



1865 – 1949

Confederation Debates

intermediate/senior
mini unit

<http://hcmc.uvic.ca/confederation/>



**New Brunswick
Provincial Edition**

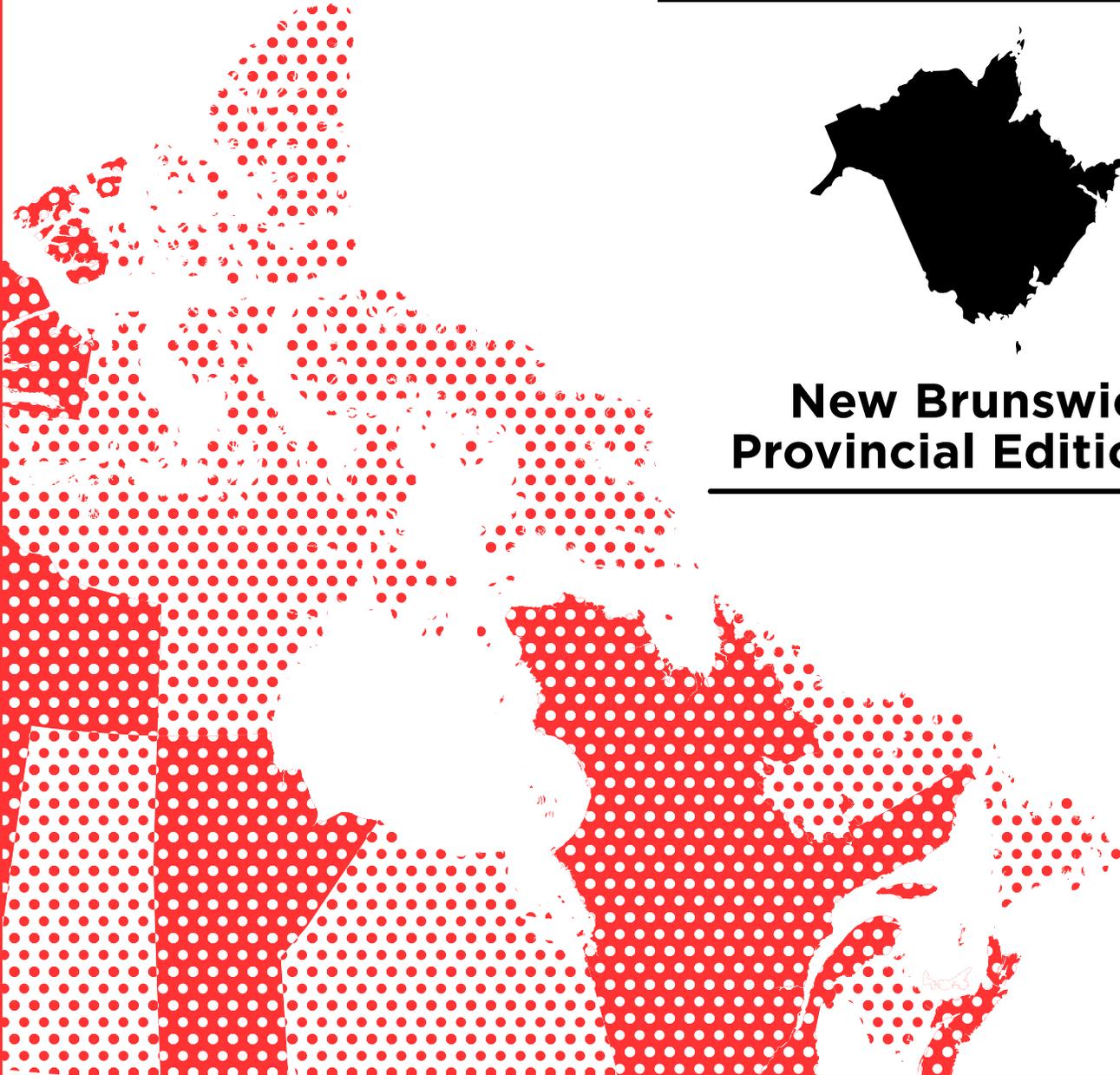




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ABOUT *THE CONFEDERATION* *DEBATES* MINI-UNIT

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

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

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

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

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

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

CURRICULUM OBJECTIVES

This mini-unit has been broadly designed for intermediate/senior-level classes. The activities described in the pages, for example, fulfill the following outcomes listed in New Brunswick's "Social Studies 7: Empowerment" and "Canadian History 122" curriculum guides.

Social Studies 7 Empowerment: General Outcomes

CITIZENSHIP, POWER AND GOVERNANCE

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

CULTURE AND DIVERSITY

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

INTERDEPENDENCE

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

PEOPLE, PLACE, AND ENVIRONMENT

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

TIME, CONTINUITY, AND CHANGE

- identify and analyze trends that could shape the future
- demonstrate an understanding that the interpretation of history reflects perspectives, frames of reference, and biases
- value their society's heritage
- appreciate that there are varying perspectives on a historical issue
- recognize the contribution of the past to present-day society

COMMUNICATION

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

INQUIRY

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

PARTICIPATION

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

Social Studies 7 Empowerment: Specific Outcomes

- 7.3.3 analyze the internal and external factors that led to Confederation
 - identify the British North American colonies' perspectives on Confederation
 - identify the key individuals with power and explain their involvement in making Confederation happen
 - investigate the extent to which external factors affected the confederation debate
 - determine if Confederation was a democratic process by today's standards
- 7.3.4 examine the political structure of Canada as a result of Confederation
 - examine the concept of Federalism
 - chart the structure of the Canadian Government after Confederation
 - compare the power given to the different levels of Government by the BNA Act
 - explain the role of the individual in the democratic process in Canada
- 7.4.3 Analyze the degree of empowerment and disempowerment for Aboriginal peoples in present day Atlantic Canada during this period
 - identify the various Aboriginal groups in present day Atlantic Canada during this period
 - describe the way of life of Aboriginal peoples in present day Atlantic Canada during this period
 - explore how national policies, treaties and the Indian Act impacted the Aboriginal peoples of present day Atlantic Canada

Canadian History 122

UNIT 1: 1867-1896 THE MACDONALD ERA - EXPANSION AND CONSOLIDATION, SECTION 1, NATION BUILDING

- Outcome 1: Students will demonstrate an understanding of and the reasons for the workings of the Canadian Federal system of government.
 - The Canadian Federal system of government which was established at the Charlottetown, Quebec and London Conferences, is a flexible system which has permitted Canadian political and regional diversity.
 - In order to understand our federal system and its regional nature, students should examine the British North America Act to understand the regional nature of Canada and the geographical, racial and ethnic reasons surrounding the act.
- Outcome 2: Students will demonstrate an understanding of the policies of Canadian western expansion.
 - The government of Canada purchased the Northwest Territories from the Hudson's Bay Company in 1869 in order to build a nation "from sea unto sea". This event put an end to American northern expansion - "Manifest Destiny" but also led to rebellion and racism in the west and in central Canada. This topic should also lead students to develop an appreciation of western Canada's topography and the First Peoples who lived in the Northwest Territories and how Canada dealt with their land claims.
- Outcome 3: Students will demonstrate an understanding of the causes and consequences of the National Policy.
 - The National Policy of John A. MacDonalld not only won the election of 1878 but was to form the economic basis of Canada for more than a century. Students should understand the main elements of the National Policy and be able to describe how MacDonalld viewed the importance of creating a truly great nation north of the 49th Parallel.
- Outcome 4: Students will demonstrate a knowledge of the tension between the Federal and Provincial Governments and their rights and powers which developed during this era.
 - The British North America Act made Canada a strong federal country. It also attempted to address the concerns of the regions of the country by giving equal regional representation in the senate. However, as the end of the century approached, conflicts between the provinces and federal grew. Students should understand the developing conflict between the two levels of government and be able to concisely present this information.
 - Joseph Howe of Nova Scotia warned maritimers about the "Botheration Scheme". As the end of the MacDonalld era approached, federal-provincial relations became strained. Was the confederation "honeymoon" over? Was Joseph Howe correct in his views?

SECTION 1 | CREATING CANADA: NEW BRUNSWICK

Prerequisite Skillset

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

Background Knowledge

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

SOCIAL

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

ECONOMIC

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

POLITICAL

- The difference between a legislative union (ex. Great Britain had a single legislature for England and Scotland) and a federal union (with federal and provincial legislatures that each have areas of exclusive jurisdiction)
 - Charlottetown and Quebec constitutional conferences of 1864
 - The concept of dividing powers between federal and provincial governments and the respective jurisdictions of each (ex. education, military)
 - Increasing Aboriginal marginalization (especially neglected Treaty Rights)
- The concept of Maritime (as opposed to British North American) union
- The worry that the main impetus for Confederation came from the Province of Canada's need to overcome its own political deadlock (as opposed to the genuine pursuit of common interests among the colonies)

Confederation Debates: Introductory Lesson

Lesson: Introduce Confederation and the concept of debate

Concepts Used: Brainstorming, concept map

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

Materials Provided: Video, handouts

Time Needed: 2 x 40-minute classes

INTRODUCTION

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

BRAINSTORM SESSION

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

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

CONCEPT MAP

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

INTRODUCTION TO PARLIAMENT

1. Distribute the "72 Resolutions Handout" to the students and highlight and discuss:
 - a. The fact that representation in the House of Commons is representation by population, and representation in the Senate is by region (ex. the Prairies)
 - b. The division of powers between federal and provincial governments (note that one focuses on national issues like banking, while the other focuses on local concerns like hospitals).
2. Show the class any Question Period video posted to <http://www.cpac.ca/en/programs/question-period/>.
3. Pause the video at the start and point out the government side (left), the opposition side (right) and the Speaker of the House (centre).

4. Play several minutes of the video and ask students to fill out and submit the handout for teacher evaluation.
5. When the video is complete and the handouts are submitted, discuss the following points with the class:
 - a. Note that different parties form the government and opposition, and that each take opposite sides on issues
 - b. During Question Period, one person asks questions; the other side answers/rebutts
 - c. The Speaker of the House controls the discussion
 - d. The classroom debate will not have any:
 - i. Yelling
 - ii. Talking over one another

Confederation Debates: Biographical Research

Lesson: Introduce the key historical figures in the Confederation debates

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

Materials Used: Computers

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

Time Needed: 3 x 40-minute classes

HISTORICAL FIGURE COMPUTER RESEARCH

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

GROUP DISCUSSION

1. After students have completed their research—in the computer lab, or at home—the students should rejoin their groups (see 3 above) in the classroom.
2. Distribute the “Primary Source” handouts (see appendices) to the groups. (Each student should have their own copy.)
3. Each student will be given a task: reader, writer and discussant. (The reader will read the source to the group, the discussants will contribute to the discussion and the writer will record the group’s ideas on a separate sheet of paper.) There can be more than one student assigned to each role.
4. The teacher will encourage each group to decide which statements and positions were most important. They should then discuss the possible historical significance of these statements.
5. When this work is complete, the students will compare and share these reflections with their group members and determine what facts and ideas they think will be important for their peers to know. Each group member will add these notes to their “Biography Activity Handout.”

JIGSAW

1. When all students have shared information with their group, they will separate into a jigsaw activity. The goal of this activity is for all students to learn about every historical figure from their peers.
2. The teacher will assign the students in each group a number between 1 and 5. (ex. students researching Leonard Tilley will be labelled 1.)
3. All number 1s, 2s, 3s, 4s and 5s will then gather together. Each student should have at least one person from every group to share their information.
4. If there are too many students in the historical figure groups, each member should share a portion of what they learned with the jigsaw group. If there are too few students to divide the historical figure groups among each of the jigsaw groups, one student can present their information to more than one group.

EXIT CARD

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

Culminating Activity: The Debate

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

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

Time Needed: 2 x 40-minute classes

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

MATERIALS (ENCLOSED)

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

OPTIONAL MATERIALS (NOT ENCLOSED)

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

DEBATE PREPARATION

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

DEBATE

1. The Speaker of the House (the teacher) will stand at the front of the classroom (between the pro- and Anti-Confederation sides of the room if the classroom desks have been moved to either side of the classroom). The Speaker of the House will then read from the script enclosed below to bring the debate to order, and will pose important questions.

2. Students will be given the opportunity, after everyone has shared, to offer a direct rebuttal to another student's statement. The Speaker of the House may allow students to rebut a particular point.
3. Once each theme has been addressed and all students have had the opportunity to make their case, the Speaker of the House will motion for adjournment.
4. After the debate is finished, teachers may hold the optional voting activity (below).

OPTIONAL VOTING ACTIVITY

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

REFLECTION ACTIVITY

1. Debrief session on how the 1865-1867 debates are important today. Guiding questions can include:
 - a. Why was their historical figure important in the Confederation debates?
 - b. What are some ways in which each historical figure responded to challenges and/or created change?
 - c. Was the language in the materials hard to understand? Imagine if, as was the case for the Indigenous Peoples of Canada, English was not your first language.

Culminating Activity Script

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

- a. Will New Brunswick's trade increase or decrease if it joins Canada?
 - b. Should New Brunswick focus on trading with the United States or with Britain and Canada?
11. When everyone has had the opportunity to state their case, the Speaker will say, "I move for the adjournment of this session of Parliament."

