

SHAPING AN AGENDA for ATLANTIC CANADA

edited by
**John G. Reid &
Donald J. Savoie**

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réalité politique ou économique de la région. Par ailleurs, le Canada atlantique a tiré de l'arrière sur d'autres régions d'après pratiquement tous les indicateurs de développement économique et sa voix politique est de plus en plus marginalisée. Il est essentiel d'être conscient des différences qui existent à l'intérieur du Canada atlantique afin de formuler un programme efficace, mais il doit s'agir d'une conscience critique qui vise à tirer profit des forces des diverses communautés présentes tout en s'employant à favoriser les perspectives économiques et politiques pour tous. Trop souvent, lorsque les Canadiens pensent au Canada atlantique, ils ont en tête une région défavorisée ou moins nantie. Pour être valable, tout programme politique doit se fonder sur une compréhension exacte du passé tout en s'efforçant d'apporter des changements, dont surtout l'élimination de ce stéréotype condescendant et des conditions qui lui ont permis de voir le jour.

Notes

1. J.R. Winter (dir.), *Les provinces de l'Atlantique dans le Canada : vers quoi nous dirigeons-nous?* (Halifax, Conseil économique des provinces de l'Atlantique, 1981).
2. Ian McKay, *The Quest of the Folk: Antimodernism and Cultural Selection in Twentieth-Century Nova Scotia* (Montréal et Kingston, McGill-Queen's University Press, 1994), en part. 229–32.

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Settler Imperialism and the Dispossession of the Maliseet, 1758–1765

Andrea Bear Nicholas

This chapter examines a critical period in the history of the Maliseet First Nation of New Brunswick, Maine and Québec. Drawing on maps of the 1760s and recent research on settler imperialism, racist discourse and the colonial uses of cartography, it illuminates the process by which Maliseets were dispossessed of over a million and a half acres of some of the choicest land in what is now New Brunswick. It focuses on the central role of powerful gentlemanly elites and details the devious and often extra-legal strategies by which they managed to have these lands patented to themselves, without the knowledge or consent of the Maliseets. It argues that the process of settler imperialism with its legitimizing discourse continues today as long as Maliseets and other First Nations remain dispossessed and impoverished and that it will continue into the future as long as this story remains hidden and unaddressed.

Ce chapitre examine une période critique de l'histoire de la Première nation malécite du Nouveau-Brunswick, du Maine et du Québec. Il fait appel à des cartes datant des années 1760 et à des recherches récentes sur l'impérialisme colonisateur, le discours raciste et l'usage colonial de la cartographie pour mettre en lumière le processus par lequel les Malécites ont été dépossédés de plus d'un million et demi d'acres de terres de premier choix dans ce qui constitue maintenant le Nouveau-Brunswick. Il se concentre sur le rôle central joué par les puissantes élites et expose en détail les stratégies sournoises et souvent extralégales auxquelles elles eurent recours pour se faire concéder les titres de ces terres sans que les Malécites en aient connaissance ou y aient consenti. Il allègue que le processus d'impérialisme colonisateur et son discours de légitimation se poursuivent encore de nos jours, car les Malécites et les autres Premières nations demeurent dépossédés et appauvris, et qu'ils se poursuivront dans l'avenir aussi longtemps que cette histoire restera cachée et refoulée.

In 1933 an interesting study on early land grants in Nova Scotia was published by Margaret Ellis. Titled 'Clearing the Decks for the Loyalists,'¹ it focuses particularly on the grants issued during the 1760s and on the

processes by which these grants were forfeited to make way for the Loyalists. What is most remarkable about this study is its silence on how the decks were cleared in the first place to make way for the land grants of the 1760s. The reality is that it was the Maliseet, Mi'kmaq and Passamaquoddy peoples whose decks were cleared first, to use Ells's metaphor. She is not the only historian, however, to ignore this fundamental aspect of Maritime history. Virtually every historian has. Indeed, very few have paid much attention at all to New Brunswick in the 1760s and fewer still to Indigenous peoples. This chapter analyzes that much-forgotten period from 1758 to 1765 in the lives of the Maliseets in what is now New Brunswick in order to demonstrate how the groundwork for their ultimate dispossession was first established. The process of settler imperialism has had results for the Maliseet that endure to the present day. These damaging consequences also exemplify the wider scale on which the impoverishment of Indigenous Peoples in what has become known to some as Atlantic Canada remains a matter that is neglected and unresolved.

