

## **Indian Policy in Colonial Nova Scotia 1783 -1871**

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# Indian Policy in Colonial Nova Scotia 1783 - 1871

The sinister supporter of the arms of Nova Scotia is, in the words of the Lyon Register, "a Savage or wild man proper." His features have changed over the years since the original grant in 1625, and the present likeness is taken from a photograph of a Micmac Indian. He still stands erect and in the colours of nature, wearing a kilt of feathers, with yet more feathers in his hair, and clutching an arrow in his hand. His companion, on the dexter, is the Royal Unicorn. Below them the provincial motto proclaims "Munit Haec et Altera Vincit," a phrase that defies easy translation and may be rendered as "this one protects — the other conquers" or "one defends and the other conquers."<sup>1</sup> But in either version there can be little doubt as to who is the conquered.

The Micmacs of Nova Scotia had long been allies of France, and, under the direction of Roman Catholic priests, much feared by the English. These fears had abated with the defeat of France in 1760, but in the Anglo-French war occasioned by the American Revolution the spectre of Micmac hostility rose again, albeit briefly. By 1783 the Indians were to be feared no longer, courted no more. They had been transformed from dreaded warriors into dispossessed wanderers within a single generation. The fur and feather trade, always niggardly, had disappeared, depriving them of the small income that was often their means of survival through increasingly lean winters.<sup>2</sup> Treaties once

<sup>1</sup> John A. Stewart *Notes on the Arms of Nova Scotia*, Glasgow, 1928, pp. 17-18, 21, 34, 35. The principal collection of documents consulted in this study is in the Public Archives of Nova Scotia, RG 1, Vols. 430 - 432. Although the Archives holds the originals of these manuscripts I was denied access to them and had to use a rather indifferent microfilm copy. The papers in Vols. 430 and 431 are identified by Document numbers only; Vol. 432 is paginated. Following Vol. 432 are three collections, unpaginated, described as "Documents Dealing with Indians," 1780 - 1846, 1847 - 1852, and 1853 - 1867 respectively. The Public Archives of Canada has a series of "Indian Affairs. Nova Scotia Papers" in RG 10, Vols. 459 to 461, and other manuscripts are scattered through Vols. 315 to 392 and 527 to 530. To avoid confusion I will identify the PANS documents as "Indian MSS., Vol. . ." The three collections following Vol. 432 will be described as Vol. 432 (i) (ii) and (iii) respectively. The PAC documents will be identified as "Indian Affairs Vol. . ."

<sup>2</sup> Elizabeth Hutton, "Indian Affairs in Nova Scotia, 1760 - 1834," *Collections of the Nova Scotia Historical Society*, 1963, pp. 33 - 54, especially for the period up to 1783.

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concluded with them were forgotten, and as sympathetic an individual as Joseph Howe would one day observe that there were “grave doubts, whether the Indians, by subsequent acts of hostility, did not forfeit any rights they had to benefit under them.”<sup>3</sup> But that was not the only price the Micmacs paid for their long resistance to Britain. Numerous comparisons were to be made over the years with the generous treatment afforded the Indians of Canada, who exchanged their land for cash or kind, received annual presents, supplies, large reservations and an income from those portions sold off to whites. With the exception of occasional relief, the Micmacs enjoyed none of these considerations. As the Colonial Office’s resident specialist on Indian affairs pointed out, the Micmacs, unlike the natives of Canada, had no “military title” to assistance based on past services against France and the United States.<sup>4</sup> And no one considered that the Royal Proclamation of 1763 afforded any protection to the natives of the old established British colony of Nova Scotia.

The Micmacs’ understanding of their position was very different from the official one. Oral tradition kept alive among them the memory of the treaty of July 1, 1761, when Chief Argimautt made his submission at Halifax with great ceremony and had been received into the favour and protection of the king. Almost ninety years later, the Micmacs still thought of themselves as under the immediate protection of the crown. Grants of relief were considered “as testimonies of respect, and they pride themselves upon such bounties rather than consider them in any way humiliating.” They were still awaiting fulfilment of the treaty, still expecting the royal protection promised long before, still hoping for compensation for fisheries and lands long lost.<sup>5</sup>

The dispossession of the Micmacs was a very rapid process, completed by the influx of refugee Loyalists. Indians and whites prized the same areas, namely coastline and river frontage. The Micmacs’ way of life was nomadic, but for much of the year, from the middle of March until October, and again in December and January it was dependent on the produce of fresh and salt water. Each band had an area that it was accustomed to resort to, and there would be its burial ground. Only for a few weeks, part of October and all of November and February, were the Micmacs obliged to hunt in the forests.<sup>6</sup>

3 Joseph Howe to Thomas Irvine, 27 May 1843, Indian MSS., Vol. 432, pp. 231 - 232; R. O. Macfarlane, “British Indian Policy in Nova Scotia to 1760,” *Canadian Historical Review* (1938), pp. 154 - 167.

4 Observations of A. Blackwood on Nova Scotian Indian affairs, 12 January 1842, CO 217/178, ff. 78 - 88, microfilm, PANS.

5 Abraham Gesner, Report on Indian Affairs, 21 December 1847, *Journal and Proceedings of the House of Assembly*, [hereafter *JLA*] (1847), Appendix 24, pp. 114-125.

6 Calvin Martin, “The European Impact on the Culture of a Northeastern Algonquin Tribe: An Ecological Interpretation,” *William & Mary Quarterly* (1974), pp. 3 - 26.

Whites quickly disrupted this pattern of life since they preferred to settle the easily accessible places first: the coast for the fisheries, and the river valleys, not only for the best soil and fisheries, but also for the potential of water-powered saw mills. The indented coastline and numerous rivers of the province ensured that this white settlement intruded almost simultaneously into every part of the land, and meant that the Indian, in moving from forest to river to coast, inevitably encountered the newcomers. Since Nova Scotia was small, there was nowhere the Indians could maintain even a semblance of the old life (as in Canada or New Brunswick) in ignorance of the whites. These changes had become apparent to all by 1783.

As a survival from the days of Micmac power, the province retained the office of Superintendent of Indian Affairs in 1783. Established and paid for by the imperial government, its continuation was a temporary expedient to tide the colony over a period of rapid transition. George Henry Monk, the newly appointed incumbent, had the task of easing settlement by "quieting" the Indians.<sup>7</sup> One of his first missions took him to Antigonish where a group of veterans claimed to be in dread of the Indians. Monk found that the natives feared they would lose their seasonal settlement in the neighbourhood, and were content to have a small area including their church and burial ground reserved to them.<sup>8</sup> But it was not always possible to get the whites to concede even that much. From Cumberland he heard that settlers were threatening to call in the Micmacs' legendary foes, the Mohawks, to run them off the land granted them by the government. Not so, retorted one of the settlers, Edward Barron: Indians complained about trifles, pretending that their game was frightened off by people cutting down trees and building houses; and anyway the Indians never had a grant. Barron promised to treat them in a kindly fashion, but that did not mean giving them a reserve on his own land as Monk had suggested. "I do not mean to have an Indian Town at my Elbow." There was nothing Monk could do. Faced with the stereotype settler, he had no power to "quiet" the whites.<sup>9</sup>

The spread of settlement showed that the Indians were accorded no overall rights to the land, and that any specific grants they claimed were more a matter of oral tradition than anything else. Some Indians tried to follow the white man's practice of petitioning for land grants. On December 20, 1783, James Pemmenwick, chief of the band at Shubenacadie, was granted a license for land "sufficient for 9 families being his children."<sup>10</sup> John Rudolf

7 Monk received the post as compensation for having raised the Loyal Nova Scotia Regiment at his own expense, draft petition, George H. Monk to Sir George Prevost, July, 1816, Monk Papers, MG 23 G 11 - 19, pp. 1384 - 1386, PAC.

8 Monk Letter Book, *ibid.*, pp. 1030 - 1031, 1035 - 1036.

9 Monk to Edward Barron, 19 July, 1784; Barron to Monk, 12 August 1784; *ibid.*, pp. 1029-1031,

10 Memorandum initialled W. A. H[endry], 24 January 1862, Indian Affairs, Vol. 460, folder 17.

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of Lunenburg presented the arguments of Solomon Jeremiah, Michael Jeremiah and others for a grant near the La Have River, citing the decline of hunting and their desire to farm: five hundred acres was approved by the lieutenant governor. A similar area was laid off at St. Margaret's Bay for Philip Bernard, Solomon and Tamwaugh. A large area, 11,500 acres vaguely described as being near Belcher's estate, was set aside for other Indians. But in no case was the land granted outright, only to be occupied "during pleasure."<sup>11</sup>

In 1786 the imperial government ceased to pay Monk's salary and the colony made no attempt to pick up the charge. Monk simply let the office lapse; the few grants that had been made went unsurveyed and no new petitions were forthcoming. There was no cause for alarm: the Micmacs might be "displeased" with the loss of their land, but, as one contemporary author pointed out, "their weakness, added to their prudence, will certainly prevent them for making any disturbances."<sup>12</sup>

And so it was until the outbreak of the third Anglo-French war in as many decades brought the great Nova Scotian invasion scare of 1793 and revived old fears of the Micmacs as allies of France. Monk patriotically recalled his past responsibilities, offering his services once more as Superintendent of Indian Affairs (unpaid), given the "present causes for Alarm."<sup>13</sup> Lieutenant Governor Wentworth ordered him to investigate reports that large numbers of Indians were encamped near Windsor, stealing sheep and frightening the settlers. If necessary, Monk was to seize hostages, men, women and children, and confine them in Fort Edward. On second thoughts, Wentworth considered that it would be better to try to win the Indians over by gifts of food and clothing, so "that the peace of our scattered Inhabitants may not be disturbed by them, and also that they will join us in case of an Invasion."<sup>14</sup> Monk sent a deputy, and, after he had consulted with the local major of militia, it was agreed that no immediate hostilities were in view, although the wretched condition of the Indians might provoke them. Wentworth authorised immediate supplies and an issue of bread and beef for the Indians of the Halifax area as well. Monk, in his report, took the opportunity to urge regular supplies for all Indians to guard against disturbances.<sup>15</sup>

