmaq way of life as the element of human bondage was non-existent. Native people living within their own districts were free to do as they wished because, unlike European civilizations, they were not governed by the elite and the rich. Their day-to-day lives were not ruled for them as were the lives of most Europeans whose rulers, because of their wealth, declared that they were endowed with some divine right to rule others and would tolerate no interference or opposition to these privileges. The average citizens within this structure were regularly denied their basic human rights and freedoms. From the cradle to the grave the average European citizen was nothing more than a mere chattel which may explain why they treated the original inhabitants so badly. The British, being conquerors, would stop at nothing to get what they wanted, even the breaking of International Law.

Revisiting the past regarding these issues is in the best interest of education. Topics surrounding leadership and land can best be kept at the forefront of the many issues currently been taught to Native students. Along with the breaking of International Law, students would be able to see the way in which newcomers had interpreted treaties signed in good faith to suit their lust for riches. The 1727 Treaty of Casco Bay is one such treaty that is an example of how words were intended for peace. Once signed it was easy for the newcomers to change, alter, or add sections to make these treaties into whatever they wished. When one takes the time to view treaties, especially when land is the issue,

there is little one can say to explain the confusion. The treaties from 1760 to 1763 are the most commonly used when any reference is made to issues over rights, land, and land use. Equally as confusing is that there is no reference to/and in any of these treaties. In order for students to know more of these treaties and their purpose, it becomes increasingly necessary to revisit the past, so that these events are not repeated in the future.

## **SUMMARY**

In this chapter I looked at the slow return of Native culture after a long time of assimilation and oppression by the newcomers. I show that, even though Native rights are slowly being returned, there is still a need for teachers to reveal the racism that resulted from the way in which aboriginal people were forced to live and learn. They were living under rules that were designed to assimilate and create hardship while at the same time receiving an education that was based on a foreign culture. These same issues are still affecting Native people in society today because the curricula they learn is still addressing the values of a foreign culture.

It is true that there has been some progress with Native rights as defined in the treaties, yet the progress is still only on paper. Bill C-31 is one example of how the government has made it appear that rights for Native women have been restored, but in reality nothing much has changed for them. There are still the day-to-day struggles for women left to look after their children with nothing more than a biweekly welfare cheque to feed, clothe, and provide other necessary basic needs with an income that barely meets the Canada Food Guide poverty standards. Meanwhile these women and children are been

criticized by the Child and Family Services for not meeting the children's needs and are often accused of neglect. The reasons for this can only be seen by revisiting the past and seeing clearly that all issues pertaining to these charges stem from the value system of another culture.

Another example of why this history should be brought back to the classrooms can be found in the 1982 Supreme Court decision that Native rights are "hereby recognized and affirmed." This looks very good on paper yet in reality means little when issues involving the Federal Government and Native people of this country arise. The reason for this is simple. The Supreme Court of Canada recognizes and affirms Native rights, but the Federal Government does not. Many Native students think that with this ruling, all is well, but when an issue involving their hunting, fishing, or land rights arises, they are still living under federal legislation.

## CHAPTER SEVEN

### FINAL THOUGHTS AND HISTORICAL VIEWS

#### CLOSING VIEWS ON HISTORICAL DATA

The last battle fought between by the French and British against Scotland occurred in 1485 between Claqmanan and Alva located in the Scottish Highlands which is the northern part of the Outer Hebrides. The battle that ensued lasted three days resulting in the death of four- fifths of the Highlanders population. Those that survived were driven completely into the sea and left to survive the best way they could. The purpose for this battle was that the British needed grazing land for their cattle and decided that it was more important for them to have it than the Scottish farmers. They used the rich grassy slopes for feeding their sheep.

The fighting was endless and when there was no hope for the British in winning they asked for help from France in return for a share in the monopoly of Great Britain. The strength of the two super powers was more than that of the Scottish Highlanders which resulted in the loss of the highlands -in very much the same fashion as what happened to the Native people in Canada. This would make the Scottish Highlanders the European version of the North American Indian. Both cultures, each with their own language, spirituality, and identity, had their land taken from them for the sole purpose of a lust for conquering and the greed to take what other people owned. When they could not succeed on their own, the English contracted the help of the French who sent their armies, erected forts, and made settlements. Soon the French and British began fighting

between themselves for the power and control over the riches that the new lands had to offer. The message contained in these statements are not what is important; what is important to note is that this is an interpretation of the facts as they are presented in many of the history books that have not made it to the classroom shelves and desks.

History has long been an area of interest for me especially with respect to and title for land. Native students today suffer gravely from the way history is presented; they are viewed by the greater majority of their peers and society as having no home—no home other than a small parcel of land set aside by the government for the express use and enjoyment of Natives (Hawley, 1990, C.1-6 R.S., c.149:s.1). It is upon this assumption I choose to offer a personal opinion on what I feel may have taken place in two areas of Canadian history that created such turmoil and hardship for the original inhabitants. First is the issue of land, and second is the issue of education. Both issues failed Native people entirely. It is without doubt that both of these issues were set up for the purpose of the assimilation of a people into the mainstream of society. This is why I started this section with an explanation of the Scottish Highlanders. Being of Highland ancestry myself and because there are but a mere handful of my Scottish speaking family living, I am interested in the history of the Maritimes. I hope I will be able to show Native people the value of their past and what the result of their actions will be if they don't take a greater interest in education.

Land and treaties will be the first target area of discussion beginning with Queen Anne's Order-In-Council of March 9, 1704 which states, "(in short):henceforth and forever without the express approval of all parties or (sides)". The document further

states, "no government, country, council, king, queen, sovereign, or law body shall alter, change, or implement any change to harm, disturb, or molest the Native people in any way for time immemorial." During my studies in law, under the watchful eye of Judge Graydon Nicholas, it became perfectly clear for me what International Law entailed, and who first broke it.

In order to get a clearer picture of International Law, its true purpose and why it was designed, we have only to begin in 1493, one year after Columbus made his so-called discovery. Natural Law was proclaimed by the Roman Catholic Church as law used to govern questions of legal rights between the Natives and the newcomers. This meant that because the church in Europe at the time was universal, any declaration of Natural Law would determine International Law. This declaration took the role of formal legislation and became a Papal Bull known as *Inter Cetera*. In short, what this did was to enable all newcomers to do as they wished because it enacted legislation that the aboriginal people of the New World were not humans with souls, but rather animals without souls. Now, all Native people in the New World having no soul, also had no property or rights to jurisdiction.

It was another forty years before a public outcry from faction groups in Europe led to another Papal Bull written. This group could not believe that the New World would be made up of sub-human demons in the form of people; instead, they saw it as a Garden of Eden. The next Bull was known as *Sublimis Deus* (1537), and it repealed *Inter Cetera* on all points of law. Natural Law and International Law thus came to recognize and affirm that aboriginal people are humans with souls, property, and jurisdiction and must be

respected as such. Two final points on this were that, should the contrary to this happen, all would be null and void, meaning the newcomers would have to leave, and secondly, Natural Law is the Law of the Creator. To include this information in our school curricula would help strengthen the relationship between Native and non-Native students. This could be the history that rebuilds the future.

