

MARITIME INDIAN TREATIES
IN
HISTORICAL PERSPECTIVE

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The Colonial Struggle for Acadia, The Initial Phase: 1686-1713

Acadia in its broadest territorial sense was composed of the present-day Canadian Maritime provinces of Prince Edward Island, Nova Scotia and New Brunswick, as well as the southern shore of the Gaspé and the northern part of the state of Maine.¹ This area was inhabited by three distinct groups of Indians. Maine and northern New England was the homeland of the Abenaki Confederacy or “Eastern Indians” as they were referred to by the English. To the northeast of them, in the valley of the St. John River, were the Malecites, a tribe closely allied to, but not formally a part of, the Abenaki Confederacy. Northeast and east of the Malecites were the Micmacs, whose territory consisted of the peninsula of Nova Scotia, the isthmus of Chignecto and the island of Cape Breton. All three groups were closely associated with the French, who had begun colonization of the area in the early seventeenth century.

Economically, Acadia was an area of great value. Its forests were later to provide the basis of a ship-building industry under British rule; the tidal basins along the Bay of Fundy yielded rich agricultural lands. Its fur trade, though not as great in extent as that of the west, was none the less important. The waters adjacent to its coasts contained some of the greatest fishing grounds in the world.

Perhaps more important than its economic value was Acadia’s strategic position. The headwaters of the Kennebec River, which flow south through Maine to the Atlantic, were near the headwaters of the Chaudière River, which flows north into the St. Lawrence. This river system provided a direct overland invasion route between New France and New England. Whoever controlled Nova Scotia and Cape Breton would be able to interfere with the maritime lifelines of New France or New England. Acadia acted not only as a buffer zone and guardian of the Gulf of St. Lawrence for New France, but also as a sanctuary from which military and naval expeditions could be launched against New England in the event of war. Thus Acadia and its peoples were to become paramount in the struggle between France and England for supremacy in North America.

The French were probably the first to realize the strategic importance of Acadia. In 1686, the French Court, dissatisfied with the state of affairs in the colony, sent the Intendant of New France, Jacques De Meulles, to survey the situation. De Meulles spent the summer touring Acadia. A census he had taken revealed a minuscule population of 885 scattered about the colony in a handful of tiny settlements. Port Royal, with 592 persons or over half the total population, was the largest of these.² De Meulles was unimpressed with the colony and pronounced the settlements to be “in a neglected and desolate state.”³ He returned to France in the late summer of 1686 and shortly thereafter presented his report to Versailles.

In his report, De Meulles urged the establishment of a permanent naval force capable of resisting English intrusions into Acadian waters. He also felt that fishing stations should be built to promote and control trading activities which were in his opinion “the basis of prosperity and power and authority over the subject peoples.”⁴

De Meulles, especially worried about English economic activities in the colony, urged the government to spare no expense in developing Acadia, stating:

We should also notice that there are two Englishmen at Boston, one of them called Nelson, who come every year to the interior of French Bay, as far as the River St. John, where there are several fine residences; they come further to Port Royal which is quite near, and to other districts of Acadie which are inhabited by the French to carry all their trade in skins, cattle and grain of all kinds, and especially the cod caught along those coasts. If this fishing and trade were monopolized by the French we should see an endless stream of ships coming from France to receive the fish caught in these districts: these ships would carry cargoes of all kinds of merchandise, both that which is necessary for the inhabitants of the country and that necessary for trading with the natives...⁵

De Meulles also proposed a novel plan for extending French influence to the territory south of Acadia. He suggested that the king purchase the districts of Manhattan and Orange, if possible, without revealing his purpose. If France could control the towns of Manhattan (New York) and Boston, it would neutralize the Atlantic seaboard and, in his

words:

become a way of securing complete monarchy over this continent, by making oneself master of all the European peoples established here and of all the native savages in general.⁶

Evidently, De Meulles' report had some effect. The Ministry of Marine, under whose jurisdiction colonial affairs came, drew up a plan for asserting French sovereignty in Acadia. The plan had three facets, the first of which was to wean the Acadians from their economic dependence on New England. To this end, some 12,000 pounds of trade goods were shipped to Port Royal with the expectation that the Acadians would trade with an increasing number of French traders and, of course, with the Indians. As a further inducement, the inhabitants were prohibited from trading with the New England merchants.⁷

The second facet concerned an increased military presence. Some 100 Troupes de la Marine were sent to Chedabucto and Port Royal. In addition, a frigate was dispatched to patrol Acadian waters under order of expel any New England traders or fishermen caught in the area.⁸

The third facet of the plan centred on a particular individual, the Baron St. Castin. The Baron ran a fur-trading operation between the St. Croix and Kennebec Rivers, an area long disputed by Acadia and New England. He had married the daughter of Madockawando, a powerful sachem of the Penobscot tribe of the Abenaki Confederacy, and exercised great influence over not only the Abenakis, but the neighbouring Malecites as well.⁹

It was felt by the Ministry that if St. Castin could be persuaded to sponsor French ambitions, his influence with the Indians would bring them further into the military and economic system of New France. A development such as this would enhance the French strategic position in the disputed area. In order to pressure and to aid St. Castin, the Bigots and Father Thury, three missionary priests, were sent from Quebec to

convert the Indians to the Roman Catholic faith and the French cause.¹⁰

In 1687, a new governor, the Sieur de Meneval, was sent to Acadia to implement the policy of the Ministry of Marine. By mid summer, the intended commercial re-orientation had begun. It was inevitable that any such enterprise would encounter the hostility of New England, particularly the merchants who were to be eliminated from the Acadian trade. It did not take long for this hostility to manifest itself. In the spring of 1688, Edmund Andros, governor of New England, raided St. Castin's headquarters at Pentagoet on the Penobscot River, which lay within the territory claimed by Massachusetts. Unable to capture St. Castin, who was away at the time, Andros contented himself with ransacking Castin's house and possessions.¹¹ He also posted a declaration to the effect that the territory north from the Penobscot to the St. Croix was English land.

Andros followed his raid on Pentagoet by leading an expeditionary force into the disputed area during the winter of 1688/89.¹² Though he did not encounter any resistance from the Indians, Andros did capture and destroy a large quantity of their supplies, much of it, ironically, supplied by the merchants of Boston. He also took some defensive measures, garrisoning Peraqid and erecting fortifications at Casco Bay and the Saco River.¹³

Andros' actions infuriated St. Castin and his Abenaki allies. Their resentment was manifested in June 1687, when a band of Penacooks suddenly attacked Dover, New Hampshire, killing some two dozen people and taking 29 others captive.¹⁴ The Abenakis, undoubtedly encouraged by St. Castin and the French priests in their midst, began raiding along the New England frontier. Despite the growing intensity of this conflict, it might have remained localized had it not been overtaken by events occurring elsewhere in Europe and North America.

The year 1688 marked the beginning in England of the Glorious Revolution, a manifestation of religious conflicts that had plagued Europe throughout the seventeenth

century. James II was the Roman Catholic king of a Protestant nation. As a result of his attempts to secure the position of his church and co-religionists, he had alienated his Protestant subjects. When in May 1688 he tried to legislate an act known as the English Declaration of Indulgences, his opponents went into open rebellion. They invited William, Prince of Orange and Stadtholder of Holland, to invade England and depose James. On 15 November 1688, William landed his forces at Torbay and marched on London. Deserted by his army and supporters, James fled and sought the protection of his cousin, Louis XIV of France. William was crowned King of England in February of 1689.¹⁵

The coronation of William signalled the outbreak of war between England and France and between their respective colonies in North America. This was in spite of the Treaty of Whitehall signed in 1686, the terms of which declared “that though the two Countries might be at war in Europe their Colonies in America should continue in peace and Neutrality.”¹⁶

If the religious and political situation in Europe was one cause of the war in North America, the intense rivalry in the fur trade was another contributing factor. Geography had given the French a great advantage in establishing their fur trade. The French traders, using the westward artery of the St. Lawrence River and a network of middlemen, had extended their operations to the great plains and southward into the Ohio and Mississippi valleys.

The English, pinned behind the barrier of the Appalachians, were less fortunate. Their only route to the west lay through the Hudson-Mohawk gap, which was controlled by the Iroquois Confederacy. In the Iroquois, however, the English had found willing surrogates for their struggle with the French. The Iroquois, having over-trapped their territory, began to look to the fur-rich areas north and southwest of the Great Lakes. They reasoned that if they could gain control of this area from the French, they could act as the middlemen in the fur trade, thus maintaining their own trade position with the English, the chief suppliers of arms and other goods.¹⁷

In the 1650's, the Iroquois had almost annihilated the Huron middlemen of the French trade, but had been unable to fill the vacuum they had created. Chastised in the 1660's by the punitive measures of the governor of New France, the Marquis de Tracy, they had remained quiescent during the decade of the seventies. By 1680, however, the Iroquois reasserted themselves and once again began to harass the French-allied tribes of the west, such as the Illinois.¹⁸

In 1687, Governor Denonville of New France attempted to repeat the exploits of de Tracy by leading a force of over 2,000 men into the Seneca country. He burned their chief village and levelled the crops in an effort to subdue them. Denonville was only temporarily successful. The Iroquois, desiring revenge for their humiliation and enraged that a number of their fellows had been sent to France as galley slaves, attacked the French settlement of Lachine in the summer of 1689, massacring the inhabitants.¹⁹

These separate actions, the dynastic war in Europe, the Iroquois offensive against New France, and the border war in New England, melded into a general conflict known as the War of the League of Augsburg.

With the war underway in Europe and about to begin in earnest in North America, the French recalled the venerable Count Frontenac to replace the unfortunate Denonville as governor of New France. Frontenac arrived at Quebec in the late summer of 1689, a few days after the massacre at Lachine. He brought with him a fully developed plan of action which, in fact, had been initiated by his predecessor.²⁰ The plan itself envisioned nothing less than the conquest of New York. Frontenac was to organize a force of regulars and militia with Indian auxiliaries and march overland via Albany to New York. Once arrived, he was to rendezvous with the naval squadron which had transported him to Quebec and proceed to capture and occupy the city.²¹

Unfortunately for the French, Frontenac's attention was directed to the Iroquois crisis on the western frontier. When he was finally ready to advance the project, it was too late in the season to do so. La Caffinière, the commander of the naval squadron, having spent

two months at Quebec awaiting word of the preparation, set sail for France to avoid spending the winter icebound in the St Lawrence.²²

Frontenac, however, was not to be deprived of some measure of vengeance. If he could not conquer New York, he would at least attack the English colonies and cause as much damage as possible. Therefore, he decided to organize raiding parties composed of French and Indians, and make war in the Indian Fashion. His intention was to take a defensive stand against the Iroquois while ravaging their English allies. This, he felt, would impress them and also disrupt their source of arms and ammunition.²³

Consequently, three raiding parties were organized at Montreal, Trois Rivières and Québec. The Montreal party consisted of 200 men, half of whom were Iroquois from the French mission at Caughnawaga. They were led by Daillebout de Mantet and the Le Moyne brothers. The Trois Rivières party led by François Hertel was composed of 52 men, 25 of whom were Indian, some of them Abenakis from the mission at Sillery. The third party at Québec was led by M. de Portneuf and Repentigny de Courtemanche. This force numbered 50 French and 60 Abenakis.²⁴

On 8 February 1690, the Montreal force attacked and destroyed Schenectady in New York; in March, the Trois Rivières party raided and burned the town of Salmon Falls in New Hampshire. Shortly thereafter, the Québec party, aided by returnees from the Salmon Falls expedition, laid siege to and captured the fort at Casco Bay.²⁵

The French had chosen a particularly auspicious moment to strike. The Glorious Revolution had thrown New England into a state of political turmoil. Governor Andros and his supporters had been arrested, and provisional governments under Simon Bradstreet and Jacob Leisler had been established in Massachusetts and New York respectively. As is the case with most provisional governments, both were weak and divided in their councils. Indeed Massachusetts was so opposed to Andros that the General Court, as the legislative assembly of the Massachusetts Bay Colony was known, had undone many of his defensive measures - a fact that played no small part in the success of the French expeditions.²⁶

The suddenness and ferocity of the French attacks caused panic all along the New England frontier. Terror-stricken settlers began fleeing to the safety of Boston, while those who remained bombarded the legislature with appeals for military assistance. The General Court, faced with the prospect of having to do something in terms of retaliation and unable to launch a military expedition overland, decided upon a naval attack on Port Royal.²⁷ Under the command of a prominent Boston citizen, Sir William Phips, the expedition set sail on 28 April 1690 and arrived off Port Royal on May 9. The fleet consisted of seven vessels with a complement of 736 sailors and militia.²⁸ Against such a force, Governor Menneval was helpless, and he and his tiny garrison promptly capitulated. Two of Phips' subordinates, Captains Alden and Southack, raided Pentagoet and Chedabucto.²⁹

Emboldened by their easy success at Port Royal, the New Englanders attempted to capture Quebec in the autumn of 1690. Once again, the invasion force was under the command of Phips. Frontenac, however, maintained such a stout defence that the attack failed and the invasion fleet, fearing the onset of the winter season, returned to Boston in defeat.

Freed from having to defend Quebec, Frontenac tried to revive his plan to conquer New England. In a dispatch dated 20 October 1691, to the Minister of Marine, de Pontchartrain, Frontenac suggested that Boston be subjected to a combined land and sea attack.³⁰ Once again, however, Frontenac was denied his dream of imperial conquest. The French Royal Navy, which had gained supremacy in Europe with its brilliant victory at Beachy Head the previous year, had lost it again to the Anglo-Dutch fleet at the battle of Cap La Hogue. Its strength had been so diminished that it was unable to spare any ships for operations in North America. This meant that any damage New France could inflict upon New England would have to be done through her Indian allies.

In the meantime, Acadia had received a new governor to replace the captured Menneval. Joseph Robineay de Villebon arrived on 21 May 1690 at Port Royal.

Judging the place to be unsafe, he established his headquarters at Naswaak, 50 miles up the St. John River.³¹ This site offered somewhat better security and placed him in closer proximity to his Indian allies. Willebon spent most of the year 1690/91 organizing his slender resources and exhorting the Indians to further efforts against the English. In this endeavour, he was aided by the indefatigable Father Thury.³²

It was not long before Villebon felt confident enough to stage a large raid. On Candlemas Day, February 1692, a force of Abenakis and Micmacs, organized and directed by Father Thury, attacked and destroyed the settlement of York.³³ Villebon, encouraged by this success, organized another attack in July 1691, against the town of Wells. This time, however, the French and Indians suffered a reverse. Wells was a fortified town and ably defended. On the day of the attack, the defenders received additional support from two sloops anchored in a nearby river and inflicted heavy casualties on the attackers.³⁴

In May 1692, Sir William Phips assumed the governorship of Massachusetts. In an effort to curb the French and Indian attacks, Phips dispatched an expeditionary force under the command of a renowned Indian fighter, Benjamin Church, to the area of the Kennebec River. Church, like Andros before him, was unable to bring the Indians to battle but did plunder their villages. The size of Church's force and the fact that it had been sent seemed to intimidate the Abenakis.³⁵ In addition, Phips had the fort at Pemaquid rebuilt of stone, which rendered it impervious to any force not equipped with artillery.³⁶

The effect of these measures upon the Abenakis was quite demoralizing, and by the summer of 1693 they had become war-weary. The Abenakis had been fighting since the summer of 1688 and had suffered a large share of the casualties. They desired the release of their fellows being held captive at Boston and, furthermore, missed the trade relationship they had with the English before the war.³⁷ This last point was emphasized by the failure of the French to deliver presents and supplies. The French agent in charge, the Sieur de Beaubassin, diverted the goods for his own profit.³⁸ Discouraged

by their failure at Wells, disappointed by the French and aware of the significance of the stone fort at Pemaquid, the Abenakis sued for peace.

A peace party, led by Madockawando of the Penobscot tribe, met with the New England representatives at Pemaquid on 11 August 1693 to sign a peace treaty. The treaty, however, was more like a document of surrender, for the first paragraph read in part:

We, whose names are hereunder subscribed, being Sagamores and Chief Captains of all the Indians belonging to the several rivers of Penobscot and Kennebeck, Amarascogin and Saco, parts of the said province of the Massachusetts Bay, within their said Mahesties' 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 case ourselves, and in the name and with the 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 acknowledge our hearty subjection and obedience unto the Crown of England...³⁹

Under the terms of the "treaty", the Abenakis were to abandon the French cause and to desist from aiding them or any of their Indian allies committing hostile acts against the English. They were also required to return all English captives held by them without ransom or payment.