Monk spent much of December and January talking to various Indians and distributing supplies of cloth for the women and shot for the hunters. He

11 Grants of n.d., 28 February 1786, 4 September 1783, Indian MSS., Vol. 430, Doc. 26-1/2.

12 S. Hollingsworth, *The Present State of Nova Scotia* (2nd ed., Edinburgh, 1787), p. 71.

13 Monk to Wentworth, 23 July 1793, Monk Papers, p. 1037.

14 Wentworth to Monk, 18 October, 1793, *ibid.*, pp. 295 - 298.

15 Major George Deschamps to Monk, 4 November 1793; Monk to Wentworth, 17 November 1793, *ibid.*, pp. 1040, 819 - 821. The contract for issuing supplies at Windsor went to Deschamps, a former business partner of Monk, *ibid.*, p. 1073.

became convinced that rations of food would have to be issued on a permanent basis to avoid further trouble. Charles Alexander of Cape Sable told him of how generous the British had been until they had taken all the land they needed. Alexander's son took up the theme: "What Country was left for the Indians now the English give no more provisions and clothes . . . What must the Indian do?" James Paul was amongst those who wanted to know if he could expect any supplies from the government, and if so, of what kind. When told that no food was immediately available, John Paul went so far as to murmur: "if King George was so poor that he could give no more to Indians — the Indian better take nothing." This flicker of independence so outraged Monk that he subsequently denied relief to John Paul's family three times before allowing the starving man to make a formal apology for his "misbehaviour" before a magistrate.<sup>16</sup>

The slight on King George was proof of the dangerous state of mind exhibited by the Micmacs. Monk found them "more restless and dissatisfied with their condition than I have ever known them to be," and emphasised the fears expressed to him by the isolated white settlers. There were reports of strange comings and goings between bands which suggested that a master organiser might somewhere be at work in the interests of France. But Monk also recognised that the Indians' grievances were real, and he embodied them in a petition to Wentworth. When the Indians first made peace with the English, he wrote, there had been room for all, and until the end of the American Revolution the Micmacs had received provisions and clothing from the government. They had been told to live with the whites like brothers and promised help whenever they were in need. The English, however, had come and penetrated every part of the province. The hunting grounds were destroyed and there was no back country for the Indians to retreat to; when government supplies stopped many died from starvation and all would soon perish without "general relief." Monk strongly urged that rations be issued all Indians for a few years so that it might be possible "to rehabilitate the rising Generation to labour in some of the various works of farming till they know how to earn a livelihood for themselves."<sup>17</sup>

Wentworth took these recommendations seriously. He saw subversion replacing invasion as the main threat to the colony's security. Citizen Genet might well have agents at work in the province, and he instructed Monk to look for any signs of "Democratic french practices among these Savages." Monk commissioned a peddler, Job Ross, to stay alert for news of any French

16 Notes on conversations with Indians, *ibid.*, pp. 1047 - 1060.

17 Monk to Wentworth, 23 January 1794; Monk's petition on behalf of the Indians, 24 January 1794, *ibid.*, pp. 1051 - 1055.

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emissaries that he might pick up in his travels. Apparently he had little to report, for he was only paid \$10 for his counter-insurgency activities.<sup>18</sup>

The major recommendation, that the Indians receive a general scale of rations, was much more expensive, but Wentworth was sympathetic as he found a way to place that financial burden on the shoulders of the British taxpayer. As early as May, 1793, he had described the Micmacs' sufferings to the Home Secretary, adding that he had explained the war to them and they were willing to raise from sixty to one hundred men for the defence of the colony. In the circumstances, an imperial grant of £200 would be desirable. The expenditure was authorised, and Wentworth drove his point home by relaying the story of the Windsor alarms "during the expectation of a (French) Descent."<sup>19</sup> He forwarded Monk's petition and explained that the royal bounty had been spent on potatoes, meal, fish, bread and clothing, while several Indian families had been given seed and tools to get themselves started as farmers. Within a few years they would be in the habit of supporting themselves, he continued, but it would not happen next year, for which a further £200 was needed. Again the British government agreed, convinced it would be "unpardonable" to ignore the plight of the Micmacs. The best use for the money, wrote Dundas, would be in equipping the Indians to become self-supporting farmers, and the grant was to be understood only as a temporary and diminishing one.<sup>20</sup>

The emergency, of course, did not go away. Each winter posed a new crisis which only imperial money could alleviate. Wentworth drew in advance for Indian relief, and overspent by £656. The charges were protested in London and the Indian subsidy finally disappeared in the general chaos that overwhelmed Wentworth's finances.<sup>21</sup> Only once again, in the crisis of the War of 1812, did the imperial government put money into the Indians of Nova Scotia.

After the withdrawal of imperial funds, the provisioning schemes recommended by Monk disappeared. There was no longer a threat of invasion and the Indians were once again left to shift for themselves. But if the Indians could not flee from the whites to new hunting grounds, neither could the whites avoid the Indians. A pattern of relations was established which was to

18 Wentworth to Monk, 14 January 1794; Monk to Ross, 2 February 1794, *ibid.*, pp. 307 - 312, 1058.

19 Wentworth to Henry Dundas, 3 May, 9 November 1793, Letter Books of Governor Wentworth, RG 1, Vol. 50, n.p., PANS; Dundas to Wentworth, CO 218/27, ff. 108 - 111.

20 Wentworth to Dundas, 19 May 1794; Dundas to Wentworth, July 1794, Wentworth Letter Books, Vol. 51, pp. 107 - 109; Vol. 33, Doc. 67. One ration consisted of 1 lb. of meal, two herring or 6 oz. of beef, 1/2 pint of peas, 2 lbs. of potatoes per adult at a cost of 4-1/2d; children over 12 received 1/2, those under 12, 1/4 of the above amount, Monk papers, p. 1055.

21 Wentworth to Duke of Portland, 8 October 1796, Wentworth Letter Books, Vol. 51, pp. 345 - 347; Portland to Wentworth, 14 December 1796, 9 March 1797, 18 June 1800, CO 218/27, ff. 112 - 114, 117 - 119, 175 - 176.

endure for generations. In summer Indian families would camp near a white village to sell the artifacts the women made, baskets, quill boxes, brooms; butter tubs and barrels made by the men; and to do odd jobs and repairs. In winter the band would return to the forest to hunt. However, if the game was exhausted or the season unpromising, they would stay put, and a mixture of fear and genuine compassion led many whites to aid the Indians or else provide relief to them as part of the community's responsibility to the indigent poor. In this way much of the assistance rendered the Micmacs began to come within the scope of local Overseers of the Poor, and was funded on a fifty-fifty basis by township and province. This practice was frowned upon by budget minded legislators, and many attempts were made over the years to end it.

The first protest against the classification of Indians as indigent poor came from an Assembly committee in 1800 and provoked the first attempt at developing a policy towards the Micmacs as a direct charge on the colony. Monk chaired a committee to consider the condition of the Indians and rehearsed the already familiar themes: the destruction of game, fur and fishing resources, the absence of any area as a refuge for the natives' way of life, and a new point, the responsibility of the very people represented in the legislature for these calamities. What was to be done? Charity in the form of relief was not the answer, for it intensified the worst traits of the Indian character, indolence and drunkenness. The only solution was to make them over into farmers, "useful members of society." This could be accomplished by offering aid to those who would settle, and withholding it from those who would not.<sup>22</sup>

The Assembly was in an optimistic mood, voting money with a lavish hand, and it authorised £350 for the relief of the Indians. A committee was struck to supervise the expenditure of this sum, and commissioners were appointed to report on the condition of the Indians in each county and to distribute supplies to them. No mention was made of an Indian Superintendent.<sup>23</sup> The next step was a joint committee of Assembly and Council which drew up a questionnaire to determine the number of Indians and the leadership of the various bands, the lands suitable for settlement in their "usual places of resort," the state of the fisheries; the expected cost of building huts, providing potatoes, clearing an acre, the opportunities for training Indian women in spinning and knitting

22 "Report of a Committee to take into consideration Health Officer's Accounts — demands on Government & Transient Poor Acct 8 Apr 1800," RG 5, Series A, Vol. 7, PANS; "Report of the Committee on the Condition of the Indians," 15 April 1800, Indian MSS., Vol. 430, Doc. 33-1/2; *JLA* (1800), pp. 75 - 76.

23 1 May 1800, *ibid.*, pp. 102 - 103; apparently the only point of distribution the first year was in the county of Sydney, which was quite satisfactory as "it is much to be desired that Indians should be kept as far from the Capital as possible," Committee to administer relief to Messrs. Edward Irish and Timothy Hurley, 10 December 1800, Indian MSS., Vol. 430, Doc. 34.



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and the possibility of inducing them to place their children with neighbouring whites "to learn our domestic arts." The number of replies received, five out of a possible ten, was disappointing, but those who took the trouble were convinced that there was some chance of leading the Indians to settle and become self-supporting. Such a plan, the committee recognised, would face many obstacles and require much perseverance, but would lead ultimately to the "rescue of our wretched fellow creatures." It recommended the survey of suitable lands and the settlement of some of the "best disposed" Indians as an example to the rest.<sup>24</sup>

Plans were one thing, execution quite another. Lands were not set aside and surveys were not made. Funds on a reduced scale were voted in 1801 and 1803 and then lapsed.<sup>25</sup> The committee administering relief grew a little testy: in forwarding £20 to James Archibald at Truro they expressed their exasperation at the sight of able-bodied Indians passing the summer in idleness and then demanding support through the winter. "How many white men are now struggling about this Capital to support families of five, six seven & Eight Children, upon three & four shillings a Day — and in bad weather not even that much."<sup>26</sup> Once again the Indian had to shift for himself as the money dried up.