SECTION 2 | CREATING CANADA: FURTHERING INDIGENOUS-CROWN RELATIONSHIPS

Prerequisite Skillset

- Word processing
- Interpretation of primary sources
- Cooperative sharing

Background Knowledge

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

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

“I Left a Trace”: Lesson 1

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

Concepts Used: Brainstorming, historical significance, written response log

Materials Enclosed: Handouts (see appendices)

Time Needed: 2 x 40-minute classes

THINK, PAIR, SHARE

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

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

RESPONSE LOG

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

VIDEO DEBRIEF

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

- “Wab Kinew — Heroes” (song about Indigenous heroes). <https://youtu.be/3U14KmHlzMc>.
- “The Ballad of Crowfoot,” which examines the situation of Aboriginal people in North America through the figure of Crowfoot, the legendary nineteenth-century Blackfoot leader of the Plains Cree. <https://youtu.be/l-32jc58bgI>.

Museum Curation Activity: Lesson 2

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

Concepts Used: Historical significance, flow charts

Materials Enclosed: Handouts (see appendices)

Time Needed: 2 x 40-minute classes

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

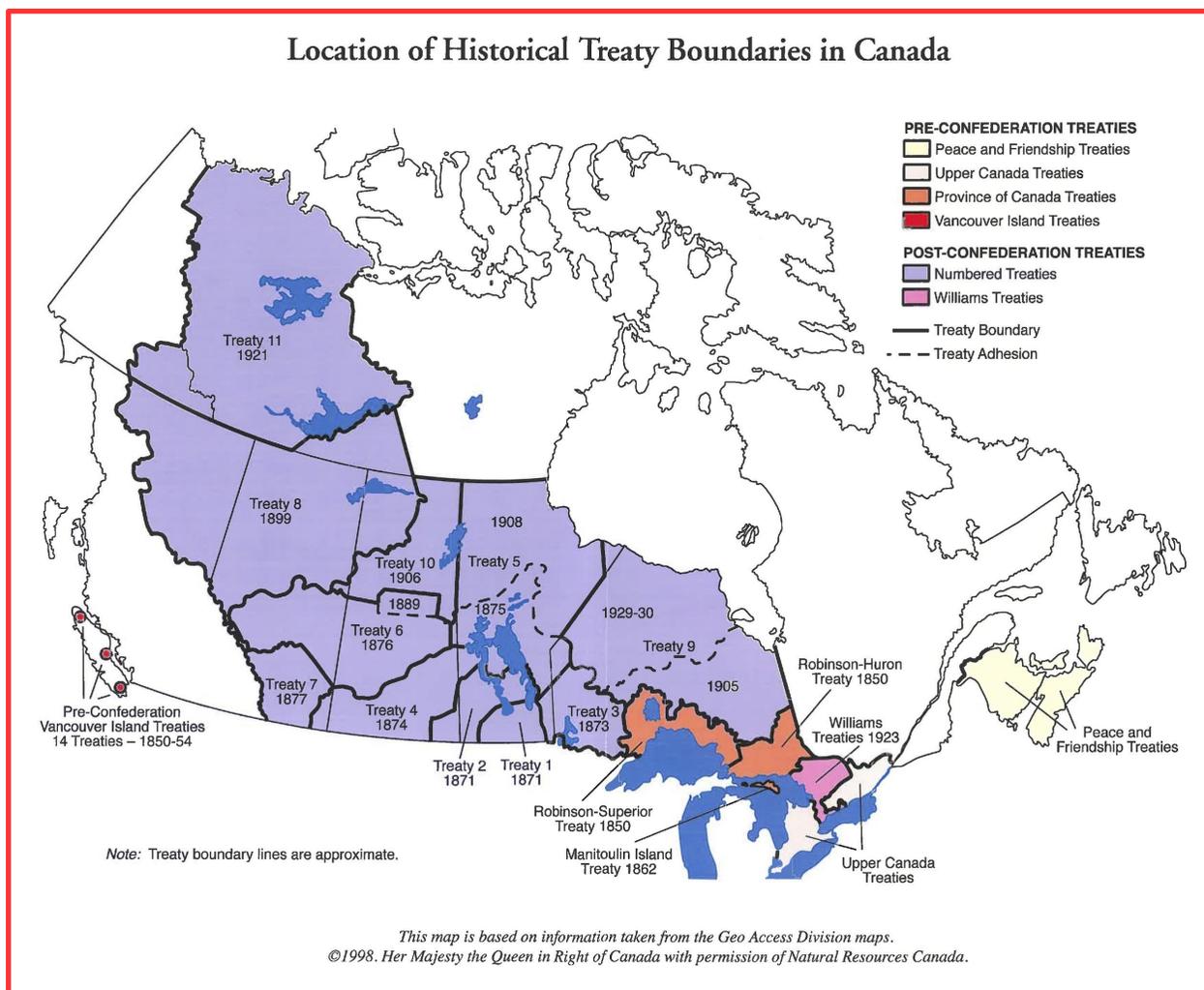
INTRO/BACKGROUND INFORMATION FOR TEACHER TO PREPARE FOR THE MUSEUM CURATION ACTIVITY

Introducing the Treaty Relationship:

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

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

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



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

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

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

INTRODUCING THE TREATIES OF PEACE AND FRIENDSHIP: TEACHER BRIEFING

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

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

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

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

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

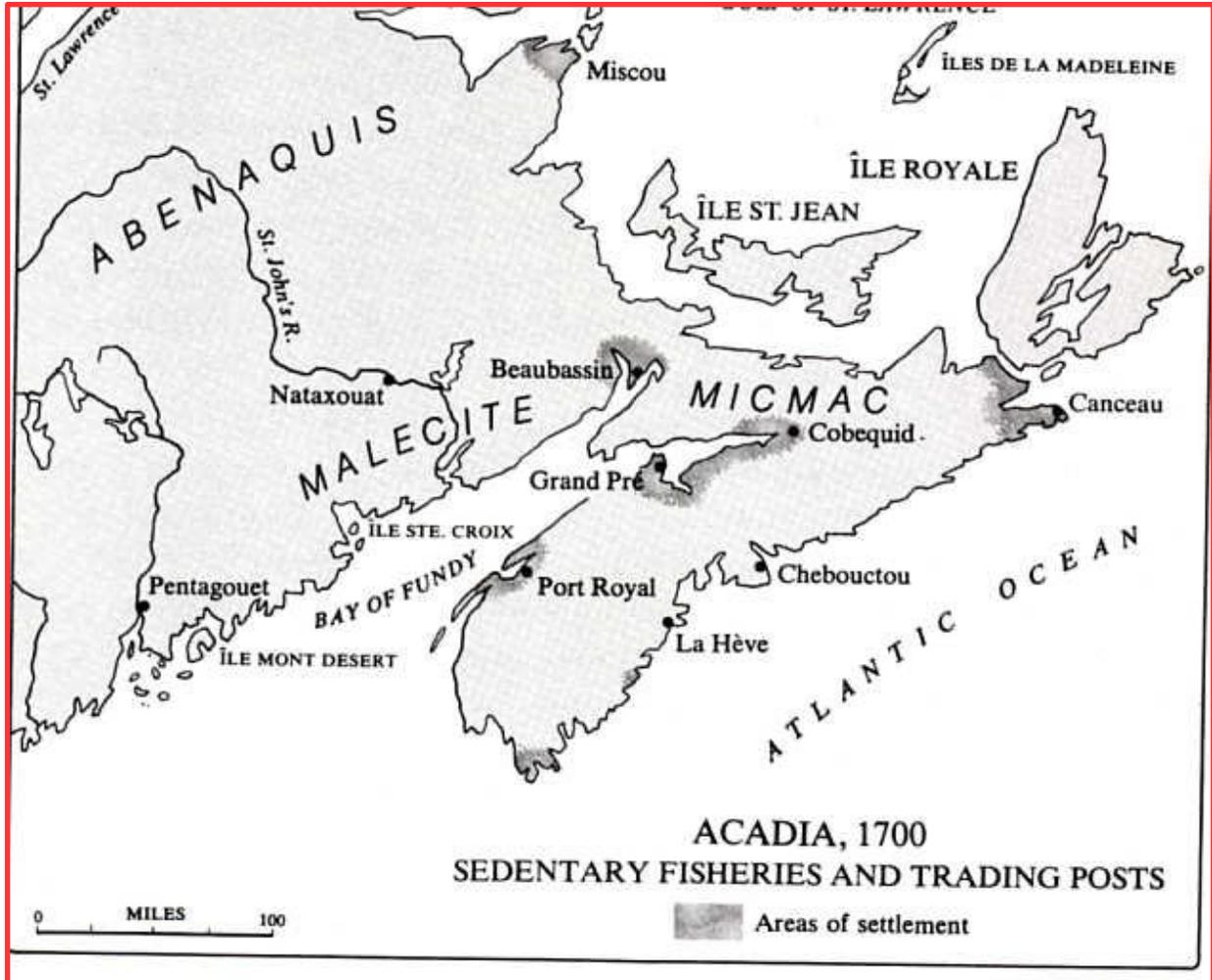
For their part, the British agreed not to interfere with Indigenous fishing, hunting, planting and “other lawful activities.” Again, the specifics are vague. Nowhere is the size or extent of the hunting or fishing areas, or the nature of “other lawful activities,” defined. In particular, as Wicken notes, “it is not clear whether or not all those lands outside the ‘existing settlements’ could be considered to be part of the ‘fishing, hunting, and planting grounds.’” Thus, there is some

confusion about what land, precisely, the Treaty of 1725–1726 protects. What is clear, however, is that the Treaty was intended to shape the political and legal relationships between the British and the Mi'kmaq, Wolastoqiyik (Maliseet) and Passamaquoddy. Thus, the Treaty represents the negotiation of a body of shared inter-societal law governing relations between the parties. While the British were certainly seeking to bring the Indigenous parties into their legal sphere and gain recognition of the sovereign authority they believed they had acquired from France at the Treaty of Utrecht, this did not happen in the 1725–1726 treaty.

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

ADDITIONAL RESOURCES

Wicken, William C. “Treaty of Peace and Friendship 1760.” *Indigenous and Northern Affairs Canada*. <https://www.aadnc-aandc.gc.ca/eng/1100100028599/1100100028600>.

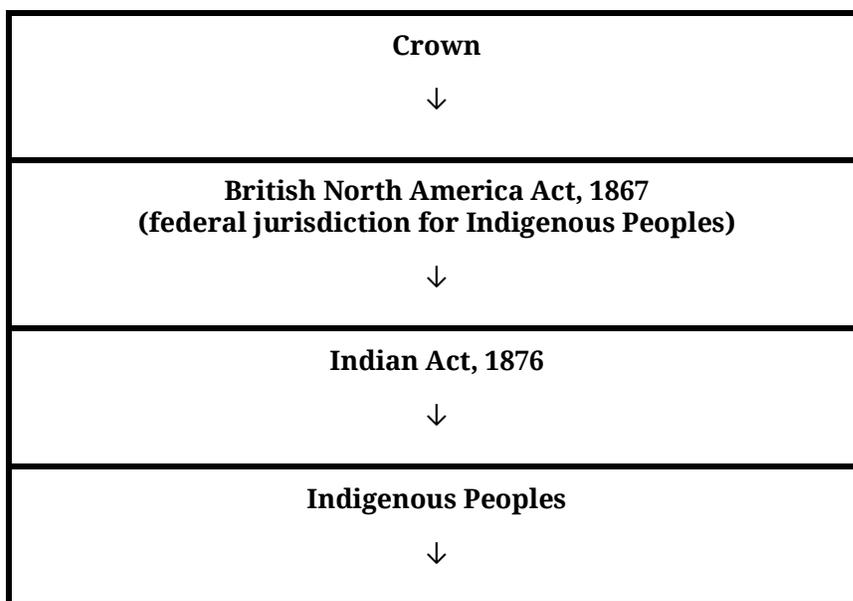


Note: This map is also included as a handout in the appendices.

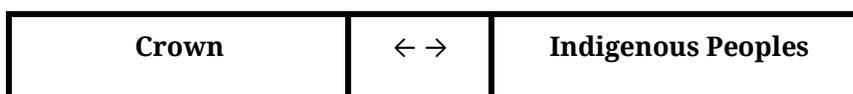
INTRODUCING THE TREATIES OF PEACE AND FRIENDSHIP: HOW TO PRESENT THIS INFORMATION TO THE CLASS

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

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



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



Museum Curation Exercise

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

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

APPENDICES

SECTION 1: MATERIALS AND HANDOUTS FOR CREATING CANADA: NEW BRUNSWICK AND CONFEDERATION

Handout: Introduction to Parliament



THE QUESTION PERIOD

What were the main topics discussed in the video?

Three horizontal lines for writing.

/5

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

Four horizontal lines for writing.

/5

Do the politicians address each other directly? Explain.

Three horizontal lines for writing.

/5

How do members of the Parliament behave during Question Period?

Three horizontal lines for writing.

/5

Total: /20

Biography Activity Handout



Your Name: _____

Name of Historical Figure: _____

Birth and Death Dates: _____

Family Members:

Where were they born? _____

Where did they live? _____

Pro- or anti-Confederation? _____

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

Exit Card



Your Name: _____

Date: _____

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

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

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

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



John Costigan in Brief

This summary borrows from the Dictionary of Canadian Biography entry listed in the “Additional Resources” section of this mini-unit.