Though there was no stipulation that the Indians cede any territory, the Abenakis were required to agree:

That their Majesties subjects the English shall and may peaceably and quietly enter upon, improve, and forever 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 us, or any other Indians, and be in no wise molested, interrupted or disturbed therein.⁴⁰

The Abenakis further agreed:

If any controversies or difference at any time hereafter happen to arise between any of the English and Indians, 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 the benefit of the same.⁴¹

The Indians also agreed that any trade between themselves and the colonists should be regulated by the Massachusetts General Court or the governor. The treaty further required that the Indians leave four of their number as hostages of the English to ensure Abenaki compliance with the terms of the treaty.

As its clauses illustrate, the treaty was in reality an instrument of surrender. The Indians were the ones required to make the concessions, not the colony of Massachusetts. Neither the Micmacs nor Malecites, who were also making war upon New England, were included in the treaty. An expediency signed under the exigencies of war, whose main purpose was to end the conflict on New England's frontier, the treaty became a model for future agreements between New England, Nova Scotia, the Abenakis and the Maritime Indians.

The signing of the treaty caused great consternation among the French. Fortunately for them, however, a large number of Abenakis, led by a sagamore named Taxous, wished to continue the war.⁴² The French, of course, made every effort to aid him in his cause. Governor Villebon informed the Indians that he expected them to continue the war, while his lieutenant, the Sieur de Villieu, held a number of meetings with the various tribes of the Confederacy, urging them to fight. In this endeavour they were well served by the missionary priest, Father Thury, who managed to nullify the influence of the peace-oriented Penobscot sagamore, Madockawando, who had made peace without consulting him. Thury told Taxous he would lose face if he accepted the situation. The irate Taxous denounced the treaty and appealed to the Abenakis to resume the war. At a feast given by Villieu at Passadumkeag, Taxous and his followers so intimidated the peace party with taunts and ridicule that they agreed to return to the war path.⁴³

The French, having regained Abenaki confidence and rekindled their martial ardour, continued their vigorous prosecution of the war. In June 1694, a force of 230 Abenakis, led by Villieu and Thury, attacked and destroyed the town of Oyster River in New Hampshire. A minor attack was also made on Groton in Massachusetts.⁴⁴

The raids caused terror along the New England frontier, whose residents had thought they were secure after the signing of the recent treaty. Once again, refugees began to stream into Boston. The lieutenant-governor of New Hampshire wrote to the General Court of Massachusetts in despair:

This is the third express for help. If the country is lost for want of it, it will be ill-resented at home. God knows what this might bring forth. At Oyster River 93 souls were killed or taken. Three hundred Indians are here, 600 more are expected... It is hard for us to be murdered by Indians who submitted to your government, so I hope for speedy help. I judge that in a little time all the out-towns will be laid waste.⁴⁵

The response of the General Court was to forbid the settlers to leave their communities; the penalty for doing so would be the loss of title to their land.⁴⁶

The French suffered a setback in 1695 when their Abenaki and Micmac allies were struck by a plague which thinned their ranks considerably and limited operations. By the following year, however, the Indians had sufficiently recovered to assist the French in scoring perhaps their greatest triumph of the war - the capture of Pemaquid. A force of 300 Abenakis and Micmacs descended upon Pemaquid, where they were joined by a naval squadron under the command of Pierre Le Moyne d'Iberville, who had a further contingent of 50 Micmacs on board.⁴⁷ Equipped with cannons and mortars, the French-Indian army quickly forced the surrender of the fort. The fall of Pemaquid completely unmasked the English defences along the frontier.

The Massachusetts government retaliated by sending Benjamin Church to strike at the French settlements on the Bay of Fundy. Church's men vented their frustrations on the hapless Acadians, burning the settlement at Chignecto. On the return to Boston,

Church's force joined another led by John Hawthorne and proceeded up the St. John River to attack Villebon's headquarters. Villebon, with the aid of some Micmacs, beat off the English attack, and the New England forces returned home in defeat.⁴⁸

The following year Villebon planned another strike into New England. A force of Indians largely composed of Malecites and Micmacs was sent south of Pemaquid. Here they encountered a force of New England militia, and after a sharp fight the Indians retired.⁴⁹ This was the last major battle of the war. Shortly thereafter, the war in Europe came to an end and the peace treaty signed by England and France at Ryswick on 20 September 1697 concluded hostilities in America as well.

The Treaty of Ryswick restored the pre-war status quo to America, though to a prescient observer it was apparent that the peace could not endure in the face of Anglo-French rivalry. It would only be a question of time before hostilities were renewed.

Meanwhile, both sides took advantage of the tranquil conditions to shore up their relations with the Indians. Massachusetts renewed the covenants of the Treaty of 1693 with the various Abenaki tribes in January and September of 1699 and again in June 1702.⁵⁰ In addition, the General Court undertook to renew and to expand its trade relations with the Abenakis as provided for in the treaty. Government-run trading posts, known as truckhouses, were to be established on the Nashaway River, the Merrimack River and the area east of Pascataqua Bay. These posts were to be operated by a truckmaster appointed by the General Court and were to have a monopoly of the Indian trade. In addition, a government-owned trading vessel was to trade along the coast. It was thought by the General Court that:

By this closely regulated system of government trade at price deliberately kept low, it was hoped that the private English trader and the French traders as well, would be unable to remain in the competition. This, in time, would eliminate the abuses commonly associated with the private trade and at the same time move the Eastern Indians (Abenakis) away from French influence.⁵¹

The Abenakis undoubtedly welcomed the opportunity to renew their disrupted trade relationship with the English. Not only were English goods cheaper and more plentiful, but the depressed economic conditions then prevailing in New France also made it expedient for the Indians to sell their furs in New England.

The French were also busy cementing their relations with the Indians. In 1701 they scored a diplomatic victory when they signed a treaty of neutrality with the Iroquois Confederacy. Under the terms of the treaty, the Iroquois were to remain neutral in any future Anglo-French conflict, while the French promised to respect that neutrality. Furthermore, the French were to act as mediators in disputes between the French-allied western tribes and the Iroquois, intervening if necessary on behalf of the injured party.⁵² This treaty placed the French in an envious position, for it theoretically provided them with secure borders.

The treaty also had the effect of destroying what little unity existed between the English colonies, especially New York and Massachusetts. The powerful Dutch merchants of Albany were loath to support any endeavour or policy that might interfere with their lucrative fur trade. Indeed, during King William's War they had maintained a clandestine trade with New France. The government of New York, heavily influenced by the Albany merchants, felt that if New France and the Iroquois Confederacy remained in a state of neutrality, then New York had nothing to gain by involving itself in any future colonial conflict which might put the fur trade in jeopardy. Thus, in any future conflict, Massachusetts would find itself virtually alone against New France and her Abenaki and Maritime Indian allies.⁵³

In 1701, dynastic war once again erupted in Europe, this time occasioned by the attempt of Louis XIV to place his Bourbon nephew on the vacant throne of Spain. In America, reaction to the news that the War of the Spanish Succession (referred to in America as Queen Anne's War) had broken out was immediate. Governor Dudley of Massachusetts wasted no time in making overtures to the Abenakis. He met with them at Falmouth during the summer of 1702 to persuade them to adhere to the accords

signed in 1699. Dudley's efforts apparently had some effect, for the Abenakis, though professing to the authorities at Quebec their eagerness to take up arms in the French cause, soon began to waver in their allegiance.⁵⁴

The reluctance of the Abenakis to go to war caused the French concern about their position in Acadia. Brouillon, now the governor of Acadia, feared that the Abenakis were about to desert the French and urged Governor Vaudreuil of New France to send a force of Canadians to instigate hostilities between the Indians and New England.⁵⁵

Vaudreuil, too, was worried about the Anglo-Abenaki accords. If the accords were maintained, the English would have access to the vital Kennebec-Chaudière River system, which led directly to Quebec City. In order to prevent such an occurrence, Vaudreuil responded to Brouillon's request. A raiding force consisting of Canadians and Iroquois was organized under the command of Le Neuf de Beaubassin. In August 1703 this force, accompanied by a band of Abenakis, raided the New England frontier from Casco to Wells, killing or taking prisoner some 160 people. Further attacks were made during the autumn at Hampton, Black Point, York and Berwick.⁵⁶ Beaubassin's raids came as a complete surprise to New England and left Governor Dudley little choice but to declare war on the Abenakis. The militia was mobilized to defend the frontier, encouraged no doubt by the £40 scalp money offered by the General Court.⁵⁷

The war now assumed the familiar pattern of raid and counter-raid. In 1704, a force of 150 Canadians, Abenakis and Iroquois from Quebec, under the command of Hertel de Rouville, attacked and destroyed the village of Deerfield in the upper Connecticut Valley.⁵⁸

Massachusetts retaliated as it had done in the previous war by sending militia under the command of the redoubtable Benjamin Church to the Bay of Fundy. Once again, the unfortunate Acadians bore the brunt of the reprisal as Church's men levelled the settlements of Chignecto and Minas. A naval force was also sent to Port Royal, but failed to capture it.

The year 1705 witnessed an attempt to negotiate a truce, although there is some dispute as to which side initiated the proposals. As Yves Zoltany, in his biography of Vaudreuil, states:

Dudley spoke of an exact truce between Massachusetts and Canada New France but made no mention of Acadia and Cape Breton Island nor of New England plantations other than his own which could be used to launch attacks against New France. The clauses relative to trade and commerce were no more acceptable. They stipulated that subjects of either colony who had to travel to the other for personal or business reasons would be issued passports valid for forty days. So would vessels, including fishing boats, navigating along any coast line in Labrador and Cape Breton Island waters, and even in the St. Lawrence gulf and river. The French governor therefore drew up counterpropositions. Acadia and Cape Breton Island as well as Canada would have to be included in the treaty of neutrality and not only Dudley but all the English governors whose territories might serve for attacks against the French settlements would have to ratify it. Privileges of reciprocal trade were absolutely ruled out. Vaudreuil set March 1, 1706, as the deadline for Dudley's acceptance of this treaty.⁵⁹

As Dudley did not accept Vaudreuil's counter-proposal, the war continued. The year 1706 saw further Abenaki raids along the New England frontier.

Dudley, desperate for some way of striking at the French, organized another attack on Port Royal in 1707. The expedition consisted of 1,300 New England militia and sailors, reinforced by Royal Navy ships. Despite their numerical advantage, the New Englanders were unable to capture the port, which was defended by Governor Subercase. After a few days of indecisive battle, the English lifted the siege and returned to Boston.

The French continued their deadly raids on New England. In 1708, a party of 260 Canadians, Abenakis and Nipissings destroyed the village of Haverhill in Maine, killing 48 people. Throughout the remainder of the year, small raiding parties of Abenakis spread ruin throughout the backwood settlements of Massachusetts and New Hampshire.⁶⁰

The following year, however, saw a sharp reversal of French fortunes. In Europe, Marlborough had won his great victory at Oudenarde and the Anglo-Austrian armies were invading France. With victory in sight, Britain could now respond to the pleas for aid sent by Massachusetts.

In 1707, after the disastrous Port Royal fiasco, Dudley had sent a memorandum to the Board of Trade requesting ships and troops to drive the French from America. This theme was enlarged upon by Samuel Vetch, a prominent Boston merchant. In his missive entitled "Canada Surveyed..." he argued that Britain would profit immensely from a conquest of New France. Vetch succeeded in obtaining support for an expedition against Acadia and New France.⁶¹

In September 1710, a third expedition set sail from Boston for Port Royal. This time the fleet consisted of five Royal Navy warships and thirty colonial transports, carrying a force of 2,000 colonials and British regulars. The expedition was commanded by General Nicholson, a British regular officer.

Nicholson landed his troops at Port Royal on September 25 and laid siege to the fort. With such a preponderance of force, the issue could not be in doubt. Subercase, with fewer than 300 men, held out for three weeks but was finally forced to capitulate.⁶² It was a devastating blow to New France and one which could not be parried due to trouble on the western frontier.

Massachusetts had long complained about having to conduct the war singlehandedly. In 1708, the General Court sent a memorandum to the British government urging it to foster a war between the Iroquois and French. This the British did, and by 1710 Governor Lovelace of New York had begun to detach the Iroquois from the treaty of neutrality they had signed with the French in 1701. Vaudreuil, with the threat of Iroquois invasion from the west and the possibility of an English attack on Quebec, could neither reinforce Subercase nor retake Acadia⁶³ after it had fallen. Nor could he expect any help from metropolitan France.

In light of the situation, Vaudreuil decided to harass the English in Acadia as best he could. He encouraged the resistance of the Micmacs, utilizing the missionary priests. For the next three years, the Micmacs conducted a guerilla war which confined the English garrison to the area of Port Royal. Their greatest success came in 1711 when they ambushed a contingent of 70 British soldiers. The Micmac tactics were so effective that the British, exasperated by their inability to respond, were compelled to bring a band of 60 Mohawks to Nova Scotia to deal with them.⁶⁴ The sporadic attacks continued until 1713, when hostilities, both in Europe and America were terminated by the Treaty of Utrecht.

Notes

1. Andrew Hill Clark, *Acadia: The Geography of Early Nova Scotia to 1760* (Madison: University of Wisconsin Press, 1968), p. 72.
2. William D. Le Sueur, *Count Frontenac* (Toronto: Mirancy & Co., Ltd., 1911), p. 271. See also William Inglis Morse, *Acadiensis Nova 1598-1779*, (London: Bernard Quaritch Ltd., 1935), p. 139.
3. W.O. Raymond, *The River St. John* (Sackville, New Brunswick: Tribune Press, 1943), p. 49.
4. Morse, *Acadiensis Nova*, p. 16.
5. *Ibid.*, pp. 16-17.
6. *Ibid.*, p. 17-18.
7. George A. Rawlyk, *Nova Scotia's - Massachusetts: A Study of Massachusetts - Nova Scotia Relations 1730-1784* (Montreal: McGill-Queens University Press, 1973), p.52.
8. *Ibid.*
9. *Ibid.*, p. 51. See also John Clarence Webster, *Acadia at the end of the Seventeenth Century: Letters, Journals and Memoirs of Joseph Robineau de Villebon, Commandant in Acadia, 1690-1700 and other contemporary documents*, Monographic Series No. 1 (St. John: The New Brunswick Museum, 1934), p. 193.
10. *Ibid.*, p. 52.
11. *Ibid.*, p. 55.
12. *Ibid.*, p. 58.
13. *Ibid.*

14. Douglas Edward Leach, *The Northern Colonial Frontier 1607-1763* (New York: Holt Reinhart & Winston, 1966) p. 110.
15. William L. Langer, *An Encyclopaedia of World History* (Boston: Houghton Mifflin Co., 1952), pp. 428-430.
16. Webster, *Acadia.*, p. 1.
17. Leach, *Northern Colonial Frontier*, pp. 97-98. See also W.J. Eccles, *Frontenac: The Courtier Governor* (Toronto: McClelland & Stewart Ltd., 1959), p. 99.
18. *Ibid.*, pp. 98-106. See also Le Sueur, *Count Frontenac*, pp. 52-53.
19. *Ibid.*, p. 110. See also W.J. Eccles. *Canada Under Louis XIV, 1773-1701* (Toronto: McClelland & Stewart Ltd., 1964), pp. 150-154.
20. Le Sueur, *Count Frontenac*, p. 230.
21. *Ibid.*, p. 231.
22. Eccles, *Frontenac*, p. 202.
23. Le Sueur, *Count Frontenac*, p. 230.
24. *Ibid.*, See also Eccles, *Frontenac*, pp. 223-227.
25. Montague Chamberlain, "A French Account of the Raid Upon the New England Frontier in 1694", *Acadiensis* II, (October 1902): 251. See also Eccles, *Frontenac*, p. 226.
26. Rawlyk, *Nova Scotia's Massachusetts*, pp. 58-59. See also Le Sueur, *Count Frontenac*, pp. 266-267.
27. *Ibid.*, pp. 65-66.
28. *Ibid.*, p. 67.
29. *Ibid.*, p. 68. See also Le Sueur, *Count Frontenac*. p. 275.
30. Le Sueur, *Count Frontenac*, p. 316.
31. Webster, *Acadia*, p.3.
32. *Ibid.*, p. 5.
33. Rawlyk, *Nova Scotia's Massachusetts*, p. 76.
34. Webster, *Acadia*, p. 12.
35. Rawlyk, *Nova Scotia's Massachusetts*, p. 76.
36. *Ibid.*, p. 76. See also Webster. *Acadia* p. 12.
37. Chamberlain, "Raid Upon New England", pp. 253-254.
38. Cited in W.J. Eccles "Frontenac's Military Policies 1689-1698: A Reassessment", *Canadian Historical Review* 37 (September 1956): 207.