By 1807 a new war threat developed as the Anglo-American crisis intensified. Nova Scotia had to look to its defences and, as before, one result was to rescue the Micmacs from oblivion.<sup>27</sup> Monk again emerged from his lapsed office of Indian Superintendent and wrote the various commissioners for their "Aid in the hour of alarm." Each was to report the number of male Indians in his area, their reaction to the embodiment of the local militia, their general disposition and all their movements. The object was to "keep the Indians friendly and render them serviceable." Wentworth even promised to furnish aid in clothing, arms and subsistence if absolutely necessary.<sup>28</sup> The replies to Monk's anxious queries on what would happen "should there be an American war" showed that there was little to worry about. Most of the Indians were too close to starvation to concern themselves with rumours of war, and those commissioners who hazarded a guess as to their allegiance assumed they would follow the winning side. Despite this response, Monk's report was quite emphatic that the Indians expected the colony to be invaded and planned to remain neutral. Then he reversed himself and cautioned that

24 Report of the Joint Committee, n.d., *ibid.*, Doc. 72-1/2; an example of the better reply is Jonathon Cray to Messrs. Benton, Morris and Wallace, 6 June 1801, *ibid.*, Doc. 72.

25 14 July 1801, 4 July 1803, *JLA* (1801), p. 68; (1803), p. 58.

26 Commissioners to James Archibald, 11 January 1803, Indian MSS., Vol. 430, Doc. 139.

27 Cooke to Hunter, 3 October 1807, CO 218/28, f. 127.

28 Wentworth to Monk, 15 October 1807, Monk Papers, pp. 517 - 520; Monk to Commissioners (circular), 20 October 1807, Indian MSS., Vol. 430, Doc. 143.

though few in numbers "they might harass and distress the scattered Inhabitants of new settlements." As before, he urged the establishment of a regular system of relief for all Indians. A copy of the report was forwarded to London.<sup>29</sup> But the Colonial Office was not to be stampeded into providing money for Indian relief, and only with the actual outbreak of war did it authorise the issue of occasional presents. Their object was not so much to enlist the Micmacs' support as to keep them neutral, for a dread of savage warfare lingered long in the corridors of Downing Street.<sup>30</sup>

One aspect of the renewed interest in the Indians was a resumption of petitioning for land. In 1807, Samuel, Francis and Goram Paul asked for 200 acres for each of eleven families so they could farm and learn to live independently. Wentworth approved 100 acres each "for the present time" at Shubenacadie.<sup>31</sup> In 1810 the Surveyor General ordered an investigation into an application by an Indian named Penhall for lands near Chester.<sup>32</sup> There were other applications in the following years, to the extent that Surveyor General Morris reported on the whole situation in 1815. He urged against making grants to individual Indians, for too many sold their holdings for cash or liquor; the only acceptable procedure was to reserve lands for their use in "such situations as they have been in the habit of frequenting." There were lands reserved for them in numerous localities, but none had been surveyed. Further protection could be given by passing a law to preserve moose and other game for their exclusive use, and government could guarantee them a moderate price for their handicrafts.<sup>33</sup> The report was filed.

With the exception of that brief flowering of legislative interest in 1801, the only responses yet made to the condition of the Indian minority had been induced by military considerations. That the return of peace in 1815 did not condemn them to total neglect was due to the appearance of a new force, humanitarianism. Its exponents were motivated by interests outside the im-

29 Digest of answers, n.d., *ibid.*, Doc. 145, Prevost to Cooke, with enclosure, CO 217/82, ff. 196 - 205.

30 "The Interests of Humanity might require that we should resign the benefit of their alliance and active Cooperation with us in the Field," Lord Bathurst to Sherbrooke, 26 August 1812, CO 217/89, ff. 431 - 433; Sherbrooke to Bathurst, 7 October 1812, CO 217/90, ff. 45 - 47; Bathurst to Sherbrooke, 16 November 1812, CO 218/29, ff. 138 - 141. The only other occasion when Indian military assistance might have been of service was during the Fenian scare of 1866, at which time Peter Charles offered the services of thirteen good marksmen in a petition to the Assembly, March 1866, Indian MSS., Vol. 432 (iii).

31 Petition of Eleven Families of Indians to Lieutenant Governor Wentworth, n.d. [1807], Vertical Manuscript File: Indians: Land, PANS.

32 Charles Morris to Deputy Surveyor General Cradle or Vaughan, 16 June 1810, Indian Affairs, Vol. 459, folder 3.

33 The locations listed were at Shubenacadie, Pugwash, Antigonish, St. Margaret's Bay, Chester, Pomket, Manchester, Sissaboo; on the La Have River, Petit Rivière, St. Mary's River, and "several harbours." Morris to Cogswell, 7 March 1815, Indian MSS., Vol. 430, Doc. 151.

mediate scope of government policy, but were nevertheless dependent on the co-operation of government for the realisation of their goals. Briefly stated, humanitarians wished to prove that the Indian could be made over into a white man for his own salvation by creating model farming communities at public or institutional expense. Missionaries were largely absent from these endeavours, for the Roman Catholic priests had long accepted the wandering nature of their flock and no Protestant was as yet ready to challenge their hold on the Micmacs. Nor did the government encourage Roman Catholic initiatives, for when Bishop Plessis noted that the Micmacs were “des enfants auxquels il faut indiquer le travail” and offered to bring in Trappist monks to set an example, his proposal was ignored.<sup>34</sup>

The formation of the ephemeral North American Indian Institution in Halifax in 1814 was the first token of a new type of concern for the welfare of the Micmacs. The resolutions passed formed a comprehensive but entirely predictable programme for amelioration based on the virtues of farming and hard work. The Institution's secretary, Walter Bromley, continued a personal crusade to settle the Indians, seeking financial aid from the missionary New England Company in London and receiving the moral support of Lieutenant Governor Lord Dalhousie.<sup>35</sup> Bromley, an Englishman, was convinced that the colonials had been indoctrinated with the false idea that the Indian was incapable of self-improvement, and so allowed “that depopulating system, which European avarice and war has produced in the new world” to run its course.<sup>36</sup> By early 1817 he had collected twenty four Micmac families and was settling them on lands at Shubenacadie. He petitioned the Assembly for financial aid to build an access road, and expressed the cautious hope that “you will even consider the attempt to civilize the Indians a matter not unworthy of your anxious solicitude, patronage and support.” A grant of £25 was made for the road, nothing for the settlement.<sup>37</sup> Ten days after this petition, Lord Dalhousie lent it his indirect support by a special message to the legislature concerning the “most wretched and deplorable” state of the Indians, and urging the encouragement of those who were willing to farm. The result was a grant of £250 to be applied under his direction, the first provincial money for the Indians since 1803.<sup>38</sup>

34 Bishop Plessis to Sherbrooke, 27 July 1815, *ibid.*, Docs. 153, 154.

35 J. Fingard, “Walter Bromley in Nova Scotia, 1813 - 1825,” *Canadian Historical Review*, (1973), pp. 123-151.

36 Walter Bromley, *An Appeal . . . in behalf of the Indians of North America* (Halifax, 1820), pp. 16, 22.

37 11 March 1817, *JLA* (1817), p. 273; Petition of 27 February 1817, with endorsement, *Indian MSS.*, Vol. 432 (i).

38 21, 25, 29 March 1817, *JLA* (1817), pp. 306, 315, 316, 333.

The Shubenacadie settlement got off to a satisfactory start: twenty two families were settled and 51¼ acres cleared by August, 1818.<sup>39</sup> Seven Indian families were grouped together at Gold River near Chester with the modest allotment of thirty acres each secured in trust for them.<sup>40</sup> The most sustained attempt at establishing a model community was at Bear River, near Digby. This was one project where a missionary, Abbé Sigogne, was prominent, working closely with a leading local citizen, Peleg Wiswall. Neither expected an overnight reformation. As Wiswall explained: "A Root Cellar near each Winters Wigwam and a patch cleared by each family for the culture of a few Potatoes, Indian Corn & Kidney Beans is all that can be looked for during the first few Years." The men would continue their normal summer pursuits in the area — shooting porpoises — and trap during the winter; the women would make their handicrafts for sale to the whites, and the settlement itself would be more of a rallying point than a village of family farms. But even these modest hopes proved difficult to realise, for the settlement was wracked with dissension in its early years and never became self-sufficient.<sup>41</sup>

It was in the context of these ameliorative efforts that Lord Dalhousie made the first full scale attempt to face the government's responsibilities to the native peoples. Despairing of any initiative from the Assembly, he took the matter up in Council and proposed the establishment of a reserve in each county, not to exceed 1,000 acres, to be held in trust for those Indians who were disposed to settle. On May 8, 1820, the Surveyor General reported to Council with descriptions of reserves in each county.<sup>42</sup> The lands were a mixture of old and new allocations, and no money was provided for the costs of a proper survey. The descriptions were of little value either as a legal defence against encroachment or as a guide to what was in fact set aside for the Indians, many of whom used and continued to receive the use of lands outside the reserves.<sup>43</sup>

Much remained to be done, as Lieutenant Governor Kempt told the Assembly in 1827. The sufferings of the Indians were much greater than was commonly recognised, and many of them were now disposed to settle. But

39 List of families at Shubenacadie, Vertical Manuscript File: Indians: Shubenacadie, PANS; by the autumn of 1818 there were only twelve families according to Walter Bromley, Petition of 26 February 1819, Bromley, *An Appeal*, p. 46.

40 Morris to Crandle, 28 January 1818, Indian Affairs, Vol. 459, folder 3.

41 Wiswall to Sir Rupert D. George, draft, 22 March 1828, Papers of Peleg Wiswall, MG 1, Vol. 979, folder 8, PANS; letter of 'A Traveller,' *Acadian Recorder*, 29 March 1834; Wiswall to Thomas W. James, 4 January 1836, Indian MSS., Vol. 431, Doc. 22; an extra 750 acres was added to the reserve in 1837, paper dated 2 November 1837, Indian Affairs, Vol. 460, folder 17.

42 22 December 1819, 8 May 1820, Minutes of Council, RG 1, Vol. 214-1/2A, pp. 91, 136 - 139 PANS. The manuscript report and plans are in Indian MSS., Vol. 432, pp. 43 - 58.