Settler Imperialism and Dispossession

In the 1980s the geographer D.W. Meinig declared that 'American beginnings were everywhere shaped by imperial processes,'¹² and more recent scholarship identified 'settler imperialism' as that aspect of imperial processes most responsible for the dispossession of Indigenous peoples worldwide. The phenomenon has been defined by Norbert Finzsch as

the rhizomatic expansion³ of settler colonies and settler states, directed against 'exterior' indigenous populations, achieved in the context of a democratic and egalitarian society of white, predominantly Protestant Anglo-Saxon settlers organized in farms and family households.⁴

That this process is also considered to be 'repetitive and enduring'¹⁵ makes it an especially useful conceptual model for understanding the process of Maliseet dispossession.

As studies of dispossession worldwide have demonstrated, an essential prerequisite is a legitimizing discourse, which, as the geographer Cole Harris noted, 'located civilization and savagery and identified the land uses associated with each.'¹⁶ The cultural discourse Harris refers to is the idea of *terra nullius*, a legal concept which posits that lands are empty of people, or virtually empty if the people inhabiting them are considered to have 'no concept of property rights in the land.'¹⁷ It was out of this early discourse that John Locke developed his labour theory of property, which posited that land acquires value only as labour is expended on it and that land not cultivated or improved is, therefore,

free for the taking, particularly by those who would 'improve' it.⁸ Resting as these theories do 'on a repugnant doctrine of cultural superiority' and the dehumanization of others as savage or primitive, they are both fundamentally racist in nature.⁹ Insofar as they arose, not out of thin air, but out of a material 'need' to rationalize the appropriation of Indigenous lands, lives and labour the moment Columbus set foot on Hispaniola, they have functioned as ideological justifications for slavery and for the massive dispossession of Indigenous peoples around the world.¹⁰ As in other lands, these primitivist theories functioned as the central legitimizing discourse behind the dispossession of the Wabanaki, including Mi'kmaq, Maliseet and Passamaquoddy peoples in early Nova Scotia.¹¹

Since the written records from the 1750s and 1760s were created entirely by non-Indigenous people, they are filled with enormous silences, distortions and even misinformation. The task of teasing out the Maliseet point of view is daunting, requiring deductions to be drawn from diverse pieces of information, even from the silences. It is in light of the enormity of the task that this work draws on maps, not only to illuminate the story, but also to demonstrate how they, too, legitimized and facilitated dispossession.

Thanks to the pioneering work of the distinguished cartographer, J.B. Harley, the close connection between imperialism and map-making is now appreciated. According to Harley, 'European maps gave a one-sided view of ethnic encounters and supported Europe's God-given right to territorial appropriation.'¹² Elsewhere, he said that maps have served as 'a metaphor for territorial processes by which Indians are progressively edged off the land.'¹³ According to cartographer John Rennie Short, 'it is now important to uncover maps' narrative context, their truths as well as their lies, and to see the act of mapping as a political act as much as a scientific practice.'¹⁴ It is with this goal in mind that maps have been incorporated in this analysis of the process of dispossession in the Maritimes.

The Context

Between 1675 and 1760 there were six colonial wars in this region involving three parties, English, French and Wabanaki peoples. For the latter, these were wars of defence against English expansion. Throughout most of this period the people of the St. John River, who are known as Maliseets, or in their language as the Welastekwiyik, supported and assisted their Wabanaki neighbours in an attempt to arrest the process of settler imperialism in Nova Scotia and what is now Maine. A. Dirk Moses described that process as follows:

Driven by international market forces, [Europeans on the frontier] seized the land of Aboriginal groups without compensation or