It was almost a century prior to the signing of the Royal Proclamation that hostilities existed in the New England states. An Indian rebellion known as King Phillip's War broke out in 1675 and continued until 1760. Massachusetts claimed part of the Penobscots territory below the Penobscot River and in turn gave back or re-affirmed title back to the Penobscots all the land above the high tide mark. France in turn relinquished their claims of land to Canada by the signing of the Treaty of Paris in 1763; the same year the Royal Proclamation was signed. We can see by the signing of so many treaties that problems were already occurring, and it was hard for the Natives to follow what was happening. We must also remember that during this time all of the land in question was a part of Nova Scotia. New Brunswick did not become a province until 1874, and by that time, the land was setup for takeover and control.

On the eve of the American Revolution, the Royal Proclamation of 1763 restated what Sublimis Deus did in 1537 along with all of the constitutional amendments over the years. The Proclamation re-affirmed that Native people could not be legally molested or disturbed by newcomer governments, their courts, or their citizens while they were living on lands not ceded to or purchased by the Crown. This is where the Rule of Law began to break down. There was never a repeal of the International Law or the Constitutional Law

that had been constituted by either Sublimis Deus or the Royal Proclamation. Instead, there was a rush into un-surrendered lands by illegal surveys, grants, and settlements. Among the first illegal settlers trespassing upon the Indian lands were the newcomers' lawyers, judges, and police. They set up shop and made the way safe for the rest of the settlers they invited to come. When the Natives started to complain about the treaties being breached, the trespassing lawyers, judges, and police used their stolen monopoly over the legal process in Indian territories to protect their illegal settlements. In the Maine Land Claim, Natives faced the same dilemma. The Natives believed the treaty was intended to hold their land in trust for them, but this is not what happened. Instead, there was a sudden plunge made by the settlers to begin encroaching onto Native land. Adding to this illegal settlement and under the excuse of the treaty, the government introduced more settlers onto Native lands. When the Natives realized that the law was not functioning properly, or in their best interest, they asked for third party adjudication. This was the first time Natives began to see that enfranchisement was needed by the government—it was a trick used by corrupt officials to illegally steal land not belonging to them. This is what created the meetings in the Massachusetts Bay Colonies and the dealings between the Natives and the new state of Connecticut. Because Sublimus Deus and the Royal Proclamation stated no one could move onto any land that was yet un-surrendered, it was time for government officials to start delivering the gifts that were promised to the Natives.

By going back in history, we are able to see that acts committed by the newcomers not only represent a breach of the law but the total covering of the rule of law and of



justice. The newcomer judges, lawyers, and police were to be the guardians of justice and the rule of law, but what resulted was the continued assault and genocide against Natives. Because of their lust for greed and power, the law was temporarily put aside to deal with the Indian problem. All of the blame does not lie with the judges, lawyers, and police--the government of this country condoned this practice. The government supported the breach of international law, and with this, officials were able to breach constitutional law as well. When these acts first happened, the General Court of Connecticut so fiercely opposed the application by the Natives for third party adjudication in resolving this matter, that Queen Anne became involved. It is here that all treaties, henceforth and forevermore, become illegal documents, yet for whatever reasons, treaties are still being made.

### **PERSONAL OPINION**

Education is key in all these matters concerning Native history, and it is at this juncture in time, that history should be re-introduced and returned to the classrooms. Students should have the right to judge for themselves who is right, wrong, or who did what to whom. There are a number of reasons why this should be, but the main reason is that Native students should be viewed as equals because of the valuable contributions their ancestors made in forming this country since the coming of the Europeans, a country built on the lies and deception of the newcomers.

Maybe this is the reason for the many negative biases that are found in classroom reading materials and why little good is ever mentioned of or about the Natives. The fact that the newcomers had acquired everything by way of making treaties is still further

revealed after Queen Anne's rejection of the General Court of Connecticut's submission that there should be no third party adjudication. Queen Anne stated it would be false for her to say that a wall existed between settlers and their governments that divided them from the same courts they had established.

Queen Anne held that as human beings, the aboriginal inhabitants would have had dispute policies in place; this means that they would have had their own court systems in place prior to European contact. Therefore Queen Anne decided that it would be false for the newcomers to pretend their court system would be impartial to the system already established by the Natives, or that they would be independent or impartial in a dispute between them. Also, having recognized and affirmed the Native nations by jurisdiction are political sovereign bodies much the same as the Crown, the courts of the newcomers could not be granted jurisdiction over Native versus newcomer disputes. This became the founding principal of constitutional common law which was legislated and confirmed as the Crown's written constitution for the judicial system in British North America. It is recorded in Queen Anne's order-in-council of March 9<sup>th</sup>, 1704, and later confirmed by King George III's order-in-council of 1773, because of the incidents happening in the Maine Land Claim dealings. These orders carry the same effect as the 1763 Proclamation (Paul, 1993, p.162) defining the constitution and court jurisdiction, which is existing constitutional law.

The importance of the 1704 constitutional order is that it had created a special court that would be made up of judges who were not part of the newcomers' legal system. This special court has never been disbanded nor has the constitutional law it created ever

been repealed. The word “existing” in the phrase “existing aboriginal and treaty rights” is what refers back to the crucial principal of the due process of the aboriginal people and their right to third party adjudication by law. These are the issues that Native students should be taught about in school so they have the same chance as their non-Native classmates to be proud of who they are. Instead, they are taught that their ancestors were heathen savages who were incapable of doing anything toward bettering themselves in the world around them.

There are so many points in history that would help to make things better for Native students if only they had the chance to properly study the issues. The travesties of justice which have occurred since third party adjudication may stand a better chance of being heard by people who are becoming tired of how Natives are still been treated today. Aboriginal people were here first. Their possession of the land is original and non-Native students are beginning to accept this. All students are now starting to see that the newcomers continued to exercise false jurisdiction so effectively because of the lack of true education and teaching. For people wishing proof of this, they have only to search through the archives to find the pages omitted from the library computer screens; they appear as dark blanked pages. For this reason, many of the documents for this thesis come from archives of the Crown of Edinburgh which is where I found the 1704 order. The importance of this document is hard to put into words and equally as hard to explain because of the many failed attempts to bring the law that would expose the assumptions made by the newcomers as being illegal. Their judges, lawyers, and police had seized the jurisdiction to do this when the order was first made, which means simply that the

government of any country is free to do as they wish. The fact that laws are made is merely saying that some people are above the law. Whether or not anyone can do anything about this is not an issue; this is simply just how it is. Nothing can change unless everyone has the chance to do the same things equally in an effort to change. The message of corruption “that might is right” sets a national standard of duplicity in high places which reaches every high school yard and is not marketable. This is the message that history has allowed to be given to students in Canada. It should not be allowed in a society that is supposed to be built upon two things: the supremacy of God and the rule of law. English jurist E. V. Dicey stressed that judges do not have the power to change or amend any constitutional law. He stated, “Judges are under the law, not above it. And it is in this essential sense that the law “rules.” It “rules” absolutely and precisely because there is no person or institution above it, not even the judges” (Dicey, 1920, p.174). As mentioned earlier, judges, lawyers, and police do not only uphold the law, they are the law. Even though they are said to be under the law; they do just about whatever they wish whether we like it or not or accept it or not. This is simply the way it is. It would be difficult to remove or do anything to these people especially when the issues are about land, ownership of, or the cessation of land because this is what the government wants. They need these people to uphold their actions for them, and as long as they are doing the government’s work, they have protection. The importance of the issues concerning the rights of aboriginal people cannot be stressed enough. This is where education, the most important issue of my thesis, comes into play.