43 For example, the long and successful career of Francis Glode as a land petitioner, Indian Affairs, Vol. 461, folder 14.

until each reservation was surveyed and each Indian family had its own "Potatoe Plantation" allocated to itself within the reserve, settlement would remain unattractive. He asked the Assembly for funds to carry out correct surveys and sub-divisions, the provision of some seed, an axe and a hoe to each family willing to farm, and a small supply of provisions and coarse clothing for the weak and sickly.<sup>44</sup> The Assembly granted £250 for relief.<sup>45</sup> "Let not the lip be contemptuously curled at the idea that an Indian may become an industrious farmer," wrote 'Micmac' to the *Nova Scotian*, "if under the auspices of our legislature such a procedure were extensively persisted in, may not the happiest result be anticipated?"<sup>46</sup> But the legislature had given its answer, and the answer was no; it refused to be drawn into any but the most immediate and temporary measures of relief.

One major obstacle to any attempt at settlement was the fact that whites never allowed an Indian land claim to stand in their way. They were accustomed to squatting where they pleased on Crown Lands and making their peace with the authorities sooner or, preferably, later. They saw no reason to treat Indian lands any differently and assumed the government would take an equally indulgent view of their presence on them. Generally speaking the squatters were right: it was very easy for a white official to see the virtuous hard work of a squatter with a large family to support, less easy to remember that those who had been dispossessed had some claims on colonial justice.<sup>47</sup> The Micmacs had always done some farming, but their farms were seasonal clearings with no one in year-round occupation. Land thus cleared was most attractive to whites who moved in while the band was out hunting. One Chief told Walter Bromley that his father had cleared two hundred acres in various parts of the province as the whites discovered his clearings one by one.<sup>48</sup> Indians who farmed in their customary locations outside reserves found that there was no obstacle to whites gaining legal title and forcing them to move on.<sup>49</sup> With no hope of resisting the acquisitive whites, it is little wonder that many Indians agreed to sell the lands they occupied for whatever they could get.<sup>50</sup> If simple possession or purchase failed, there were other ways of expelling unwanted Indians: in a contest over river frontage, for example, a basic white tactic was to net all the fish at the mouth of the river so that the

44 Message of Lieutenant Governor Kempt to the Assembly, 9 March 1827, *JLA* (1827), pp. 74 - 75.

45 5 April 1827, *ibid.*, p. 142.

46 Letter of 'Micmac', *Nova Scotian*, 6 March 1828.

47 For example, Thomas Trotter to William Hill, 29 November 1825, Indian MSS., Vol. 430, Doc. 23-1/2.

48 Bromley, *An Appeal*, p. 35n.

49 Petition of 2 March 1829, Indian MSS., Vol. 430, Doc. 168.

50 Morris to Cogswell, 7 March 1815, *ibid.*, Doc. 151.

fishermen upstream got none.<sup>51</sup> The Indian response to these harassments was almost inevitably to move to a less desirable location, without offering any resistance beyond a petition to the government drawn by a local sympathiser.<sup>52</sup> When the government did try to evict squatters it found that it could only bluster, for it had neither the money for the necessary court actions nor the force to remove undesirables.<sup>53</sup>

For the generality of the colonials the Indian was not a noble hunter who had lost one way of life and deserved a chance to find another, but a drunken wretch trying to escape from the alien world around him. Brawls amongst Indians were a standard urban amusement that frequently attracted large crowds of approving spectators with "pleasure depicted on every face" as one correspondent noted.<sup>54</sup> Each summer in Halifax "small groups of wretched Indian men and women, in various stages of intoxication, bearing unfortunate squalid infants, and followed by half-starved dogs, were continually to be met with in our streets," lamented the *Acadian Recorder*; only the onset of winter drove them back to the forests and put an end to the "miserable spectacle."<sup>55</sup> Not surprisingly, the Indian became an object lesson of what to avoid in life. 'Quintilian,' writing on education, cited the native Indians as an example of "what man is without letters . . . As the lower animal devours at one luxurious meal whatever is placed within his reach, so he, ignorant and uninstructed is alike improvident to futurity."<sup>56</sup>

But the spirit of Walter Bromley lived on in some hearts, even if in slightly different form. The *Nova Scotian* congratulated Sir Howard Douglas, Lieutenant Governor of New Brunswick, for leading the Indians there to settlement, education and religious instruction, and recommended a comprehensive law "to protect the rights, to foster the morals, and secure the trade of the Indians" be enacted in Nova Scotia.<sup>57</sup> In February, 1828, the "Pictou Indian Civilization Society" was formed as a branch of the local Auxiliary Bible Society, the first sign of any Protestant urge to reach out to the Micmacs. The virtuous objectives of this short-lived society were to encourage agriculture, discourage vice and promote the means of instruction.<sup>58</sup> The Nova Scotia

51 Wentworth to Michael Wallace, 23 September 1802, *ibid.*, Doc. 117.

52 For example, Petition of Pictou Indians, fn. 49 above.

53 Thirteen white families were cultivating 135 acres of intervale and "good upland" on the 3,000 acre reserve by 1837, List of Trespassers, 8 July 1837, Indian MSS., Vol. 432, p. 250; printed Notice to Trespassers, 1 May 1837, *ibid.*, Vol. 431, Doc. 36; Report of Assembly Committee, 19 April 1838, *ibid.*, Vol. 430, Doc. 187.

54 Letter of 'Philanthropus,' *Nova Scotian*, 16 August 1827; Bromley, *An Appeal*, p. 16.

55 *Acadian Recorder*, 19 October 1833; for a similar lament, *ibid.*, 19 April 1834.

56 *Nova Scotian*, 4 January 1827.

57 *Ibid.*, 21 June 1827.

58 *The Colonial Patriot* (Pictou), 14 March 1828.

Philanthropic Society was established in 1834 with the twin objectives of rescuing the black and Indian population from depravity. This benevolent impulse, one of its founders recalled, was inspired by the sight of a drunken Indian reeling in the street in front of St. Paul's Church, Halifax.<sup>59</sup> When the Society put on a special celebration to honour the marriage of Queen Victoria they featured the Indians on parade "with badges, ribbons, flowers and Indian ornaments — Indian boys with bows and arrows and badges, — Squaws (female Indians) with their picturesque costume, of high peaked caps, and various ornaments." Tables were set on the Parade Ground and the Indians ate, watched by a large gathering. Since it was a Friday, fish was served. The band of the Royal Welsh Fusileers played "Even as the Sun goes down."<sup>60</sup>

Disparaged on one side, patronized on the other, the Indians themselves were developing a leadership that could learn the new ways and bring its own influence to bear on the government. The first example of this trend was the appearance before the bar of the Assembly of Andrew Meuse, who successfully opposed a bill that would have ended the porpoise hunt in the Gut of Annapolis. J. B. Uniacke witnessed the scene as a boy, and years later recalled the deep impression it had made on him. Meuse spoke of the legislators: "I see among them but one face that I know, and that man is trying to take away from the Indian the source of his livelihood."<sup>61</sup> Meuse later became the Chief of the Bear River settlement, from which position he lobbied both the colonial government and London philanthropists for support.<sup>62</sup> Meuse and his brother James organised a petition that Chief Charles Glower presented to the Assembly on the very basic issue of liquor, calling for the prohibition of its sale to Indians. The Chief was heard with great respect as he explained that "himself and friends were led to trouble the House from having daily witnessed the disgrace and misery which spirituous liquors spread among the Indians."<sup>63</sup> The result of his appeal was the passage of a law — the first one, despite common belief to the contrary — to "prevent" the sale of alcohol to Indians. It was far short of what Glower had wanted, for all it did was to authorise magistrates to make regulations in their own districts to prevent such sales. If there were no regulations then presumably sales would continue, as they in fact did. While they were dealing with Indian matters, the Council took the opportunity of tacking on a clause providing

59 Letter of 'A Founder,' *The Wesleyan* (Halifax), 12 January 1850; D. C. Harvey, "The Nova Scotia Philanthropic Society," *Dalhousie Review* (1939-1940), pp. 287-295, makes no mention of any interest in the Indians.

60 *Nova Scotian*, 7 May 1840; *Times & Courier*, Halifax, 27 February 1849.

61 16 January 1821, *JLA* (1821), p. 36; Meuse's petition in RG 5, Misc. A, Series P, Vol. 2, PANS; *Halifax Journal*, 27 December 1824; *Halifax Morning Post*, 1 February 1842.

62 Wiswall to William Hill, 14 December 1829, Indian MSS., Vol. 430, Doc. 169-1/2.

63 12 February, 3 March 1828, *JLA* (1828), pp. 208, 254; *Acadian Recorder* 16 February 1828.

for the instruction of Indians free of charge at any publicly supported school.<sup>64</sup>

With the passage of this law the legislative interest sparked by Chief Glower died away. However, from 1827 on, the Assembly regularly voted between £100 and £150 a year for Indian relief to be spent at the discretion of the lieutenant governor. The goods purchased with these funds were distributed by local commissioners throughout the province. Individual petitions for sums up to £50 to build a chapel or a school or barn were approved sporadically. The Cape Breton reserves, which had been outside the jurisdiction of Nova Scotia in 1820, were roughly surveyed in the early thirties.<sup>65</sup> But it had been apparent for sometime that the reserves everywhere existed in name only, and the policy of settling Indians had collapsed. In 1829, the Lieutenant Governor tried without success to have the Council devise "some means to protect from encroachment and trespass the various tracts of land reserved for the Indians."<sup>66</sup> However no ripple disturbed the surface of inertia. The British parliamentary enquiries into the condition of the aborigines of the empire elicited no information from Nova Scotia. Only after the enquiries were over did Lieutenant Governor Sir Colin Campbell respond to a direct order from the Colonial Secretary and circularise a number of leading local citizens to learn the condition of the Indians. The abstract of Martin Wilkin's report from Pictou is typical of the despondent tone of the replies:

"With the destruction of their hunting grounds came vagrant and intemperate habits, and decrease of their numbers, chiefly from drunkenness, partly from emigration. All Roman Catholics — low morals — [when] settling driven away — no lands for them — attributes their degeneration to maltreatment of whites."

Campbell neglected to forward the reports to London.<sup>67</sup>

But for another Indian initiative, there is little doubt that matters would have rested there. The wall of colonial indifference was finally broken through by a petition from Chief Paussamigh Pemmeenawweet direct to Queen

64 "An Act to prevent the Sale of Spirituous Liquors to Indians, and to provide for their Instruction," 10 Geo. IV, c. XXIX, *Statutes of Nova Scotia 1827 - 1835*, (Halifax, 1836), p. 53; 20 February, 7, 14 March 1829, *JLA* (1829), pp. 386, 424, 450; drafts of the bill show that the title changed progressively from "restrain" to "regulate" to "prevent" while the provisions remained the same; clause IV, concerning instruction, was pencilled in, RG 5, Series B, Vol. 10, PANS.