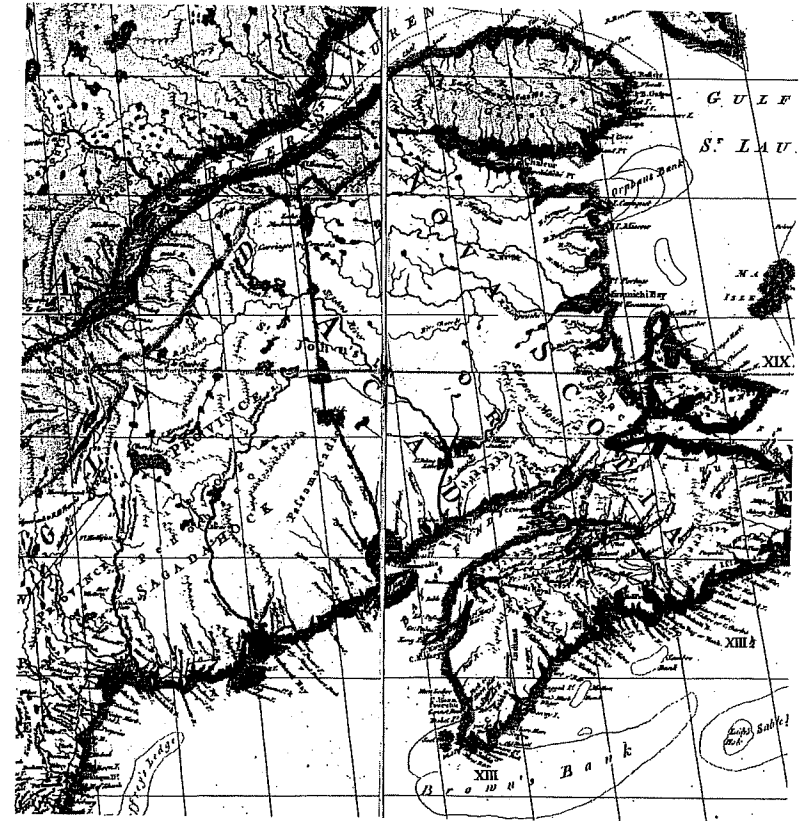
negotiation, and excluded them from their sources of food. A struggle for survival ensued in which, from the European perspective at the time, the Aborigines had to be subdued, and if necessary exterminated.¹⁵

Though Moses is describing the Australian experience, this model has many parallels in Wabanahkik (now Maine and the Maritimes). All wars here occurred as a consequence of settler encroachments into Indigenous territories, with destructive impacts on traditional food sources; and every war incorporated exterminatory practices, particularly scalp bounties.¹⁶ The only difference for Maliseets was that the wars intended to subdue and exterminate them occurred prior to the seizure of any of their lands. For them settler imperialism would occur only after 1760; but as an alternative means of 'vanishing the Indigenous,' it would prove to be 'a cheaper and more effective policy' than outright war.¹⁷

With the fall of the important French stronghold at Louisbourg in 1758, the ability of Maliseets to mount effective resistance to English encroachment began to dissolve. By the end of summer English forces were well established in Mi'kmahkik (the lands of the Mi'kmaq) to the east and soon after in the land of the Penobscots to the west. One measure of Maliseet success in keeping English invaders out of their land was that no detailed maps of the Wəlastəkw (St. John River) had been drawn before 1759. Most maps of the region prior to that date, in fact, show large expanses of territory marked with the names of different First Nations, as is the case with the 1755 map by John Mitchell (Figure 1).¹⁸

It was, however, the last time that these names would appear on maps of this area. Following the capture of Louisbourg, the process of English colonialism in Maliseet lands began in earnest with the assertion of raw, physical power.¹⁹ In compliance with orders issued by General Jeffery Amherst, commander-in-chief of British forces in North America, 2,300 British troops were sent to the mouth of the Wəlastəkw in September 1758. There, near the ancient Maliseet village site of Menahkwesk²⁰ (now the city of Saint John), they proceeded to build Fort Frederick. A month later various detachments, numbering as many as 700 soldiers, were sent on raiding expeditions upriver to destroy or drive out the Acadians and Maliseets. The first contingent that autumn burned the entire Acadian settlement at Grimross, some fifty homes and barns, about forty-five miles upriver at what is now Gagetown.²¹ That winter another expedition made up of irregulars known also as 'rangers,' or 'Indian hunters,' set out on snowshoes for St. Anne's Point, now Fredericton, but also known in Maliseet as Sitansisk. At this Acadian village they burned over 147 homes, and killed and scalped six men, two women and several children.²² That Maliseets seem to have escaped

Figure 1: 1755 map by John Mitchell showing highlighted names of many First Nations in the Maine–Maritime region