John Costigan was born in Saint-Nicolas, Lower Canada, in 1835. His mother and father had emigrated to the town in 1830, where the latter worked as an agent for Sir John Caldwell. John Costigan subsequently attended Collège de Sainte-Anne-de-la-Pocatière in Lower Canada and then worked in Grand Falls, New Brunswick, where he became a registrar of deeds and wills for Victoria and then a judge for the Inferior Court of Common Pleas. In 1861, he decided to run for political office as a Conservative representative for Victoria.

In the 1865 general election, Costigan opposed Confederation and campaigned against Samuel Leonard Tilley’s government. The new premier, Albert James Smith, invited Costigan into the cabinet, where the latter began a long rivalry with Timothy Warren Anglin for leadership of New Brunswick’s Irish Catholic community. When the governor forced an election the following year, and raids from the Fenian brotherhood during the ensuing campaign led voters to re-elect Tilley’s government.

In 1867, Costigan won a seat for Victoria in the House of Commons as a Conservative, and pushed to become the leader of Canada’s Irish Catholic community, especially after the previous leader, Thomas D’Arcy McGee, was assassinated in 1868. Costigan worked with Catholic bishops to oppose the New Brunswick Common Schools Act of 1871, which made schools non-sectarian, and rebuffed every compromise suggested by Prime Minister Sir John Alexander Macdonald. Costigan’s constant dissent earned him the support of New Brunswick’s bishops over Anglin, even though it hindered his influence within the Conservative Party.

In 1873, Costigan continued to openly oppose Macdonald when his government introduced a bill that forced New Brunswick Catholics to pay for a public school system that they did not support. His continued opposition cost him a seat in Macdonald’s cabinet in 1878, and it was only after he turned his back on John Lawrence Power O’Hanly and Home Rule for Ireland that Macdonald made him the Minister of Inland Revenue in 1882. From that point on, Costigan acted as an intermediary between Irish Canadians and Macdonald and helped Macdonald to secure the Irish Catholic vote. Costigan formally left the Conservative party in 1899 after concluding that it had moved away from Macdonald’s nation-building and inclusive platform. In 1907, Costigan was appointed to the Senate on the advice of Sir Wilfrid Laurier’s government. He served there until his death in 1916.

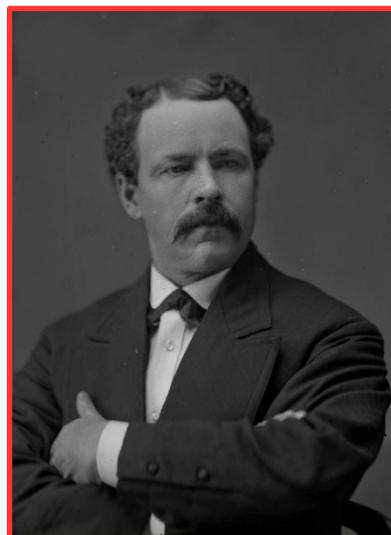


Image held by Library and Archives Canada.



Arthur Hill Gillmor in Brief

This summary borrows from the Dictionary of Canadian Biography entry listed in the “Additional Resources” section of this mini-unit.

Arthur Hill Gillmor was born on 12 March 1824 in St. George, New Brunswick. He was educated in local schools and worked with his father and brothers. In 1854, he entered provincial political life as a Liberal in one of four seats for Charlotte, and was subsequently re-elected in 1856, 1857 and 1861. Gillmor earned a political reputation for being very principled.

In 1865, when election was called on the issue of Confederation, Gillmor supported the anti-Confederate movement led by Albert James Smith, which won the election. Smith rewarded Gillmor with the cabinet post of provincial secretary, where he oversaw the government’s budget. The Smith government, however, was defeated the following year by Samuel Leonard Tilley’s pro-Confederation candidates and Gillmor, who was tired and depressed after the loss of his father a few weeks before polling, also lost his seat.

Although he continued to oppose Confederation, Gillmor left politics for a while to focus on his business and personal life after the death of his father. However, in 1872 he unsuccessfully stood for election to the House of Commons. Gillmor was elected to this position in 1874 and remained until 1896. In 1890, Gillmor identified his principles of politics to include free education, manhood suffrage and free trade. In 1896, at the age of 72, he lost his seat. Gillmor was appointed to Senate on 2 April 1900. However, shortly afterward, at the age of 79, he became suddenly ill and died.

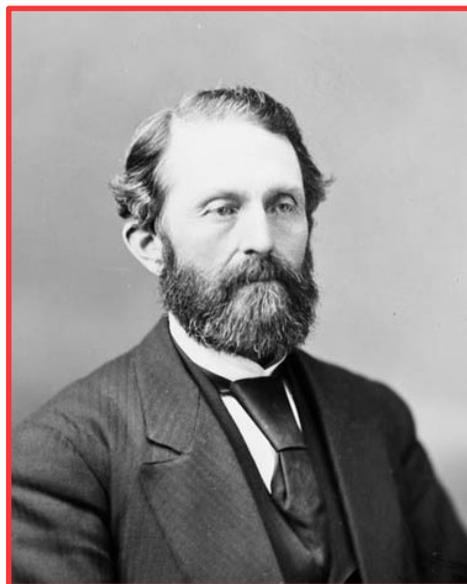


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Albert James Smith in Brief



This summary borrows from the Dictionary of Canadian Biography entry listed in the “Additional Resources” section of this mini-unit.

Sir Albert James Smith was born in 1822 in New Brunswick and was a successful commercial lawyer. Smith was elected to the Legislative Assembly on 18 May 1852 on a platform that advocated limited public spending, voting by ballot, biennial elections, an elected legislative council and the removal of the provincial capital from Fredericton so that an oligarchy of families would not dominate it. Smith was unique in the assembly as he fought against the privileges of the establishment, such as King’s College in Fredericton.

In 1854, Smith became a part of Charles Fisher’s Executive Council. Amongst this Liberal cabinet, Smith was considered to be a radical who maintained advocacy for the reorganization of government departments, voter registration, diminution of the powers of the lieutenant governor and the nationalization of the European and North American Railway. Smith debated the practicality of Tilley’s prohibitory liquor bill of 1855, which he opposed on the basis of refusing to compromise civil liberties. When Lieutenant Governor John Henry Thomas Manners-Sutton dismissed the Reform government on 1 January 1856 as a result of the failures of the prohibition bill, Smith opposed the centralization of power that allowed for Manners-Sutton to form a government with John Hamilton Gray. Smith was aggressive in his critique of Gray, which contributed to Grays defeat in 1857. After Fisher was caught up in a crown land scandal, Samuel Leonard Tilley became the new premier, with Smith as his chief lieutenant and attorney general. There, he often accused of bullying his opponents; one incident involved him attempting to assault Lestock DesBrisay with a fireplace iron.



Image held by Library and Archives Canada.

In 1861, Arthur Hamilton Gordon, who disliked Smith, succeeded Manners-Sutton. During Tilley’s absence, Smith conflicted with Gordon when militia appointments were made without Smith and Tilley’s involvement. In 1862, while out of office, Smith showed that he could organize support and undermined Tilley by opposing Gordon being paid in sterling over colonial pounds, which would have cost the provincial treasury an additional £600. During the 1864 North American Federation movement, Tilley organized former opponents like Gray, discarded colleagues like Fisher, but excluded Smith as a result of his consistent opposition to union schemes and the Intercolonial Railway. In November 1864, Smith publicly called the steps towards Confederation as prioritizing Canada over New Brunswick. In the 1865 election, Smith carried on his anti-Confederation rhetoric and won 26 seats out of 41 in the Assembly. Smith then selected an Executive Council which ended up including individuals who supported Confederation. By 1866, Smith’s council was fragmented, as several members began to openly supported Confederation. Gordon accepted a pro-Confederation reply from the British Legislative Council, undermining Smith’s stagnant government. Smith resigned and was not able carry New Brunswick in the May and June 1866 elections. Gordon’s confederate team was successful in portraying Smith as anti-confederation and as an annexationist. All motions proposed by Smith were rejected in June 1866, and he accepted his defeat and stated that he was “anxious to assist in working out the measure.”

After being elected to Canada’s first parliament in 1867, Smith advocated for provincial rights and reduced tariffs on New Brunswick. In 1870, federal policies created dissatisfaction with Canada, and Smith could have led an annexationist movement but refrained. Smith was even offered a lieutenant governorship of New Brunswick under John A. Macdonald, which he declined in order to keep his seat in the House of Commons.

Samuel Leonard Tilley in Brief



This summary borrows from the Dictionary of Canadian Biography entry listed in the “Additional Resources” section of this mini-unit.

In 1818, Sir Samuel Leonard Tilley was born in Saint John, New Brunswick, to a family with strong loyalist roots. After completing his basic education, Tilley apprenticed as a druggist in Portland before returning to Saint John and opening a highly successful drugstore. After the 1848 recession, Tilley gradually waded into politics as the treasurer for the New Brunswick Colonial Association (NBCA); claimed Britain was not adequately supporting its colonies; called for protection of agriculture, industry and fisheries; and supported the establishment of a British North American federation. During the 1850 general election, Tilley successfully ran for a Legislative Assembly seat, only to resign in protest when two of his fellow NBCA members abandoned their party to join the Governor’s cabinet. Tilley, however, returned to office in 1854 as the Attorney General Charles Fisher’s provincial secretary where Tilley, as part of the first responsible government in New Brunswick, introduced the first revenue bill that tried to hold the province of New Brunswick accountable for its finances. Tilley’s decision to push through controversial prohibition legislation led to Lieutenant Governor John Henry Thomas Manners-Sutton dissolving the assembly and calling an election, which Tilley lost.

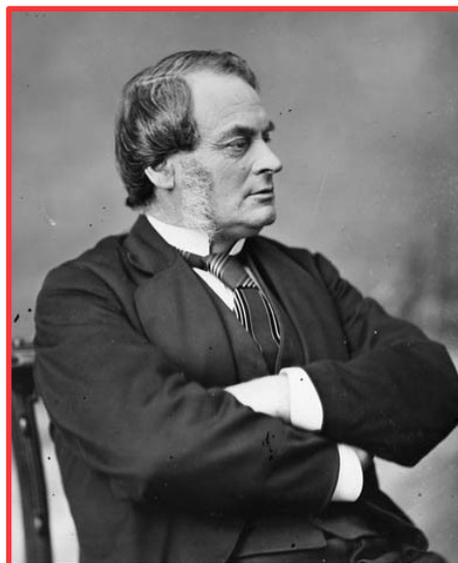


Image held by Library and Archives Canada.

In 1857, Tilley returned again to the polls, this time as a Reformer. The completion of the European and North American Railway between Saint John and Shediac was seen as important progress for the colony. On 14 March 1861, Tilley organized his fellow council members to resign when Fisher was caught in a scandal, which resulted in Fisher’s removal and Tilley’s consolidation of power. Tilley worked with Arthur Hamilton Gordon, the new Lieutenant Governor in 1861, to pursue funding the Intercolonial Railway, which would connect the Province of Canada to the Maritimes through New Brunswick and increase economic development along its route. He and the newly elected Nova Scotian Premier, Charles Tupper, were unable to convince the Canadians to support a cost-sharing deal to construct the railway. Despite this setback, Tilley fought back by introducing the legislation in 1864 that subsidized additional railway construction within the colony.

After the formation of John A. Macdonald, George Brown and George-Étienne Cartier’s Great Coalition in 1864, Tilley insisted during the negotiations at Charlottetown and Quebec City that the Intercolonial Railway was vital to political and economic union with Canada. Tilley’s government, however, was defeated in the 1865 general election, and a new government, led by Albert Smith, pursued a new trade deal with the United States as an alternative to Confederation. Following the Fenian aggression on Indian Island on 14 April 1866, however, New Brunswickers reconsidered the Confederation deal and re-elected Tilley’s government to continue pursuing Confederation. When Tilley returned home in March 1867 from negotiating the final terms of union in London, England, he was received as a hero. After Confederation, Tilley oversaw the Customs Department as a cabinet minister, and subsequently served as the Minister of Finance in 1873 and 1878 as well as the fourth Lieutenant Governor of New Brunswick from 1873 to 1879.

Timothy Warren Anglin in Brief



This summary borrows from the Dictionary of Canadian Biography entry listed in the “Additional Resources” section of this mini-unit.

Timothy Warren Anglin was born in 1822 to a wealthy Irish-Catholic family but migrated to New Brunswick as a result of the 1845 Great Famine in Ireland. Shortly after arriving, he founded the *Saint John Weekly Freeman* and began espousing his Irish-Catholic religious and political views through his newspaper. It was very popular and Anglin soon became one of the leading voices for Irish Catholics in New Brunswick. People of Irish-Catholic heritage were a minority in New Brunswick who were often accused of being a depraved burden to society, and Anglin regularly defended his peers from discrimination by promoting self-respect, discouraging rowdiness, supporting ethno-religious activities and advocating religiously informed self-improvement.

The discrimination Irish Catholics faced made partisanship difficult, and the *Freeman* shifted its political allegiance during the 1850s while attempting to secure greater acceptance of Irish Catholics. Despite Anglin’s public prominence, he did not secure public office until 1861, and then as an Independent candidate.