65 Descriptions and plans of reserves dated between 5 December 1832 and 5 August 1833, Indian MSS, Vol. 432, pp. 235-245.

66 3 October 1829, *Minutes of Council*, Vol. 214-1/2 B, pp. 262 - 263.

67 Abstract of letters in reply to circular dated 29 October 1835, (sic 1838), Indian MSS., Vol. 432, pp. 19 - 27; the same reports, and background information, are in Lord Falkland to Lord Russell, 15 July 1841, CO 217/177, ff. 74 - 76, 89 - 95.



## 18 *Acadiensis*

Victoria. Beautifully written, it was couched in language that even the least romantic Whitehall bureaucrat could recognise as the authentic voice of the noble savage. The beginning was simple and direct, shorn of all customary obsequiousness, an address between equals. Chief Pemmeenawweet continued:

"I cannot cross the great Lake to talk to you for my Canoe is too small, and I am old and weak. I cannot look upon you for my eyes not see so far. You cannot hear my voice across the Great Waters. I therefore send this Wampum and Paper talk to tell the Queen I am in trouble. My people are in trouble . . . No Hunting Grounds — No Beaver — no Otter - poor for ever . . . All these Woods once ours. Our Fathers possessed them all . . . White Man has taken all that was ours . . . Let us not perish."<sup>68</sup>

The petition was received at the Colonial Office on January 25, 1841. Five days later a despatch was on its way to Nova Scotia's new Lieutenant Governor, Lork Falkland: Her Majesty was deeply interested in the appeal but the Colonial Secretary did not have the necessary information to advise her on the subject. Resume the enquiries immediately.<sup>69</sup>

Lord Falkland gave the matter his best attention. He issued his own circular letter calling for yet another survey of the condition of the Indians.<sup>70</sup> He found the neglected replies to Campbell's circular and forwarded them to London together with his own digest of information and critique of past policy. "Most Colonies have done something for the relief of this class of their people," he wrote, "but the records of Nova Scotia hardly shew any intention of that kind." In reviewing the fate of such Indian settlements as had been made, he applauded the initiative of Peleg Wiswall at Bear River, where things had lately taken a turn for the worse, and noted that the most flourishing community was one of twenty six families at Pomquet. In making his recommendations, Falkland followed Wiswall's idea that settlements should be rallying points rather than year round domiciles and cautioned against hoping for too rapid a change in the Indians' way of life. In the past decade, he continued, relief had amounted to the donation of a few blankets each year to Indian bands, a practice that should be discouraged; "a few presents now and then" would suffice. Public money should be devoted to establishing settlements, and he adopted Kempt's proposals of 1827 for expenditure on correct surveys, allotment of land, provision of tools and seed and minimum

68 Petition, n.d., but stamped "Received 25 January 1841," CO 217/179, ff. 406 - 408.

69 Russell to Falkland, 30 January 1841, CO 217/177, ff. 128 - 129.

70 Some late replies to this circular are R.N.N. Henry to John Whidden, 10 January 1842; Charles R. Ward to Whidden, 11 January 1842; E. F. Harding to Whidden, 26 January 1842, Indian MSS., Vol. 432 (i).

relief for the infirm. There was one further suggestion: the appointment of an Indian Commissioner to supervise the whole programme.<sup>71</sup>

With this office in mind, Lord Falkland requested Joseph Howe to give his thoughts on a policy for the Indians. Howe, still enthusiastic about the new administration, readily took up the task. In so doing he discovered an interest that was to stay with him the rest of his life, for his last public office was that of Dominion Superintendent of Indian Affairs. His first thoughts were that the government should appoint an official who would work through the Chiefs as much as possible to bring about that predictable solution, settlement. Squatting must be stopped. Each Chief should be given plans of the reserves within his jurisdiction and he should advise in subdividing them amongst individual families with the right to sell or bequeath their holdings to other Indians. Assistance should be given to those who set up as farmers, and each village be provided with a chief's house, a school and a church. The status of the Chief was to be publicly acknowledged by making each one a captain of militia and issuing medals every three years. Selected Indians should go to white schools to learn to become teachers of their people. Apart from his emphasis on the Chiefs, few of Howe's ideas were new, as he himself admitted. But, he argued, the recent rapid spread of temperance made them much more practicable than they had been even three or four years earlier.<sup>72</sup>

By January, 1842, Falkland's administration had prepared a bill based on Howe's recommendations. The law, passed in March, provided for the appointment of an Indian Commissioner to supervise the reserves, act against squatters, consult with the Chiefs to encourage settlement, and arrange for the admission of Indians to local schools.<sup>73</sup> No mention was made of relief, but the Assembly did vote 300 each year for the Indians from this time forward. Falkland proudly informed the Colonial Secretary that the law would "afford protection to this helpless race, and elevate them in the scale of humanity." The attorney general observed that nothing had been done before to improve the conditions of the Indians, and they had to adopt a "less desultory mode of living" if they were to survive. The objects of the act were to prevent intrusion by whites, use public and private benevolent funds to induce the Indians to "submit" to civilized life, and encourage their education.<sup>74</sup>

71 Falkland to Russell, 15 July 1841, CO 217/178, ff. 74 - 76, 89 - 101; Falkland's memorandum, with the incorrect date '1842' pencilled in the top margin, is also in Indian MSS., Vol. 432 (i). The memorandum was published with commendation in the *Yarmouth Herald*, 5 August 1842.

72 Howe to Falkland, November 1841, Indian MSS., Vol. 432, pp. 1- 6.

73 Speech of 20 January 1842, *JLA* (1842), p. 201; the act is 5 Vic. c.XVI, *Statutes of Nova Scotia, 1836-1846* (Halifax, 1846), 1842, pp. 23-24; the draft of the bill shows that the only alteration in the course of its passage was the elimination of a clause that would have obliged the Assembly to provide £300 in each of the five following years, Series B, Vol. 20, Bills 1842.

74 Falkland to Lord Stanley, 9 March 1842, CO 217/180, ff. 215 -216; observations in Falkland to Stanley, 1 July 1842, CO 217/181 at ff. 153 - 155.

The new law brought about one change that was not mentioned in the official correspondence. Previously the Assembly had voted money for the Indians to be spent at the discretion of the executive, but henceforth that discretion would be accountable to the Assembly, whose Committee on Indian Affairs became the ultimate authority on policy towards the native people. If Lord Stanley caught this drift of authority he ignored it. He was quick to approve the law; as Mr. Blackwood of the Colonial Office noted, everything depended on the assiduity of the man to be chosen as Indian Commissioner. If he were supine, the whole edifice would collapse.<sup>75</sup>

Falkland's choice for the office, not surprisingly, was Joseph Howe, who had no intention of being supine. The instructions he received were a paraphrase of his own recommendations.<sup>76</sup> He set out to learn of the Indians at first hand. In May he visited Shubenacadie, where he found only Gorham Paul in residence, living in a wigwam while his house had been turned into a barn. Much of the flat cultivable land had been flooded by a dam.<sup>77</sup> In October Howe set off on a five week "western tour," visiting eleven reserves and encampments. He was most impressed with Bear River, "sufficiently removed from the corrupting influence of whites" to be a potential "centre of Civilization and information around which the Indians of the North Western portion of the Province might gradually be collected." He spoke to all he met about the intentions of the new law, the need to settle on farms, the virtues of education. He made arrangements with local teachers to take in Indian children and adults, and ordered surveys and sub-divisions made.<sup>78</sup> He corresponded with local Commissioners in areas he had been unable to visit.<sup>79</sup> His was the most extensive contact with the Indians since the days of George Monk.

Howe's first report as Commissioner struck a sombre note. There had been 1,425 Micmacs in the province in 1838, but their numbers had declined so rapidly in the previous four years that they would disappear completely within forty. "Our grandchildren . . . would find it as difficult to imagine the features or dwelling of a Micmac, as we do to realize those of an ancient Briton." There were 22,050 acres of Indian reserves, but the lands and sites were generally poor. Five counties had no reserves at all, and there were none near Halifax, although the capital attracted Indians from all over the province who were "consequently compelled to build their camps on private property, and are tempted to destroy the wood, and commit [vexatious] depredations."

75 Stanley to Falkland, 12 July 1842, CO 217/180, ff. 294 - 301.

76 Commission to Joseph Howe, 2 April 1842, Indian MSS., Vol. 432, pp. 13 - 14.

77 11 May 1842, *ibid.*, pp. 68 - 73.

78 *Ibid.*, pp. 77 - 119.

79 For example, Howe's correspondence with James Dawson between 26 January and 8 December 1842, *ibid.*, pp. 138 - 158.

Howe then listed the sums he had spent in his official capacity, ensuring his financial accountability to the Assembly.<sup>80</sup>

The task of Indian Commissioner was very much of a full time job, and there was no pay. Howe found what later Commissioners were also to discover to their dismay, that his home became a resort for Indians with all sorts of pleas and complaints; moreover, since there was no separate warehouse for relief supplies, the basement and spare rooms served as storage for blankets, greatcoats and other paraphernalia. Howe's enthusiasm ebbed. His second report was his last. He had promised, but never made, a visit to the Cape Breton reserves, and most of what he wrote came out of his tour notes for 1842. He reported some progress in settlement, some in education. He was, at best, wanly optimistic.<sup>81</sup>

One of Howe's principal aims had been to persuade at least some of the Indians to go to school and master the English language.<sup>82</sup> He was able to note some initial successes, but the project quickly collapsed. It ran into opposition from all quarters: local school boards unwilling to see shabby and hungry Indians mixed in with white pupils,<sup>83</sup> men like Bishop Fraser who considered it humbug to educate Indians before settling them,<sup>84</sup> the Assembly itself, which refused to pay the bills for placing Indians in school.<sup>85</sup> There was also resistance from the Indians to the discipline of the schoolhouse and curriculum;<sup>86</sup> one group of Indian women were quite explicit in expressing their disapproval "of any of their children being educated in the White Man's school — because, when so educated it would break off the natural ties of affection and association between them and their Tribe, and mutual dislike and contempt would be the result."<sup>87</sup>

The touchstone of Indian policy, however, remained settlement. Howe had been diligent in ordering the laying off of one hundred acre lots for future Indian farmers, seed and tools had been distributed as encouragement, and every glimmer of success carefully noted. And then farming throughout the

80 Report on Indian Affairs, 25 January 1843, *Journals of the Legislative Council* [hereinafter *JLC*] (1843), Appendix 7, pp. 17 - 25. The reports appeared in the journals of both branches of the legislature.