39. Peter A. Cumming and Neil H. Michenberg, *Native Rights in Canada* (Toronto: The Indian-Eskimo Association of Canada and General Publishing Co., Ltd., 1972), p. 295.
40. *Ibid.*, p. 295.
41. *Ibid.*, p. 296.
42. Chamberlain, "Raid Upon New England," p. 254.
43. Webster, *Acadia*, pp. 14-15.
44. Chamberlain, "Raid Upon New England," pp. 262-266.
45. Donald F. Chard, "Lack of a Consensus: New England's Attitude to Acadia 1689-1713," *Collection of the Nova Scotia Historical Society* 38:11.
46. *Ibid.*
47. Webster, *Acadia*, pp. 16-17.
48. *Ibid.*, p. 17.
49. *Ibid.*, p. 18.
50. Leach, *Northern Colonial Frontier*, p. 115.
51. *Ibid.*, p. 147.
52. *Ibid.*, p. 117. See also Yves F. Zoltvany, *Philippe De Rigaud De Vaudreuil. Governor of New France, 1703-1725*. (Toronto: McClelland & Stewart Ltd., 1974), p. 34.
53. *Ibid.*, pp. 118-119.
54. Zoltvany, *Philippe De Rigaud De Vaudreuil*, pp. 41-42.
55. *Ibid.*, p. 42.
56. *Ibid.*, p. 45.
57. Rawlyk, *Nova Scotia's Massachusetts*, pp. 95-96.
58. Zoltvany, *Philippe De Rigaud De Vaudreuil*, p. 48.
59. *Ibid.*, p. 62.
60. *Ibid.*, p. 80.
61. *Ibid.*, p. 78.
62. Rawlyk, *Nova Scotia's Massachusetts*, p. 120.
63. Zoltvany, *Philippe De Rigaud De Vaudreuil*, pp. 104-106.

⁶⁴. John Bartlett Brebner, *New England's Outpost: Acadia Before the Conquest of Canada* (New York: Lennox Hill, 1973), p. 58. See also Douglas Brymner *Report on Canadian Archives 1894* (Ottawa: S.E. Dawson Printer, 1895), p. 14. Summary of letter from Governor Vetch to Hill, 11 September 1711.

The British Administration in Nova Scotia: 1714-1739

When the British assumed administrative control of the newly acquired territory of Acadia; renamed Nova Scotia, they were faced with two intractable problems: the sullen diffidence of the French Acadians and the open hostility of the Indians.

The authorities attempted to solve the problem of the Acadians by requiring them to take an oath of allegiance to King George I. This the Acadians were loath to do; in any event, it was doubtful whether they would have considered themselves bound by such an oath. As Governor Vetch noted, the Roman Catholic Acadians, even if they took the oath of allegiance, could receive absolution from their priests for doing so, presumably rendering the oath invalid.¹ Vetch felt that the best course of action would be to settle four or five hundred Protestant families near Annapolis Royal (formerly Port Royal) to provide a counter to the Acadians and extra security for British interests.²

Unfortunately, attempts to attract settlers from the New England colonies failed. This failure was due to a number of factors including the New Englanders' dislike of military government, which prevailed in Nova Scotia, and a disdain for the Acadian population.³

The lack of British settlers and the fact that most of the Acadians chose to remain, even though they had been given one year's grace to remove to French territory, caused the administration to reassess its position. Indeed, though the British governors distrusted the Acadians, they soon began to look upon them as an economic asset and as a buffer against the Indians. As Lieutenant-Governor Caulfield noted in a report to the Board of Trade and Plantations:

I am now to lay before Your Loppes my opinion in relation to ye french Inhabitants of this Colony, wch. If they continue in this country, will be of a great consequence for ye better improvement thereof; for as you will observe their numbers are considerable and in case they quit us will still strengthen our enemies when occasion serves, by so much; and tho' we may not expect much benefit from them, yet their children in process of

time may be brought to our constitution... but in case ye french quit us we shall never be able to maintain or protect our English families from ye insults of ye Indians, ye worst of enemies, wch. Ye french by their staying will in a great measure ward off, for their own sakes.⁴

This opinion was echoed by Governor Philipps in 1718 who stated that the French should “not be treated as they deserve,” until such time as British settlers could be brought to Nova Scotia and the Indian problem had been dealt with satisfactorily.⁵ Thus, the administration and the Acadians became locked in a tenuous state of co-existence until the British expelled them in 1755.

The British found the Indians to be as vexatious as the Acadians. Though agricultural settlers had not been attracted to Nova Scotia, fishermen were. Shortly after the Treaty of Utrecht had been signed, a large number of New Englanders were fishing the waters of Nova Scotia. This brought them into contact with the Micmacs, who expressed their resentment by committing various acts of violence against the fishing boats and trading vessels.

In 1715, for instance, Caulfield complained to Governor Vaudreuil of New France that Indians under the latter’s jurisdiction had plundered a trading vessel at Beaubassin.⁶ Later in the following year, Caulfield wrote to Governor Costabelle at Cape Breton that Indians and others were plundering New England fishing vessels.⁷ Though there was scant evidence that the French had provoked these incidents, there is no doubt the British suspected them of doing so.

The British in Nova Scotia, however, were so militarily impotent that they could do little either to chastise the Indians or to prevent their depredations. The only apparent option open to the British was that of winning the Indians from French influence through trade and presents.

In regard to trade, Caulfield had stated to the Board of Trade and Plantations:

The Indians of Pennobscott, St. Johns and Cape Sables, trade chiefly on ye several coasts with furs and feathers, who never come here but when necessity obliges them and ye reasons they assign are that there is no Kings Magazine here for them, as was in ye time of ye french, as there is now at Cape Breton, wch: if there was they would bring in all their peltery to us and I believe would prove a great advantage, both in respect of trade, and as well ye chief means to bring them over to our interest, by kingly using them, on wch. Foundation their friendship is wholly founded, and great advantages would accrue thereby to ye Crown in particular and country in general.⁸

Despite this recommendation, however, nothing was done to establish a state run trading post to encourage the Indians to switch their trade from the French to the English.

The issue of presents was also a matter which plagued the governor and lieutenant-governors. In 1718, Lieutenant-Governor Doucett wrote to the newly appointed governor, Richard Philipps, requesting:

Likewise use your endeavours to obtain presents for the Indians. The Chief of them having been here with me stated to me that if I expected them to be our friends they expected presents as was every year made to them by the French Kings. And if they had such they should not only be good subjects to King George but would esteem him as their father. I told him I would not answer for any presents this Spring but hoped by the next to receive some for them and that in the meantime I would take care to represent it to his Majesty - I gave them some few trifles and dismissed them and expect in the Spring the Chief of them from St. Johns River... Now if I may give my opinion which is the same with all the English here, that if at your arrival you bring them presents with you they will be easily brought over to our Interests and not offer to molest you in case you should raise any few Forts on the coast or in the making of any new settlements.⁹

Doucett's opinions were duly forwarded to the Board of Trade, but that impecunious body, although agreeing that some presents should be sent, felt that "there would be no great necessity of sending them till Colonel Philipps should have been settled some time in the Government there."¹⁰

Governor Richard Philipps replaced General Nicholson as governor of Nova Scotia in August 1717. Philipps inherited the problems that had vexed Nicholson with very little direction from his superiors on the Board of Trade. Indeed, Nova Scotia appeared to be so low on the Board's list of priorities that Philipps was given, for guidance, a copy of the instructions sent to the governor of Virginia. The Board, however, did caution Philipps to maintain good relations with the French while at the same time keeping a watch on their actions.

Perhaps, on the theory that love conquers all, the Board also issued a rather unique directive with regard to the Indians instructing Philipps:

and as We are convinced from all the accounts that we have received from America, that nothing had so much contributed to strengthen the hands of the French in those parts, as the friendship they maintain and the intermarriages they make with the Indians we have not only prepared a clause in this said instructions requiring him to give all civil and friendly treatment to the Indian Nations or Clans within his Government but have likewise taken the liberty to propose an Instruction for encouraging of Intermarriages between His Majesty's Subjects and the said Indians, which we hope may have a very good effect there, and can occasion but a small expense to his Majesty.¹¹

As the number of British settlers in Nova Scotia at this time was next to nil, it is not clear with whom the Board expected the Indians to intermarry. It is doubtful that they wanted the Indians to intermarry more with the Acadians to form an even stronger bond between those two peoples. Perhaps the Board felt that intermarriage between prospective British settlers and Indians would be an inexpensive way to solve the Indian problem. In any event, the scheme came to naught.

Philippp's immediate problem was that of pacifying the Indians, and in this endeavour he was as hampered by the stingy Board of Trade as his predecessors had been. In March 1719, Philipps cautioned the Lords of Trade:

The Indians now seldom coming near us, and who have almost to a man been at Cape Breton this summer, and as they give out for presents they

expected there. Now as its my duty to represent these matters to your lordships I humbly hope your lordships will forgive me if I offer my opinion which is that if your lordships can't find some method to send presents to the Indians they will be entirely estranged to us and be always ready to obstruct us in any undertaking for the gov't. Of this colony and His Majesty's Subjects. I think there can be nothing done better than weaving the Indians from the interest of the French which can be by nothing but greater advantages and benefits reaped from us than they can from them.¹²

Philipps continued for the next two years to urge the Board to send presents, but to little avail.¹³ By 1720, Philipps began to doubt the effectiveness of wooing the Indians with presents. He expressed this doubt to the Board of Trade:

As to the Indians I have the honour to assure you, and everybody here will bear witness, that I have taken particular care to treat them in the civillest manner, than ever any Governor yet has done; there has scarce past a week, since I am here, but some of them have been with me, whom I never failed to assure of his Majesty's good will and protection, and required them to acquaint all their nation therewith, and that I am expected considerable presents for them from the King in token of his affection; at the same time I never dismissed them without present (which they always expect) for which I am out of pocket above a hundred and fifty pounds. But I am convinced that a hundred thousand will not buy them from the french interest while the Priests are among them, who having got in with them by the way of religion and brought them to regular confessions twice a year, they assemble punctually at those times and receive their absolution conditionally that they be always enemies to the English.¹⁴

Philipps was also undoubtedly discouraged by the violence which broke out at Canso. The Micmacs, increasingly incensed by the incursions of Massachusetts fishermen into Nova Scotia waters, attacked and killed a number of them while capturing their fishing boats. Philipps retaliated by building a small fort at Canso and by garrisoning it with three companies of troops from Annapolis.¹⁵

In 1722, the Micmacs again harassed the New England fishing fleet along the northern Nova Scotia coast. In a series of raids they captured some 18 schooners and fishing smacks. Philipps responded by persuading the Massachusetts fishermen to outfit two sloops for use against the Indians.

Within three weeks he had recaptured the fishing vessels in a series of minor sea battles unique to Indian warfare.¹⁶ These attacks by the Micmacs might have remained isolated incidents had they not been overtaken by events occurring to the southwest in Maine.

By the terms of the Treaty of Utrecht, France ceded the Hudson's Bay watershed, Newfoundland and Acadia to Britain. The loss of the latter, if accepted, represented a serious strategic blow to New France, for Acadia had long been a buffer between it and New England. Its strategic value was emphasized in a memorandum from a Jesuit Priest, Father Loyard, who noted:

Of all the savages of New France, those who have rendered, and who are in a condition to render, the greatest services are the Abnaquis. This nation is composed of five villages, which in all make five hundred men bearing arms. Two of these villages are situated along the River St. Lawrence near three Rivers, - one below that town, which is called the village of Becancour; and the other above, which is called the village of St. Francis.

The three other villages are in the region of Acadia, and are called: Nanrantzwak, upon the river Canibekki (Kennebec); Panowaniské, upon the river Pentagouet (Penobscot); and Medoktek, upon the River St. John. The village of Nanrantzwak is the nearest to New England, that of Medoktek is nearest to Acadia, and that of Panowaniské is almost in the middle.

These three villages have their different routes by which to go to Quebec in a few days, each one by its own river. It is this which renders their situation so important as regards Canada, of which they are the strongest defences. And this is what ought to attract the attention of the Court, that it may prevent the English from profiting by the war which they are carrying on with the savages, and from destroying these villages, - or, what would amount to the same thing obliging the savages to abandon them and seek refuge elsewhere, which, it is easy to see, is the sole object at which they are aiming.

For, far from making settlements in the Peninsula of Acadia, - which was ceded to them by the treaty of Utrecht, and which no one disputes with them - there is, as yet, no indication that the English have taken any land there, or that they are cultivating any; while since the treaty, and in

violation of the agreement therein made, they have settled many colonists along the Rivers of the Savages, and upon the lands that, as they very well know, can be rightfully disputed with them. Why is this, if not for the purpose of continually advancing toward Canada, to which these lands are much nearer than to Acadia; and to deprive the savages of the aid that they derive from their nearness to the sea, and to be in possession of them, when they shall take a fancy to settle limits with France...¹⁷

Loyard's memorandum suggested in essence the tactics to be used by the French with regard to the loss of territory in the Maritimes. Fortunately for them, Article 12 of the Treaty of Utrecht was loosely worded and stated only that Acadia was to be ceded "within its ancient boundaries," opening the clause to interpretation.¹⁸ French diplomats negotiating the Treaty of Utrecht were quick to seize advantage of the vague wording of Article 12 and insisted that "Acadia" meant only the peninsula (Nova Scotia), while the territory west of the Bay of Fundy and the isthmus of Chignecto remained under French control.¹⁹ This flew in the face of previous French allegations made prior to and during King William's War, that the western boundary of "Acadia" was the Kennebec River.²⁰

Indeed, the French went one inconsistent step further and claimed that the territory belonged to the Indians of the Abenaki Confederacy, whom they now regarded as allies rather than as subjects. As Murdock notes:

The idea that the Indian nations had territorial rights, did not occur to the French diplomatists until after the cession of Acadia to the British Crown in 1713. We find this notion first suggested in father Ralle's letter to governor Shute in 1717, and it was frequently revived afterwards. The advantage of this was, that such an opinion being instilled into the minds of the Indians, their hostility to the English, whom they were thus induced to look upon as usurpers of their land was kept constantly alive.²¹

A boundary commission was established by Britain and France to resolve the issue, but it met only once in 1719. The negotiations quickly broke down and the border question was never settled in a peaceable manner, if indeed that had been the intention of Britain and France. Thus, the feeble British administration in Nova Scotia could do no more than allow the French to persist in their pretensions.

Although Nova Scotia (Acadia) had become a British colony, the real focus of power in the Maritime region was Massachusetts. This colony had long had ties with Nova Scotia, even during the French period, through the economic interests of its fishermen and the merchants of Boston. Perhaps of prime importance to Massachusetts was Nova Scotia's position as a buffer state. Though over time the economic interests may have waned, the Bay Colony, through its governors and, at times, the General Court, was always supportive of Nova Scotia, at least in the maintenance of its strategic position against the French.

Conversely, given Massachusetts preponderant economic and nascent military power, and its mutuality of interests, it is not surprising that the governors of Nova Scotia came to regard Massachusetts as a surrogate for British power and to look to her for protection and succour in times of need. They also followed her lead in relations with the Indians. Indeed, the treaties signed between the British in Nova Scotia and the Indians during the period 1720-1780 evolved from those initiated by Massachusetts.

At the end of Queen Anne's War, Massachusetts began to improve its relations with the Indians. The first step taken in this direction was the signing of a new peace treaty in 1713 at Portsmouth, New Hampshire, between the Abenaki Confederacy and the Massachusetts Bay Colony. It was, in essence, a renewal of the Treaty of 1693.