Based on my research, up to the mid 1800's there were many avenues used to hide

the corruption of the newcomers in their use of their courts and their attempts to assimilate the Native population. Proclamations, treaties, and time were the key factors, along with the forced education policies used by the priests, missionaries, and settlers. It was only the children who were taught and forced to believe they were uncivilized, heathens, and savages because they were never baptized as Christians. Since the start of the 1600's this is the way it was for Native children; they were told that they were dirty and could only hope to be good if they learned to be white. The number one rule of the British to conquer and divide by taking away the children and teaching them about whiteness. Through such an "education," the Europeans hoped to assimilate the Native people. It became the duty of the church to carry out this task in return for souls.

This form of Native education implemented by the newcomers was used up to the mid 1800's at which time it was decided that a change was necessary in order to continue with the assimilation process. The government enacted new legislation and in 1876 wrote the Indian Act. It was designed with provisions to educate Native children while at the same time destroying the traditional Native government systems, even though Queen Anne's Order-In-Council of March 9<sup>th</sup> 1704 stated that this could not be legally done (Clark, 1996). What the government did was to hide this form of misprision by the way they worded the new act. Instead of using "yet un-surrendered land" the government said; "it (Indian Act) only applies to reserves set aside when any Crown purchase of land is made." Instead of upholding constitutional law, federal and provincial governments worked together with their onslaught of assimilation and theft of Native land. This unconstitutional onslaught on Native people was total. Their traditional and cultural ways

were made criminal offences under domestic legislation, and elders were jailed if they practised them. Generations of children would be kidnapped from their parents and incarcerated in residential schools where their language was literally beaten out of them. The government of this country called this form of treatment “education.”

The purpose of the residential schools in Canada, according to government sources, was to educate Natives to the ways of the newcomers. Through this education, it was the priority of the government to civilize, educate, and assimilate Natives into a Euro-Canadian society. By taking the children from their parents and placing them in schools, they were forbidden to do or say anything that was related to their culture, including the use of their language. The first of these educational facilities began in the 1840's but failed in its goal of assimilation. At this time, the government was not totally involved in Native education as this was promised to the missionaries who were sent from Europe. The government did not become fully involved until after the Bagot Commission's report in 1842 and the Gradual Civilization Act of 1857, both of which led to the already mentioned Indian Act. This was the start of the first residential schools that were used after the failure of the “farm schools” in the United States in the late 1800's for educating Natives in the south. The lack of emotional support and nurturing provided by these institutions had severe consequences for many of the Native students. This could have been a planned outcome by the government with the goal of assimilation. Over time, these students lost their means to relate to others in their communities, and after leaving schools they found they had also lost their parenting skills. The lack of parenting skills has been frequently cited as one of the major problems affecting Native families, leading to family structure

breakdowns. This breakdown is further shown to have attributed to child abuse, desertion, and alcoholism in Native communities (Miller, 1996) with nothing really being done by the federal government to help with the problems they created. Education in residential schools was a tool used to create hardship for Native students in the Maritimes beginning in 1930 and continuing until June of 1967. A question that could be asked today of the Native students who went there might about the quality of their education. It is unlikely that most felt they received a good education..

During the twentieth century, the education of Native people has experienced three major trends. First, until 1950, education was under the administration of religious dominations and was characterized by the isolation of Native people from White society. Second, from 1950 to 1970, the integration of Native people with White society was the trend. Provincial school boards signed agreements with the Federal Government to provide educational services for Indian and Inuit students in the regular public school system. Third, since the publication of the landmark paper "Indian Control Over Indian Education" in 1972, a major policy change has occurred (Saulis, 1984, p.7). Native people are making their presence known in education systems in a wide range of roles. They now control their own school as board members, they contribute as curriculum consultants, and they strengthen the critical home and school relationship as cross-cultural co-ordinators, teacher aids, and counsellors. Native language teachers are in the forefront of perpetuating and developing indigenous cultures. School boards and the federal government are increasingly supportive of Native language use, and the demand for classroom material has resulted in a surge of Native language texts and resources (Saulis, 1984, p.8). It is through

this same avenue that the hope for a better system of teaching "History in the Classroom" can be realized. This is information that many Native students are unaware of simply because the proper information has not been presented in classrooms. It is essential to providing quality education for all students today.

Generally Native involvement in education in provincial schools takes place through Native Advisory Committees. Practically all boards encourage parents to get involved in committees although "some boards did indicate that parents were reluctant to participate in these activities (Saulis, 1984, p.72)". The Native community is now fully involved in education in several ways through the Native Education Advisory Committee (task groups which work in specific board projects), resource people in classrooms, teacher in-services, and through various groups, societies, and added advisory committees (Saulis, 1984, p.73).

A new generation of aboriginal people is being created. If this new generation can take a look at the future and not dwell to much on the past, they may be able to achieve a lifestyle that their ancestors wanted for them--to live in a society having their own culture and language while at the same time acquiring a better understanding of white culture and language. For the Natives of the Maritimes, understanding their own culture, as well as another, will put them one step ahead of what their ancestors may have seen for the future. It is because of the new publications and new facts about history involving the Native past that it is vital to have history returned to the classroom, however, it has to be with negative biases removed.



## CONCLUSION

During the course of this thesis and my exploration of the volumes of written material to be found regarding the original inhabitants of this land, I was amazed at some of the books that were chosen to be used to teach history. These texts included *New Brunswick: Its History and Its People* (Spray & Spray, 1984); *Bold Ventures* (Rogers, Harris, Saywell, & Mawson, 1962), *A Canadian History for Boys and Girls* (Weaver, 1944), and *History Reader for Elementary Schools* (Wilson, 1898 & 1907). As my research broadened, it appeared as though it was only history books containing negative biases that were used to educate students particularly when dealing with issues surrounding the Native population. This did not strike me as being an overly democratic route to take when choosing what was best for the people in a free country to study. Interest and curiosity were my guiding light in choosing the best way to write about such a heated topic as land ownership and the treatment given its owners. Oppression, assimilation, and greed in a country such as Canada in the year 2002 is almost unbelievable, yet this is how it is. It appears that the two main goals of Indian Affairs and their neo-colonized chiefs and council members are the continued assimilation and the oppression of Native people. The use of neo-colonial practices on reserves such as the adapting of structured government systems, written documents rather than verbal, churches rather than sweat lodges, meetings behind closed doors rather than census taking, and no input from the elders and grassroots people are what is winning the battle to destroy Native culture. The number one rule of "divide and conquer" used by the French and British is still being used today. What makes it so dangerous today is that

Natives are now fighting against each other in all areas of everyday life.

The education system can be viewed as both good and bad when it comes to teaching students. While still residing on their reserves, many students are allowed to pick and choose only what they find interesting. Once they have graduated and are about to leave to continue their education, the luxury of free will and choice is immediately taken from them and replaced by the lack of proper funding by their bands. This is when the cost of living becomes a reality to them. Learning the truth about the past and ways in which they may try to go about correcting the problems that face them in society today becomes overwhelming for most of them. Rather than continue with their learning and the tremendous effort that it takes, it is easier for them to return to what they have been conditioned for, oppression and assimilation.

I have attempted to compile this thesis without prejudice or negative bias. All of the information contained in the contents of my thesis is compiled from the many different accounts of what has happened in the past. Information collected ranged from classroom texts used at the start of the nineteen hundreds up to and including the Internet, our newest age of technology. Special attention should be paid to the fact that it seems it was only those books containing negative biases that were used as texts for teaching in the classroom, a point that warrants reviewing. The statements I make are based upon the facts taken from the data collected and in no way imply who is right or wrong. What I suggest is that Native students wishing to receive an education, students who have been challenged with the issues of racism and worthlessness due to the way Natives were portrayed in the history books of the past, deserve to have history returned and taught

equally to all students. Due to the way in which history has portrayed Natives, this should be a history without negative biases.