81 Report on Indian Affairs for 1843, n.d., *JLA* (1844-1845), Appendix 50, pp. 119-126; samples of later complaints are Abraham Gesner in his report 4 March, 1852, *JLA* (1852), Appendix 32 pt. 2, pp. 274-175, and William Chearnley, Report, 20 February 1861, *JLA* (1861), Appendix 34, pp. 1-4.

82 Howe to Thomas Irwin, 27 May 1843, Indian MSS., Vol. 432, pp. 231-232.

83 This was a perennial complaint, e.g. S. P. Fairbanks to H. Langevin, 3 April 1868, Indian Affairs, Vol. 451, folder 5.

84 Bishop William Frase to Patrick Power, 15 February 1845, Indian MSS., Vol. 432 (i).

85 Report on Indian Affairs for 1843, *loc. cit.*

86 For example, William Walsh to Howe, 9 February 1843, Indian MSS., Vol. 432, pp. 205 - 206.

87 James Dawson to Howe, 25 June 1842, reporting on a visit to Merigonish Island, *ibid.*, pp. 146 - 151.

province was destroyed by widespread potato blight for three seasons, 1846 to 1848. The disease made a mockery of all the much touted comfort and stability of the farming life. It affected whites and Indians alike, but the accompanying diseases ravaged the natives most severely. Dr. Robert Leslie reported a "Bilious Remittant Fever attended with great Prostration of the Vital Powers" amongst those at Bear River. The sickness affected only Indians, he asserted, because of the great scarcity and unwholesomeness of their food over a long period, and their "damp lodging on the ground."<sup>88</sup> Edward Jennings commented on the passivity of the Indians he visited, "careless about their own pain and the pain of others," whose children shed no tears when enquiring after ailing parents.<sup>89</sup> From Sydney, Commissioner H. W. Crawley wrote of imminent starvation amongst the Indians of Cape Breton, and received £105 in emergency funds.<sup>90</sup> Years later his successor reported a marked increase in consumption among the Indians of the area "since the commencement of the failure of the crops in their different settlements."<sup>91</sup> Chief Gabriel Anthony appeared before the bar of the Assembly pleading for recognition for his labours and help for his people.<sup>92</sup> As the cost of aiding sick and starving Indians rose dramatically, local Overseers of the Poor began to petition the Assembly to meet their bills.<sup>93</sup> And bills started to come from physicians who listed their services, seeking to charge them off against the annual Indian grant.<sup>94</sup>

The Indian Act had failed in one of its primary objectives, education, and now hope of settling the Indians had been dealt a serious blow by the crop failures. The customary system of relief, which education and settlement were to have made unnecessary, became more important than ever. At this critical stage a new Indian Commissioner, Abraham Gesner, was appointed to fill the post that had been vacant for three years. A conscientious man, he was fully aware of the condition of the dispossessed Indians, broken in spirit, who had "a real but almost unknown existence within the colony." Their vagrancy and poverty were taken for granted and it was assumed they would wander until the day the last one died. No attempt, Gesner asserted in his first report, had ever been made to change the Micmacs from "wild pursuits to sober industry," and he urged they be formed into settlements, with

88 Dr. Robert Leslie to Alfred Whitman, 30 October 1846, *ibid.*, Vol. 432 (i).

89 Edward Jennings to George, 15 February 1847, *ibid.*, Vol. 432 (i).

90 W. H. Crawley to George, 17 October 1846, *ibid.*

91 Report of James McLeod, Sydney, 12 January 1853, *JLA* (1853), Appendix 30, pp. 319 - 320.

92 *Halifax Morning Post*, 14 January 1846.

93 For example, petition of Overseers of the Poor, Horton, 11 January 1847, RG 5, Series P, Vol. 83.

94 For example, petition of Thomas Belcher Desbrisay, Dartmouth, February 1847, *ibid.*

farms supported by workshops and Micmac-language schools.<sup>95</sup> He considered the Assembly's grant quite inadequate for the task, for the immediate demands of relief had to be met. Yet settlement, not relief, was the only solution: if not, then "instead of the 'Last of the Mohicans' the historian will record the last of the Micmacs."<sup>96</sup>

Gesner was able to settle fourteen families at Shubenacadie in 1848, and in the first season their crops were destroyed by blight. Undeterred, he held a meeting of Chiefs in Halifax to convince them of the need to cultivate the land. The result was yet another petition presented at the bar of the Assembly:

"Some of your people say we are lazy, still we work. If you say we must go and hunt, we tell you again that to hunt is one thing and to find meat is another. They say to catch fish, and we try. They say make baskets, but we cannot sell them. They say make farms, this is very good; but will you help us till we cut away the trees and raise the crop. We cannot work without food. The potatoes and wheat we raised last year were killed by the poison wind. Help us and we will try it again."<sup>97</sup>

Ten Chiefs bore the petition from their conference at Dalhousie College to Government House and back to the Legislative building. They were men, enthused the *Acadian Recorder*, of "admirable proportions and symmetry . . . dressed in their gay and ancient costume." It was sad to think that their race was fading away "like a withering leaf in a summer's sun." *The Church Times* primly expressed the hope that something might yet be done to "preserve the rising generation from the degradation of their parents." *The Times and Chronicle* ran a long editorial on the evils the Indians had suffered and the need for prompt legislative action to save them from extinction.<sup>98</sup> These journalistic outpourings signalled a revival of interest in the Micmacs that was reinforced by their prominence in the centennial celebrations of Halifax, where they were once again paraded under the auspices of the Nova Scotia Philanthropic Society.<sup>99</sup>

The major credit for bringing the native Indians to the attention of the colonial public belonged to the Baptist minister, Silas T. Rand. Protestants had long neglected missionary work among the Micmacs, preferring to put their money and enthusiasm into saving the more exotic peoples of India and

95 Report on Indian Affairs, 21 December 1847, *JLA* (1847), Appendix 24, pp. 114 - 126; 11 June 1847, Minutes of Council, Vol. 214-1/2.

96 Report on Indian Affairs, 8 February 1849, *JLA* (1849), Appendix 36, pp. 336 - 339.

97 *Ibid.*; petition of Pelancea Paul and nine others, Chebucto, 8 February 1849, *Times & Courier*, 27 February 1849; received 10 February, *JLA* 1849, p. 262.

98 *Acadian Recorder*, 24 February 1849; *The Church Times*, Halifax, 2 March 1849; *Times & Courier*, 27 February 1849.

99 *Ibid.*, 7 June 1849; *Nova Scotian*, 11 June 1849.

Africa.<sup>100</sup> Late in 1849 Rand launched his Micmac Mission with a series of well attended meetings at which he described the history, customs and legends of the tribe. This information, obtained while he was learning the language, was brought together in *A Short Statement of Facts . . . Relating to . . . the Micmac Tribe of Indians* in 1850.<sup>101</sup> Sometimes his meetings featured a conversation in Micmac with a couple of Indians, and a recital of Micmac melodies.<sup>102</sup> He travelled the province expounding his mission: "I never saw the white people so interested," he recalled of Granville: "They used to go with me in crowds to hear me read and talk to the Indians."<sup>103</sup> He proposed to translate the Bible into Micmac and publish a dictionary of the language; his ideal was to set up praying villages along the lines of those established by Elliot in early New England. He was able to get interdenominational support for his programme until a split occurred over the proper translation of the key word 'baptism' into the Micmac tongue.<sup>104</sup> Rand never made a Protestant convert amongst the Micmacs,<sup>105</sup> and when he moved into the secular world, forwarding a lengthy petition in Micmac and English to Queen Victoria, the effort fell flat.<sup>106</sup> But, despite his failure, Rand's energy and ability as a publicist meant that the Indians could never be completely driven out of the public consciousness.

A concern for the spiritual welfare of the Micmacs was not easily converted into policy for their material existence. Their numbers continued to decline in the early 1850's, and Commissioner Gesner continued to insist that settle-

100 *The Christian Messenger* (Halifax), 10 July 1846.

101 Silas T. Rand, *A Short Statement of Facts Relating to the History, Manners, Customs, Language, and Literature of the Micmac Tribe of Indians in Nova-Scotia and P. E. Island*, Halifax, 1850; for Rand's study of the language see, e.g. Rand to Isaac Chipman, 8 March 1847, *The Christian Messenger*, 9 April 1847; for his lectures in Halifax, e.g. *The Guardian* (Halifax), 23 November 1849, 20 December 1850.

102 *The Christian Messenger*, 1 November 1850.

103 *The Guardian*, 16 August 1850.

104 Rand, *Short Statement*, p. 39; *Presbyterian Witness* (Halifax), 17 November 1849, 4 May 1850; *The Christian Messenger*, 26 April 1850; *The Wesleyan*, 18 October 1851. Only the Anglicans refused to join the other protestant sects, *The Church Times*, 21 December 1849, 12 July 1850, 22 November 1851.

105 For Rand's own appreciation of the difficulty of converting the Roman Catholic Micmacs, *Short Statement*, p. 29; *The Guardian*, 16 August 1850; *The Church Times* reported that the Indians "laugh at his boasted pretensions of seducing them from the Catholic faith," 22 November 1851.