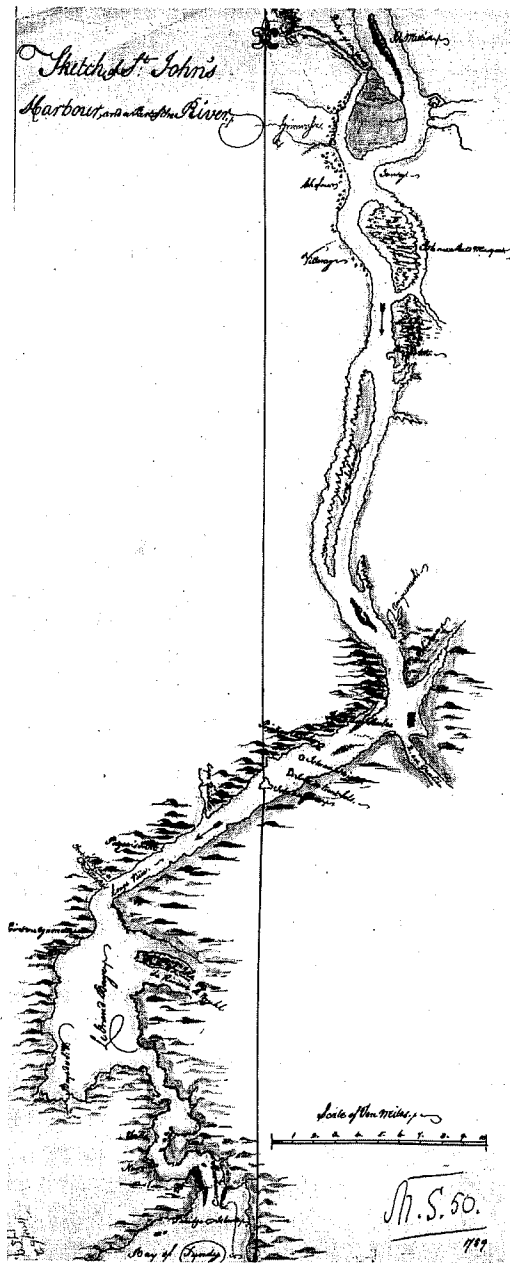


Source: LAC, NMC, #48905.

the same fate at this time was likely due to their more mobile form of life, but the terror of this carnage could not have been lost on them.

In late 1758 and early 1759 Governor Lawrence of Nova Scotia issued two proclamations inviting English settlers to take up lands vacated by the recently deported Acadians.²³ Shortly afterwards, the military surveyor Captain Samuel Holland completed a map of the lower St. John River from its mouth to just above Grimross (Figure 2).²⁴ Of interest are the place-names, most of which are French or English, while the few remaining names of Maliseet origin — Jemseg, Amiquonish, Niripis and even Grimross — are heavily anglicized. In its obliteration of most Maliseet place-names and renaming in the language of the colonizers, this map demonstrates the first step in the colonial process described by Harley as 'toponymic colonialism.'²⁵ While this act of erasing and replacing Indigenous place-names is only a metaphor, a symbolic act

Figure 2: Map of the Lower St. John River attributed to Samuel Holland, 1759



Note: Acadian prisoners served as guides and pilots for Monckton's forces, yet the Maliseet influence shines through in at least some of the place-names, which Acadians would have learned from Maliseets. Source: LAC, NMC, #252.

of political possession, it was calculated to facilitate the physical act of political possession insofar as the removal of names strange to European ears was intended to make the land welcoming to prospective English settlers. At the same time, the erasure of Maliseet place-names was, in many ways, a crucial step in separating Maliseets from their land, a psychological weapon of sorts, since Maliseet place-names defined the relationship of their people to their sources of life in the land.

Another important element in this map is its representation of the land as virtually empty. Harley points out that, with no names of Indian nations inscribed on the map, 'it helped to render Indian peoples invisible in their own land.'²⁶ He asserts that such omissions are as powerful as 'the features they depict and emphasize.'²⁷ This depiction of emptiness was, of course, a European fabrication. Contrary to the conclusions of a recent study declaring the mouth of the Wəlastəkw to have been jointly occupied by Mi'kmaq and Maliseet, this area has never been considered to have been the homeland of the Mi'kmaq in post-contact times, though they may have frequented it at various times in that period.²⁸ As the meaning of their name implies, the Wəlastəkwiyik are the people of the Wəlastəkw, from its mouth to its sources. Its islands, shorelines and many tributaries were places dotted, not only with the graves of their ancestors and debris of their ancient villages and campsites, but also with place-names and origin stories testifying to the ancient presence of the Wəlastəkwiyik on this river.²⁹ The truth is that this land was not empty, nor had it been abandoned. According to one source, 'a body of 200 Indians who always inhabited the banks of that river' was there when Colonel Robert Monckton landed at Menahkwesk, but that they had withdrawn upriver with their chief (for rather obvious reasons).³⁰