The biggest and most difficult task of revisiting and rewriting history for any historian or journal writer is that they need to be careful of how to write without being charged with some hidden crime of treason. It is a person's right to freedom of speech, yet how far does this freedom allow anyone to go? If by reading the many articles published about the past, the atrocities against Native people that are found, and the laws that were put in place to protect them one is to base the truth; then we are left to wonder how historical data will ever be valid as a means by which to protect and preserve the future. Genocide is but one of the many atrocities mentioned by many writers which in itself should be enough to award compensation, yet to experience what the Native people have had to endure as a result of this genocide must be far worse. All of these acts were allowed to go unnoticed by the government. So what is the answer to the questions concerning ownership of land, land trespass, unceded lands, lands set aside, or lands not yet surrendered by the Indians? If the Natives never gave up the land then how is it that the Crown can claim title of ownership to something that they do not own? In the previous section, I discussed how International Law was broken by the enacting of Constitutional Laws by the Crown but how can one write the truth about the past when issues such as these have been allowed to transpire?

The best way of approaching all of these issues is by stating that the past is the past, the future is not here yet, so we deal with the present. The past and future are both alike in some ways because all we can do is guess or make predictions about each of them.

So let us talk about the present and what we can do about making things better for the future by using the past only for a reference point. Education is the key to the development of most things and as such should be used to heal the relationship that exists between Native and non-Native people. The history of the past is the only source that can be used to show it was not the fault of the Natives they were left destitute due to the encroachment of European newcomers on their land. What happened to make the Europeans think that because their lifestyles were different from those of another culture they had the right to destroy that culture at any cost? What did they want that the Viking and Norsemen did not see? Or, what law did the Europeans chance to break that the Vikings or Norse were afraid to? International Law existed since the days of the Magna Carta which meant that all explorers of that time were aware of what they could do while on their voyages. The number one rule in International Law was that if a country was inhabited, then the inhabitants were to be left alone, unless they invited the explorers to visit.

If this was the case when the newcomers arrived from Europe, it is quite likely the people living here were not ready to give up everything for the sake of a blanket or a drink of whiskey or even a copper pot. To review and narrow down all of the possibilities why the European visitors hated the original inhabitants of this land so much would not be easy, but to see that they did is as easy as reading about the Beothuks of Newfoundland. The French fishing fleets considered the Beothuk to be hostile and uncivilized because they were not invited to visit, so the fishermen killed them all by using their guns as opposed to the sticks and clubs of the Beothuk. Now, because the Natives in this part of

the New World never invited a Europeans to visit with them, it would appear that the Europeans thought they must be as bad or worse than the Beothuk.

The irony to all of this history is that not once, through five hundred years of pillaging, exploiting, or the killing of thousands of Native people, is it recorded that the newcomers ever committed a wrong. The history books used to educate the settlers about the Native people certainly had no mention of any wrong-doing by the Europeans.

According to the textbooks, everything was the fault of the Indians. How can this be so? Why is it that a clearer picture is not offered as to what may have happened in the past? Because one nation chooses to hold respect for life higher than anothers need for money and material things, does this make them inferior? The answer to this question, according to the educators of the past must be "yes."

To end this I draw my conclusion, that history indeed needs to be revisited to further discuss the issues surrounding "Our Home Or Native Land." Surely there have to be errors in much of the history written concerning Native people when an issue such as the genocide committed against the original inhabitants of this land by the Europeans was allowed to take place. Read the last statement clearly because if we are to believe that everything that was done to the Natives happened because it was their fault, then this must also mean that what Hitler did to the Jews was legal, or maybe "might is right."

## CHAPTER EIGHT

### CLOSING COMMENTARY

Trying to repair the damage caused to an entire culture because of greed or hate is a formidable task especially with the passing of so much time. Questions of what and how to do things would serve nothing more than creating further tension and bitter feelings about past events. When one takes the time to review all of the issues and study who did what to whom it becomes almost impossible to decipher the many varying factors surrounding the bigger picture which are what to do to correct the events of the past today.

The genocide that was caused, the treaties that were written, the studies that were done are almost impossible to conceive. Why would the government of this country go to such lengths to destroy a people they claim are savages, heathens, or lazy, drunken Indians? Why would they declare these people as wards of the state while at the same time condemn them for being on welfare? Equally as important is the question, "Why would the Canadian Government give so much money to a people that they deemed were unfit and uncivilized?" There is little doubt that Native people are the original inhabitants of this land, and that many visitors had been here before the arrival of the newcomers. The Vikings and Norsemen had visited and left, probably did some wrong, yet left because the land was already occupied. The French and British fishermen and explorers arrived and noticed the abundance of riches and immediately began claiming they had discovered land that was never lost and began taking what was not theirs. Because the inhabitants that

were living here were peace-loving and lived according to nature, they were looked upon as being an uncivilized race; they were not the same as the oppressors.

Education is the only key to ending the wrong that was committed, and teaching the true history of the past is the only tool that can take down the barriers that were erected because of greed and hate. I hope that throughout the chapters of this thesis, the importance of history been taught in the classrooms will be realized. There are no remedies to the destruction caused by the tactics used in the oppression and assimilation against the original inhabitants of this land. The land was illegally taken from them through deception and the greed of another culture. Natives should be given their true place in the history of this country. If a new Canadian history is to be taught, rather than teach a history that is only five hundred years old, simply include it with the Native history that already exists.

In this final chapter is a fit place to discuss the most damaging piece of legislation used in oppressing and assimilating the Native people. This legislation, the Indian Act of 1876, has been used in all areas of corruption and illegal trespass since before the ink dried on its first page. These issues cannot be fought in a thesis though, so it is best to just talk of how this legislation was used as a means by which to subdue a culture by making Native people rely on it as a form of dependency. In order for the Native people to become economically viable by western standards, governments need to revise their agendas to meet the needs of the Native people. If not, the policies, regulations and structure of this act will continue to encourage Native people to remain dependent on the federal government. This is why the Indian Act has never been changed to meet the needs

of the people it serves, but rather every so often there are amendments added or changed (reworded) so as to take on the appearance of having been improved. Some people say that the Indian Act is a failed policy; but by whose terms? Everything mentioned in it works in the governments' best interest. It is only when aboriginal groups begin to seek self-determination that nothing appears to have changed, nothing that works in the best interest of the Native people.

Prior to European contact, Native people of the Maritimes depended on nature for all of their basic needs. They received their clothing, food, and security from the natural world. It was their belief that everything was connected in life, meaning if you did anything to something in the natural chain it would have an effect on the cycle of nature and reproduction. According to Leslie Choyce, the Mi'kmaq who lived here had rules in place to regulate everything from sports to politics (Choyce & Joe, 1997, p.4). The education system was linked to survival through the development of specialized hunting skills: the making of traditional equipment and the creation of traditional clothing which was made from the skins of animals.

Their social system included the concept of sharing, the practice and respect of ceremonies and various songs, chants, and dances. Choyce also claims that "being a Mi'kmaq one has the unique ability to have an eagles' viewpoint of sharing yourself, your resources, your time, your wisdom, and your knowledge freely and without expecting anything in return" (Choyce & Joe, 1997, p. 54). In contrast, the westernized concept teaches one to gain a profit from resources rather than to share them. Ultimately, it encourages a person to accumulate wealth through materialism. This is the underlying



difference between Natives and non-Natives. Choyce explains that the Mi'kmaq have always shared their resources which is why the reciprocal giving and sharing allows everyone to live in harmony. Sharing the resources was a way to ensure survival because the living conditions were so harsh, especially in the winter months when food was scarce and the Natives could rely on each other. The Mi'kmaq people learned to survive from the land and to live in harmony with nature; they knew and governed their territories.