106 The petition of Francis Paul *et al.*, 25 July 1853, CO 217/213, ff. 8 - 25 with LeMarchant to Newcastle, 4 January 1854, *ibid.*, ff. 3 - 4; Merivale at the Colonial Office noted on this letter that he did not believe Rand's claim to have simply translated the Micmacs' words, for the petition "was written & conceived in English." Newcastle to LeMarchant, 30 January 1854, simply referred the matter back to the colonial government, *ibid.*, ff. 5 - 7. Rand also organized a follow-up petition to the Assembly, 21 February 1854, Indian MSS., Vol. 432 (iii).

ment was their only salvation, carefully noting every report of a successful start at farming. But he grew weary and was replaced in 1853 by William Chearnley, whose knowledge of the Indians came from the contacts he had made while big-game hunting.<sup>107</sup> Chearnley overset all the previous suppositions. The Indians, he stated in his first report would always be unwilling to work and settle; their reserves were mostly barren and those parts that were not had already been taken by whites. Since the Micmacs were "fast passing away" he proposed to ease their last days by supplying them with blankets and greatcoats and, if any money was left over from the annual grant, a few seed potatoes. Any additional funds should come from the sale of such of their lands as squatters possessed.<sup>108</sup> These economical proposals met the approval of the Assembly, and although there was some ridicule of Chearnley's obsession with blankets, there was no outcry at his refusal to promote settlement. The administration of Indian affairs was so disgraceful, wrote one editor, that it might be as well to give up the annual vote of funds and teach the Indians some much needed self-reliance.<sup>109</sup>

Ironically, the disgraceful state of affairs had not come about due to the Indians themselves, but to the increasing claims that Overseers of the Poor were making against the Indian grant. These charges included expenses for food, clothing and even board and lodging for indigent Indians; but the largest sum, year after year, was for medical fees. Howe had cheerfully turned back one such claim in his time on the grounds that "in general the Indians are better Doctors than the Whites,"<sup>110</sup> but this attitude had gone by the board in the famine years. The Assembly was early aware of the possibility of abuse in medical claims and insisted that services had to be authorised by the Overseers of the Poor and attested to before a Justice of the Peace.<sup>111</sup> Even with these safeguards, the bills kept coming.<sup>112</sup> Ministering to the Indians was bitterly resented by some doctors who had to run the obstacle course of attestation and petition and sometimes wait for years before being paid. "Blast the Indians!" exploded Dr. Shaw of Horton, who had spent many nights climbing fences on repeated visits to the camp of Peter and Sally Paul, "I sincerely hope I shall never again have one to attend."<sup>113</sup> Indian doctors also

107 Gesner to Howe, 13 April 1853, *ibid.*, Vol. 431, Doc. 69, *Daily Sun*, Halifax, 3 June 1853.

108 Report of Indian Commissioner, 4 March 1854, *JLA* (1854), Appendix 26, pt. 2, pp. 211 - 212.

109 Report of the Committee on Indian Affairs, 13 April 1857, *JLA* (1857), Appendix 63, pp. 379 - 380; *Evening Express* (Halifax), 28 May 1858.

110 Howe to Dawson, 1 October 1842, Indian MSS., Vol. 432, p. 152.

111 Report of the Committee on Indian Affairs, n.d., *JLA* (1849), Appendix 88, pp. 498 - 500; Assembly resolution, 22 March 1850, *JLA* (1850), p. 581.

112 For one example, that of Dr. Charles Tupper, 9 February 1854, Indian MSS., Vol. 432 (iii).

113 H. Shaw to ?, 7 February, 3 March 1854, *ibid.*



sought compensation, Peter Babey explaining that he used simple plant extracts while whites "use Minerals, and noxious Medicines calculated to destroy life."<sup>114</sup> A patent-medicine man claimed he had been giving tonics away for over twenty years to various Indians and requested support in the future.<sup>115</sup> In 1857 the Assembly committee decided to put an end to such importunities and recommended that no medical bills be paid henceforth "except in cases of surgical operation or accouchements." The Assembly took the opportunity to cut down the activities of the Overseers of the Poor in other areas as well: aid in any form would first have to be fully paid out of the poor rates and only then would the Assembly refund one half of the sum. Indian funds were now safeguarded for the all important annual distribution of blankets and greatcoats.<sup>116</sup>

With the principal Indian Commissioner and the Assembly committee both restricting their activities to the most basic relief, concern for the Indian reserves passed almost by default to the office of the Commissioner of Crown Lands. The encroachments of squatters were regularly reported, especially from Cape Breton Island, where friction centred on Wagamatcook (Middle River) and Wycocomagh. These were both desirable locations, Wagamatcook at the mouth of a river valley containing some of the best land on the island, and Wycocomagh, the furthest inland point on the interior waters of Cape Breton, was a road and steamboat junction.<sup>117</sup> The area had been settled by Scots in the twenties and thirties, many of them with tickets of location to lands that overlapped Indian reserves. Some claimed to have rented fields from local Chiefs, others had simply moved on to apparently empty land.<sup>118</sup> Pleas came in regularly from the Indians. Peter Gougou of Wycocomagh reported in 1850 that it was no longer safe for Indians to walk down the road, and whites were threatening to shoot their children for supposedly stealing potatoes.<sup>119</sup> Closer to Halifax, the Indians at Ingraham's River were being

114 Petition of Peter Paul Toney Babey, physician, chemist and alchemist, 27 February 1852 *ibid.*, Vol. 432 (ii); see also petition of Peter Bobbeie, 15 January 1855, *ibid.*, Vol. 432 (iii), *JLA* (1852), p. 93.

115 Petition of John McKenzie, Sr., 21 January 1856, Indian MSS., Vol. 432 (iii).

116 Report of the Committee on Indian Affairs, 13 April 1857, *JLA* (1857), Appendix 63; resolution of Assembly, 29 April 1857, *ibid.*, p. 373.

117 Report of H. W. Crawley, 1 February 1849, *JLA* (1849), Appendix 45, pp. 354 - 358; Report of W. A. Hendry, 8 February 1862, *JLA* (1862), Appendix 30, pp. 5 - 10.

118 For some typical squatter responses when their title was challenged see Widow Mackenzie to S. P. Fairbanks, 10 December 1858, Indian Affairs Vol. 461, folder "Petitions"; Quarrie McQuarrie to Fairbanks, 27 December 1858, *ibid.*, Vol. 460, folder 10; Donald McLean to Fairbanks, 30 September 1864, *ibid.*, folder 8.

119 Inhabitants of Indian River to Crawley, 27 August 1850; Peter Gougou *et al.* to Crawley, 17 November 1850, Indian MSS., Vol. 432 (ii); the same petitioners, 24 January, Indian Affairs, Vol. 460, folder 19. Indian complaints against whites at Wycocomagh went back to 1821, F. Cranwell to George, 5 November 1821, Indian MSS., Vol. 430, Doc. 158.

driven away by the construction of a dam upstream, the floating down of logs to break their weirs, and flooding.<sup>120</sup>

From time to time it was suggested that the Indians would have a much better chance of defending their land if they were accorded full civil rights, and particularly the right to vote. The matter had been raised in debate in 1842 when there was apparently an attempt to give them the franchise under the Indian Act of that year.<sup>121</sup> H. W. Crawley, writing of the situation in Cape Breton, twice suggested the Indians receive the vote.<sup>122</sup> But they were excluded by name from the franchise law of 1854, along with paupers.<sup>123</sup> When the law was rewritten nine years later there was no mention of Indians, but paupers and anyone who received "aid as a poor person from any public grant of Government money" were forbidden the vote.<sup>124</sup> This effectively excluded the Indians, for in the following year the Assembly committee itself recommended that if Indians were to be encouraged to abandon their wandering life, any who did settle as farmers should "be treated in every respect as a British subject — to pay taxes, and when having a legal title to his land, he should be allowed to vote at elections."<sup>125</sup>

The franchise would have been at best a distant defence for Indian rights, and the primary responsibility had to remain with the government. But, as before, the executive had neither the finances nor the muscle to prosecute squatters.<sup>126</sup> In most cases there was still no legally defensible survey of a reserve and attempts to plot one at Gold River, and later, Middle Stewiacke, showed how confused title and division lines had become.<sup>127</sup> In these circumstances the Crown Lands Commissioner, J. B. Uniacke, was vested with title to all Indian lands and ordered to prepare a report on the reserves. He recom-

120 In W. A. Hendry to Attorney General, 9 October 1852, *ibid.*, Vol. 431, Doc. 65.

121 *Halifax Morning Post*, 1 February 1842.

122 Crawley to Howe, 1 February 1849, *JLA* (1849), Appendix 45, pp. 354 - 358; same to same, 13 February 1852, *JLA* (1852), Appendix 32, p. 272.

123 17 Vic. c.6, *Statutes of Nova Scotia 1854* (Halifax, n.d.), pp. 12 - 15. The original draft read "No Indian shall be entitled to vote (under the qualification of residence)" but this wording was presumably too loose, for the final version read "nor any Indian shall be entitled to vote," Series B, Vol. 30.

124 26 Vic. c.28, *Statutes of Nova Scotia 1863* (Halifax, 1863), pp. 49 - 68.

125 Report on Indian Affairs, n.d., *JLA* (1864), Appendix 37, pp. 5 - 6. John Garner, *The Franchise and Politics in British North America*, (Toronto, 1969), pp. 32, 160, gives the mistaken impression that the Indians were enfranchised by the 1863 law.

126 As the sequel to the complaints from Ingraham's River once again proved: Chearnley to Messrs. Webber & c., 25 July 1853, ordering him to lower his dam, Indian MSS., Vol. 431, Doc. 72; proceedings were instituted in August, but still had not begun by May, 1854, *ibid.*, Docs. 73, 82.

127 Report by W. S. Morris of Gold River survey, 13 November 1852, Indian Affairs Vol. 459, folder 3; William Faulkner to J. B. Uniacke, 20 January 1857, *ibid.*, Vol. 460, folder 12.

mended that the government regain control of lands lost to squatters and pass a special law against intruders.<sup>128</sup> But nothing punitive was done, for such action would be much more disagreeable than adopting Chearnley's idea of having the squatters pay for their lands.<sup>129</sup>

Samuel Fairbanks, who succeeded Uniacke as Crown Lands Commissioner, was the first to grasp the nettle: squatters must either go or pay to remain.<sup>130</sup> The result was "An Act concerning Indian Reserves" passed March 30, 1859, that allowed squatters to buy their holdings. A clause to permit the sale of unoccupied reserve land (as in New Brunswick) was in the original draft of the bill, so the idea of a general dismemberment of the reserves had been considered, only to be put aside.<sup>131</sup> The moneys raised from the sales were to be paid into an Indian Fund and the interest, at 6%, applied to relief as a first charge and then to the promotion of settlement. In the future, intruders were to be liable to summary ejection. A new officer, Commissioner of Indian Reserves, was created to supervise these proceedings. Thus, if law alone could do it, the problem was solved. Squatters would become legal freeholders, no further Indian land would be lost, and a fund would build up to the point where the Assembly no longer had to subsidise the Indians out of the general revenues.