The Abenakis again agreed to lay down their arms and to submit themselves to the jurisdiction of the Crown of Great Britain. They also had to admit that they had rebelled against the Crown, thereby reluctantly confirming their status as British subjects. They further agreed not to molest His Majesty's subjects and not to take part in any future hostile acts against the New England colonies.²²

In return, the Abenakis were to have the liberty of their own grounds, though these geographical areas were not defined. They were also given liberty to hunt, fish and fowl.²³ This was a departure from the original treaty, which had made no provision for Indian rights of any kind. The Malecites were also mentioned in the treaty, though the

Micmacs were once again excluded.

The economic activities of New England also began to have an effect on the Abenaki Confederacy. During King William's War, Massachusetts had erected a number of truckhouses, which were state-run trading posts, in an effort to wean the Abenakis from the French alliance. After the war, the system was expanded, permitting the English not only to offer the Indians advantageous trade terms, but also to gain a foothold on Abenaki territory.²⁴

This policy was extremely vexatious to the French, who took steps to materially assist the Abenakis in order to maintain them in the French service. To sustain the missionaries in their crucial relationship with the Indians, money was provided to rebuild the chapels at the main Abenaki village of Noridgewalk and at Modoktec, the chief village of the Malecites.²⁵ In addition, the practice of providing the Indians with presents was also continued. The presents, given annually, consisted of the usual Indian trade goods along with a supply of arms and ammunition.²⁶

The spread of English settlement, however, had a detrimental effect on French efforts to placate the Abenakis. After Queen Anne's War, a number of land companies such as the Penobscot River Company, the Plymouth Company and the Muscongus Company were formed to exploit the Main-New Hampshire wilderness. Large numbers of immigrants were brought in and, soon farms and lumber mills, as well as the aforementioned truckhouses began to make inroads into Abenaki territory.²⁷

Governor Shute of Massachusetts attempted to reach an agreement with the Abenakis to stymie any hostile reaction to settlement. At first the Abenakis refused, but soon divisions began to appear in their ranks. The southern tribes of the Confederacy were war-weary and, being in closer proximity to the New England colonies, would bear the brunt of any renewed conflict. Furthermore, these tribes now enjoyed good trade relations with the colonists, a relationship they apparently did not wish to jeopardize.

Accordingly, a treaty was signed between the Province of Massachusetts Bay and the Abenakis on 12 August 1717 at Georgetown on Arrowsick Island. The primary and one-sided feature of the treaty was the third paragraph, which stated:

And whereas, some rash and inconsiderate persons amongst us, have molested some of our good fellow subjects, the English, in possession of their lands, and otherwise illtreated them; - we do disapprove and condemn the same, - and freely consent that our English friends shall possess, enjoy and improve all the land which they have formerly possessed, and all which they have obtained a right and title unto. Hoping it will prove of mutual and reciprocal benefit and advantage to them and us, that they cohabit with us.²⁸

The treaty was signed by the Kennebec, Penobscot, Pigwacket and Saco tribes. The benefit to the Abenakis for this exercise in self-abasement written on their behalf by the English was, of course, increased trade.

As the English settlements spread further up the river valleys, the Abenakis, led by the Kennebecs and supported by the French, tried to stem the movement by “threatening the settlers, killing their cattle and destroying their buildings.”²⁹

A conference was called at Arrowsick in 1721 by Governor Shute of Massachusetts to resolve the issue of land settlement. The Abenakis were invited to send a delegation. Vaudreuil got wind of the meeting and had Rasles pack the delegation with Indians favourably included to New France. As Murdock describes it:

The governor of Boston collected the eastern Indian chiefs, and informed them truly of the cession, but they set up an independent claim, denying the right of the French King to dispose of their lands. Every courtesy was shown them by the English, and their hostile feeling seemed to have been subdued. The Indians themselves were quite averse at this time to entering into any quarrel with the English preferring the advantages of trade and friendly intercourse. It happened that Toxous, the chief of the Norridgewalks Kennebecs Indians died this year. Ouikouronemit, a pacific Indian, was chosen in his place, and four hostages were sent to Boston by agreement. This becoming known at Quebec, Vaudreuil and Begen, the intendent, wrote on the 15 June to Father Ralle (Rasle), in

severe terms, inveighing against the Norridgewalks for yielding to English persuasion in electing the new chief and in sending hostages. They also promised to send on deputies from the Indians (Abenaki) at St. Francis and Becancour to oppose the English interest. This was in consequence of Ralle (Rasle) having that the Indians in his vicinity required to be supported by some of those from Canada in their interviews with the English governor.

A number of these Canadian Indians were accordingly induced to go, and père la Chasse, superior of the Jesuits called the superior general of missions, and another of his order, also went on ... In all, above two hundred Indians, under arms, assembled in July or August 1721 and appeared at Georgetown, on Arrowsick Island... The governor of New England, perhaps aware of the unfriendly spirit spreading among the tribes did not attend on this occasion. The Indians threw down two hundred beaver skins as a compensation for cattle of the English which they had killed and ordered the English to leave the territory east of the Kennebec, and to restore the hostages they held...³⁰

As a result of the French interference and the ultimatum of the Indians, the conference achieved nothing, and tension between the Abenakis and settlers continued to mount. Shortly thereafter, a New England militia patrol surprised a small group of Abenakis and murdered them, precipitating a third Indian war.³¹

The war, known as Dummer's War in New England, took on the familiar pattern of raid and counter-raid. The French did not take part directly in the fight, in accordance with the official policy of France to remain on good terms with Britain and her colonies. Governor Vaudreuil, however, did what he could to aid the Abenakis and Micmacs. Zoltvany provides a description of French activities:

He (Vaudreuil) kept them supplied with arms and ammunition. When the English protested he innocently replied that the Abenakis had been receiving gifts from the French for the past sixty years. He also encouraged the Iroquois, Algonquins, Hurons and Nipissings domiciled in the Canadian missions to join forces with the Abenakis. In response to his urgings these Indians formed small raiding parties that ravaged the border settlements of New England. It may have been only their intervention that prolonged the war until 1726.³²

The English, however, proved to be far more formidable than they had been in the

previous war with the Abenakis. Encouraged by the bounty offered by Massachusetts, bands of settlers and frontiersmen began attacking the Indians in their forest environment.³³

During the summer of 1723, an English raiding party attacked and destroyed Panaouamské, the chief settlement of the Penobscot.³⁴ The raiders struck an even greater blow the following year, when they attacked the Kennebec stronghold at Norridgewalk, killing over 50 warriors as well as their spiritual leader, Father Rasles.³⁵ This was a disaster for the Abenaki cause, as the Kennebec were the backbone of the alliance. Disaster struck again later in the year at Lovewell's Pond, Maine, when a raiding party under the command of a Colonel Lovewell tangled with a group of Pigwackets. Though Lovewell and most of his men were killed, they managed to inflict very heavy casualties on the Pigwackets.³⁶ This last action undoubtedly lessened the Indians' enthusiasm for the war.

Early in 1725, Governor Dummer of Massachusetts offered the Abenakis terms. The war-weary Penobscot accepted and used their influence to dissuade the other tribes of the Confederacy from prolonging the war. Governor Vaudreuil attempted to keep the war going by organizing a large force of Indians from Canada to strike at New England. The Penobscot, however, aided by the Malecites, persuaded these Indians to lay down their arms and to accept the proffered peace treaty.³⁷

In Nova Scotia, the Micmacs harassed the English, attacking isolated fishing vessels or small groups of soldiers who ventured too far from the forts. As Murdock states, somewhat contemptuously, “

After their own fashion they made what they called war, but which the English described as robberies and murders.³⁸

In 1724, a force of approximately 60 Micmacs and Malecites attacked Annapolis Royal but could not capture it.³⁹

As was the case in New England, the French kept the Indians well supplied with arms and ammunition sent from Cape Breton. When the British protested, the Governor of Cape Breton, De Brouillon, used the same excuse as had Vaudreuil, that it was the French custom to distribute presents to her Indian allies.⁴⁰

By 1725, the war in Nova Scotia had come to a halting finish. The Micmacs, undoubtedly influenced by the events taking place in New England, had no desire to continue by themselves. This was not, however, immediately apparent to Lieutenant-Governor Armstrong and his Council. It was obvious that they feared New England was about to sign a separate peace, as Armstrong explained to the Board of Trade in a letter of 5 September 1725:

I have also sent you my letter to the Lieut. Gov. Of New England upon his information that the Indians towards the Eastern part of that Province were suing for peace with any instructions to Major Paul Mascarene and Hibbert Newton Esq. Members of this His Majesty's Council to Act as Commissioners, on behalf of this Province with some articles to be demanded of the Indians; that by a separate peace, we may not be left alone to the injury of their insults.⁴¹

About a month later, he wrote that he expected an attack by some 800 Indians under the orders of the governor of Quebec.⁴² This was probably a reference to the Indians organized by Vaudreuil in his last-ditch effort to keep the war alive. In any event, the attack never materialized and the Micmacs were included in the peace treaty signed 15 December 1725 in Boston.

The Treaty of 1725 was unique in that it encompassed the Indians of Maine, New Hampshire, New Brunswick and Nova Scotia. Under the terms of the treaty the Indians once again agreed to "forbear all Acts of Hostility, Injuries and discords towards all the Subjects of the Crown of Great Britain and not offer the least hurt, violence, or molestation of them or any of them in their persons or Estates."⁴³ All captives were to be returned without ransom and English settlers were to peacefully enjoy their properties and former possessions.⁴⁴ In return, the Abenakis were granted some protection for the lands they still occupied. Paragraph 6 stated:

Saving unto the Penobscot, Naridgwalk and other tribes within His Majesty's province aforesaid and their natural Descendants respectively all their lands, Liberties and properties not by them conveyed or sold to or possessed by any of the English subjects as aforesaid. As also the privilege of fishing, hunting and fowling as formerly.⁴⁵

This provision was a reiteration of the paragraph contained in the Treaty of 1713 and applied only to the Abenakis.

Another interesting facet of the treaty was the apparent attempt by the English to widen the breach in the Abenaki Confederacy between those tribes willing to co-exist with Massachusetts and those who were still supporters of the French. This is evident in Paragraph 10, in which the sagamores pledged:

We do further on behalf of the Tribe of the Penobscot Indians promise and engage that if any of the other Tribes intended to be included in this Treaty that notwithstanding Refuse to confirm and ratify this present Treaty entered into on their behalf and continue or renew Acts of Hostility against the English. In such case the said Penobscot Tribe shall join their young men with the English in reducing them to reason.⁴⁶

The remaining clauses of the treaty committed the Indians to trade exclusively with the English under regulations promulgated by Massachusetts and also to submit all grievances to the courts of Massachusetts for redress.⁴⁷

Finally, a paragraph was included which required the Indians to make peace with Nova Scotia. Paragraph 12 read:

And further we the aforementioned delegates do promise and engage with the Honourable Laurence Armstrong; Lieutenant Governor and Commander in Chief of His Majesty's Province of Nova Scotia or Acadia to live in peace with His Majesty's Good Subjects and their dependents in the Government according to the Articles agreed on with Major Paul Makarene (sic) commissioned for that purpose and further to be ratified as mentioned in the said Articles.⁴⁸

The Articles of Submission and Agreement were addend to the main treaty and duly

signed by all the delegates at Boston on 15 December 1725. By the terms of this particular document, the Indians recognized the British claim to Acadia under Paragraph 2:

Whereas His Majesty King George by concession of the Most Christian King, made at the Treaty of Utrecht, is become the rightful possessor of the Province of Nova Scotia or Acadia according to its ancient boundaries. We the said Sanguuaram allies Loron Arexus, Francis Xavier and Maganumbe, delegates from the said tribes of Penobscot, Naridgwack, St. Johns, Cape Sables and other tribes inhabiting within His Majesty's said territories of Nova Scotia or Acadia and New England, do, in the name and behalf of the said tribes we represent, acknowledge his said Majesty King George's jurisdiction and dominion over the territories of the said Province of Nova Scotia or Acadia, and make our submission to His said Majesty in as ample a manner as we have formerly done to the Most Christian King.⁴⁹

The Indians also promised not to molest His Majesty's subjects, to submit grievances to His Majesty's courts, to provide redress for robbery or other crimes committed by Indians, and to return prisoners captured in the late war.⁵⁰

The treaty was ratified the following June by the tribes not present at Boston, with the final ratification taking place at Annapolis by the St. John Indians in 1728. In August 1726, Doucett, the lieutenant-governor of Annapolis, was able to report, albeit with some reservations, that:

By the enclosed your grace will be informed that the Indians in these parts have come hither and ratified the peace with us. The paper No. (1) is the instrument they have signed to this government, and no. (2)'s what I have signed to them in behalf of the government they seem to have been quite tired of the war and are extremely well pleased at the peace and believe they will never make war upon the government, whatever they might do with New England, without that Britain and France should be at war, and then no doubt they would do us all the mischief they could notwithstanding a great many have declared to me they would never take up arms against either of the two crowns but that they would live neutral and friends to both.⁵¹

In retrospect, Dummer's War had been a minor disaster for the French strategic position

in Acadia. The Abenakis had been decimated and the Confederacy was now but a shadow of its former self. The southern tribes, such as the Penobscots, who because of their proximity to the New England colonies had always been more favourably disposed toward the English, now disappeared completely into the economic and political orbit of Massachusetts. Though the Kennebecs and other individual Abenakis would continue to fight in the French interest, the Confederacy was never again to be the formidable force it had been in the previous wars. With the demise of the Confederacy, the French focussed their attention on the Malecites and the Micmacs. It was to these Indians that the French now looked to provide a buttress for their maritime position.

The British administration, having attained a condition of peace with the Micmacs and Malecites, sought to renew its effort to wean the Indians away from French influence. Once again, permission was requested to provide the Indians with presents on an annual basis. In a letter to the Lord of Trade, Newcastle, Lieutenant-Governor Armstrong stated:

I must beg leave to inform your Grace that if His Majesty would order yearly some presents for the Indians as arms, powder and shot with some piece of red and blue clothes with other necessaries it would be a great means to secure the fur trade in the hands of his Majesty's subjects here, which now constantly goes to the French of Cape Breton, by means of the yearly presents sent by the King of France, this is my humble opinion by degrees would bring those savages entirely into the dependence of his Majesty and this Government.⁵²

The Board of Trade, as budget conscious as ever, refused to provide funds in sufficient measure. Though some presents were sent, they were never enough to divert the Indians from their allegiance to the French. Armstrong, stymied in this approach, next sought to establish truckhouses in Acadia particularly on the St. John River, to be operated in the same manner as those of Massachusetts. The truckhouse had played no small part in weakening the Abenaki Confederacy, and Armstrong felt it could be employed to the same purpose in his jurisdiction.

In 1732, Armstrong approached Governor Belcher of Massachusetts with the proposal that the Bay Colony establish a truckhouse in Acadia as Armstrong himself did not possess the funds for such a venture. Belcher apparently thought it was a good idea and agreed to present it to the General Court. The General Court, however, turned it down. They argued that the truckhouses operated at a loss and refused to establish another one, especially since it would be outside their jurisdiction.⁵³

Armstrong subsequently turned to the Lords of Trade. They also refused, stating:

Although this proposal may have a very good effect, yet we think it should postponed till there are inhabitants enough in your province to comprise an assembly to bear the expense of it.⁵⁴

Thus Armstrong's plan came to nothing. The British continued to exercise nominal control in Nova Scotia, but in actuality it was the French through the missionaries who directed the economic and political affairs of the Indians.

Notes

1. Douglas Brymner, *Report on Canadian Archives 1894*, (Ottawa: S.E. Dawson Printer, 1895), p. 14. Summary of letter from Governor Vetch to Lords of Trade, 27 November 1711.

2. *Ibid.*, p. 15.

3. Rawlyk, *Nova Scotia's Massachusetts*, p. 125.

4. Atkins, *Selections from the Public Documents of the Province of Nova Scotia* (Halifax: Charles Annand, 1869), p. 8. Letter from Lieutenant-Governor Caulfield to Board of Trade and Plantations, 1 November 1715.

5. Brymer, *Report on Canadian Archives, 1894*, p. 31. Summary of Reports by Lords of Trade on memorial by Governor Philipps.