The economic system was a co-operative in all areas from the quest for food and its equal distribution and trading goods to the consumption of wealth. The political system was democratic and people oriented. It consisted of seven districts, each with a chief chosen for his ability and knowledge of the territory. Each district would choose a chief for his ability to lead men and inspire confidence, his territorial knowledge, his skills as a spokesman, and his understanding of the seasonal habits of the animals (Choyce & Joe, 1997, p. 15). When the newcomers arrived, they had no respect for the subtleties of Native culture but instead viewed them as heathen and uncivilized savages. The newcomers destroyed the Native system from its politics to its spirituality. The Native people have always been the subject of reform and were seen as been incompetent and unable to govern their lives and take care of the welfare of the people.

The history of the Natives has always been interpreted through the eyes of the foreigners. The journals of the early missionaries, explorers, and voyagers have left their impressions about the Native people in Canada. However, they failed to acknowledge the fact that they were organized societies or that their history and traditions were passed down. "Over the centuries, during which time the Micmac people roamed the sea and the

land and learned them well, history was encoded in stories and chants, passed down by word of mouth and taught through song, dance, and dreams” (Whitehead, 1991, p.1). As a result of this misinterpretation, the Native people now have trouble reorganizing their communities. Many Natives have lost their identities, and as Geoffrey York describes, “some Native illnesses are caused by the sudden transition from a traditional life of hunting and trapping to a modern sedentary life of welfare dependency” (York, 1992, p. 77). Their lives were disrupted and their identities were stripped while at the same time they were forced to live on small pieces of land while the newcomers and settlers continued their encroachment upon Native land while developing a New World.

The Indian Act Dilemma was legislated to in order to govern all the Natives of Upper and Lower Canada and solve the “Indian problem.” The reserve system was introduced by the British through the treaties of Upper Canada and now that Natives were on them, the Indian Act became the legislation that gave the federal government its power over the aboriginal people (York, 1992, p.57). The reservation system created an isolated life for the Native people. “The Indian Act, with its restrictions on Native autonomy and the Reserve System, with its patchwork of tiny reserves on infertile land, had locked the Indians into a high state of unemployment, overcrowding, poor health, and a dependency on a welfare state” (York, 1992, p.59). This system destroyed Native people. Since they moved with the seasons, their migratory patterns were disrupted. Their survival depended upon this system, but it was replaced by small plots of land. As a result, their resources were becoming increasingly scarce, and their traditional activities were been replaced with a dependence on the federal handouts of small rations of food and supplies.

The authority on the reserves was given to government officials known as Indian agents: “provisions of the Indian Act were enforced by federal employees known as Indian Agents who had enormous powers over the reserves and the people living on them” (York, 1992, p.67). The Indian Act governed the people and literally divided them in half, each side leading different lives of forced assimilation and oppression. The unity that was once held with high esteem was suddenly lost and abandoned. “Leadership responsibilities on the reserves have become further divided and poorly defined, exacerbating the disorganization of aboriginal groups” (Frideres, 1998, p.5). The future of the Native people was now totally in the hands of the government as well as their lands and resources being under their total control. “Aboriginal people remain economically dependent on white society because their reserves are treated as geographical and social hinterlands of white exploitation” (Frideres, 1998, p.5). They could not make decisions without the approval of the Indian Agents or any of the many government officials these agents worked for. To this day, authority on reserves is still conducted by the Department of Indian Affairs and Northern Development. They can overrule any bylaw that has been developed and implemented by the band and council on any reserve. In reality, band chiefs today have replaced the Indian Agents of the past due to the neo-colonizing create during assimilation; these chiefs have to abide by the provisions of the Indian Act. “Band governments are short of adequate resources; the underdeveloped and undiversified state of our economies perpetuates a self-destructive dependence on federal financial assistance; therefore Band Officials take their directive from Ottawa rather than from their own electorate”(Christmas, 1985, p.15). Consequently Natives in the Maritimes have no real

authority over their lands and programs, they are dependent on the Indian Act.

Dependence on any external resource will not lead any community to self-sufficiency as their independence does not belong to them; it belongs to the welfare body that is providing their means to survive. In relation to the theory of dependence regarding development, global inequality stems from the exploitation of poor nations by rich nations. High income nations were only able to develop through the under-development of low income nations which is how the newcomers were able to come to this continent and by the use of colonialism, take control. This meant the dominant group in Canada gained their economic power by exploiting the resources that were once used and belonged to the Natives living in the Maritimes. The Natives were left to survive the best they could while the newcomers prospered on the abundance of resources the land offered. From the arrival of the newcomers and the making of their governments, Natives were restricted to living with the land rather than living from it. According to Murdena Marshall, an elder and educator from the University College of Cape Breton, the Mi'kmaq were subjects for two plans of reform and alienation due to the Indian Act. The first plan was centralization, and the second was the Residential Schools.

Centralization was a plan to move the Native people to larger tracts of land that were set aside for their express use. Centralization was introduced as early as the 1920's but did not come into effect until the 1940's (Marshall, 1992). This process would have allowed the authorities to control the Mi'kmaq people more efficiently if they were all located in one main central area. However, this plan to move to either Eskasoni or Shubenacadie failed because the promises made to them failed. The families that tried to

move to these places soon realized that there were no goods to be received, and they were forced to live in small, crowded homes. The families that refused to accept this policy returned to their previous settlements only to find that their possessions were destroyed, and their homes were burned to the ground. The centralization policy affect the Mi'kmaq people even more now, and they became even more isolated from society. "After 1949 the people only started to drink heavier and they depended more on Indian Affairs to provide for their living" (Marshall, 1992).

The second policy created as a result of the Indian Act was the introduction of the residential school system. The school that was built and located in Shubenacadie, Nova Scotia opened its doors in 1930. "The school was to produce well-mannered Indians" (York, 1992, p.67). The government wanted to provide the Indians with skills that would enable them to be assets to the newcomers' society. Instead, this school had a negative impact on many of the Native students that were sent there. They were forced to speak only English and forbidden to use their own language or to talk with their siblings should they happen to meet while there. After so many years of this, the children lost most of their traditional values and most of their language. This created a huge gap in the relationships among families and the Elders of each community. "Mi'kmaq society is a society in which family dialogue and togetherness are valued and a child that grows up in this environment becomes involved in an adult centered world, in which they are the center of attention" (Choyce, 1997, p. 151). These policies were intended to assimilate Native people not help them, something the government tries to make society believe. There was little, if any, consideration for their cultural norms and values by government as the

Natives were being displaced in a changing society.

The history of the Maritime Native people is a sad story. Entire cultures were made out to be inferior to that of another's society. "A history of cultural genocide, segregation, isolation, and coercive assimilation has almost destroyed much of the cultural and linguistic base of the aboriginal people of Canada" (Choyce, 1997, p.160). While the Native people are searching for ways to improving their lives, the government needs to review their dealings with Native people in general and give them the full power in decision making so they may share their accomplishments of success with other people rather than only with the Department of Indian Affairs.