The responsibility for Indian affairs was now clearly split between the Indian Commissioner, who provided blankets and greatcoats, and the Indian Reserves Commissioner who tried to conserve Indian lands against the day of settlement. Chearnley's proudest achievement was to bring the cost of army surplus greatcoats down from 3s to 2/6; Fairbanks, appointed to the new post, ordered more surveys and the setting off of individual lots for Indians on long leases.<sup>132</sup> With Chearnley's resignation in 1862 the way was clear to unite the two functions in one person, Samuel Fairbanks, who also remained Crown Lands Commissioner.<sup>133</sup> Although restricted by law to using the Assembly grant for "blankets or necessary clothing" only, he continued

128 13 April 1852, Minutes of Council, Vol. 214-1/2 G p. 35; a manuscript order vesting title in the Crown Lands Commissioner, 15 March 1852, Indian MSS., Vol. 431, Doc. 98; A Memorandum on Indian Reserves, 7 April 1852, *ibid.*, Doc. 67; Uniacke's report, 9 June 1854; copy in *ibid.*, Doc. 98-1/2, original in Indian Affairs, Vol. 460, folder 19; see also Uniacke to Seth Williams, 24 May 1854, Indian MSS., Vol. 431, Doc. 83.

129 *Daily Sun*, 3 June 1853.

130 Fairbanks to Provincial Secretary, 12 August 1858, Indian MSS., Vol. 431, Doc. 99.

131 22 Vic. c. 14, *Statutes of Nova Scotia 1859* (Halifax, 1859), pp. 19 - 21; draft bill in RG 5, Series U, Vol. 35, PANS.

132 Tupper to Fairbanks, August 22, 1859, *JLA* (1859), Appendix "Indian Reserves," p. 392; Report of Indian Commissioner, 10 February 1859, *JLC* (1859), Appendix 27, pp. 424 - 427; *JLA* (1860), Appendix "Indians," p. 322; Report on Crown Lands, 25 January 1861, *JLC* (1861), Appendix 7, pp. 2 - 8.

133 Chearnley to Provincial Secretary, 26 May 1862, Indian MSS., Vol. 431, Doc. 136; Report of Indian Commissioner, 9 February 1863, *JLC* (1863), Appendix 16, pp. 1 - 2.

to do his best to urge settlement on the Indians. The Crown Lands office stood ready to grant leases to 100 acre lots on reserves and permit their alienation to other Indians. The Assembly committee now supported these efforts, and informed an Indian delegation from Cape Breton that it would devote the money raised from the squatters to encouraging settlement and recommend the establishment of schools, a subject that had been almost forgotten over the previous twenty years.<sup>134</sup> Fairbanks' surveyors went to work and in 1864 he reported that the bounds of the Indian reserves "are now placed beyond dispute."<sup>135</sup>

The new wave of optimism rested on the acquiescence of the Indians to being settled and the willingness of the squatters to pay for their land and so create a fund to assist settlement. Neither group played their role as desired. The Indians made "many unreasonable objections" to having their reserves subdivided, wishing rather "to have everything in common, even their wigwams — they wish to be as children of the same family."<sup>136</sup> By the end of 1866, Fairbanks could only report having settled ten Indian families.<sup>137</sup> The squatters were no more co-operative. There were disputes over the price they should pay for their lands, which was always assessed at more than the Crown Land charge of 44c an acre. Few of the squatters paid anything and none paid in full. By the end of 1866 only \$1,531 had been collected. Fairbanks sent out printed reminders of moneys due and refused to issue grants until the final payment was made.<sup>138</sup> But the squatters preferred to stay put until this latest enthusiasm of the government had run its course.

The imminent transfer of responsibility for the Indians to the new general government led Fairbanks to review his achievements in his final report, dated December 31, 1866. He estimated the total native population at between 1,400 and 1,800 persons, but made no comment on the marked increase in their numbers. There were 20,730 acres reserved throughout the province for 637 Indian families, but very few had taken up farming on the terms offered to them. Squatters on Indian reserves had bought their holdings at a "fair evaluation" and no further sales were contemplated. The remaining Indian lands were now as well protected from intruders "as either the Crown property or the unsettled land of grantees." The Assembly's Indian committee

134 "Of Indians," c. 57, *Revised Statutes of Nova Scotia 1864*, (Halifax, 1864), pp. 205 - 208; Report of Crown Lands Commissioner, 25 January 1861, *JLC* (1861), Appendix 7, pp. 2-6; Report of Committee on Indian Affairs, n.d., *JLA* (1864), Appendix 37, pp. 5 - 7.

135 Report of Indian Commissioner, 1 February 1864, *ibid.*, pp. 1 - 2.

136 Hendry to Fairbanks, 8 February 1862, *JLA* (1862), Appendix 30, pp. 5 - 10; same to same, quoting the missionary J. Courteau, 25 February 1863, *JLC* (1863), Appendix 16, pp. 3 - 4.

137 Report of Indian Commissioner, 31 December 1866, *JLC* (1867), Appendix 6, pp. 1 - 2.

138 *Ibid.*; *JLC* (1863), Appendix 16, p. 5; printed circulars are in Indian Affairs, Vol. 460, folder 11; unissued deeds, *ibid.*, folder 9; Vertical Manuscript File: Provincial Treasury: Indian Affairs.

had the last word in April, 1867, with some advice to the new government: grant the same amount as the provincial legislature had done and appoint a Commissioner for Nova Scotia to continue the distribution of greatcoats and blankets. The province had done all it could to encourage the Indians to settle "and if they do not avail themselves of the advantages thus offered, it is owing to their own nature and habits." Or as Fairbanks more lyrically put it: "Their means of livelihood in other occupations are fast diminishing; and as it has been justly observed, *that one of the greatest blessings conferred by Providence upon man, is the necessity for labor*, it is to be hoped that the same motive may operate to assist the efforts which are made to elevate their condition."<sup>139</sup>

With this benediction the Micmacs of Nova Scotia passed into Confederation. But Samuel Fairbanks was not yet quit of them. He continued as Indian Commissioner and in 1868 was appointed Dominion Agent in Nova Scotia.<sup>140</sup> He had to explain provincial conditions to bureaucrats that knew only Canada. When Hector Langevin, the minister, wanted to know what bands lived on what reserves Fairbanks replied that all Indians were equally entitled to use all reserves.<sup>141</sup> Time and again he emphasised that the Micmacs were scattered, dependent on whites for the sale of their products.<sup>142</sup> Ottawa was slow to issue directions, and Fairbanks found himself pleading for a policy.<sup>143</sup> Land sales to squatters were suspended and even if any had completed payment there was now no procedure they could follow to acquire full title.<sup>144</sup> There was no mechanism for paying the doctors and Overseers of the Poor whose bills were coming in on the assumption that the Dominion would pay the full costs of their services. In one case Fairbanks was threatened with legal action for failing to pay.<sup>145</sup> The office of Indian Agent had become more troublesome than ever, especially since all matters had to be referred to a distant authority that was reluctant to make decisions.<sup>146</sup> In 1870 the Assembly re-entered the lists, striking a short lived committee on Indian affairs. Provincial pride came out in the debate: Nova Scotia still had some rights, declared one member,

139 Report of Indian Commissioner, 31 December 1866, *loc. cit.*; Report of Indian Affairs Committee, 29 April 1867, *JLA* (1867), Appendix 39.

140 H. Langevin to Fairbanks, 28 September 1868, Indian Affairs Vol. 527, p. 468.

141 Langevin to Fairbanks, 26 October 1867, *ibid.*, p. 55; Fairbanks to Langevin, 18 January 1868, *ibid.*, Vol. 451, folder 5.

142 Fairbanks to Langevin, 20 October 1869, *ibid.*, Vol. 461, folder 11.

143 Fairbanks to Langevin, 9 February 1869, *ibid.*, Vol. 370, N62.

144 Langevin to Fairbanks, 29 March 1868, *ibid.*, Vol. 527, p. 228.

145 Fairbanks to Langevin, 11 August 1869, *ibid.*, Vol. 461, folder 9; same to same, 16 November 1869, *ibid.*, Vol. 370, 42 (F172).

146 Fairbanks to Langevin, 14 March 1870, *ibid.*, F 217.

and should maintain its institutions, especially as "it would seem that their [Dominion's] intention was to starve the Indians before they began on the whites."<sup>147</sup> Fairbanks thankfully resigned in May, 1871, and shortly thereafter the old system ended as the province was divided into districts each with an Indian agent reporting directly to Ottawa.

The Micmacs had done their best to maintain a traditional way of life that every year returned them a lower level of subsistence. Successive humanitarians and officials had presented them with the same alternative to their endemic poverty: become like the whites, till the soil, forget their Indian ways. They refused to farm on reserves that were too small for any other use. They were still perpetually on the move, restricted to no particular territory, roaming at will over Crown Lands and white owned farms and through the towns and villages. They had incorporated the whites into their seasonal cycle of life to the extent that they employed themselves as itinerant peddlers in the summer, but they could not cope with winter, for which they were dependent on relief from provincial and local funds. Their numbers had begun to increase from the low point of the famine years, although they remained a tiny minority in their own homeland: there were four times as many blacks as Indians in Nova Scotia in 1860. The Micmacs were the poorest of the poor, classified as a group along with paupers and without basic civil rights. In the face of repeated failure, the provincial government had clung to the policy of settlement. Now it was the turn of the Dominion of Canada.

147 22 February 1870, *Debates and Proceedings of the House of Assembly of the Province of Nova Scotia 1870* (Halifax, 1870), pp. 13-14; committee report, Appendix 29.