In 1864, Anglin and the *Freeman* opposed the Quebec Resolutions. Although he acknowledged that British North American Union might be necessary at a later date, he concluded that union would benefit Central Canadian politicians and businessmen, rather than average New Brunswickers. He also doubted that a federal system would protect New Brunswick autonomy. During the 1865 New Brunswick general election, Anglin and the *Freeman* became strong anti-confederate voices and contributed to the Tilley government’s defeat.

Once elected, however, the Smith-Wilmot anti-Confederation government struggled to unite behind an alternative platform. Anglin became a main target for accusations of disloyalty from Confederation supporters. As the Fenian movement grew across the border, Anglin critics increasingly described the Confederation movement as Protestant and loyal and Anglin as a Fenian-sympathizing disloyal Catholic. Frustrated with this discrimination, and after the government failed to satisfy Anglin’s expectations for the construction of a railway from Saint John to Portland, Maine, he resigned from the cabinet. From his seat in the legislature, he continued to oppose Confederation, and rejected suggestions that compromise was necessary.

Once Confederation passed, however, Anglin agreed to give it a try, and successfully ran for the mainly Acadian Catholic seat of Gloucester in the House of Commons. From his seat, he continued to critique Confederation, but mainly focused on leading Irish Catholics after Thomas D’Arcy McGee’s assassination in April 1868. His speeches during his next fifteen years of public office were generally less vociferous than in the past because he believed the condition of Irish Catholics was generally improving. In 1872, he became an integral part of Alexander Mackenzie’s Liberal party and, from 1874 to 1879, he was the Speaker of the House of Commons. During the 1880s, however, Anglin’s fortunes changed. The *Freeman* went under and Anglin and his family became destitute. He did not secure steady work again until 1895, and then died the following year of a blood clot on the brain.



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Ballots

BALLOT

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

- Yes No
-

BALLOT

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

- Yes No
-

BALLOT

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

- Yes No

Teacher's Rubric for Evaluation of Confederation Debates

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



Post-Debate Self-Evaluation

Name: _____

Your self-grade: _____

Describe your contribution to the group:

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

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

How could your team improve next time?

Teacher comments:

Teacher grade:

Additional Resources

GENERAL RESOURCES

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Primary Source: John Costigan's Views on Confederation



When the New Brunswick legislatures debated Confederation between 1865 and 1867, John Costigan said the following points:

THE INTERCOLONIAL RAILWAY

“Then the question of the Intercolonial Railway¹ was brought up, and it was said under Confederation we could have the Railway wherever we wished it; but my opinion is, that if the people of Canada² really desire the railway, the same facilities for building the road exist without Confederation as with it.”

Debates of the New Brunswick House of Assembly, 26 May 1865, pg. 110.

PROVINCIAL AUTONOMY

“This was one of the grand³ reasons which induced⁴ the Canadians to advocate Confederation. They were involved in difficulties in regard to the Union with Lower Canada and in regard to their finances, and they really required an additional field—not for public expenditure⁵ in improvement—but an additional field for taxation and revenue; that was the reason why they were so anxious⁶ to secure the Union of these Colonies. The Canadians would have no reason to complain if they were taxed, because it would be expended and circulated among themselves, and would bear easily upon them, but would bear hard upon the people of this country, because they would have to pay this money which would never be returned again. It was said that the Government of each Province should have a certain sum to expend for local purposes; this was true enough, we had to provide for our own local expenditure, and so had the other Provinces except Canada, who had the additional advantage of having the general revenue expended on her public works,⁷ and it, therefore, became local expenditure, and we would have to pay for that from which we would derive⁸ no benefit.”

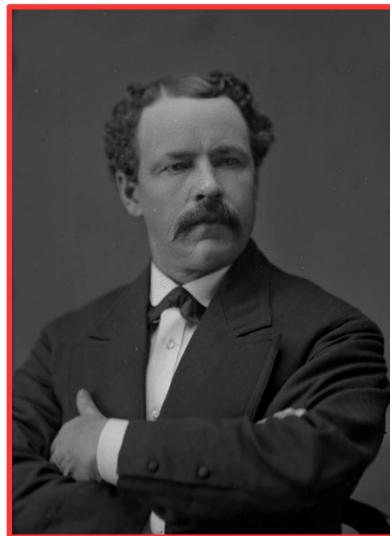


Image held by Library and Archives Canada.

Debates of the New Brunswick House of Assembly, 26 May 1865, pg. 110.

REPRESENTATION BY POPULATION AND PROVINCIAL AUTONOMY

“We were three distinct people, but were to be governed [in Confederation] by one general Government, and that was to be carried on by a majority vote; that majority wins to rule the

¹ Intercolonial Railway = a railway linking Nova Scotia, New Brunswick, Quebec and Ontario

² Canada = Upper and Lower Canada. These are the provinces we know today as Ontario and Quebec.

³ Grand = supposedly great

⁴ Induced = to have made happen

⁵ Expenditure = cost

⁶ Anxious = eager

⁷ Public works = projects funded by the government

⁸ Derive = get

country and tax the people as they saw fit. According to the construction of Government we would be represented by fifteen representatives, and these would have to fight against 145. Although I might have much respect for the ability of our representatives, yet I would not have much reason to expect that they would have much success in anything they undertook for the benefit of the Province.”

Debates of the New Brunswick House of Assembly, 26 May 1865, pg. 110.

REPRESENTATION BY POPULATION

“Now in regard to representation by population. There is one Section of the Scheme which provides for the readjustment⁹ of the representation by population every ten years. In such readjustment Lower Canada is always to be assigned sixty-five members, and each of the other Provinces shall have the same number of members to which it will be entitled¹⁰ on the same ratio of representation as Lower Canada will then have. According to that in a few years, taking the increase of population according to the past as the nearest criterion to judge by, the representatives of Upper Canada in seventeen years would out-vote the whole of the other Provinces. It has been argued that if we had Confederation it would make a great change, and we would become a great country for capitalists, and emigrants would be induced to come here. Would it change the course of our rivers and give more facilities to manufacturers? The only change it would make would be to place at the disposal of the General Government in Canada the whole resources of the Colonies, and emigration would tend to that part of the Confederation, for we would be removed from any benefit arising from the construction of public works.”

Debates of the New Brunswick House of Assembly, 26 May 1865, pg. 110.

REPRESENTATION BY POPULATION AND THE SENATE

“There have been questions which have from time to time come before the country, upon which Governments have been defeated and Governments formed. But there has never been a question before the country involving the same amount of interest as this. It is not only a question that affects our rights for to-day but it affects our rights for all time to come, and the rights of those who come after us. If that scheme is adopted, the time will come when it will be looked upon with horror, and then they will think of those who tried to ward off the blow. No Government introducing a scheme for the union of the Colonies under the system of representation by population would advance the interests of this country. There could be improvements made in that scheme, if a scheme was absolutely necessary, but I do not say it is necessary. I will throw out these suggestions which will have the effect of showing how inconsistent that scheme is regarding representation by population. I contend that upon entering into union with another country we should secure equal rights and privileges, and have equal power to maintain them. We cannot go into an Assembly with fifteen votes against one hundred and forty-seven which Canada has, and obtain equal rights there. Suppose a union of these Colonies was decided upon, and the details of that union had to be considered, the first steps which should be taken, in order to give fair play, would be to blot out all lines of distinction between these Colonies, and bring them together as one Province. Then we might be in a position to say to Canada, we will go into union, but give us equal representation. They contend they have done this in giving the Maritime Provinces a fair proportion in the Legislative Council. But have they not left the division lines, and taken us as three or four small Colonies, each with our representation in the Legislative Council. If we could

⁹ Readjustment = the changing of a situation

¹⁰ Entitled = having a legal right to something

have equal representation in the Legislature at Ottawa, we might be in a position to advocate our interests; but with fifteen members it is perfectly absurd.”

Debates of the New Brunswick House of Assembly, 15 March 1866, pg. 26.

“I read in a Canadian newspaper the opinion of a leading man in that country on a Union of the Maritime Provinces before this Scheme was brought up. He said in case a Union of the Maritime Provinces took place, Nova Scotia would absorb [sic] the influence of New Brunswick. If that would be the case in this smaller union, how much more would this influence be absorbed in this greater majority of this grand Union? Is it reasonable to suppose that a better feeling will exist between New Brunswick and Canada than among the people of New Brunswick themselves? I remember when a Bill was brought in to increase the representation of certain Counties, there was a strong feeling in the House to support it, because it had especial reference to the County of Carleton, as it was thought it ought to be entitled to one additional representative. When the vote was taken on that question, the principle part of the members of the North were against it. That feeling of antagonism has always existed between the two sections of the Province, and they are afraid to extend the power on either side. In view of this, are we prepared to give and overwhelming majority to Upper Canada and trust to their liberality in dealing with us?”

Debates of the New Brunswick House of Assembly, 26 May 1865, pg. 115.

INDIGENOUS PEOPLES

“The hon. member for King’s¹¹ has stated that the Indians¹² never kill more than they can take care of, and don’t allow the carcass to lie in the woods to be destroyed. I know the Indians do kill large quantities and leave their carcasses to be destroyed in the woods. Within a few miles of the camp where I was working, two Indians had killed seventy moose. I asked one of them if he did not think it was wrong to kill those moose and leave the meat to be destroyed. The Indian pointed to a large pine tree, and said, the white man will come and cut down that tree, take a certain portion and leave the rest to rot in the woods because it is no use to them; we do the same as the white man, we take the hides because we can turn them into money, but the rest we leave to rot on the ground. I would like to go for a Bill to prohibit killing them at all, others want the Indians excepted. It might be done in this way. The Bill could prohibit all persons from killing them for three years, except the Indians, and no traffic allowed in the hides. Then the Indians would have no inducement to kill more than they wanted for their own use, but if you simply prohibit killing, and except the Indians, you leave the traffic entirely in their hands.”

Debates of the New Brunswick House of Assembly, 25 May 1865, pg. 87.

¹¹ The hon. member for King’s = George Otty (another MLA,) who spoke right before Costigan

¹² Indians = an archaic term for First Nations Peoples



Primary Source: Arthur Hill Gillmor's Views on Confederation

When the New Brunswick legislatures debated Confederation between 1865 and 1867, Arthur Gillmor said the following points:

ON CONFEDERATION IN GENERAL

“This scheme had its origin in Canada; their necessities called for it, not ours. An idea of this scheme was communicated to the leading politicians of the Lower Provinces¹ and they went to Quebec and held the Conference. I shall make no reference to the constitutionality of this delegation,² but I do know that the people did not send them. Now, if there is any class of persons that are calculated to impose upon the people more than another, it is the makers and vendors of quack medicine. These doctors went there, and in the space of seventeen days they prepared what I call a quack medicine; having got it prepared, they next had to return and make the people feel that they were sick. They might have labelled it, ‘health and comfort for all;’ so they told them that they were financially distressed and commercially depressed; that they could not get along or expand unless they took this medicine. So they went to work recommending the panacea,³ and some of the people soon began to feel sick, but many began to ask how much the medicine was going to cost. If you look into the scheme, you will see a medicine fixed up for all the politicians; they had certain ends to work out, and so they put into this medicine a large amount of *Soothing Syrup*, and this was especially intended for the *House of Lords*; and it had its effect as forcibly upon men as it does upon children, as recent events have proved, and they expected it would so operate upon all people.”

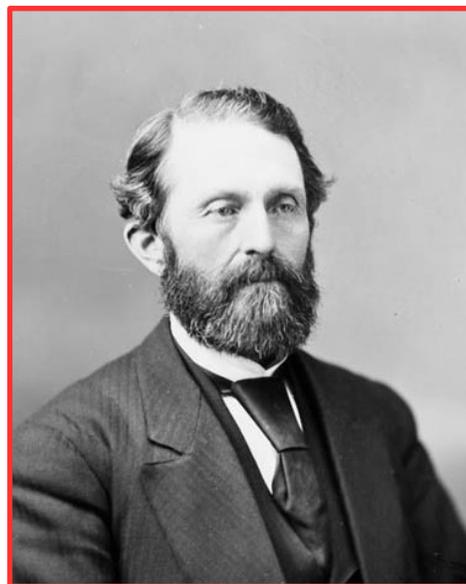


Image held by Library and Archives Canada.

Debates of the New Brunswick House of Assembly, 5 June 1865, pg. 137.

“The arguments in favour of the scheme were vague and indefinite.⁴ They said our young men were going away, and this was going to keep them all at home; adopt this, and no fond mother was ever to weep for an absent son, and no tender lover was ever again to part from his sweetheart. The people, however, had no idea it was going to produce such results.... Now if this Confederation scheme was so old and so good, why was it never discussed upon the floors of this House; during that long term they had not discovered that we were such an insignificant people

¹ Lower Provinces = Maritime provinces

² Delegation = group of representatives

³ Panacea = a single solution that fixes every problem imaginable

⁴ Vague and indefinite = unclear

and that our resources were so limited. On the contrary, they were continually telling us that we had vast resources, and were all right, both politically and financially, and it was a favorite expression of one of the delegates, ‘that we had an abiding faith in the people.’”

Debates of the New Brunswick House of Assembly, 5 June 1865, pg. 138.