With a map that represented the land as empty and two proclamations inviting English settlers to 'vacated' lands, Nova Scotia authorities began actively recruiting speculators and settlers to the region. Though Maliseets were certainly unaware of either the proclamations or this map, they recognized and reacted to the threat that the new fort presented to them. As documented in the journals of soldiers stationed there, Maliseets engaged actively throughout the remainder of 1758 and most of 1759 in a guerrilla-type campaign against soldiers unwise enough to leave the fort in small numbers.³¹

After the British capture of Quebec in September 1759 and after Rogers' Rangers' deadly attack on the Abenaki village of St. Francis barely a month later,³² the tenor of the contacts between Maliseets and soldiers at Fort Frederick began to change dramatically. Instead of hostility, peace seemed possible. To Maliseets, the fort, which had been the source of so much terror and aggression, offered an opportunity for trade and a renewed relationship with the British, especially since French sources of trade were now eliminated. Within days, small groups

of Maliseets and Passamaquoddies began visiting the fort, but before trading was allowed, the British required Indians to take an oath of allegiance to the Crown.³³ To the British this was not only a prerequisite for trade, but also a test of Indian sincerity and peaceful intentions. For the Maliseets, on the other hand, the test of British sincerity and peaceful intentions was the restoration not only of a trade relationship but also of gift-giving, which in Indigenous society was a symbol of positive social relations.³⁴ From the beginning, however, Halifax authorities completely misconstrued the role that gift-giving played in Wabanaki society. While the British interpreted the Indian expectation of gifts as begging and a sign of utter dependence,³⁵ the irony was that peace in Nova Scotia was heavily dependent on British willingness to comply with Indian demands for gifts.

When Maliseet and Passamaquoddy leaders arrived at the fort in February 1760 seeking to make peace, they were sent to Halifax where two formal agreements with the Nova Scotia Governor and Council were negotiated. One was a table of prices for the fur trade, which established beaver as the currency.³⁶ The other agreement was the Treaty of 1760, which was signed a week later by Maliseet chief, Bellamy Glode and Passamaquoddy chief, Michel Neptune.³⁷

With only minor additions, including the establishment of a government-run truck-house system,³⁸ this treaty was basically a renewal of the 1725–26 Treaty, which had also been ratified in 1749.³⁹ Notwithstanding the terms of submission written into the treaty and the claim that its terms were translated into Maliseet/Passamaquoddy, there is no evidence that the English concept of submission was either translatable or comprehensible to Maliseets.⁴⁰ To them, the word for treaty was 'lakotowakən,' which meant simply 'a tool for creating a relationship.'⁴¹ And as John Reid concluded, 'There is persuasive evidence that, on the aboriginal side, submission to the imperial regime was neither the intent nor the perceived result of the negotiations that took place in Halifax.'⁴²

As a reaffirmation of the 1725–26 Treaty of Peace and Friendship, the Treaty of 1760 contained no land surrender. Its single but indirect reference to land demanded only that Indians respect English settlements 'lawfully to be made.' Unless otherwise spelled out in the treaty, this clause could have meant nothing other than what was common practice in other parts of British North America. Based on the recognition of Indian title, that practice generally entailed the purchase and formal transfer of land in the form of a deed.⁴³

Unfortunately, Maliseets did not write any of the treaties, and since there is no surviving record either of their negotiations or the French translation of the treaty, there is no textual evidence as to the intentions of either party at the treaty table. That the British would subsequently choose to deviate from their standard practice with regard to Indian

title without having raised the issue at the treaty table⁴⁴ suggests one important explanation as to why the peace was so precarious after the Treaty of 1760, especially on the Wəlastəkwok.⁴⁵ Although no recognition of Indian title ever occurred in Nova Scotia, it can be reasonably inferred that the British maintenance of the practice of providing presents to Indians constituted an acknowledgement, on some level, of Indian title. At the very least, it was an acceptance of the fact that peace and British presence in the territory would survive only on terms dictated by the Indians.⁴⁶