6. Archibald M. MacMechan, *Nova Scotia Archives II. A Calendar of Two Letter-Books and One Commission-Book in the Possession of the Government of Nova Scotia 1713-1741* (Halifax: 1900), p.5. Summary of Letter from Lieutenant-Governor Caulfield to Governor Vaudreuil, 7 May 1714.

7. *Ibid.*, p. 22. Summary of letter from Lieutenant-Governor Caulfield to Governor Costabelle, 16 August 1715.

8. Atkins, *Public Documents of Nova Scotia*, p. 9. Letter from Lieutenant-Governor Caulfield to the Board of Trade and Plantations, 1 November 1715.

9. Public Archives of Canada (PAC), Manuscript Group (MG) 11, A. 10, pp. 39-40. Letter from Lieutenant-Governor Doucette to Governor Philipps to the Lords of Trade, 11 March 1718.
10. PAC, MG 11, A.10, pp. 55-56. Memorial from the Board of Trade to the Lords Justice.
11. PAC, MG 11, A.9, p. 129. Memorial from the Board of Trade to the Lords Justice.
12. PAC, MG 11, A.9, pp. 142-145. Letter from Governor Philipps to the Lords of Trade, 11 March 1719.
13. L.S.F. Upton, *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867* (Vancouver: University of British Columbia Press, 1979), p. 43.
14. Akins, *Public Documents of Nova Scotia*, p. 50. Letter from Governor Philipps to Secretary Craggs, 26 September 1720.
15. Rawlyk, *Nova Scotia's Massachusetts*, p. 128. See also Akins, *Public Documents of Nova Scotia*, p. 55. Letter from Governor Philipps entered in the Letterbook without date.
16. Upton, *Micmacs and Colonists*, p. 43. See also Akins, *Public Documents of Nova Scotia*, p.61. Letter from Governor Philipps to the Board of Trade, 19 September 1722.
17. Reuben Gold Thwaites, *The Jesuit Relations and Allied Documents* (Cleveland: Burrows, 1896-1901), LXVII:121. Memorial of Father Lazard Upon the present condition of the Abnaquis.
18. Zoltvany, *Philippe De Rigaud De Vaudreuil*, p. 131.
19. Beamish Murdock, *A History of Nova Scotia* (Halifax: James Barnes, 1865), p.352. See also, W.S. McNutt, *The Atlantic Provinces: The Emergence of Colonial Society 1712-1857* (Toronto: McClelland & Stewart Ltd., 1972), p.29.
20. *Ibid.*, p. 386.
21. *Ibid.*, p. 352.
22. Cumming and Michenberg, *Native Rights*, Appendix III, pp. 296-297.
23. *Ibid.*, p. 297.
24. Leach, *Northern Colonial Frontier*, p. 147. See also Thwaites, *Jesuit Relations*, LXVII:101. Father Sebastien Rasles, Missionary of the Society of Jesus in New France, to Monsieur his nephew.
25. Zoltvany, *Philippe De Rigaud De Vaudreuil*, p. 139. See also MacNutt, *Atlantic Provinces*, p. 29.
26. Upton, *Micmacs and Colonists*, p. 36. See also Murdock, *History of Nova Scotia*, p. 352.
27. Zoltvany, *Philippe De Rigaud De Vaudreuil*, pp. 138-139.
28. Cumming and Mickenburg, *Native Rights*, p. 299.
29. Zoltvany, *Philippe De Rigaud De Vaudreuil*, p. 179. See also Murdock, *History of Nova Scotia*, p. 391.
30. Murdock, *History of Nova Scotia*, p. 391. See also Yves F. Zoltvany, *Philippe De Rigaud De Vaudreuil*, pp. 179-181.

31. Zoltvany, *Philippe De Rigaud De Vaudreuil*, pp. 182-183.
32. *Ibid.*, p. 196.
33. Leach, *Northern Colonial Frontier*, p. 132.
34. Zoltvany, *Philippe De Rigaud De Vaudreuil*, p. 197.
35. *Ibid.*, p. 197. See also Thwaites, *Jesuit Relations*, LXVII: 231-237. Letter from Father de la Chasse, Superior-General of the Missions in New France to Father ***, of the same society.
36. Samuel Penhallow, *Penhallow's Indian Wars* (Williamstown, Mass: Cornerhouse Publishers, 1973), pp. 113-114.
37. Zoltvany, *Philippe De Rigaud De Vaudreuil*, p. 208.
38. Murdock, *History of Nova Scotia*, p. 408.
39. *Ibid.*, p. 409.
40. Akins, *Public Documents of Nova Scotia*, pp. 62-63. Extract from a letter of Lieutenant-Governor Armstrong to Lords of Trade, 5 September 1725.
41. P.A.C. MG 11, A. 16, p. 103. Letter from Lieutenant-Governor Armstrong to the Lords of Trade, 5 September 1725.
42. P.A.C. MG 11, A. 16, p. 165. Letter from Lieutenant-Governor Armstrong to the Secretary of State Newcastle, 24 October 1725.
43. Cumming and Mickenberg, *Native Rights*, p. 300.
44. *Ibid.*, p. 301.
45. *Ibid.*
46. *Ibid.*
47. *Ibid.*
48. *Ibid.*
49. *Ibid.*
50. *Ibid.*
51. PAC, MG 11, A. 17, p. 49 Letter from Lieutenant-Governor Doucett to Secretary of State Newcastle.
52. PAC, CG 11, A.17, p.65. Letter from Lieutenant-Governor Armstrong to Secretary of State Newcastle.
53. R.O. MacFarlane, "Indian trade in Nova Scotia to 1764," *Canadian Historical Association Annual Report* 40 (1934): 57-58.
54. *Ibid.*, p. 58.

The Struggle for Acadia: The Final Phase 1744-1779

In 1744, colonial North America was again plunged into a war precipitated by yet another succession crisis in Europe. On this occasion, it was the War of the Austrian Succession, a war for which the British in Nova Scotia were ill-prepared. Twenty-five years of neglect by Britain had left the defences of the colony in a wretched condition. Canso was virtually defenceless, while the fort at Annapolis Royal was, in the words of Lieutenant-Governor Mascarene “apt to tumble down in heavy rains or in thaws after frosty weather.”¹

Mascarene was particularly worried about Canso. In a report to the Secretary of State of 1 December 1743, he described the deplorable state of the defences and offered the opinion:

Of the two holds we have in this province, Annapolis Royal and Canso, the last where four companies are quartered and is near to Cape Breton has no other defence than a Blockhouse built of timber by the contribution of the fishermen who resort there and a few inhabitants settled in that place - for the repairs of which the officers have been obliged to contribute, as well as those of the Huts in which the soldiers are quartered. It cannot therefore be expected that place can make any considerable resistance against the force the people of Cape Breton may bring against it.²

Mascarene's fears were soon to be realized. War against England was declared by France on 11 March 1744 and by England against France on 9 April 1744.³ The French at Louisbourg, having learned of the declarations of war first, were quick to strike. On 24 May 1744, a force of 350 French and Micmacs, under the command of a Monsieur Du Vivier, captured the rickety British fort at Canso; and sent the garrison into captivity at Louisbourg.⁴

Annapolis Royal itself was besieged on July 1 by a force of 300 Micmacs led by their spiritual leader, the Abbé Le Loutre.⁵ Mascarene described the situation in a letter to the Lords of Trade:

Since 9th June last the Emissarys of the French at Lewisburg have stirred up and prevailed with the Indians to side with them, and accordingly having broke their faith with us, being wholly devoted to the false tenet of their much more deceitful priests, came on ye first of July to the number of about 300 as I have been informed to assault and demand the Fort, which was then in a very weak condition for want of materials to repair, as well as almost men to defend it...⁶

In desperation, Mascarene appealed to Governor William Shirley of Massachusetts for 200 reinforcements. Shirley was unable to persuade the Massachusetts House of Representatives to send the 200 requested but did manage to send a reinforcement of 70 unarmed men.⁷ These men arrived on the same day that Le Loutre and his Indians raised the siege and returned to Minas. This Indian force was to have linked up with that of Du Vivier's, but as the latter did not arrive at the agreed time, Le Loutre felt obliged to retire.⁸

The French regrouped and in September attacked again, this time with a force of 50 French regulars and 200 Malecites and Micmacs.⁹ The situation for the British appeared even darker than it had been earlier in the summer. As Mascarene related to the Lords of Trade:

We have had two more reinforcements from the Massachusetts Government; the whole they have sent us being 170 men, the last are a company of rangers under the command of Capt. Gorham, but are too weak to cope with such a number of adversaries, who since their arrival gave out that they daily expected a reinforcement of 250 more, (who for ought we know, have joined them as their fires seem to be increased) besides a strong armament by sea, which they gave out had also land forces on board. This armament it is said to consist of a 70 and a 60 gun ship with a large schooner with all manner of warlike stores necessary for the reduction of the place, and indeed I must say they are already masters of the whole province, except this fort, which I am determined to defend to the utmost of my power, had we only the common necessaries of life, which at present are not a little wanted, for the lower house of representatives, Massachusetts tho they have consented to send us men, yet they object against the expense of provisions, pay, arming and clothing their men, who are almost naked, and most without arms, and not having above a fortnights provision, they must enter upon those sent for the regiment or be sent back which will endanger the Garrison. It in this

our deplorable state I should by drawing bills with the advice of the officers for the subsistence of these auxiliaries, do thereby what may appear irregular; I hope necessity will plead in my behalf as I have no other views than the public service by keeping this fort as long as I am able with the officers and men under my command...¹⁰

Despite his difficulties, Mascarene managed to hang on to the fort. Though the forces under Marin, mostly Indians, harassed the garrison, they did not launch a major assault. Their failure to do so undoubtedly stemmed from the fact that the two warships, with which Marin had threatened Mascarene in his effort to force a capitulation, did not arrive.¹¹ Marin probably felt that without the artillery support from the two ships, he could not reduce the fort. In any event, the French lifted the siege in early October and retired once again to the area of Minas.¹² Thus the year 1744 ended with the British still maintaining a toehold in Nova Scotia.

The resumption of war elicited a vigorous response from Massachusetts. Governor William Shirley, anticipating the outbreak of war, undertook a number of measures to ensure the safety of the colony. He organized companies of rangers to counter and pursue potential Indian raiding parties and placed the militia in a state of readiness. In addition, he directed that blockhouses be built along the northern perimeter of the colony and that protection be provided in Maine for the settlers.¹³

Shirley also proposed to the General Court of Massachusetts that steps be taken to prevent trade with the enemy, stating:

I am of opinion that it is highly requisite forthwith to pass a law, prohibiting upon great penalties all trade with our enemies, and more especially the supplying of them with arms, ammunition or provisions of any kind whatsoever. The passing of such a law and a strict execution of it will, I am persuaded, very much contribute to strengthen and reduce the French colonies and settlements in particular and your neglect to do it, will soon be attended with mischievous effects to the Province.¹⁴

Measures were also taken with regard to the Abenaki Indians. Shirley attempted to conciliate them by providing presents and regulating their trade with the merchants,

presumably in the Indians' favour.¹⁵ In this endeavour he appears to have been successful, not only in pacifying the Abenakis, but in drawing some of them over to the British cause. As he reported to the Lords of Trade:

The chief part also one of the Eastern Tribes of Indians called the Pigwacketts have lately put themselves and their wives and children under his Majesty's protection within this Government: the men offering themselves to be employ'd in his Majesty's service, and two of them in particular desiring to go into his service at Annapolis Royal, an instance hitherto unknown in New England since the French have practiced upon the Indians; and which may be attributed to my before mentioned interview with'em in the Eastern parts, two of these Indians having been then among the Indian Councillors who treated with me on behalf of all the Eastern Tribes.¹⁶

Indeed, among the reinforcements Shirley sent to Annapolis Royal during the summer and autumn of 1744 was a contingent of Pigwackets - an indication of how far removed the Abenakis had become from the French alliance. Their presence was certainly appreciated by Mascarene, who paid them a left-handed compliment when he stated to the Lords of Trade:

This shews how much the preservation of this place is owing to the reinforcement we have received from the Province of the Massachusetts Bay, and how necessary it is to set Indians against¹⁷ Indians; for tho' our men outdo them in bravery yet being unacquainted with their skulking way of fighting and scorning to fight undercover, expose themselves too much to the enemy's shot.

Governor Shirley, however, was not entirely convinced that his inducements to the Abenakis to remain neutral would work in the long run, stating:

I don't flatter myself with much dependence upon the present disposition of the Eastern Indians, who are many ways liable to be drawn into a rupture with us by the artifices of the French, their own weakness and the influence which the French Missionary Priests have over them.¹⁸

Therefore, Shirley insured his efforts to maintain Indian neutrality through a carrot of trade and presents and a stick in the form of an explicit threat of Mohawk intervention

on New England's behalf should the Abenakis support the French cause. Shirley reported the effect of this policy in a letter of 10 August 1744 to the Lords of Trade:

What has further contributed towards keeping the neighbouring Tribes of Indians in peace is a Treaty of Friendship, which I have lately renew'd between the Indians near Albany, two of whose Sagamors or Chief Captains delegated by all the Tribes I have prevail'd with to carry a belt of wampum the instrument of a covenant or Treaty between Indian Nations to the several above mentioned Eastern Tribes on our frontiers, and to insist upon their observing a strict neutrality between the French and English letting'em know that by the term of their alliance with us the Albany Mohawks would be obliged, if the Eastern Indians broke the peace with us, to take part in our quarrel, which the Mohawk delegates, accompanied with some gentlemen from this government very faithfully did, and has struck no small terror into the Eastern Tribes who have also promised to lay their commands (to use their own expression) on the Cape Sable and St. John Indians, who lately besieged his Majesty's Garrison at Annapolis Royal, to desist from all further hostilities...¹⁹

This policy of conciliation and intimidation proved to be successful. With the exception of the Penobscots, who committed some minor breaches of the peace, the Abenaki Confederacy remained neutral throughout the war. The Abenakis, however, were unable to restrain the St. John River Indians (Malecites), who along with the Micmacs remained loyal to the French cause. It was against these Indians that Massachusetts declared war on 20 October 1744.²⁰

Governor Shirley was not content to remain on the defensive and soon began to formulate plans for an expedition against the great French fortress of Louisbourg on Cape Breton Island. He proposed this course of action to the Lords of Trade, the Secretary of State and the governors of the adjacent colonies. In a letter to Benning Wentworth, Governor of New Hampshire, Shirley declared:

I have to add that it may be urg'd with respect to your Province that it seems to be more deeply interested in the event of this expedition than any of the other colonies: For if Cape Breton is not reduced, there appears to be great danger that the French will soon be masters of Nova Scotia, the consequences of which would be an addition of 4 or 5,000 fighting men to the enemy immediately from the inhabitants of the province, who in

conjunction with the Indians of all tribes, and assistance from Canada would irresistibly overrun and destroy all our eastern settlements as for as Portsmouth itself in your Province, and whether they would stop there may be some question; whereas the reducing of Cape Breton would on the other hand be the destruction of Canada. This, I observe with respect to your assembly; with regard to yourself I know no other motives need be urged than our Duty to his Majesty and zeal for the good of the common cause.²¹

Shirley also argued before his own legislative assembly, the General Court of Massachusetts, that the destruction or capture of Louisbourg would free New England's maritime commerce from the thrust of French privateers.²²

Shirley spent the winter of 1744/45 persuading the various imperial and colonial officials of the feasibility of his plan, and his efforts came to fruition in the spring of 1745. A combined force of New England militia and British regulars under the command of William Pepperall, aided by a Royal Navy squadron under Admiral Sir Peter Warren, arrived at Louisbourg in April. After a siege of a month and a half, the French capitulated on June 26.²³

The siege at Louisbourg coincided with yet another attempt by the French to capture Annapolis Royal. A force of 700 French and Indians (Micmacs) under the command of Lieutenant Marin laid siege to the British post toward the end of May. With Louisbourg in danger, however, Marin and his force were recalled, though they arrived too late to aid in its defence.²⁴

The capture of Louisbourg by the British threatened to destroy the French position in America. The governor of New France, the Marquis de Beauharnois, immediately made plans to rectify the situation. A land force sent from Quebec was to attack Annapolis Royal in conjunction with a naval force sent from France.²⁵ The Abbé Le Loutre was dispatched to Nova Scotia to raise the Indian (Micmac) component of the land force.²⁶

In June 1746, a French fleet commanded by the Duc d'Anville set sail from La Rochelle for Nova Scotia. It consisted of ten men-of-war, three frigates and three bomb ketches.