“The British Government, I regret to say, favors it, and as much as I regard our connection with the Mother Country and prize the relation, I do not choose that they shall decide our destinies in this matter; and it is because that I think matters have been wrongly represented, that I think it important a Delegation should go home. There is no reason why this Union should be entered into, but there are strong reasons why it should not the time may come when a Federal Union will be necessary.”

Debates of the New Brunswick House of Assembly, 5 June 1865, pg. 139.

REPRESENTATION BY POPULATION

“This Confederate Parliament was to be conducted by men of the first talent from all the Colonies. Our fifteen representative would have little influence there, even if they were all united; these fifteen gentlemen could do a great deal more for New Brunswick in our own Parliament, and would be quite as well able to consider these general matters here as there. I have never known this Assembly to decline the consideration of any question on account of its magnitude, particularly the late Government; and we have no right to suppose that our fifteen members would be united in their politics, they would represent both political parties. Human nature would not be changed, and party feelings would not be removed by the new order of things.”

Debates of the New Brunswick House of Assembly, 5 June 1865, pg. 138.

REPRESENTATION BY POPULATION

“That hon. member [John McMillan] said the Conference had tried to copy after both the Constitution of Britain and the United States. They have succeeded in getting a good deal of what is not perfect in both, and not a great deal of the good qualities of either. The truth is, Mr. Chairman, that so long as we remain Colonies of England, we do not want any such expensive establishment: we want no such power between the Colonial Legislatures and the Crown. If we are to become separate, then we may copy after the Federal Union, and perhaps improve some upon their system; but until we are separate, we do not want this fifth wheel to our coach, I think there is not a desire in this Province to become independent of England. There may be a desire in Canada West. It has been urged that this arrangement was to bind us more closely to the Mother Country. I think it would have an entirely opposite effect. Union they say is strength. They have had for twenty-five years a union of Upper and Lower Canada. They have had great difficulties, and at last come almost to a stand still. And this Union of the Colonies was the only remedy the politicians of Canada could think of, and it was their troubles, and not ours that suggested it.”

Debates of the New Brunswick House of Assembly, 5 June 1865, pg. 138.

MAJORITY VS. MINORITY RIGHTS

“This great Confederation was to amalgamate⁵ the whole; all races and creeds were to be united. Certain exceptions as to education are provided for in Canada, the ministers there are provided

⁵ Amalgamate = bring together

for in the arrangement. Why not provide for Catholic or Protestant ministers in other Colonies, if necessary in Canada? Why not in New Brunswick, Nova Scotia, and all the other Provinces? The Delegates look with favor upon this scheme; but so far as the people have had a chance to speak out it has been condemned.”

Debates of the New Brunswick House of Assembly, 5 June 1865, pgs. 138–139.



Primary Source: Albert James Smith's Views on Confederation

When the New Brunswick legislatures debated Confederation between 1865 and 1867, Albert Smith said the following points:

MAJORITY VS. MINORITY RIGHTS

“... the objections to the Bill seemed to be narrowing down to the details. Judges Parker and Ritchie, whose only motives could be to bring juvenile offenders from the paths of vice and iniquity¹ into those of virtue, had taken great interest in this matter, and he thought the House should take hold with them and do something to assist in carrying out so laudable² an object. The training in this school would be sectarian³ and he thought it should be; he did not see how such an Institution could be carried on if it were not sectarian. As to the grant the Governor and Council were not compelled to take action, and give towards its support. All denominations could organize under this law, and amounts could be granted to each as required.”



Image held by Library and Archives Canada.

Debates of the New Brunswick House of Assembly, 22 May 1865, pg. 86.

“From the position he occupied as the leader of the Government, he was called upon to answer the speech of the mover of the amendment. He had not been at all surprised at the course pursued by that gentleman, because he had heard of the way he had vilified and traduced⁴ the members of the Government at the time of the last election in York. He had waited to hear it on member was prepared to make the same statements on the floor of the House as he had made on the hustings. He had waited to hear if he would dare say now as he said then, that the Government was a disreputable and disloyal Government, and that the traitor Anglin, the Roman Catholic, was its dictator. Would he dare make those statements now? He wondered how he (Mr. Fisher) had dared to make them; he wondered that he could reconcile them with his conscience. What had been the course that gentleman had pursued? It was said, and he believed it, that he had his emissaries⁵ out, and that from hamlet to hamlet, village to village, from school-house to school house, they went, sowing the seeds of strife, awakening the elements of religious discord in the breasts of the people, stirring up sect against sect. What had been the political canvas throughout the country? How had he tried to frighten the people, excite hostility against him, (Attorney General), and poison their minds against the Government? What was the cry raised? Why, if the Government, if was said, was allowed to stand, if the men who held the reins

¹ Iniquity = unfairness

² Laudable = deserving praise

³ Sectarian = religious prejudice

⁴ Traduced = told lies to

⁵ Emissaries = people sent on a special mission

were not ousted⁶ from power, the seat of Government would be removed, Fredericton and York would be ruined: unless Smith was crushed, the seat of Government would be lost. It might be thought that from the position the hon member had assumed it denouncing the Government, that he was one of the most extraordinary and immaculate⁷ men that ever lived.”

Debates of the New Brunswick House of Assembly, 14 March 1866, pgs. 13–14.

REPRESENTATION BY POPULATION

“Mr. George Brown, through the consummation⁸ of this Scheme, will accomplish the object of this Scheme, will accomplish the object which he has advocated all his life—that is, representation by population, which will give Canada, by the rapid increase of her population, the controlling power of this whole Confederacy. By adopting this Scheme we surrender our independence, and become dependent upon Canada, for this Federal Government will have the veto power upon our legislation.”

Debates of the New Brunswick House of Assembly, 1 June 1865, pg. 118.

“In seventeen years Upper Canada—taking the ratio of increase for the last twenty years— would have a numerical majority of representatives over all the rest, whereas we get no increase, but are liable to decrease; because if Lower Canada increases faster than we do, our number will be reduced. Numerical strength is power, and they will use that power whether it is for our advantage or disadvantage.”

Debates of the New Brunswick House of Assembly, 1 June 1865, pg. 119.

“... I will venture to prophesy that in a few years Upper Canada will have a numerical majority of representatives, not only over Lower Canada, but over the Lower Provinces, too, and we will be at her mercy. They should have agreed upon a certain number of representatives and not increased them.”

Debates of the New Brunswick House of Assembly, 22 May 1867, pg. 63.

THE SENATE

“I stated distinctly my views in regard to the principle of representation by population, as contained in the Quebec Scheme. I would never consent to it, unless there are other protections to counterbalance it, I attempted to explain the effects of representation by population, as contained in the Scheme, but I do not know how to provide checks, and if checks cannot be provided, I never will give my consent to representation by population.”

Debates of the New Brunswick House of Assembly, 16 March 1865, pg. 28.

“Thus Canada is not only to have the great majority in the Lower House, but in the Legislative Council she is to be represented by 48 members, whilst all the Lower Provinces will only have 24. We are told that Canada sympathises with us, that the men in power there have no desire to override us, or infringe⁹ on our rights. Even were this the case, we must remember, Mr. Speaker,

⁶ Reins were not ousted = power was not taken away

⁷ Immaculate = perfect

⁸ Consummation = completion

⁹ Override or infringe = cancel or weaken

that men pass away, that they are transitory, and men may arise in the future who will abuse the power they possess to our ruin. Let us then see what we have conceded,¹⁰ not as an indulgence but as a right, the proper checks in the Upper Branch. New Brunswick has by this arrangement but ten members to their 24 each. It may be asked why we should have an equal number with them in the second branch? I say because they have full power and control in the Lower House.”

Debates of the New Brunswick House of Assembly, 29 June 1866, pg. 24.

“He says we have not a sufficient number of representatives in the upper branch¹¹ of the Legislature. There might be concessions made to us in this. When the arrangement was made, and representation by population was conceded, it was considered that there was a great protection given to the Maritime Provinces, for New Brunswick was to have one representative for every 25,000 of her population, Lower Canada one for every 50,000, and Upper Canada one for every 75,000. That was twenty-four representatives for Upper and twenty-four for Lower Canada, and twenty-four for the Maritime Provinces, and Newfoundland was to have four. In every case the interests of the Maritime Provinces are nearly identical, and there is scarcely an important question that can come up in which Lower Canada would not be with us.... Is there not some protection in this?”

Debates of the New Brunswick House of Assembly, 28 June 1866, pg. 33.

PROVINCIAL AUTONOMY

“We come now to the Sea and Inland fisheries, and on this subject, the Local and General Governments come in conflict, for they both have the power to legislate upon them. The 17th section of the 29th resolution gives it to the General Government, whilst the 8th section of the 43rd resolution gives it to the local government. Now how are differences and controversies on this subject settled? Have they a Superior Court to which the matter can be carried as in the United States, where differences between States and the General Government can be carried and settled? No, there is nothing of the kind provided. Is it not important that there should be some tribunal where disputes of this nature may be settled; and I ask the Attorney General to look into the matter and provide for some means of appeal. But even then there is the other power they possess of vetoing any action of the Local Legislatures. Should we submit that Canada should have the power to abrogate and nullify¹² all or any of our legislation, with no power to which to appeal? They have also left us the power of managing our own private or local affairs, but the question may be raised what is private and local, and then who is to determine?”

Debates of the New Brunswick House of Assembly, 29 June 1866, pg. 26.

“We make appropriations¹³ for our schools, but even though the sum required may not be in the treasury, the warrants issue just the same. But if the money in the general treasury runs out, it will be for them to say whether the grant of eighty cents a head shall issue for any year, and then what redress have we? None whatever, for we, under this arrangement, became subject to the whim and caprice¹⁴ of Canada.”

Debates of the New Brunswick House of Assembly, 29 June 1866, pg. 28.

¹⁰ Conceded = decided

¹¹ Upper Branch = the Senate

¹² Abrogate and nullify = cancel

¹³ Appropriations = government money set aside for a specific purpose

¹⁴ Whim and caprice = unpredictable desire



Primary Source: Samuel Leonard Tilley's Views on Confederation

When the New Brunswick legislatures debated Confederation between 1865 and 1867, Samuel Leonard Tilley said the following points:

CONFEDERATION IN GENERAL

“The hon. Ex-President¹ came down to Saint John, and told the people that it arose out of the troubles and necessities of Canada, and asked them not to speak too hastily, but to assist the other countries in the defeat of the Scheme. But, sir, the question was not new to the Government of this country. As early as 1858, a proposition was made to us to go into a Union with the other Provinces. It was not deemed advisable on certain grounds, and even though of late it may be that, as the hon. member observes, the renewed proposal for Union grew out of the dead lock which had taken place in the government of Canada, was the mere fact of her necessities urging her to make the renewed offer any ground why it should be rejected?”

Debates of the New Brunswick House of Assembly, 27 June 1866, pgs. 29–30.

“It is impossible to satisfy some of the opponents of Union. Previous to the former election the cry was, you are going to force the question through the House and not appeal to the people; then when we did appeal to the people they said it was very wrong to dissolve the House at such an inclement² season of the year how very delicate the people got all at once.”

Debates of the New Brunswick House of Assembly, 29 June 1866, pg. 31.

“Some are opposed to the Quebec Scheme who have never read it.”

Debates of the New Brunswick House of Assembly, 27 June 1866, pg. 31.



Image held by Library and Archives Canada.

REPRESENTATION BY POPULATION

“No arrangement can be made except on the principle of representation by population. Have we heard any objection to representation by population on the floors of this House. The members for Kings asked for an increase of representation because the population of their county is greater

¹ The hon. Ex-President = Albert Smith

² Inclement season = bad weather

than the population of some other Counties, but you never saw the members for Queen's rising and saying, because Westmorland had four members Queen's should have four. Governments generally try to do justice to all parties in order to hold on to their power, for they know that members will come out in opposition if they do not. In this Union let any injustice be perceived and no Government that permits it will be able to stand, for a very few members going into the Opposition can generally oust³ a Government, and in this lies our safety."

Debates of the New Brunswick House of Assembly, 28 June 1866, pg. 34.

THE SENATE AND REPRESENTATION BY POPULATION

"Let us look at some of the points which the late Attorney General [Smith] considers objectionable. He says we have not a sufficient number of representatives in the upper branch of the Legislature. There might be some concessions made to us in this. When the arrangement was made, and representation by population was conceded, it was considered that there was a great protection given to the Maritime Provinces, for New Brunswick was to have one representative for every 25,000 of her population, Lower Canada one to every 50,000, and Upper Canada one to every 75,000. That was twenty-four representatives for Upper and twenty-four for Lower Canada, and twenty-four for the Maritime Provinces, and Newfoundland was to have four. In every case the interests of the Maritime Provinces are nearly identical and there is scarcely an important question that can come up in which Lower Canada would not be with us."

Debates of the New Brunswick House of Assembly, 28 June 1866, pg. 33.

PROVINCIAL AUTONOMY

"The hon. member [Smith] stated that it was probable our Local Legislature would be left without any powers, and dwindle⁴ down so low that its action would be a mere farce. Now, whatever may be the opinion of the hon. member with regard to this Legislature, or of Mr. Brown in reference to the Local Government of Upper Canada, I believe that our Constitution will remain just as it is. It is a fact that out of the whole number of Bills passed by this Legislature in 1864, all but seven would have come before us in Confederation, and all but three during the last Session. No, the work to be performed will not dwindle down to insignificance."

Debates of the New Brunswick House of Assembly, 28 June 1866, pg. 32.