Indian Affairs and their Indian Act has tried to develop economic programs throughout many Native communities; all of which have been unsuccessful. As Choyce states, "there are over three hundred aboriginal communities existing in Canada with over fifty-two different languages represented among them, it is safe to say that each community is distinctive in many ways, as is each language" (Choyce, 1997, p.146). Therefore to try to govern an entire nation based on the Indian Act is why programs have continued to fail. The reservation system does not provide any viable resources. "The only way self-reliance will be achieved is if each Native nation possesses a sufficient land base and sufficient capital" (Christmas, 1985, p.3). A more radical approach would be to dismantle the reservation system, though this would seem an almost impossible barrier to erase and one in which many Native people are not interested. Native people are not that concerned with getting the land back. They are only seeking the recognition they deserve and an equal opportunity to do the same as the people whose ancestors illegally trespassed

onto their lands and exploited the resources.

The Maritime Natives have been labelled as “lazy drunken Indians.” This negative image has been passed on by generations of their people and will continue if Natives are not given their sovereignty. “Dismantling the reserves might seem the easiest solution to the problems of the Native people but their leaders say the solution lies in doing the direct opposite--by strengthening the reserves through economic development, land claims, and self-government, so the economic momentum on reserves is as powerful as their sense of community” (York, 1992, p. 86). This process of change has been under review for the last decade, and the government will sooner or later have to review their policies and administrative procedures when dealing with Native people in the future.

In recent reviews of governmental policies, the Federal Government has admitted to some of its mistakes. “In 1981 a federal memorandum admitted the governmental policies had created dependent and isolated Indian societies which demonstrate many of the characteristics of under-developed nations in Africa, Asia, and Latin America” (York, 1992, p.60) because each tribe in Canada is different, the same as each community is different. If future programs are to emerge, they have to begin at the grassroots level. This is not to say that more research and data collection needs to be done on Native people, but rather they should be consulted at all levels of decision making when it comes to community or economic development. “With the combined effects of the paternalistic restrictions in the Indian Act, it has crippled the economies of most reserves” (York, 1992, p.59). The Mi'kmaq have tried creating income generating projects but the Indian Act has restricted them to reserve lands only. Wallis and Wallis claim “Whatever the Micmac do

for a living, that living is small. The situation of their reserves, general conditions of the Maritimes, their lack of education and skills, and their attitude toward sustained work, particularly away from home, all contribute to this condition” (Wallis & Wallis, 1984, p.277). Even though this quote is taken from an old source, its predictions are well suited for the present situation on reserves today.

With the deconstruction and restructuring of history offered in my thesis, implications for all age ranges of learners can be realized. New students would be learning about a history without negativity toward a certain group of people while teachers, parents, and adult learners that have studied from the old banking method of education will have the opportunity of comparing for themselves the way in which history had been perceived.

In conclusion, the dependence on the Reservation System has created an isolated society for many Native people in the Maritimes and in Canada. They were never encouraged to leave their reserves as they would be faced with the cruelties of discrimination in the larger spectrum. The “Indian” is often viewed as being incompetent in the dominant society. They are a minority in this country, and until the governments and chiefs in power reform their agendas to meet the needs of the grassroots people, their hopes to succeed will cease, while the government continues to finance programs that are doomed for failure.



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# APPENDICES

**APPENDIX A**  
**PEACE & FRIENDSHIP TREATIES**  
**TREATY OF 1693 WITH TRIBES OF**  
**MASSACHUSETTS BAY & RIVERS AREA**

*This is a 1693 peace treaty between the British Crown (Mary and the Indians of Massachusetts Bay. At this time, the Iroquois league was allies of the English, and several war leagues of other tribal confederacies had been defeated. Includes an exchange-release of hostages, trade and commerce regulation by Crown/governors, and the assumption of English jurisdiction and laws applied to the Indian nations (How?).*

The Submission and Agreement of the Eastern Indians at Fort William Henry in Pemmaguid, the 11<sup>th</sup> day of August, in the fifth year of the reign of our Sovereign Lord & Lady, William and Mary, by the Grace of God, of England, Scotland, French, and Ireland, King & Queen, Defenders of the Faith, & c., 116693.

**Whereas a bloody war has for some years now past been made and carried on by the Indians within the Eastern parts of the said province, against their Majesties' subjects the English, through the instigation and influences of the French; and being sensible of the miseries which we and our people are reduced unto, by adhering to their ill council: We, whose names are hereunto subscribed, being Sagamores and Chief Captains of all the Indians belonging to the several rivers of Penobscote and Kennebec, Amarrrrascogin and Saco, parts of the said province of the Massachusetts Bay, within their said Majesties' sovereignty, having made application unto His Excellency Sir William Phips, Captain General, and Governor in Chief in and over the said province, that the war may be put to an end, do lay down our arms, and cast ourselves, upon their said Majesties' grace and favour.**

And each of us respectively for ourselves, in the name and with free consent of all the Indians belonging unto the several rivers aforesaid; and of all other Indians within the said Province, of and from Merrimack river unto the most easterly bounds of the said province: hereby acknowledging our hearty subjection and obedience unto the Crown of England;

and do solemnly covenant, promise, and agree, to and with the said Sir William Phips, and his successors in the place of the Captain General and Governor in Chief or the aforesaid province or territory, on their said Majesties' behalf in manner following, viz:

**That at all time and times forever, from and after the date of these presents, we will cease and forbear all acts of hostility:** towards the subjects of the Crown of England, and not offer the least hurt or violence to them, or any of them, in their persons or estate; But will henceforward hold and maintain a firm and constant amity and friendship with all the English.

Item - We will abandon and forsake the French interest, and will not in any wise adhere to, or join with, aid or assist them with their wars or designs against the English; nor countenance, succour or conceal any of the enemy Indians of Canada, or other places, that shall happen to come to our plantations within the English territory, but secure them unto the English.

That all English captives in the hands of power or any of the Indians, within the limits aforesaid, shall with all possible speed be set at liberty, and returned home without any ransom or payment to be made or given for them, or any of them.

That their Majesties' subjects the English shall and may peaceably and quietly enter upon, improve, and for ever enjoy all and singular their rights of lands, and former settlements and possessions: within the eastern parts of the said province of the Massachusetts Bay, without any pretensions or claims by use, or any other Indians, and be in no wise molested, interrupted, or disturbed therein.

That all trade and commerce which may hereafter be allowed between the Indians and the English, shall and under such management and regulation as may be stated by an act of the General Assembly, or as the Governor of the said province, for the same time being, with the advice and consent of the council, shall we see cause to direct and limit.



If any controversies or difference at any time hereafter happen to arise between any of the Indians and English, for any real or supposed wrong or injury done on one side or the other, no private revenge shall be taken by the Indians for the same, but proper application be made to their Majesties' government upon the place, for remedy thereof, in a due course of justice; we hereby submitting ourselves to be ruled and governed by their Majesties' laws, and desire to have benefit of the same.

For the full manifestation of our sincerest and integrity in all that which we have herein before covenanted and promised; we do deliver unto Sir William Phipps, their Majesties' governor as aforesaid, Ahassombamett, brother to the Edgeremett, Wenongahewitt, cousin to Madockawando, and Edgeremett, and Bagatawawongon, alias Sheepcoat John, to abide and remain in the custody of the English, where the government shall direct, as hostages or pledges for our fidelity, and the true performance of all and every the forgoing articles, reserving liberty to exchange them in some reasonable time for a like number, to the acceptance of the governor and council of the said province, so they be persons of as good account and esteem amongst the Indians as those which are to be exchanged. In testimony whereof, we have hereunto set our several marks and seals, the day and year first above-written.