Well before the fall of Quebec in September 1759, petitions for Nova Scotia lands began pouring in to both the Nova Scotia government and the Board of Trade and Plantations in England, the body responsible for administering the colonies.⁴⁷ Among the petitioners was Colonel Alexander McNutt, who began pressuring both Nova Scotia and the Board to open the door to 'large-scale speculation' in Nova Scotia. Considering that he had a personal interest in acquiring land on the Wəlastəkwok and that he has been consistently characterized as 'a fertile liar' and 'a high pressure promoter,'⁴⁸ it is very likely that his influence, either directly or indirectly, lay behind a Board request early in 1760 for Governor Lawrence to reserve the Wəlastəkw for settlement by disbanded soldiers. In his response to the Board, Lawrence declared that land was 'available' on the river for an extent of ninety miles from the mouth, to well above Grimross.⁴⁹ Without any evidence of discussion with Maliseets, this commitment to open their territory for settlement represented a first step in a concerted plan to dispossess them. While it is possible that colonial authorities simply did not find it necessary to inform Maliseets of their plans, the failure to do so has all the hallmarks of a deliberate conspiracy of silence to keep them uninformed as to British intentions for their land.

Sometime in 1761 Nova Scotia's chief surveyor, Charles Morris, apparently toured the St. John River, possibly as far north as Sitansisk. In the report of his surveys for that year he provides a brief description of this former Acadian village site as follows: 'There have been no Improvements but at St. Ann's, where about Six Hundred Acres of Land have been clear'd.'⁵⁰ In November of that year Lieutenant Governor Belcher of Nova Scotia sent this report to the Board of Trade with an assurance that he would await further instructions before issuing any grants for land on the Wəlastəkwok.⁵¹ While it is possible that Morris had actually surveyed above Grimross, it is highly unlikely that he could have openly done so considering the hostile reception that Maliseets would give to other surveyors only a year later. Two maps by Morris of the Wəlastəkw have also been associated with Belcher's November 1761 letter to the Board of Trade.⁵² Many of their features, however, relate to events and decisions that occurred only in 1764 and 1765. Since there

are no other maps of the Wəlastəkw for 1761 by Charles Morris in the Public Record Office, either these maps are misdated, or they were used as working maps on which features were added over time.

Royal Proclamation of 1761

Near the end of 1761 the Crown issued its first tentative expression of imperial policy regarding Indian lands in British North America. It came in the form of an instruction circulated to the colonial governors, including the governor of Nova Scotia, and it prohibited provincial administrators from passing grants for 'lands within or adjacent to the Territories possessed or occupied by ... Indians.' As well, it ordered that all persons who had 'wilfully or inadvertently... seated themselves' on Indian lands should remove themselves from such lands, that any and all petitions for the purchase of such lands had to be forwarded to the Board of Trade, and that the proclamation itself had to be circulated among the Indians.⁵³ Implicit in these terms was the assumption that 'settlers could not be trusted to treat Indigenous peoples justly.'⁵⁴

The problem for Nova Scotia was that no Indians had sold or ceded any lands, and neither was there any inclination on the part of the colonial government to begin purchasing land from them. For the new lieutenant governor, Jonathan Belcher, there was little choice. He needed to comply with the royal instructions, but, as he admitted later, he violated the instructions of 1761 by deliberately keeping them secret from the Indians so as not to arouse 'extravagant and unwarrantable demands.'⁵⁵ Instead he consulted only with the written records of the government and found that the Mi'kmaq alone had twice in the last war laid claim to the coastline from Musquodoboit Harbour (east of Halifax) to Canso, Antigonish, Richibucto, Miramichi and Bay of Chaleur.⁵⁶ In May 1762 he reserved this strip of territory for Indians in a proclamation of his own.⁵⁷

Since these lands contained rich fishing and sealing grounds, this reservation was immediately protested by Belcher's many political opponents, especially a powerful cabal headed by Joshua Mauger,⁵⁸ who, as Nova Scotia's agent in London, protested directly to the Board that it would be 'an imprudent' impediment to mercantile interests.⁵⁹ On December 2, 1762, Mauger finally got to present his case against Belcher to the Board of Trade. The next day the Board demonstrated how completely it had been influenced by Mauger's lobbying by denouncing Belcher's proclamation and declaring that if any land should be reserved for Indians, it should be 'amongst the woods and lakes, where the wild beasts resort and are to be found in plenty.'⁶⁰