TRADE

"I have taken up the finances and shown that in Union with a uniform tariff New Brunswick will not pay more, if as much, duties as other parts of British North America because we do not consume as many dutiable goods. It will give us more money for local purposes. It will secure the construction of the Intercolonial Railway."

Debates of the New Brunswick House of Assembly, 28 June 1866, pg. 36.

"I have stated that in my humble opinion we would not pay as much, or no more, into the revenues of Canada, according to population, than we have paid in the average of the last seven years. I stated distinctly that in Confederation, speaking for the present, future and all time to come, the inhabitants of New Brunswick would not pay more per head than the average of the last seven years, and after they arrive at a certain number the amount per head will be

³ Oust = get rid of

⁴ Dwindle = make smaller

diminished. In illustration of this we will take the great population of the neighboring Republic. Before the war the people of that country—whether they paid it in the shape of revenue or imports upon the population—paid only \$1.90 a head, and they supported an army and navy, and had ambassadors in every port in the world. So it will be in this case, and while our population increases our expenditure will not increase in like ratio.”

Debates of the New Brunswick House of Assembly, 20 May 1867, pg. 53.

“He [Mr. Smith] seems to take every opportunity day and night, in the House and out of it, to alarm the people as to the future prospects of this country, which he characterizes as dark and gloomy and perilous, and all that. It is true the state of trade is dull at present, but we are looking to the Union to aid in a material degree, in relieving the distress which at present is felt in certain quarters, and there is no necessity at all to picture out the future as all darkness and ruin.”

Debates of the New Brunswick House of Assembly, 3 June 1867, pg. 124.

“What has Confederation done thus far? He [Mr. Smith] says the people are poor and the times are bad. We have not yet entered into Confederation, and therefore it cannot be expected to have done much for us, but thus far even it has had the effect of giving confidence in the capabilities and resources of the country to be developed under Confederation to persons who would otherwise have left the country.”

Debates of the New Brunswick House of Assembly, 3 June 1867, pg. 126.

“Those who have been engaged in negotiating for the extension of the trade of British North America, know that peculiar difficulties exist when negotiating out of Union, compared with the facilities which would exist in negotiating when united.”

Debates of the New Brunswick House of Assembly, 28 June 1866, pg. 38.

INTERCOLONIAL RAILWAY

“Can there be any doubt about the construction of the Intercolonial Railway that under the arrangement of 1862 we would have to pay 3 and 1/2 twelfths, whereas if we go into Union we will have to pay but one-thirteenth?”

Debates of the New Brunswick House of Assembly, 28 June 1866, pg. 33.

DEFENCE AND THE FENIANS

“We are not as likely to have difficulties with the Fenians ... because if we had gone against Union, the opinion of the people of the United States would have been that we were in favor of annexation, and we would have had hordes of men down here, and had difficulties which will not now exist, because the moral effect of this Union is, that both the whole power of the British Government and the whole force of the nation will be put forth to maintain our integrity.”

Debates of the New Brunswick House of Assembly, 28 June 1866, pg. 37.



Primary Source: Timothy Warren Anglin's Views on Confederation

When the New Brunswick legislatures debated Confederation between 1865 and 1867, Timothy Anglin said the following points:

ON CONFEDERATION IN GENERAL

“I do not believe at the present time a political union of any kind can be formed with Canada which would be a benefit to the people of this Province. I do not know of any one opposed to union in the abstract, but my impression is that the time has not arrived for any kind of union, and I will oppose it to the last. At present the Provinces are distinct communities with conflicting interests, and the Quebec Scheme does not reconcile them, and the difficulties can only be overcome by sacrificing the Lower Provinces altogether. If any new scheme comes up, it will be for the people to decide upon its merits,¹ and I trust they will retain the power in their own hands to finally settle the destiny of this Province.”

Debates of the New Brunswick House of Assembly, 7 April 1866, pg. 105.



Image held by Library and Archives Canada.

REPRESENTATION BY POPULATION

“Politically, we should have to start in this Scheme with fifteen members in a House of 194. Our increase is somewhat greater than in Lower Canada, but so little that many years must elapse before we should get any increase of members. Nova Scotia does not increase quite as fast as Lower Canada, and so she would gradually lose, while Prince Edward Island would soon dwindle down to one while Canada West should increase so rapidly that in twenty-five years the number would be equal, if not superior, to all the rest. The interest of what is now called Central Canada—and which it is probable will become a province of itself—is identical with that of Canada West, and would go with them in any matter affecting them. Montreal is the natural centre of trade, and that is in direct communication with Portland. Then conflicting with that port on one hand and with Halifax on the other, what a contemptible² position we should be in. Talk about our fifteen members being able to do anything; they could do just nothing at all.”

Debates of the New Brunswick House of Assembly, 31 May 1865, pg. 114.

¹ Merits = benefits

² Contemptible = difficult

REPRESENTATION BY POPULATION AND PROVINCIAL AUTONOMY

“It is said that you, the people of New Brunswick, must abandon everything—sacrifice your independence—throw away your property, and place yourselves completely under the control of Canada, because Mr. Cardwell³ says you ought to do so. That would be an unreasonable, slavish⁴ loyalty. We say we object to that scheme, more particularly to the principle of representation by population; but we are told that the people of Upper Canada have fought for that for twenty-five years, and they will never give it up. Some people say that they object to the federal principle; but the people of Lower Canada say they can only be protected by that, and they never will consent to any other scheme. All our objections go for nothing; we must consent to anything Upper or Lower Canada may demand. They may refuse to consent to this or that, but if we refuse to accept any of the terms which they choose to give us, we are denounced⁵ as being disloyal.”

Debates of the New Brunswick House of Assembly, 7 April 1866, pg. 102.

EXPENSE OF CONFEDERATION

“It is said that Canada would reduce her tariff, that there were to be two additional Legislatures and two additional Governments; were to have the Inter Colonial Railway built, and were to buy out the North Pole; we were to open up the canals, and the Northwest territory; we were to support a great army and navy; we were to keep up bridges, schools and all additional expenses, and do it for a smaller sum than we now require. To prove this, they pile figures together until ordinary minds cannot distinguish falsehood from truth. It is perfectly absurd, and insulting to the intelligence of the people, to tell them that all this can be done for a less sum of money than is now expended. Under the tariff as it stood last year, we pay to the General Government \$700,000, and we receive for local purposes only \$201,000. In thirty years our population is likely to be doubled and of course our revenue will be increased in proportion, but it will all have to be absorbed to the maelstrom⁶ at Ottawa, while we will receive only \$201,000, notwithstanding our increased expense.”

Debates of the New Brunswick House of Assembly, 7 April 1866, pg. 104.

“Since 1863 the Canadians have had to impose a much higher tariff, and yet in spite of all, their deficit is larger than ever before. This was the people we were asked to unite with to become prosperous. The hon. member says that they were to assume the interest of our debt, but then they were also to take all our revenues except our Crown Lands. They too were to take the liability of all our Railway works under the Facility Bill, and well they might, for they never imagined it would amount to anything, and knew that nothing would ever have been paid.”

Debates of the New Brunswick House of Assembly, 31 May 1865, pg. 114.

TRADE AND REPRESENTATION BY POPULATION

“I have heard lectures on this subject, and as I have heard them talk about free trade with Canada, I have asked myself are these people such fools as not to know that if Canada wants to get coal from Pictou they are as free to do it as they can possibly be. People forget that there is perfect free trade between us and Canada. This cry about free trade is not the reason why Confederation is

³ Mr. Cardwell = the British Colonial Secretary in charge of overseeing colonies like British North America

⁴ Slavish = unthinking

⁵ Denounced = told to be wrong

⁶ Maelstrom = confusion

wanted, but an hon. member of the Canadian Legislature has explained the whole matter, when he alleged as one of the advantages of Union to Canada, that they would be able to say to the States, we will not only close the St. Lawrence against you, but prevent you from sending down your flour and beef and pork to St. John, and the other ports of the Lower Provinces, unless you come to our terms. Are we thus to be made the cats-paw⁷ for Canada? are we to be mere make-weights between Canada and the United States? Are we to have all these articles shut out from us just that Canada may make us consume her corn and pork at immensely higher prices? Great Britain makes treaties with the United States, but she always asks our opinion about them, and whether they will affect us. When the Reciprocity Treaty was signed, Parliament was called together to deliberate on it, but here we are to have no voice at all. Just think of our 15 men standing up among the 194; suppose they all stand together for their rights, and against a great wrong, I think I hear the Canadians saying, “you came into this great union of your own free will, you have reaped the advantages of the alliance, and now when difficulties come you must hear them or do the best you can.” It is said that union is strength, and we had it illustrated in different ways down in St. John at the last elections, but I think we already have a union that is strong enough; we are united to Great Britain, and I do not think they desire to sever the band that unites us.”

Debates of the New Brunswick House of Assembly, 31 May 1865, pg. 114.

MAJORITY VS. MINORITY RIGHTS

“Hon. Mr. ANGLIN moved the House into Committee on a Bill to promote and regulate a Reformatory School for juvenile offender.

“With regard to the sectarian character of the instruction to be imparted in the School, the gentlemen who had framed the Bill did not believe in any religion which was not sectarian. They regarded it as having no existence—as a nonentity.⁸ No injustice was done to any denomination, for all could under this Bill get up just such an institution. If hon. members thought best, he was willing to submit it to a Select Committee to alter and amend it, if they thought necessary, and report to the House upon it.

“... the Sessions had had it under their consideration, but had not been able to agree upon any plan by which it could be carried on. It was well to have everything plain and above board, and he would say that this Bill emanates from the Catholic body of St. John. The hon. member for Carleton seemed to be afraid that a build which had been erected in St. John was to be used for this purpose. He could assure him that no such thing was contemplated. There was one provision in the Bill which he had forgotten to mention, and that was, the parents of those children placed in the School would be liable for a certain portion of their support, and could be sued if they refused to pay. The Bill in its character was not local, but provincial; but it was denominational, as without a course of religious instruction, it was believed no improvement could be looked for.”

Debates of the New Brunswick House of Assembly, 31 May 1865, pg. 85.

“So far as the instruction was concerned this school would be denominational; but it was neither sectarian nor sectional that we should have one murderer, or one thief, or one felon the less, and the community one good citizen more. He was opposed to even the smallest denomination have anything but fair play, and he asked for no more for the denomination to which he belonged than he would willingly grant Protestant Episcopalians, or Presbyterians, or Baptists.”

⁷ Cats-paw = a person who is used by another

⁸ Nonentity = a nothing

Debates of the New Brunswick House of Assembly, 31 May 1865, pg. 86.

DEFENCE AND THE FENIANS

“It is much to be regretted that this Fenian association exists in the United States. We here can do nothing to interfere in any way to lessen its power. There are various opinions in regard to the object of that association. Some people may think they are the greatest scoundrels that ever disgraced the face of the earth others may consider them mistaken men who, goaded by the remembrance of bitter wrongs, are led into foolish paths. It is hard for anyone who has witnessed the famine of 1848 to speak harshly of them. At that time, hundreds of my countrymen died on the streets of starvation.... Those who have witnessed such scenes can hardly speak harshly of those men, whatever they may think of their present undertaking. If this body of men should come and attempt to conquer this Province, their project would not only be foolish but most wicked for these provinces have never given them cause of offence, but have always offered an asylum and a home to their fellow countrymen. No hope of redressing⁹ the wrongs of their native country can justify them in invading this Province; and if they did, they would find the Irish people of this Province ready to take the foremost rank to meet and repel such invasion. If there was danger, at the time of the York election, that these parties would come down upon us like wolves in the fold, was that the time to create jealousy in the country, by setting race against race, man against man. Can any man who really values the peace and welfare of his country, think of such proceedings without horror?”

Debates of the New Brunswick House of Assembly, 24 March 1866, pg. 39.

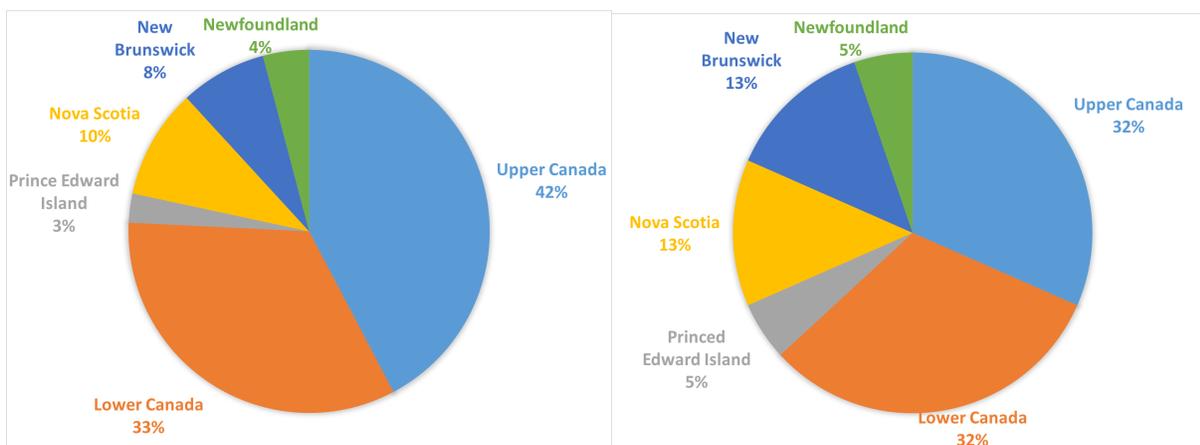
⁹ Redressing = remedying



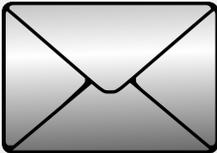
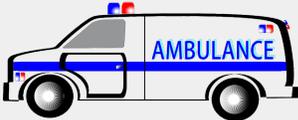
72 Resolutions Handout

PARLIAMENTARY REPRESENTATION

House of Commons Senate



DIVISION OF POWERS

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

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



Response Log Handout

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

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

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

Handout: Copies of Treaties of Peace and Friendship



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

Treaty of 1725 for Ratification at Annapolis Royal

Reproduced from: “*Indian Treaties and Surrenders, from 1680-1890: In Two Volumes, Volume 1.*”
Ottawa: S.E. Dawson Printer, 1905: 198.