The above-written instrument was deliberately read over, and the several articles and clauses thereof interpreted unto the Indians, who said they well understand and consented thereunto, and was then signed, sealed, and delivered in the presence of us.

EDGEREMETT MADOCKAWANDO MADAUMBIS PAQUAHARET

\*JOHN HORNYBROOK \*JOHN BAGATAWAWOGO aka SHEEPCOAT JOHN

\*PHILL, OUNSAKIS, SQUAW

(\*INTERPRETERS)

**CROWN (QUEEN ANNE)TREATY OF 1713:  
MASSACHUSETTS, NEW HAMPSHIRE  
AND OTHER NEW ENGLAND TERRITORIES.**

*Peace treaty with New England Tribes, reaffirms conditions and lands reserved in 1693 Treaty, and hunting, fishing rights on their lands. Settlers not to be disturbed on theirs (of 1693) or in hunting and fishing. Signed at Portsmouth, New Hampshire...*

At Portsmouth, in Her Majesty's Province of New Hampshire, in New England, the thirteenth day of July, in the twelfth year of the Reign of our Sovereign Lady Anne, by the Grace of God, of Great Britain, France, (1713) and Ireland, Queen, Defender of the faith, &c.

WHEREAS, for some years last past We have made a breach of our Fidelity and Loyalty to the Crowns of Great Britain, and have made open Rebellion against Her Majesty's Subjects the English inhabitants in the Massachusetts, New Hampshire, and other of Her Majesty's Territories in New England, and being now sensible of the miseries which We & Our people are reduced to thereunder thereby, We whose names are hereby subscribed, being Delegates of all the Indians belonging to the Norrigawake, Amasaconoog, Pigwocket, Penecook, & to all other Indian Plantations lying between the said Rivers of St, Johns and Merrimack, Parts of Her Majesty's Provinces of the Massachusetts Bay and New Hampshire, within Her Majesty's Sovereignty, having made application to his Excellency, Joseph Dudley Esquire, Captain General & Governor In Chief in and over the said Provinces. That the Troubles which we have unhappily raised or occasioned against Her Majesty's subjects, the English and ourselves, may cease and have an end, and that we may enjoy Her Majesty's Grace and Favour, and each of us Respectively, for ourselves, and in the name, and with the free consent of all the Indians belonging to the several rivers

and places aforesaid, and all other Indians within the said Provinces of the Massachusetts Bay a firm and constant amity and friendship with all the English, and will not entertain any Treasonable Conspiracy with any other Nation to their Disturbance.

**That Her Majesty's Subjects, the English, shall and may peaceably and quietly enter upon, improve, and forever enjoy, all and singular their Rights and of Land and Former Settlements, Properties, and Possessions, within the Eastern parts of the said Provinces of the Massachusetts Bay and New Hampshire, together with all the Islands, Islets, Shores, Beaches and Fisheries within the same,** without any molestation or claims by us or any other Indians. And be in no wais molested, interrupted, or disturbed therein. Saving unto the said Indians their own grounds, and free liberty for Hunting, Fishing, Fowling, and all other their Lawful Liberties and Privileges, as on the Eleventh Day of August, in the year of Our Lord God, one Thousand six hundred and ninety-three.

That for Mutual Safety and Benefit, all Trade and Commerce which may hereafter be allowed betwixt he English & Indians shall be in such places and under such management and regulations as shall be stated by Her Majesty's Government of the Said Provinces respectively. And to prevent Mischiefs and inconveniencies the Indians shall not be allowed, for the present, and until they have Liberty from the respective governments, to come to near to any English Plantations or Settlements on this side of the Saco River.

That if any Controversy or Difference at nay time hereafter happen to arise betwixt any of the English or Indians, for any real or supposed wrong or injury done on the one side or the other, no Private Revenge shall be taken by the Indians for the same, but proper application shall be made to Her Majesty's Government, upon the place, for remedy thereof, in our Course of Justice, we are hereby submitting ourselves to be ruled and governed by Her Majesty's Laws, and desire to have the Protection and Benefit of the

same.

We confess, that We have contrary to the Faith and Justice broken our Articles with Sir William Phipps, Governor, made in the year of Our Lord God, 1693, and with the Earl of Bellemont, Governor, made in the year of Our Lord God, 1699, and the Assurance We gave to His Excellency, Joseph Dudley, Esquire, Governor, in the years of Our Lord 1702, in the month of August, and in 1703, in the month of July, notwithstanding we have been well treated by the said Governors; and we resolve for the future not to be drawn into any perfidious Treaty or Correspondence, to the hurt of any of the Subjects to Her Majesty the Queen of Great Britain, and if we know of any such We will seasonably reveal it to the English.

WHEREFORE, we whose names are hereunto subscribed Delegates for the Several Tribes of Indians, belonging unto the River of the Kennebec (Kenybeck), Amarascogen, St. Johns, Saco and Merrimack, and parts adjacent, being sensible of our great offence and folly in not complying with the aforesaid Submissions & Agreements, and also of the sufferings and mischiefs that we have thereby exposed ourselves unto, do, and in all Humble & Submissive manner, cast ourselves, upon Her Majesty's mercy for the Pardon of all Our past rebellions, hostilities, And Violations of Our Promises, praying to be received unto Her Majesty's Grace & Protection. And for and on behalf of ourselves, and of All the other Indians belonging to the several Rivers and Places aforesaid, within the Sovereignty of Her Majesty of Great Britain, do again acknowledge and profess our hearty and sincere obedience unto the Crown of Great Britain, and do solemnly, renew, ratify, and confess all and signatures by:

George Vaughan, Spencer Phipps, Samuel S. Lynde, Henry Somorby, James Allen,  
Stephan Minot V<sup>th</sup>, John Leighton, John Yoo, Stephan Eastwick, Jabex Hitch,  
Nikolas Lever, Richard Waldron, John Penhollow, John Newman, W. Dudley,

Sam Moody, Josiah Willard, Joseph Lloyd, John Gillman, Johnathan Pollard,  
Peter Martin, Robert Carver, Henry Hunt, John Karnard, James Lusmore,  
Thomas Shepard, Geo. Huntington, James Jaffry, & 19 Other Signatures.

**APPENDIX B**

**BELCHER'S PROCLAMATION.**

**DOCUMENTS RELATIVE TO THE MARITIME INDIAN CLAIM**

**BELCHER'S PROCLAMATION**

**ISSUED IN NOVA SCOTIA, 1762**

His Majesty by His Royal Instruction, Given at the Court of St. James the 9<sup>th</sup> day of  
December, 1761, having been pleased to Signify;

THAT the Indians have made, and still do continue to make great Complaints that  
Settlements have been made, and Possessions taken of Lands, the Property of which they  
have by Treaties reserved to themselves by Persons claiming the said Lands, under  
Pretence of Deeds of Sale & Conveyance, illegally, Fraudulently, and surreptitiously  
obtained of said Indians.

AND THAT His Majesty had taken this matter into His Royal Consideration, as also the  
fatal Effects which would attend a Discontent among the Indians in the Present Situation  
of Affairs.

And BEING determined upon all Occasions to support and protect the Indians in their just  
Rights and Possessions and to keep inviolable the Treaties and Compacts which have been  
entered into with them, was pleased to declare His Majesty's further Royal and Pleasure,  
that His Governor or Commander in Chief in this Province should publish a Proclamation  
in His Majesty's Name, for this special purpose.