On board were 3,000 veteran troops. The fleet was to rendezvous at Chebucto harbour with four men-of-war from the West Indies under the command of Admiral des Conflans.²⁷

Unfortunately for the French, d'Anville's fleet suffered a series of mishaps. Near the Azores it was scattered and badly damaged by mid-Atlantic storms. This disaster was soon followed by an epidemic of smallpox which decimated the sailors and soldiers on board. The Duc d'Anville did not arrive at Chebucto until late September and then with only two ships whose crews were ravaged by disease. The destruction of the fleet precluded the naval aspect of the enterprise.²⁸

In the meantime, the French-Indian force, some 300 strong, under the command of the Chevalier de Ramezay lay siege for the fourth time to Annapolis Royal. Without the aid of the fleet, however, this force could not make any impression against the British defences. When it became evident that the now-decimated fleet would not appear, de Ramezay broke off the engagement and retreated to the Minas Basin near the isthmus of Chignecto.²⁹

The French had been using the Minas region for the past two years as a sanctuary and the British were determined to put an end to this practice. Lieutenant-Governor Mascarene, after some prodding from Governor Shirley, dispatched 500 regulars under Colonel Noble to occupy and secure the Minas region. Noble, arriving in early winter, quartered most of his troops at the Acadian settlement of Grand Pré. Upon learning of this, the French sent de Ramezay with 300 French and Micmacs to drive them out. De Ramezay attacked Grand Pré on the night of 11 February 1747, killing over 70 British soldiers and capturing another 45.³⁰ This was the only major French success in Nova Scotia during the war which continued sporadically throughout 1748, until terminated by the Treaty of Aix-la-Chapelle.

The Treaty of Aix-la-Chapelle, like the Treaty of Ryswyck in King William's War, restored the pre-war status quo. Due to French victories in the Low Countries toward

the end of the war, the British were forced to use Louisbourg as a bargaining counter in the peace negotiations. Much to the consternation of New England, Louisbourg and Cape Breton were returned to France. In return, the British were re-confirmed in their possession of Nova Scotia.

The war had served to indicate the growing power of the New England colonies led by Massachusetts. The French, on the other hand, had been seriously weakened. They had scored but one victory during the course of the war and this had in no way altered its outcome. No longer could they, in conjunction with their Indian allies, raise havoc along the New England frontier. The Micmacs, resolute though they were in their hostility toward the English, could not by themselves fill the gap left by the departed Abenakis. Indeed, they were soon to be faced by the first serious British attempt to colonize Nova Scotia.

The French buffer zone, which at the beginning of the century had included the three Maritime provinces and Maine, had now contracted to the area of New Brunswick: a region in which they had only a dubious legal claim and a tenuous physical presence. Though peace reigned once again, it was simply a question of time before the colonies of New England, aided by the burgeoning sea power of metropolitan England, would drive the French not only from the maritime region but from Canada as well.

Under the direction of Lord Halifax, the newly appointed First Commissioner for Trade and Plantations, a scheme was formulated which would turn Nova Scotia into a buffer state for New England. The essence of Lord Halifax's plan was the settlement of British Protestants in the colony. These protestant settlers - many of whom were demobilized soldiers and sailors - would, it was thought, provide the local government with a loyal and reliable population and a pool of training military manpower.³¹ In addition, Halifax wished to secure the economic assets of Nova Scotia, in particular the fishery and forest products such as mast timber for the Royal Navy.³²

The colonizing expedition set sail in May 1749, with Colonel Edward Cornwallis, the

newly appointed governor of Nova Scotia.³³ The settlers arrived at Chebucto harbour in mid-summer and began work immediately, building fortifications and a town, christened Halifax in honour of the First Commissioner of Trade and Plantations.

One of Cornwallis's first measures as governor was to dispatch a Captain How to the River St. John to investigate French activity there. While performing his mission, Captain How met some Malecite chiefs and suggested that they return to Chebucto with him to make submission to renew the Treaty of 1725. The Indians, after a brief deliberation, agreed to How's proposal. A delegation consisting of three chiefs from the River St. John, the chief of the Chignecto tribe, and nine others returned with How to Halifax to meet with Governor Cornwallis.³⁴ Actually, the Malecites from the River St. John had sued for peace as early as 1745. As Lieutenant-Governor Mascarene related:

Those very Indians sent a deputation to me about five years ago to desire to live in peace with the subjects of Great Britain tho' the two Crowns should be at war, which I assured the they might if they would and send them honourably back again but they soon altered their opinion tho' no reason was given on our side for it.³⁵

Undoubtedly, French blandishments had something to do with keeping the Malecites in the war.

The meeting between Cornwallis and the chiefs was held on 14 August 1749, on board H.M.S. Beaufort in Chebucto harbour. Cornwallis declared that he was willing to enter into treaty with the Indians, particularly those from the St. John River. He inquired as to whether the chiefs had authority to enter into agreements on behalf of their tribes, to which they replied in the affirmative. Cornwallis then had the Treaty of 1725 read to the chiefs and asked if they were to renew it. Again the chiefs indicated agreement. Cornwallis then said that he would have a parchment ready for them to sign the next day.³⁶

On 15 August 1749, the renewal agreement was signed by the Indians and the members of the Council for Nova Scotia. The agreement read:

I, Joannes Pedousagktigh, chief of the tribe of Chignecto Indians, for myself and in behalf of my tribe, my heirs and their heirs, and their heirs for ever; and we, François Aurodowish, Simon Sactawino, and Jean Batiste Maddouanhook, deputies from the Chiefs of the St. Johns Indians, and invested by them with full powers for that purpose, do, in the most solemn manner, renew the above articles of agreement and submission and every article thereof, with His Excellency Edward Cornwallis Esq., Captain General and Governor in Chief in and over his Majesty's province of Nova Scotia on Accadie, Vice Admiral of the same, colonel in his Majesty's service, and one of his Bedchamber. In witness whereof I, the said Joannes Pedousagktigh, have subscribed this treaty (and affixed my seal-copy of 1760); and we, François Aurodowish, Simon Sactawino, and Jean Batiste Maddouanhook, in behalf of the Chiefs of the Indian tribes we represent, have subscribed and affixed our seals to the same, and engage that the said Chiefs shall ratify this treaty at St. John.³⁷

The Indians returned with Captain How to the River St. John to have the treaty ratified. This was done on 4 September 1749.

The British colonization of Nova Scotia and the relatively easy capture of Louisbourg by then during the war caused the French to reassess their position. The Marquis de la Galissonière, the lieutenant-governor of New France, believed that the survival of his colony depended on shutting the British out of the land area between the Bay of Fundy and the St. Lawrence River.³⁸ He felt this was essential because the St. John River, like the Kennebec in Maine, provided a direct invasion route to Quebec City. It has also been suggested that La Galissonière wished to have an alternate route to the sea for New France.³⁹ In principle, La Galissonière was following the strategy employed by Vaudreuil during the earlier part of the century.

In the summer of 1749, La Galissonière ordered a fort built on the St. John River and sent a contingent there for the purpose.⁴⁰ This move elicited a protest from the British and led to an exchange of letters between Governor Cornwallis and the new governor of New France, the Marquis de la Jonquière. La Jonquière wrote to Cornwallis on 25 October 1749, defending the action of his predecessor:

With respect to the River St. John, the Marquis de la Gallissionère has

done quite right in sending there a good detachment. You must be well aware that I have sent one into the settlements of Delkekondiak, Memerancougs and Chipudy. The officers who command at those stations have orders to maintain their position, and to prevent the formation by you, of any establishment there, until the true limits of Acadia and New France have been regulated by the two crowns; and until then, I am quite right in observing to you Sir that you cannot maintain with so much precision, that the coast of the river St. John belongs to the King of Great Britain.⁴¹

Cornwallis replied on 1 November 1744, stating that he found it difficult to believe that La Jonquière could approve, let alone abet, the actions of La Galissonnière. He also stated that he was aware that a new commission had been established to settle the boundary issue but declared:

Sir, notwithstanding the proofs which you think you can give to the contrary, I am quite right in maintaining, that, until the two crowns have agreed otherwise, the whole coast of St. John and those places into which you write to me that you are sending detachments, are comprised in Nova Scotia. As to the places about which there could be any difficulty, you can not be ignorant that the rule is, "There shall be no change at all, nor shall any establishment be made there, nor shall any troops be sent there."

I have forwarded this letter by an express courier, in order to communicate my sentiments to you, and to warn you that I shall give notice of the same to his Britannic Majesty, and while awaiting his orders I shall do what I consider my duty.⁴²

Cornwallis did not have long to wait before exercising what he considered his duty. That winter (1749-50) the French sent 600 men under the Chevalier de la Corne to take possession of the isthmus of Chignecto.⁴³ Upon learning of this development, Cornwallis sent a Colonel Lawrence of his command to Chignecto to demand that the French withdraw. La Corne refused the demand, declaring that the territory north and west of the Bay of Fundy would be held by the French until the boundary commission in Europe had reached a decision. Lawrence returned to Chebucto to report to Cornwallis on the situation.

Under orders from Cornwallis, Lawrence returned to Chignecto in the summer only to

find that La Corne had retired across the Missaquash River where he had erected an earthwork called Fort Beausejour. Lawrence countered this move by constructing a fort, named after himself, on the east side of the river.⁴⁴ Thus the two sides entered a stalemate which was to last five years.

Cornwallis not only had to deal with the encroachments of the French, but with the continued hostility of the Micmacs as well. Micmac resistance had not ended with the Treaty of Aix-la-Chapelle; though unorganized, it continued in a sporadic fashion. The French were now determined to utilize this hostility and adopted a deliberate policy of harassing the British through the agency of the Indians.⁴⁵ It was probably thought that if the British were thus occupied, they would have little time or energy to devote to the French.

The Abbé Le Loutre was apparently given the task of organizing and directing this guerilla campaign. Shortly after his arrival, the Indians, including those of the River St. John who had recently renewed the Treaty of 1725, began to attack British posts and settlements throughout Nova Scotia.⁴⁶ In August, the Micmacs attacked Canso, taking 20 prisoners. The prisoners were taken to Louisbourg, where they were subsequently released by Governor Desherbiers.⁴⁷ Further attacks were made upon British trading vessels at Chignecto and a wood cutting party just outside Halifax. In November, a detachment of 18 soldiers was captured by the Indians of Chignecto.⁴⁸

Cornwallis was prepared to take stern measures to curb these outbreaks of violence. As he reported to the Lords of Trade:

The French are certainly doing everything in their power to excite the Indians to molest us. Not one Indian has appeared in this Bay for some weeks by past. I heard to'ther day from an Officer (a settler) at Minas that they are all collogue'd with Leutre who is sent with the French presents. Tis firmly my opinion, my Lords, that if the Indians do begin we ought never to make peace with them again. It will be very practicable with an addition of force by sea and land to root them out entirely; this would have another effect entirely consequence. It would take from the French inhabitants the only pretext they have for refusing to be quite upon the

same footing with the English - could we once depend on their fidelity I take it this would be the strongest Colony His Majesty possesses.⁴⁹

Cornwallis convened a meeting of the full Council on board the H.M.S. Beaufort to debate and formulate a course of action. The Council recommended that no declaration of war should be made against the Indians in case that would make them appear to be a free people. Instead, the Council thought the Indians should be regarded as rebels or bandits.⁵⁰ The Council further resolved:

That His Excellency give orders to the Commanding Officers at Annapolis Royal, Minas and all others within the Province, to annoy, distress and destroy the Indians everywhere.

That a Premium be promised of ten guineas, for every Indian killed or taken prisoner.

That another independent company be raised with all expedition, not exceeding one hundred men, under the command of Major Gilman, this company to be upon the same footing as Capt. Gorhams as to pay and provisions.

That Mr. Wm. Clapham be directed to raise a company of volunteers in this settlement, who may scour all the country round the Bay, who shall have the same pay and provisions as the troops here and the reward of ten guineas for every Indian they shall take or destroy.

That a further present not exceeding 1,000 bushels of corn be sent to the St. Johns Indians...⁵¹

The day after the Council meeting, Cornwallis issued a proclamation authorizing the military and civil officers, as well as all subjects, to “annoy, distress, take or destroy” any Micmacs they found.⁵² A reward of 10 guineas was promised for the capture or killing of any Micmac; the money to be paid by the commanding officers at Halifax, Annapolis Royal or Minas. In order to collect, a claimant had to produce either a live captive or the body or scalp of the Indian he had killed.⁵³

Cornwallis wrote again to the Lords of Trade, outlining the resolution of the Council and requesting their approval. He blamed the French for the current Indian troubles while

disassociating himself from any failure in British-Indian relations:

When I first arrived I made known to these Micmacs His Majesty's gracious intentions of cultivating Amity and Friendship with them, exhorting them to assemble their Tribes, that I would treat them and deliver the presents the Kind my Master had sent them, they seemed well inclined some keeping amongst us trafficking and well pleased; no sooner was the evacuation of Louisbourg made and De Lutre the French Missionary sent among them, they vanished and have not been with us since... The St. John's Indians I made peace with, and am glad to find by your Lordships letter of the 1st of August, it is agreeable to your way of thinking their making submission to the King before I would treat with them, as the articles are word for word the same as the Treaty you sent me made at Casco Bay, 1725, and confirmed at Annapolis, 1726. I intend if possible to keep up a good correspondence with the St. John's Indians a warlike people, tho' treaties with Indians are nothing, nothing but force will prevail.⁵⁴

The Lords of Trade replied to Cornwallis' missives on 16 February 1750. Though they approved in general of the measures taken by Cornwallis and the Council with regard to the Indians, they nonetheless cautioned:

As to the measures which you have already taken for reducing the Indians, we entirely approve them, and wish you may have success, but as it has been found by experience in other parts of America, that the gentler methods and offers of Peace have more frequently prevailed with Indians than the sword, if at the same times that the sword is held over their heads, offers of peace and friendships were tendered to them, the one might be a means of enducing them to accept the other, but as you have had experience of the disposition and sentiments of these savages you will be better able to judge whether measures of Peace will be effectual or not; if you should find that they will not, we don't in the least doubt your vigour and activity in endeavouring to reduce them by force.⁵⁵

The caution from the Lords of Trade had arrived too late to be of use, for Captain Gorham's rangers were already hunting down Micmacs in the backwoods of Nova Scotia. The Indians retaliated by launching a large raid on Dartmouth in June 1750.⁵⁶ Three months earlier, however, Captain Gorham had established himself at Piziquid and Minas, thus securing the area and paving the way for Major Lawrence's assault at Beaubassin.⁵⁷ When Lawrence and his troops arrived at Beaubassin in the summer of

1750 to counter the French occupation of Chignecto the previous winter, they found themselves opposed by Micmacs under the Abbé Le Loutre. Lawrence's troops drove the Indians back across the Missiquash, but could not pursue them because the French of La Corne were ensconced at Fort Beausejour.⁵⁸ Any British crossing of the river would have led to international repercussions not desired by the British home government.⁵⁹

The war, if it may be called that, continued in a desultory fashion for about two years until September 1752, when the Micmacs or at least a portion of them made peace overtures. Major Jean-Baptiste Cope, claiming to be the chief of the Shubenacadie band, came before the Council to suggest that the peace be renewed.⁶⁰

The Council asked him for his proposals and Cope replied that "the Indians should be paid for the land the English had settled upon in this country."⁶¹ He indicated that he spoke with the authorization of his band. When asked what he would do to bring the rest of the Micmacs into peace negotiations, Cope replied:

That he would return to his own people and inform them what he had done here, and then would go to the other Chiefs, and propose to them to renew the peace, and the he thought he should be able to perform it in a month, and would bring some of them with him if he could, and if not would bring their answer.⁶²

The Council then stated they would reply to his proposals the following day.