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

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

And we further promise on behalf of the said tribes we represent that the Indians² shall not molest³ any of is Majestie’s subjects or their dependants in their settlements already made or lawfully to be made, or in their carrying on their traffick and other affairs within the said Province.

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

That the Indians shall not help to convey away any soldiers belonging to His Majestie’s forts, but on the contrary shall bring back any soldier they shall find endeavouring⁴ to run away.

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

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

That this treaty shall be ratified⁵ at Annapolis Royal.

¹ Concession = to give up

² Indians = an archaic term for First Nations Peoples

³ Molest = bother

⁴ Endeavoring = trying to accomplish something

⁵ Ratified = made official

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

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

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

Arexes (totem) (L.S.)

François Xavier (L.S.)

Meganumbe (totem) (L.S.)

Treaty of 1725, Promises By Lieutenant Governor of Nova Scotia

Reproduced from: "Treaty of 1725, Promises By Lieutenant Governor of Nova Scotia." *CIFAS*.
<http://cifas.us/treaty-of-1725-promises-by-lieutenant-governor-of-nova-scotia/>.

By Major Paul Mascarene one of the Council for His Majesty's Province of Nova Scotia or Accadie and Commissioned by Honourable Lawrence Armstrong Esqr Lieut. Governour and Commander in Chief of the said Province for Treating with the Indians Engaged in the Late Warr⁶

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

That the Indians shall not be molested in their persons, Hunting, Fishing and planting grounds nor in any other their lawfull Occasions by His Majesty's subjects or their Dependants nor in the exercise of their Religion provided the Missionaries⁷ residing amongst them have Leave from Governour or Commander in Chief of His Majesty's said province of Nova Scotia or Accadie for so doing.

That if any Indians are Injured by any of His Majesty's aforesaid Subjects or their Dependants they shall have the Satisfaction and Reparation⁸ made to them according to His Majesty's Laws whereof the Indians shall have the Benefit Equall with His Majesty's other Subjects.

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

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

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

P. Mascarene

Attested by me L Armstrong Lt. Govr. Endorsed

⁶ Indians Engaged in the Late Warr = Indigenous groups who fought against the British during the war

⁷ Missionaries = individuals sent by the church to try to convert Indigenous Peoples to Christianity

⁸ Reparation = payments made to apologize for past wrongs

Treaty of 1725, Promises by Lieutenant Governor of Massachusetts Bay

Reproduced from: "Treaty of 1725, Promises by Lieutenant Governor of Massachusetts Bay." CIFAS. <http://cifas.us/treaty-of-1725-promises-by-lieutenant-governor-of-massachusetts-bay/>.

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

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

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

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

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

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

And whereas it is the full Resolution of this Government⁹ that the Indians shall have no Injustice done them respecting their lands

Indians do therefore assure them that the several Claims or Titles (or so many of them as can be then had and obtained) of the English to the Lands in that part of this Province shall be produced at that Ratification of the present Treaty by a Committee to be appointed by this Court in their present Session, and Care be taken as far as possible to make out the same to the satisfaction of the Indians and to distinguish & ascertain¹⁰ what Lands belong to the English in Order to the effectual prevention of any Contention¹¹ or Misunderstanding on that Head for the future.

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

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

⁹ Full Resolution of this Government = determination of this government

¹⁰ Ascertain = learn

¹¹ Contention = claims

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

Treaty or Articles of Peace and Friendship Renewed 1752

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

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

Treaty or Articles of Peace and Friendship Renewed between

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

AND

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

It is agreed that the Articles of Submission and Agreement, made at Boston in New England by the Delegates of the Penobscot Norridgwolk & St. John's Indians, in the year 1725 Ratified & Confirmed by all the Nova Scotia Tribes, at Annapolis Royal, in the month of June 1726, & lately renewed with Governor Cornwallis at Halifax, & Ratified at St. John's River, now read over, Explained and Interpreted, shall be and are hereby from this time forward Renewed, Reiterated,¹² and forever Confirmed by them and their Tribe; and the said Indians for themselves and their Tribe and their Heirs aforesaid Do make & Renew the same Solemn¹³ Submissions and promisses for the Strickt observance of all the Articles therein contained as at any time heretofore hath been done.

That all Transactions during the late War shall on both sides be buried in Oblivion with the Hatchet,¹⁴ and that the said Indians shall have all favour, Friendship & Protection shewn them from this His Majesty's Government.

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

It is agreed that the said Tribe of Indians shall not be hindered from, but have free liberty of Hunting & Fishing as usual: and that if they shall think a Truckhouse needful at the River Chibenaccadie or any other place of their resort, they shall have the same built and proper Merchandize lodged therein, to be Exchanged for what the Indians shall have to dispose of, and that in the mean time the said Indians shall have free liberty to bring for Sale to Halifax or any other Settlement within this Province, Skins, feathers, fowl, fish or any other thing they shall have to sell, where they shall have liberty to dispose thereof to the best Advantage.

¹² Reiterated = repeated

¹³ Solemn = deeply sincere

¹⁴ Be buried in Oblivion with the Hatchet = to be made a lasting peace

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

That to Cherish a good Harmony & mutual Correspondance¹⁵ between the said Indians & this Government, His Excellency Peregrine Thomas Hopson Esqr. Captain General & Governor in Chief in & over His Majesty's Province of Nova Scotia or Accadie, Vice Admiral of the same & Colonel of one of His Majesty's Regiments of Foot, hereby Promises on the Part of His Majesty, that the said Indians shall upon the first day of October Yearly, so long as they shall Continue in Friendship, Receive Presents of Blankets, Tobacco, and some Powder & Shot; and the said Indians promise once every Year, upon the first of October to come by themselves or their Delegates and Receive the said Presents and Renew their Friendship and Submissions.

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

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

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

(Signatures removed)

¹⁵ Correspondance = communication



Handout: Crown Biography (John Doucett)

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

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

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

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

Brouillan replied, in July, that he had no knowledge of French encroachment on the British fishery, that in his opinion the Canso (Canseau) Islands belonged to France, and that the failure of the Acadians to emigrate was attributable to obstacles raised by the former governor, Francis Nicholson, and others who did not wish them to carry off their goods. Vaudreuil’s reply was

¹ Had not signaled their allegiance = had not taken sides

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

similar in substance. He also requested Doucett not to allow English vessels to sail the Saint John River which, Vaudreuil claimed, was under French control. Doucett was convinced that Vaudreuil's claim to the Saint John was without foundation for that river was "much about the center of Nova Scotia." The gravity of the matter, however, was emphasized by letters from Vaudreuil to Louis Allain of Annapolis, which fell into Doucett's hands. Vaudreuil told Allain that the Saint John was not under English control and that the Acadians could obtain land along it by applying to Father Loyard who had authority to make such grants. The boundary dispute was clearly more than academic, for the French claimed that only the peninsula of Nova Scotia fell within the ancient limits of Acadia as ceded to Great Britain by the treaty of Utrecht.

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

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

The need for winning over the Mi'kmaq of Nova Scotia had become obvious to Doucett, and on 13 December 1718 he urged Philipps to apply to the Lords of Trade for presents to give them. In the summer of 1721 these arrived and early in 1722 Philipps gave a feast at Canso for Indigenous chiefs. The chiefs solemnly promised their friendship. Relations between the Abenakis and the government of Massachusetts had been steadily worsening, however. In mid-June Abenaki raids began at the Kennebec River, and simultaneously the Mi'kmaq, perhaps joined by Maliseet and Abenaki, made an attack upon shipping in the Bay of Fundy and along the eastern coast of Nova Scotia. Reports were received that the Mi'kmaq and their allies had captured 18 trading vessels in the bay and 18 fishing boats off the eastern coast. Doucett heard that their design was to capture Annapolis Royal. Seizing as hostages 22 Mi'kmaq who happened to be encamped nearby, he sent a sloop to Canso for Philipps' instructions and to warn the fishermen and traders along the coast to be on their guard. Doucett's initiative at Annapolis Royal and Philipps' actions at Canso thwarted the plans. Doucett later expressed the belief that the Mi'kmaq living at Father Gaulin's mission had taken part in the plundering.⁵

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

Lawrence Armstrong was commissioned lieutenant-governor of Nova Scotia on 8 February 1724/25; Doucett continued as president of the council, as well as lieutenant-governor of

³ Clandestine = secret

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

⁵ Plundering = stealing

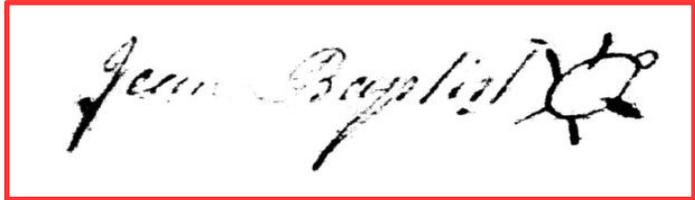
Annapolis Royal. By August 1726 Doucett had received permission for a leave of absence of some months, but he remained in Annapolis Royal until his death in November. Doucett's wife was with him in Nova Scotia but her name is unknown. In 1721 they had a family of six children. In 1723, Isabella and Honoria Doucett, aunts and guardians of four of John Doucett's children, petitioned the War Office on their behalf.

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



Handout: Indigenous Biography (Jean-Baptiste Cope)

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



Signature of Jean Baptiste Cope (Beaver). Image from Geoffrey Plank, “The Two Majors Cope: the boundaries of Nationality in Mid-18th Century Nova Scotia”, *Acadiensis*, XXV, 2 (Spring 1996), pp. p. 40.

Cope is best known as a Mi'kmaq signatory to the Peace and Friendship Treaty of 1752. Some historians argue that he signed as Chief Sachem of all the

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

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

Upon signing the 1752 Treaty with Governor Peregrine Hopson, Cope would have been very aware of the 1725–1726 treaty and its terms. Some historians argue that he was likely one of the signatories to that earlier treaty. As Wicken (2002) notes: “At talks with the council [at Halifax] on 14 and 16 September 1752, Cope wanted to discuss how to define the territories where the Mi'kmaq and British would live in the future. To Cope, the founding of Halifax and Fort Lawrence had demonstrated the need to refine the 1726 treaty. In his view, ‘the Indians⁶⁵ should be paid for the Land the English had settled upon in this Country’” (Wicken 2002). Ultimately, Cope proposed “to divide mainland Mi'kma'ki into Mi'kmaq and British spheres. The Mi'kmaq would exercise jurisdiction over one area, the British over another” (Wicken 2002). The British did not negotiate on this point, choosing to emphasize trade instead. Thus, the 1752 Treaty was silent on land, simply reaffirming what had been agreed to in the 1725–1726 Treaty. The 1752 agreement recognized the right of indigenous peoples to hunt and fish as they had before and included a promise to build “truck houses” (trading posts) where required by the Mi'kmaq.

⁶⁵ Indians = an archaic term for First Nations Peoples

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

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



Handout: Jean-Louis Le Loutre

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

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

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

With the declaration of war between France and Great Britain in 1744, the French authorities made a distinction in Acadia between the missionaries ministering to parishes with a French population and those serving among the Mi'kmaq. The former were advised to remain neutral, at least in appearance, in order to avoid being expelled; the others were advised to support the intentions of the governor of Louisbourg and encourage the Mi'kmaq to make as many forays into British areas as the military authorities considered necessary. In June 1745, Louisbourg fell to Anglo-American forces. Le Loutre then returned to France until 1749.

He returned to Acadia in 1749 with the new governor of Île Royale, which had been restored to France by the treaty of Aix-la-Chapelle the previous year. The situation in Acadia had changed considerably since Le Loutre's departure: Louisbourg was again French, and the British had just



Image from: Bourgeois, Philias Frédéric. *L'histoire du Canada*, Montréal, Librairie Beauchemin, 1913, p. 71.

¹ Parish = the area that a missionary works in

founded Halifax. The missionary was ordered to set up his headquarters at Pointe-à-Beauséjour (near Sackville, N.B.) rather than at Shubenacadie, which was too close to the authorities in Halifax who were clamouring for the missionary's head. The French claimed that Pointe-à-Beauséjour was outside the "old" Acadia, ceded to Great Britain in 1713 by the treaty of Utrecht, whereas the British maintained that Acadia extended as far as the Baie des Chaleurs. While the boundary commissioners were engaged in discussions in Paris, the French attempted to reinforce their claims to the region by encouraging the Mi'kmaq to harass the British and restrict their settlements and by trying to persuade as many Acadians as possible to leave enemy territory and settle in the area under French control.