WHEREFORE in dutiful Obedience to His Majesty's Royal Orders I do accordingly

publish this Proclamation in His Majesty's Royal Name, strictly injoining and requiring all Persons what ever, who will either wilfully or inadvertently have seated themselves upon any Lands so reserved to or claimed by the said Indians, without any lawful Authority for so doing forthwith to remove therefrom.

AND, WHEREAS Claims have been laid before me in behalf of the Indians for Fronsac Passage and from thence to Nartigonneich, and from Nartigonneich to Piktouk, and from thence to Cape Jeanne, from thence to Emchin, from thence to Ragi Pontouch, from thence to Tedueck, from thence to Cape Rommentin, from thence to Miramichy, and from thence to Bay Des Chaleurs and the environs of Canso. From thence to Mushkoodabwet, and so along the coast, as the claims and Possessions of the said Indians, for the more special purpose of hunting, fowling, and fishing, I do hereby strictly injoin and caution all persons to avoid all molestation of the said Indians in their said claims, till His Majesty's pleasure in this behalf shall be signified.

AND if any person or persons have possessed themselves of any part of the same to prejudice of the said Indians in their Claims before specified or without lawful authority, they are hereby required forthwith to remove, as they will otherwise be prosecuted with the utmost Rigour of the Law...

Given under my Hand and Seal at Halifax this Fourth Day of May, 1762, and in the second Year of His Majesty's Reign.

APPENDIX C

BY HIS EXCELLENCY

**WILLIAM SHIRLEY, Esq;**

Captain-General and Governor-in-Chief, in and over His Majesty's  
Province of the Massachusetts Bay in New England.

## A Proclamation

For the Encouragement of Volunteers to prosecute the War against  
the St. John's & Cape-Sable's Indians

Whereas the Indians of the Cape Sable's and St. John's Tribes have by the Violation of their Solemn Treaties with His Majesty's Governors and that open Hostilities committed against His Majesty's Subjects of this Province and the Province of Nova Scotia, obliged me, with the unanimous advice of His Majesty's Council to declare War against them. In the consequence of which the General Assembly of this Province have "Voted", That there be granted, to be paid out of the Publick Treasury, to any Company, Party, or person singly, of His Majesty's Subjects belonging to and residing within this Province, who shall Voluntarily, and at their own proper Cost and Charge, go not and kill a male Indian of the age of Twelve Years and upwards, of the Tribe of St. John's or Cape Sables after the Twenty Fourth Day of October, last past, and before the last Day of June Anno Domini One thousand Seven Hundred and forty-five (or for such part of that Term as the War shall continue) in any place to the eastward of ..... of this Province, ..... to



the eastward of **Penobscot**, and produce **the scalp in Evidence** of his Death, the sum of **one hundred pounds** in Bills of Credit of this Province of New Terra, and the sum of **one hundred & five pounds** in said Bill for any Male of like Age who shall be taken Captive, and delivered to the Order of the Captain General, to be at the Disposal and for the Use of the Government; And the sum of **Fifty Pounds**, in said Bills for **Women; and the like sum for Children under the Age of Twelve Years killed in Fight**; and **Fifty-Five Pounds** for such of them as shall be taken Prisoners, together with the Plunder; **Provided** no Payment be made as aforesaid for killing, or taking Captive any of the said Indians, until Proof be made to the Acceptance of the Governor and Council;

AND Whereas, since the Posting of the said Vote of the General Assembly, I have with the Advice of His Majesty's Council determined, That the Line above-mentioned, to the eastward of which the said Indians may be Wisely and taken Prisoners, shall begin at the Seashore at Three Leagues Distance from the Easternmost part of the Mouth of the Passamoquoddy River, and from thence to run North into the Country thro' the Province of Nova Scotia, to the river of the St. Lawrence.

I HAVE THEREFORE THOUGHT FIT WITH THE ADVICE OF HIS MAJESTY'S EARNEST, TO MOVE THIS PROCLAMATION {O} GIVING PUBLICK NOTICE;  
{.f THE  
ENCOURAGEMENT PURSUED BY THE GENERAL COURT TO ALL PATRONS WHO MAY BE DISPOSED OF TO SERVE THEIR KING AND COUNTRY WITH PROTECTION IN THE WAR AGAINST THE CAPE SABLE AND ST. JOHN'S TRIBES ...

Given at Chambers on Friday the Second Day of November, 1744, in the eighteenth year of the Reign of  
Our Lord GEORGE the second, by the Grace of GOD of Great Britain, King, Defender of the faith.

## APPENDIX D

### Queen Anne's Proclamation

Issued in compliance to Maltreatment of the Indians

### ORDER-IN-COUNCIL OF MARCH 9<sup>TH</sup> 1704.

(Magna Carta; Sublimis Deus)

[Drafts of Letters for Her Majesty's Signature to those Governors together with the Minutes of a Standing Commission to be prepared by Mr. Attorney General, as is provided by the said Representation. And Her Majesty is further pleased to Order that the said Commission and other necessary dispatches in this matter be past and Expedited at Her Majesty's Charge in favour of the said Indians accordingly] emphasis added.

Representation from the Lords of Commerce of Trade Plantations dated this March 9<sup>th</sup>, 1704.

A complaint having been made to Us in the behalf of the Mohegan Indians in Connecticut in New England, in America, the Substance whereof as follows;

That the Principal Sachems of those Indians, being Chief Proprietors of all the Lands in these parts; upon the coming of the English to Inhabit there, Received them in a Friendly manner, and permitted them peaceably to Plant & Settle great parts of their Lands, which they granted to them for a very Small and inconsiderable value, reserving only to themselves a Small Parcel of Land to plant & hunt in. #35-That the said Indians have ever since the coming of the English, entertained & Cultivated a firm friendship by League with the English of Connecticut, and have always assisted them when they have attacked their

Enemies. #40- That in Several Treaties between the said Mohegans and the people of Connecticut, it has been agreed that the said Indians should be Protected in the Possession of their said Reserved Lands. That contrary to the said Treaties and to common Justice, the Colony of Connecticut have passed the Act by which they have taken from the said Indians that Small Tract of Land which those Indians had reserved to themselves as aforesaid, which Land has been Divided to the Governor and Several Others..... [illegal quorum and trespass under Act of Her Majesty's Royal Will and Pleasure by which Her Dutiful Subjects are only counted as One..]

(9) [PART 2:-“General Government Part”] Include Page #'s 100; 101; 102 Misprison of Treason; 104; 105; **Referencing that: It is, Was, and Shall Always Remain that no other Treaties, Laws, Judges, Heads of State, Governors, Governments, Whatsoever shall be enjoined so as to molest or do harm to the Indians in their just Lands and Causes.**

...under such Regulations and Restrictions as are used in other Colonies [e.g., Connecticut from whence derives the 1704 precedent *Mohegans Indians v. Connecticut* and the cornerstone constitutional principle that only One Crown Court has Jurisdiction over aboriginal rights as enacted by the *Order in Council (Great Britain) of 9 March 1704*];  
...upon Any Lands whatever which have not been ceded to or purchased by Us as aforesaid are reserved to the said Indians or any of Them

And, We do further strictly enjoin and require all Persons whatever [INCLUDING JUDGES; EXCLUDING INDIANS] who have wilfully or inadvertently seated themselves upon any lands within the Countries above described or upon any other Lands which not

having been ceded to or purchased by Us are still reserved to the said Indians as aforesaid  
forthwith to remove themselves from such Settlements.