On September 1752, the Council minutes record that:

The answer prepared for the Indian Chief was read to him, and being approved of by him as satisfactory. It was ordered that the same should be fairly drawn on parchment, in French and English in order to be ratified and exchanged on the morrow.⁶³

September 16 saw the Council reply signed, sealed and given to Cope, who then embarked on a sailing vessel to return to his tribe. In their reply the Council stated that

they were happy that the Indians had come to bury the hatchet and to acknowledge that they were the children of King George, described as “your great Chief and Father.”⁶⁴ In addition to the flowery prose, the Council also offered certain concessions:

We will not suffer that you be hindered from Hunting, or Fishing in this Country, as you have been used to do, and if you shall think fit to settle your wives and children upon the River Shibenaccadie, no person shall hinder it, nor shall meddle with the lands where you are, and the Governor will put up a Truckhouse of Merchandise there, where you may have everything you stand in need of at a reasonable price, and where shall be given unto you to the full value for the peltries, feathers, or other things which you shall have to sell.⁶⁵

It is significant that the Council did not address itself to Cope’s proposal for monetary compensation for land taken for settlement. Though no reason for this omission is indicated in the minutes of the council, it would appear the British felt they had sole and unencumbered title to Acadia as derived from the French cession of it by the Treaty of Utrecht. The Council, given this premise, probably regarded any concession to the Indians as a favour bestowed upon its subjects at the pleasure of the Crown. In any event, this was the offer Cope carried back with him to his tribe. As a reward for his efforts, the Council presented Cope with a golden belt and two lace hats - one for himself and one for his son.⁶⁶ Such was the price of peace.

Chief Cope returned to Halifax with the approval of his followers to sign a formal treaty which was duly entered into on 24 November 1752. Under Article One of the treaty, the Indians agreed to renew, confirm and observe the conditions of the Treaty of 1725. Article Two stipulated that all past hostilities were to be “buried in oblivion with the hatchet.” The third article obliged the Shubenacadie tribe to persuade, if they could, the other Micmac tribes to sign the treaty and to inform the government of any hostile plans these Indians might have toward it. In addition, Cope’s tribe was to do its best to hinder any hostile action. If the Shubenacadies were attacked by a hostile tribe, they could, upon application, receive such assistance for their defence as the government deemed warranted. Article Five stated that a quantity of bread, flour and other provisions would be given to the tribe semi-annually. Article Six declared that the Indians would receive

presents of blankets, tobacco, powder and shot on the first of October each year, so long as they adhered to the terms of the treaty. Although the British had given presents to the Indians of Nova Scotia before, this was the first time the award of gifts was inscribed in treaty. Article Seven committed the Indians to rescue shipwrecked people, and Article Eight provided the Shubenacadies with equal status with His Majesty's other subjects before the courts.⁶⁷

The crux of the treaty, however, was Article Four. It was a reiteration of the reply given to Cope in September, though it did not say anything about the Indians settling along the Shubenacadie River. The Article read as follows:

It is agreed that the said Tribe of Indians shall not be hindered from, but have free liberty of Hunting and Fishing as usual: and that if they shall think a Truckhouse needful at the River Chicenaccadie or any other place of their resort, they shall have the same built and proper Merchandize lodged therein, to be exchanged for what the Indians shall have to dispose of and that in the meantime the said Indians shall have free liberty to bring for sale to Halifax or any other settlement within this Province, skins, feathers, fowl, fish or any other thing they shall have to sell, where they shall have liberty to dispose thereof to the best advantage.⁶⁸

This Article, though not admitting to any Indian title to the land as some earlier treaties with the Abenakis had done, did recognize by implication the Indian right to continue unhindered their traditional occupations of hunting and fishing. This marked the first time in any of the treaties signed between the British and the Maritime Indians that such a right or quid pro quo was conceded. The fact that there is no definition of the area in which the Indians might hunt and fish would indicate that this region was already well known to and recognized by both sides.

The ink on the treaty was barely dry before it was broken. Governor Hopson noted in a letter to the Lords of Trade that two sailors had arrived at Halifax in early April 1753, carrying six Indian (Shubenacadie) scalps.⁶⁹ The men said they were survivors of a ship's crew that had been seized by the Indians. Hopson obtained their depositions and secured their presence for the next General Court, in the event that the Indians should

enter a complaint against them.⁷⁰

The Indians, however, chose not to avail themselves of the Court, but sought vengeance instead. They lured the crew of a government supply ship on shore and killed all the crew save the Acadian interpreter. It is alleged that following the slayings, Cope threw his copy of the treaty in the fire, declaring “that this was the way they made Peace with the English.”⁷¹ These actions destroyed the partial peace the treaty had secured and Nova Scotia again slipped into the shadow of a twilight existence that was neither peace nor war.

On 26 August 1754, the Abbé Le Loutre wrote to Governor Lawrence to inform him that the Indians, Micmacs and Malecites, had held a council at Fort Beausejour and wished to communicate the following proposals:

Primo: They have determined to continue in peace, and to commit no act of hostility against the subjects of Great Britain, until the reply which you, Sir, and council are to give them on what they propose to you in writing, shall reach them.

Secundo: They agree to give no insult to those of the English whom they shall meet travelling on the highway; but that those, who shall depart from it, for the purpose of going into the woods, as the detachment did which came lately to Chigabenakady, which they consider an infraction, shall be treated as enemies.

Tertio: That in order to arrive at a solid and durable peace, there shall be ceded to them a certain space of territory which they only shall enjoy, suitable for hunting and fishing, and for the establishment of a village and a mission as a parish.

Quarto: That this space of territory shall extend from the south of Bay Verte, comprising Fort Lawrence and lands depending on it, to the entrance of Minas, thence ascending into Cobequid as far as and comprising Chigabenakady, and leaving this latter place, formerly my mission, in ascending and descending afterwards as far as the river Mouskedaboveck and from this place which is on the coast of the east to above eight leagues from Halifax, passing by the bay of all islands. Saint Mary's bay, and Moukoudome as far as Canceau, and from Conceay by the passage of Fronsac to the said Bay Verte.

Quinto: That within this space of territory, to which they restrict themselves, and which they consider very moderate and very limited in view of the immensity of land they did possess, and of the amount at present in their possession, the enjoyment of which they demand for themselves alone, with all possible tranquility, there shall exist neither fort nor fortress belonging to the French or the English.

Sexte: They most earnestly request, that the replies or decisions concerning the above articles be given to them between St. Michael and All Saints, that is to say in the course on the month of October next.⁷²

It is not clear whether this offer was made in good faith or the Indians were put up to it by the French in order to embarrass the British. The territorial demand would have meant the surrender by the British of the eastern half of Nova Scotia; while the proposal that no British or French forts remain in the area would have meant the dismantling of British installations, for the French had no posts east of the Missaquash.

The proposal was brought before the Council, which considered it insolent and absurd.⁷³ The Council's opinion of Le Loutre's communication was elaborated in a letter from Governor Lawrence to Captain Hussey, Commander of Fort Lawrence:

Mr. Le Loutre's letter containing his proposals of peace with the Indians has been thoroughly considered by the Council.

His articles are so extravagant and so much out of our power to comply with, that the Council don't think it consistent to make any answer to or take the least notice of them. The terms in which they are drawn up shews that he is not serious because he asks what he knows to be both insolent and absurd, but this is no more than a piece with the rest of his conduct. He will doubtless tell these poor wretches that he has made such overtures of peace for them to us, as we might well have granted, and by that means endeavour to make them believe they can never have peace with us, in order that he may still have them under his influence and dependence, this we can easily see is his drift.⁷⁴

The Council finally resolved that Captain Hussey should inform the Indians that if they desired peace they should come to Halifax "where they will be treated with on reasonable conditions."⁷⁵

The British by 1755 were becoming impatient with the situation in Nova Scotia and began to look toward a military solution. Indeed, Governor Hopson had written to the Lords of Trade in 1753 suggesting the French be driven out, commenting:

for I am now fully convinced that very little progress can be made in the service I have the honour to be employed in, until the French Flag is removed out of this Province by some means or other; when that happens I have hopes that the Indians when their allies are withdrawn will no more be able to disturb us, and that they will then make proper submission to His Majesty's Government, and live under it in peace and quietness...⁷⁶

In 1754, Governor Shirley of Massachusetts, who had been agitating for a campaign to drive the French from Nova Scotia, was given permission to do so by the Secretary of State, Sir Thomas Robinson. The Secretary also ordered Shirley to collaborate on this effort with Governor Lawrence who, independently of the Massachusetts governor, had advocated the same policy. The two governors corresponded and jointly planned for an expedition to be sent to Chignecto in the spring of 1755.⁷⁷

The expedition, consisting of 2,000 New England militia and 250 British regulars from Fort Lawrence, laid siege to Fort Beausejour on 12 June 1755. The French capitulated four days later.⁷⁸ This successful action by the British effectively removed French influence from Nova Scotia. In fact, as a result of the capture of Beausejour, the French abandoned and demolished their fort on the St. John River. The Indians (Malecites), faced with the French withdrawal, were quick to assure the British of their desire for peace, though nothing immediately came of it.⁷⁹

The Micmacs were now left to face the British alone, and they were soon caught up in that final phase of the Anglo-French struggle for North America known as the Seven Years' War. Once again they began making raids throughout the province. The British command of the sea and the fall of Louisbourg in 1758, however, cut off the French supply of arms and ammunition, without which the Micmacs could not maintain their resistance. A raid on Lunenburg in December 1758 was the last military action by the Micmacs.⁸⁰

In February 1760, with Quebec captured and French power in North America crushed, the Passamaquoddys and Malecites went to Halifax to sue for peace. They signed a treaty acknowledging King George III as sovereign and accepting blame for having broken the peace. The only concession given by the British provided for the establishment of a truckhouse on the St. John River.⁸¹

Throughout the year 1760-1761, the various tribes of Micmacs made their peace with the British. The agreement signed by the Merimichi tribe is typical of the treaties they entered into. Under the terms of the treaty, the Merimichi had recognized British dominion over Nova Scotia and promised not to molest in any way his Majesty's subjects. The Indians were to make restitution for any crimes committed by them against the colonists and were to resolve any disputes between themselves and the colonists or any other Indians in the colonial courts. They were neither to entice nor to assist British soldiers to desert and were obliged to help capture them if they did desert. The Merimichi promised not to aid in any manner whatsoever the enemies of the British nor to trade anywhere but at a truckhouse to be established at Fort Cumberland. Finally, the Merimichi tribe was required to furnish the British with hostages to ensure that the terms of the treaty were maintained.⁸²

There were no concessions of any kind by the British, unless the establishment of a truckhouse may be considered as such; nor was there recognition of any Indian rights. Indeed, it was never a consideration that the Indians had any rights. The treaty, actually a misnomer, was nothing more than a document of unconditional surrender for the defeated Indians to ratify. The final treaty was signed in November 1761 by the Micmacs from La Have.⁸³

Having eliminated the French from North America, the British now focussed their attention on maintaining peace between the Indians and the various colonies. The thorniest issue was the question of land, and in 1761 instructions were issued to the governors to maintain the treaties and to respect Indian land rights. Failure to obey the instructions could result in the governor or colonial official concerned being removed

from office.

In May 1762, Lieutenant-Governor Belcher of Nova Scotia, spurred by the instructions, issued a proclamation forbidding the settlement or trespass of certain lands claimed by the Indians⁸⁴ This was in spite of the fact that no British administration in Nova Scotia had ever recognized any Indian right or title to the land.

The lands in question comprised the coastal area from Halifax to Canso and west to the Bay of Chaleur. Since this region was the site of rich fishing and sealing grounds, the proclamation was certainly not popular with the seafaring segments of the population.⁸⁵

Belcher outlined his action, somewhat defensively, in a letter to the Lords of Trade, stating:

In obedience to this Royal Instruction from His Majesty, I caused a proclamation to be published in His Majesty's name enjoining all persons against any molestation of the Indians in their claims. Lest any difficulties might arise it appeared advisable, previous to the Proclamation, to inquire into the nature of the pretensions of the Indians for any part of the lands within this Province. A return was accordingly made to me, for a common-right to the Sea Coast from Cape Fronsac onwards for Fishing without disturbance or opposition by any of His Majesty's Subjects. This claim was therefore inserted in the proclamation, that all persons might be notified of the reasonableness of such a permission, whilst the Indians themselves should continue in peace with us, and that this claim should at least be entertained by the Government til His Majesty's pleasure should be signified. After the proclamation was issued no claims for any other purposes were made. If the proclamation had been issued at large, the Indians might have been incited by the disaffected Acadians and others, to have made extravagant and unwarrantable demands to the disquiet and perplexity of the New Settlements in the Province. Your Lordships will permit me humbly to remark that no other claim can be made by the Indians in the Province, either by Treaties or long possession (the Rule, by which the determination of their claims by virtue of this His Majesty's instruction) since the French derived their Title from the Indians and the French ceded their Title to the English.⁸⁶

It is difficult to understand why Belcher felt the government could entertain this particular

claim, when by his own reasoning the Indians could make no other claim because the British had derived their title to Nova Scotia from the French.

Unfortunately for the Indians, Belcher's proclamation was negated by his adversary relationship with certain members of the Legislative Council, in particular the brothers Joseph and Benjamin Gerrish.⁸⁷ Belcher wished to prevent the extension of the Debtors Act when it came up for renewal at the end of 1761. The Debtors Acts prevented creditors from suing debtors in the courts of Nova Scotia for debts contracted outside of the province. Since many of the Council, including the Gerrish brothers, had fled to Nova Scotia to escape their debts, Belcher's action would have rendered them liable to litigation.⁸⁸

The Gerrishes took their case to the provincial agent in London, Joshua Mauger. Mauger exercised his influence with the Board of Trade and appealed to have the Debtors Act revived. He portrayed Belcher as an incompetent and cited his proclamation as an example of his incompetence. The Board apparently did not need much convincing; they had become exasperated with Belcher's constant budget deficits and had considered his proclamation inappropriate. As a result of Mauger's machinations, the Board of Trade not only revived the Debtors Act, but also annulled Belcher's Indian Reserve Proclamation.⁸⁹

In 1763, the British government issued the royal proclamation which dealt with Indian land rights in North America. Though intended to deal with the Indians west of the Appalachian Mountains, the wording of the Proclamation was ambivalent enough to raise the question of its applicability to the older settled colonies. Indeed, an argument has ensued over the years as to whether the Royal Proclamation applied to the Canadian Maritimes, and it is an argument which has yet to be resolved. At the time, however, the newly appointed governor of Nova Scotia, Montagu Wilmot, did not consider it applicable to his province.⁹⁰ for the reasons stated by Belcher; namely, the British had received their title from the French. The Royal Proclamation, therefore, was not applied.

On 22 September 1779, the final treaty with the Micmacs was signed. At that time American revolutionists were attempting to stir up the Indians against the British. Perhaps encouraged by American promises, the Indians attacked a trading post on the Mirimichi River. The British, however, were quick to react and dispatched a warship to the area to quell the outbreak. Some 16 Indians were taken and sent to Quebec. The remaining Indians were induced to enter treaty.⁹¹

According to the terms, the Indians had to accept the blame for the attack and to promise that in future they would protect English settlers. They also promised not to aid Britain's enemies. In return, they were given some presents and were told that they would not be molested in their hunting and fishing.

By this time, however, the Indians were no longer the military factor they had been forty years before. With immigration on the increase since the founding of Halifax, and with a wave of dispossessed United Empire Loyalists about to descend on the Maritime provinces, the Indians were fated to eke out their existence on the fringes of civilization.⁹²

Notes

1. Akins, *Public Documents of Nova Scotia*, p. 129. Letter from Governor Mascarene to the Secretary of State, 1 December 1743.

2. *Ibid.*, p. 129.

3. Norman McLean Rogers, "The Abbé Le Loutre," *Canadian Historical Review* XI (June 1930): 111.

4. Rawlyk, *Nova Scotia's Massachusetts*, p. 140.

5. Rogers, "The Abbé Le Loutre," p. 111.

6. Akins, *Public Documents of Nova Scotia*, p. 131. Letter from Governor Mascarene to the Lords of Trade, 20 September 1744.

7. Rawlyk, *Nova Scotia's Massachusetts*, p. 141. See also Akins, *Public Documents of Nova Scotia*, pp. 131-132. Letter from Governor Mascarene to the Lords of Trade, 20 September 1744.