With regard to the Mi'kmaq Le Loutre wrote: "As we cannot openly oppose the English ventures, I think that we cannot do better than to incite the Indians² to continue warring on the English; my plan is to persuade the Indians to send word to the English that they will not permit new settlements to be made in Acadia... I shall do my best to make it look to the English as if this plan comes from the Indians and that I have no part in it." The attacks made by the Mi'kmaq led Edward Cornwallis, the governor of Nova Scotia, to swear that he would have Le Loutre's head, and to describe him in October 1749 as "a good for nothing Scoundrel as ever lived." Cornwallis tried to capture him dead or alive by promising a reward of £50.

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

During 1752 Le Loutre discussed with his religious superiors "certain circumstances in which he [might] find himself in relation to his Indians' warring and even that of the French, especially those who are still under the domination of the English." He pondered over his activity with the Acadians. What means could he use to persuade them to leave British territory? As for those Acadians who had taken the oath of allegiance to Great Britain, could he ask that they be deprived of the sacraments?³ Was he empowered to threaten them with excommunication in order to persuade them to take refuge in territory claimed by France, or again could he ask the Mi'kmaq to force recalcitrants⁴ to abandon their lands? Le Loutre also wondered whether he could encourage the Mi'kmaq to attack and scalp British settlers in peacetime.

In 1753 Le Loutre made persistent efforts to persuade the Mi'kmaq to break the peace that had been signed with the British during his absence by Jean-Baptiste Cope, and he encouraged them to harass the British settlers. He bought the trophies they brought back from hunts and raids; for example, he paid 1,800 livres for 18 British scalps. Le Loutre threatened to abandon the Acadians, withdraw their priests, have their wives and children taken from them, and if necessary have their property laid waste by the Mi'kmaq. Nevertheless, all Le Loutre's efforts proved vain. In June 1755 the British forces obliged Louis Du Pont Duchambon de Vergor to surrender Fort Beauséjour, and the deportation of the Acadians in the region began shortly thereafter. Knowing that he was in danger, the missionary had slipped out of the fort in disguise and reached Quebec through the woods. Late in the summer he went to Louisbourg and from there sailed for France.

² Indians = an archaic term for First Nations Peoples

³ Sacraments = religious ceremonies (such as marriage) performed by missionaries

⁴ Recalcitrants = individuals who refuse to cooperate

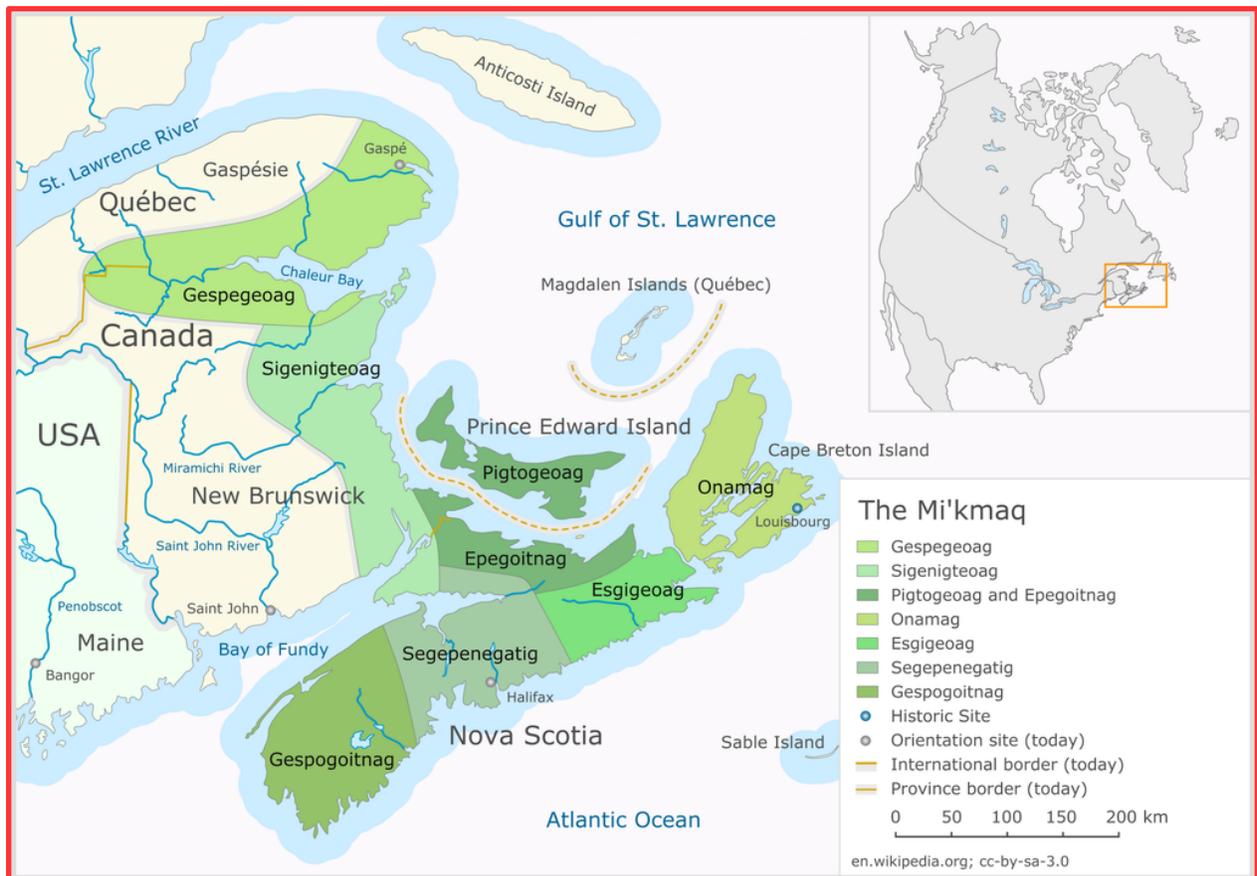
Historians are unanimous⁵ in recognizing the importance of Le Loutre's activity in Acadia but differ in their assessment of the significance of his role as a missionary. Several have criticized him for having acted more as an agent of French policy than as a missionary, and they hold him largely responsible for the deportation of the Acadians from Nova Scotia in 1755 because in threatening them with reprisals if they signed the oath of loyalty he condemned them to a forced exile. Le Loutre was a politically involved missionary, stubborn and prepared to make up for the lack of French civil government in Acadia. His activity was displeasing to the government in Halifax, and even to certain French officers. He was probably excessively zealous, and his conduct was often questionable.

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

⁵ Unanimous = when everyone agrees about something



Handout: The Mi'kma'ki Territory



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

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

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

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

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

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

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

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

¹ Affiliations = connections between groups



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

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

In practice, negotiations were rare. In 1749, Governor Cornwallis sailed into Chebucto Harbour— where Halifax now sits—with a convoy of ships carrying some 2,547 people intent on settling there (Wicken 2002). That same year, Halifax, the first British settlement in Acadia outside the fort at Annapolis, was founded. The Mi'kmaq had long considered Chebucto Harbour an important part of their territory and objected to its settlement. They visited the governor there to express their displeasure. In doing so, they were carrying on a tradition of resistance to the ignoring of Indigenous rights to the region. This resistance has continued for centuries, as the British and then the Canadian governments refused to recognize the Treaty relationship and instead imposed unilateral control. In this section are excerpts expressing the Mi'kmaq understanding of their territory and the treaty relationship, as well as the competing British views.



Elsipogtog First Nation Chief Aaron Sock. Image from CTV

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

The place where you are, where you are building dwellings, where you are now building a fort, where you want, as it were, to enthrone yourself, this land of which you wish to make yourself now absolute master, this land belongs to me. I have come from it as certainly as the grass, it is the place of my birth and of my dwelling, this land belongs to me, the Indian, yes I swear, it is God who has given it to me to be my country forever.... Show me where I the Indian will lodge? You drive me out; where do you want me to take refuge? You have taken almost all this land in all its extent. Nothing remains me except Kchibouktouk. You envy me even this morsel. Your residence at Port Royal does not cause me great anger because you see that I have left you there at peace for a long time, but now you force me to speak out by the great theft you have perpetrated against me (Whitehead 1991).

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

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

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

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

Judge Patterson wrote:

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

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

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

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

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

Fellow chiefs, invited guests, ladies and gentlemen:

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

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

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

The answer is, “never”.

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

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

The answer is, “never”.

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

When did we ask other governments to manage our affairs?

The answer is, “never”.

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

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

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

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

Governments, PAY UP!

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

But what do we have today?

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

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

Our governments ARE NOT agents of Indian affairs.

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

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

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

They drew strength from unity.

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

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

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

Thank You.

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

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

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

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

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

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

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

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

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

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

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

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

¹ Unequivocally = in a way that leaves no doubt

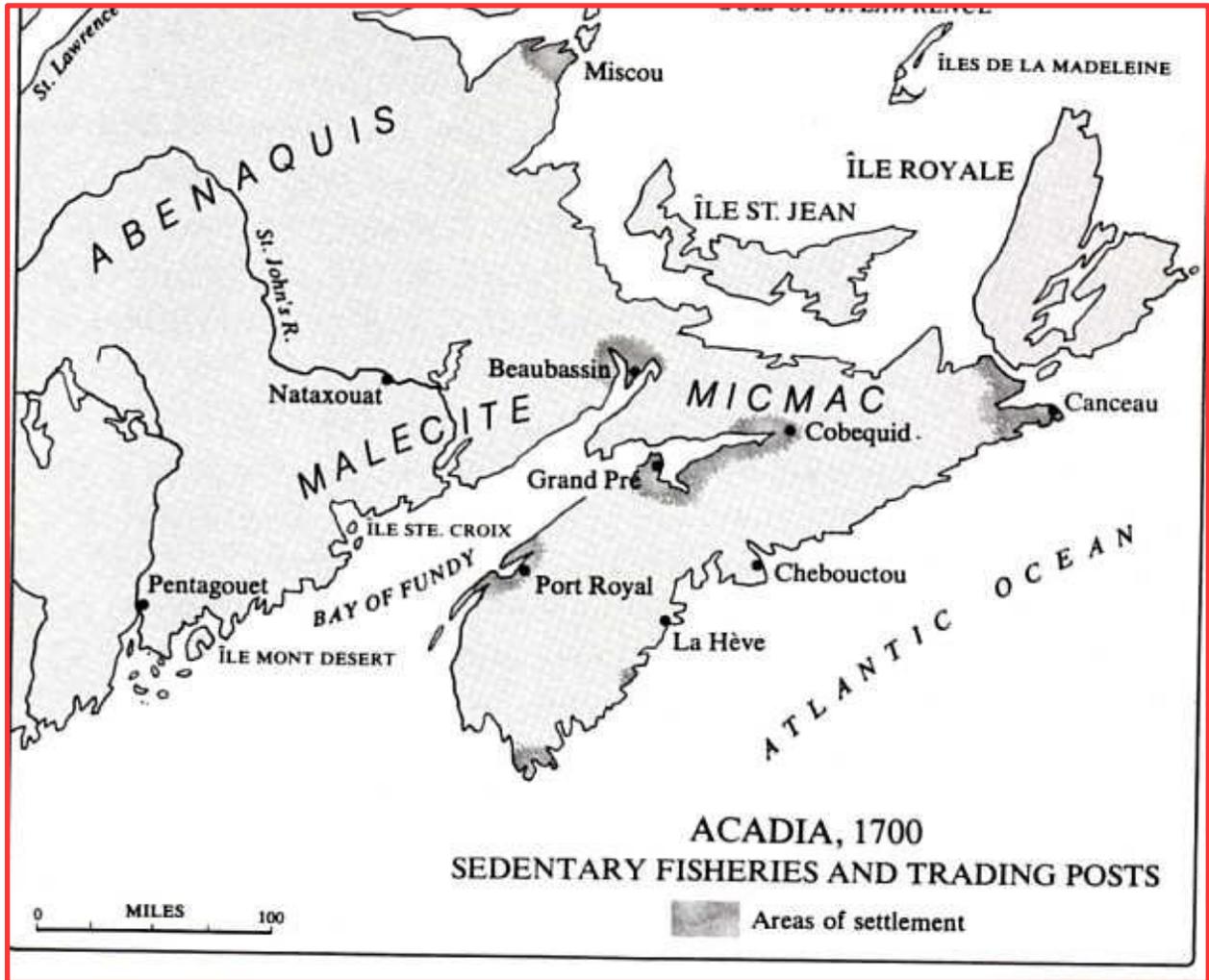
“Therefore, let it be resolved at a duly convened band council meeting, let it be known to all that we as Chief and council of Elsipogtog are reclaiming all unoccupied reserved native lands back and put in the trust of our people.

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

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



Acadian Map Handout



THE CONFEDERATION DEBATES

EDUCATION TEAM



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



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



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



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



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

Varun Joshi and Kira Smith composed biographical briefs for several of the historical figures included in this package.

In addition to the quotes identified by volunteer transcribers, Varun Joshi and Melissa Todd canvassed the records for many of the quotes found in in the primary document handouts. Beth Graham kindly reviewed the entire lesson plan for typos and various inconsistencies.

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