8. Rogers, "The Abbé Le Loutre," p. 112.

9. Rawlyk, *Nova Scotia's Massachusetts*, p. 143.
10. Akins, *Public Documents of Nova Scotia*, p. 132. Letter from Governor Mascarene to the Lords of Trade, 20 September 1744.
11. Rawlyk, *Nova Scotia's Massachusetts*, p. 143.
12. Akins, *Public Documents of Nova Scotia*, p. 133. Governor Mascarene to the Lords of Trade, 25 September 1744.
13. Charles Henry Lincoln, ed., *Correspondence of William Shirley* (New York: Macmillan Company, 1912), I:115. Letter from Shirley to the Duke of Newcastle, 19 March 1743.
14. *Ibid.*, p. 122. Shirley to the General Court of Massachusetts.
15. Rawlyk, *Nova Scotia's Massachusetts*, p. 136.
16. Lincoln, *Correspondence of Shirley*, I:139-140. Shirley to the Lords of Trade, 10 August 1744.
17. Akins, *Public Documents of Nova Scotia*, pp. 133-134. Governor Mascarene to the Lord of Trade, 25 September 1744.
18. Lincoln, *Correspondence of Shirley*, I:140. Shirley to the Lords of Trade, 10 August 1744.
19. *Ibid.*, p. 139.
20. *Ibid.*, pp. 150-151. Shirley to the Lords of Trade, 16 October 1744.
21. *Ibid.*, p. 177. Shirley to Benning Wentworth, Governor of New Hampshire, 31 January 1744.
22. *Ibid.*, p. 159. Shirley to the General Court of Massachusetts, 9 January 1745.
23. Rawlyk, *Nova Scotia's Massachusetts*, p. 171.
24. *Ibid.*, pp. 181-182. See also Rogers, "The Abbé Le Loutre," p. 112.
25. McNutt, *The Atlantic Provinces*, p. 34.
26. Rogers, "The Abbé Le Loutre," pp. 113-114.
27. MacNutt, *The Atlantic Provinces*, pp. 34-35. See also Rawlyk, *Nova Scotia's Massachusetts*, pp. 180-188.
28. *Ibid.*, p. 35.
29. Rawlyk, *Nova Scotia's Massachusetts*, p. 188.
30. *Ibid.*, p. 189.
31. MacNutt, *The Atlantic Provinces*, pp. 36-37.
32. *Ibid.*, p. 37.
33. *Ibid.*

34. Murdock, *History of Nova Scotia*, II:153.
35. Akins, *Public Documents of Nova Scotia* p. 367. Governor Mascarene to Count De La Galissonière, 25 April, 1749.
36. Murdock, *History of Nova Scotia*, II:159-161.
37. *Ibid.*, p. 167.
38. Max Savelle, "Diplomatic Preliminaries of the Seven Years' War in America," *Canadian Historical Review* 20 (March 1939):20.
39. MacNutt, *The Atlantic Provinces*, p. 39.
40. *Ibid.*, p. 38-39. See also Savelle, "Seven Year's War in America," pp. 20-21.
41. Akins, *Public Documents of Nova Scotia*, p. 374.
42. *Ibid.*, p. 376.
43. MacNutt, *The Atlantic Provinces*, p. 38.
44. *Ibid.*, p. 39.
45. Rogers, "The Abbé Le Loutre" p. 118.
46. *Ibid.*
47. *Ibid.*
48. *Ibid.*
49. Akins, *Public Documents of Nova Scotia*, p. 584.
50. *Ibid.*, p. 581. Minutes of Council held on board the Beaufort. 1 October, 1749.
51. *Ibid.*, p. 581.
52. *Ibid.*, pp. 581-582. Proclamation issued by Governor Cornwallis, 2 October 1749.
53. *Ibid.*, p. 582.
54. *Ibid.*, p. 591. Governor Cornwallis to the Lords of Trade & Plantations 17 October 1749.
55. *Ibid.*, p. 601. Lords of Trade to Governor Cornwallis, 16 February 1750.
56. Upton, *Micmacs and Colonists*, p. 54.
57. *Ibid.*, p. 53. See also Akins, *Public Documents of Nova Scotia*, pp. 593-595. Governor Cornwallis to Duke of Bedford, 17 October 1749.
58. *Ibid.*, p. 53.
59. *Ibid.*

60. Akins, *Public Documents of Nova Scotia*, p. 671. Council Minutes, Halifax, 14 September 1752.
61. *Ibid.*, p. 671.
62. *Ibid.*
63. *Ibid.*, p. 672. Council Minutes, Halifax, 15 September, 1752.
64. *Ibid.*, p. 673. Council Minutes, Halifax, 16 September, 1752.
65. *Ibid.*
66. *Ibid.*
67. Cumming and Mickenburg, *Native Rights.*, pp. 307-308.
68. *Ibid.*, p. 307.
69. Akins, *Public Documents of Nova Scotia*, p. 682. Governor Hopson to the Lords of Trade, 16 April 1753.
70. Upton, *Micmacs and Colonists.*, p. 55.
71. *Ibid.*
72. Akins, *Public Documents of Nova Scotia*, p. 217. Letter from the Abbé Le Loutre to Governor Lawrence, 27 August 1754, read at Council, Halifax, 9 September 1754.
73. *Ibid.*, p. 218.
74. *Ibid.*, p. 237. Letter from Governor Lawrence to Captain Hussey Commanding at Chignecto.
75. *Ibid.*, p. 219. Council Minutes. Halifax. 9 September 1754.
76. *Ibid.*, p. 200. Governor Hopson to the Lords of Trade, 23 July 1753.
77. Rawlyk, *Nova Scotia's Massachusetts*, p. 202.
78. *Ibid.*, pp. 208-209.
79. Akins, *Public Documents of Nova Scotia*, p. 259. Governor Lawrence to Board of Trade, 18 July 1755.
80. Upton, *Micmacs and Colonists*, pp. 56-57.
81. *Ibid.*, p. 57.
82. Akins, *Public Documents of Nova Scotia*, p. 699.
83. Upton, *Micmacs and Colonists*, p. 59.
84. John Bartlett Brebner, *The Neutral Yankees of Nova Scotia*, (Toronto: McClelland & Stewart Ltd., 1969), p. 61.
85. *Ibid.*

86. Indian and Northern Affairs Canada, Treaties and Historical Research Centre, Ottawa.
87. Brebner, *Neutral Yankees*, pp. 65-67.
88. *Ibid.*, p. 65.
89. *Ibid.*, pp. 73-74.
90. Upton, *Micmacs and Colonists*, p. 62.
91. *Ibid.*, p. 77.
92. *Ibid.*, p. 78.

SUMMARY

The 68 year period between 1693 and 1761 was an age of constant warfare between France and England in their struggle for empire in North America, and it was during this period of incessant hostility that the so-called treaties with the Indians were conceived. They were styled "Treaties of Peace and Friendship," which certainly appears to be a misnomer, for most of the treaties began with the words "Articles of Peace and Submission," hardly an indication of an agreement signed between two equal powers for mutual benefit.

Indeed, it is dubious whether they may be construed as treaties at all. Webster's New Collegiate Dictionary defines the word "treaty" as:

A contract in writing between two or more political authorities (as states or sovereigns) formally signed by representatives duly authorized and usually ratified by the law-making authority of the state.

It is doubtful whether this definition could be applied to the Indians, who were considered neither sovereign nor as constituting a political state, at least in European terms. Perhaps it is more accurate to consider these agreements, called treaties, to be a cross between a document of surrender and an armed truce, with the Indians making most of the concessions for an occasional quid pro quo from the British.

In Canada, great emphasis has been placed on the treaties of 1725 and 1752, it being contended in some quarters that these two documents are the basis for recognizing hunting and fishing and aboriginal title for the Maritime Indians. This, however, is not the case, as an examination of these documents will reveal.

The Treaty of 1725 was the first to include all the Indians of the Canadian Maritime provinces. There are two paragraphs which deal with land title and hunting and fishing rights. They read as follows:

That His Majesty's Subjects and the English shall and may peaceably and quietly enter upon Improve and forever enjoy all and singular their Rights of God and former Settlements properties and possessions within the Eastern parts of the said province of the Massachusetts Bay together with all islands, inlets Shoars Beaches and Fishery within the same without any molestation or claims by us or any other Indian and be in no ways molested interrupted or disturbed therein.

Saving unto the Penobscot, Naridgwalk and other Tribes within His Majesty's province aforesaid and their lands, liberties and properties not by them conveyed or sold to or possessed by any of the English subjects as foresaid. As also the privilege of fishing, hunting, and fowling as formerly. ¹

It is clear that these two sections dealt specifically with the Indians of the Abenaki Confederacy, the Penobscots and Naridgewalks (Kennebecs) being mentioned by name. The immediate purpose of the treaty was obviously to put an end to Dummer's War. It is also evident, however, that by recognizing, albeit implicitly, that the Indians had a traditional right to the land, the Massachusetts authorities were attempting to fashion a peaceful procedure for colonizing the territory occupied by the Abenakis. This was consistent with the treaties signed between Massachusetts and the Abenakis. Concessions were granted, be it in the form of a truckhouse and favourable trading terms or recognition of land title, in an attempt to maintain peaceful relations and to detach the Abenakis from their de facto alliance with the French. The above clauses, however, dealt only with the tribes who lived within the boundaries of Massachusetts or territories claimed by that colony. It is to be noted that Nova Scotia was never at any time an integral part of Massachusetts.

The only specific mention of Nova Scotia (Acadia) in the treaty is contained in the paragraph which states:

And further we the aforementioned Delegates do promise and engage with the Honourable Lawrence Armstrong; Lieutenant Governor and Commanded in Chief of His Majesty's Province of Nova Scotia or Acadie to live in peace with His Majesty's Good Subjects and their dependants in the Government according to the Articles agreed on with Major Paul Makarene sic commissioner for that purpose and further to be ratified as

mentioned in the said Articles.²

This article was included in the treaty at the behest of Nova Scotia authorities, who were fearful that Massachusetts might sign a separate peace and leave them alone to face the Indians. The agreement which stemmed from this clause is referred to as Treaty No. 239. In this treaty, actually a sub-treaty, there was no recognition of any Indian rights whatsoever. Insofar as the British were concerned, they had acquired sole and complete title to Nova Scotia from the French by Article XII of the Treaty of Utrecht, which stated in part:

That the island of St. Christopher is to be possessed along hereafter by the British subjects, likewise all Nova Scotia or Acadia, with its ancient boundaries, as also the city of Port Royal, now called Annapolis Royal, and all other things in those parts which depend on the said lands and islands, together with the dominion, propriety, and possession of the said islands, lands, and places, and all right whatsoever, by treaties, or by any other way obtained, which the Most Christian thereof, have hitherto had to the said islands, lands, and places, and the inhabitants of the same, are yielded and made over to the Queen of Great Britain, and to her Crown forever, etc...³

It became a fiction of French diplomacy after 1713 to maintain that the Indians were allies rather than subjects, in which case one wonders by what right the French ceded Nova Scotia to Britain. This claim was not made by the French out of any great concern for the welfare of the Indians but rather to maintain their hostility toward the British. It is interesting to note the French attitude towards the Indians before 1713 as reflected in the report on Acadia and New England by Intendent De Meulles. In outlining his plan for French acquisition of New York and Boston, De Meulles stated that his scheme would:

Become a way of securing complete monarchy over this continent, by making oneself master of all the European peoples established here and of all the native savages in general.⁴

In any event it was a claim the British never seriously considered. Indeed, in the Indian wars of the eighteenth century the British always regarded the Indians as rebels or

bandits, which implied they were subjects of the Crown in revolt.

The Indians themselves recognized this status when they signed Treaty No. 239, the second paragraph of which stated:

Whereas His Majesty King George by concession of the Most Christian King, made at the Treaty of Utrecht is become the rightful possessor of the Province of Nova Scotia or Acadia according to its ancient boundaries: We, the said Sanguaarum alias, Loron Arexus, Francois Xavier and Meganumbe delegates from the said tribes of Penobscott, Naridgwalk, St. Johns, Cape Sables and other tribes inhabiting within His Majesty's said territories of Nova Scotia or Acadia and New England, do, in the name and behalf of the said tribes we represent, acknowledge His said Majesty King George's jurisdiction and dominion over the territories of the said Province of Nova Scotia or Acadia, and make our submission to His said Majesty is as ample a manner as we have formerly done to the Most Christian King.⁵

The Treaty of 1752 between Governor Hopson and Major Jean Baptiste Cope, chief of the Micmac tribe of the east coast of Nova Scotia, was a reiteration of the articles "ratified and confirmed by all the Nova Scotia Tribes at Annapolis Royal in the month of June 1726."⁶ There were, however, two significant concessions made to the Indians, one of which was subsequently included in the treaty. During the negotiations with Cope, the Council proposed to the Indians that "if you shall think fit to settle your Wives and Children upon the River Shibernaccadie, no person shall hinder it, nor shall meddle with the land where you are".⁷ This was the first time that the colonial officials in Nova Scotia had offered the Indians a specific piece of land for their own use. This particular proposal, however, was not incorporated in the treaty and the records do not indicate why it was omitted.

The Council also agreed, "that the said tribe of Indians shall not be hindered from, but have free liberty of hunting and fishing as usual."⁸ Again, this was the first time that this aspect of the Indian economy was acknowledged in a treaty. It is doubtful, however, given the British stance that the Indians were subjects, that the governor and Council considered either of these concessions as implying an aboriginal right, but rather as

favours granted at the pleasure of the Crown.

Regarding the applicability of the treaty to all the Indians of Nova Scotia, Mr. Justice Patterson ruled in *Rex vs. Syliboy* that the treaty had been made with the Shubenacadie band and no one else. It is perhaps a moot point in any case, as the treaty was abrogated shortly after its signing by renewed acts of hostility. In fact, all the treaties between new England, Nova Scotia and the Maritime Indians between 1693 and 1752 were abrogated by renewed acts of war. Perhaps the only significant treaty remaining extant is that of 1779, which was never in any way abrogated.

The treaties were the outcome of a period of intense warfare. Designed for the immediate purpose of obtaining peace, clearing the way for colonization and as diplomatic tools to destroy French power, they were not intended to, nor do they, provide the basis for aboriginal entitlement in the Maritimes.

Notes

1. Cumming and Mickenberg, *Native Rights*, p. 301.
2. *Ibid.*, p. 301.
3. Indian and Northern Affairs Canada, Treaties and Historical Research Centre, Ottawa
4. Morse, *Acadiensis Nova*, p. 17.
5. Canada, *Indian Treaties and Surrenders* (Ottawa, 1891), I:198.
6. Akins, *Public Documents of Nova Scotia*, p. 683. Treaty of 1752.
7. *Ibid.*, p. 673. Minutes of Council, 16 September 1752.
8. *Ibid.*, p. 683., Treaty of 1752.

APPENDIX: Short List of Court Decisions

The following is a short list of court decisions in which the Maritime Indian Treaties have been cited. Copies of these decisions may be obtained from the Treaties and Historical Research Centre, Department of Indian and Northern Affairs.

Rex. V. Syliboy: Inverness County Court, Nova Scotia, 1928. (1 Dominion Law Reports (1919), pp. 307-315).

Warman v. Francis et al: Supreme Court of New Brunswick (Queen's Bench Division), 1958. (Maritime Provinces Reports (43M P.R.), pp. 197-216).

Regina v. Simon: New Brunswick Supreme Court (Appeal Division), 1958. (Canadian Criminal Cases (Vol. 124), pp. 110-115).

Isaac v. Regina: The Supreme Court of Nova Scotia (Appeal Division - Crown Side), 1975. (Judgement by Mackeigan, C.J.N.S., Coffin, Cooper, and Macdonald, J.J.A., S.H. No. 05763 59 pp.).

Paul v. Regina: The Court of Appeal of New Brunswick, 1980. (Judgement by Hughes, C.J.N.B., Bugold and Ryan, J.J.A., 21 pp).

Francis v. Regina: The Supreme Court of Appeal of New Brunswick (Appeal Division), 1969. (Judgement by Bridges, C.J.N.B., Limerick and Hughes, J.J.A., 8 pp.).

Regina V. Paul and Somerville: The Provincial Court of New Brunswick (Criminal Division), 1980. (Judgement by Bertrand, Judge of the Provincial Court, 4 pp.).

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