Meanwhile, the negative effect of Belcher's proclamation for Maliseets was that, by default, it instantly declared all of their lands open for settlement. By this stroke of a pen, Maliseet claims to ancestral lands

on the Wəlastəkok, as well as First Nation claims in other parts of Nova Scotia, were written off the map, and the fiction first represented in the maps and proclamations of supposedly empty lands in most parts of the province was reconfirmed. In the same month that Belcher's proclamation was issued (May 1762), a group of surveyors from Massachusetts, allegedly encouraged by McNutt, boldly penetrated up the Wəlastəkw beyond Grimross. According to Maliseets who confronted the party at Sitansisk, their chief 'had consented [at the Treaty of 1760] that the English should settle the country up as far as the Grimross' and that in their opinion 'the whole country belonged to the Indians.' Here was a concise articulation of the Maliseet understanding of the treaty, that they were willing to share land below Grimross, but that the land above was to be reserved for them exclusively.⁶¹

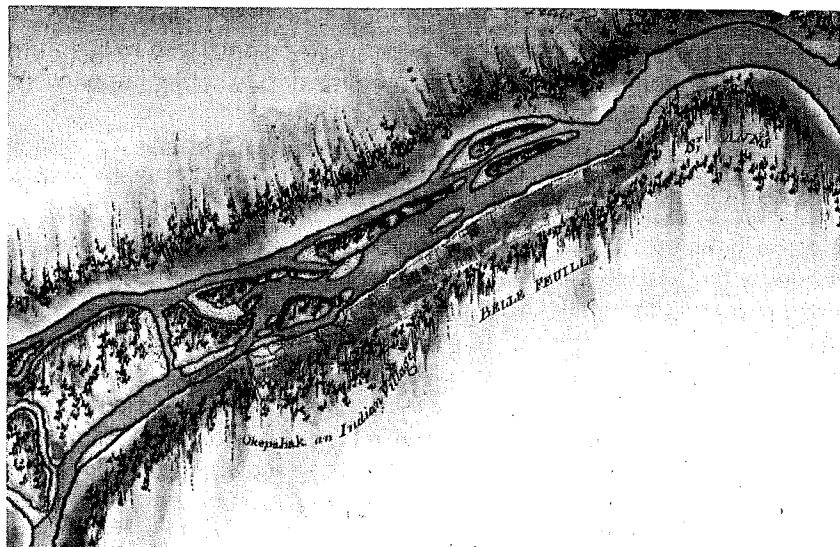
On this occasion the New Englanders did not protest, and they headed back downriver but only as far as the lower end of Oromocto Island, still well above Grimross. There, unbeknown to the Maliseets, they surveyed a 12 mile square (100,000 acre) township on the east bank of the Wəlastəkw and departed, hoping to register their claim in Halifax.⁶² With this transgression of the border between colonial and Indigenous territories and the staking of a claim, the first step in settler imperialism was accomplished.

In the face of a report in June that year by Quebec's Governor Murray that 'Mar8cites inhabit about the River St. John,'⁶³ Belcher wrote the Board to explain why he had reserved only the one strip of land for Indians in the province. His explanation was 'that no other claim can be made by the Indians either by treaties or long possession ... [that] the French derived their [title] from the Indians and the French ceded their title to the English under the Treaty of Utrecht.'⁶⁴ The problem with his explanation was that it was completely untrue. Indians in Nova Scotia did have a legitimate claim to their territories by virtue of long possession, and they had never surrendered title to the French. By misinforming imperial authorities about Indian claims and by keeping the proclamation secret from Indians, Nova Scotia was now embarked on a new and risky strategy. Insofar as it was based on evading the authority of the Crown regarding Indian rights, it held serious and potentially lethal import for the Indigenous peoples of the province.⁶⁵

During the same summer (1762) Halifax was gripped anew with fear of attack by the French following the successful taking of St. John's, Newfoundland, by French forces.⁶⁶ Perhaps hastened by this hysteria and the hope of opening an inland route of communication between Halifax and Quebec, the project of taking possession of the Wəlastəkw moved forward this summer. In what was probably the first English survey of the river and its main portage to the St. Lawrence River, Lieutenant Joseph Peach produced a representation so detailed that it was completed as a

series of eight maps.⁶⁷ Apart from indicating only one occupied Maliseet village, the village of Ekwpahak,⁶⁸ just above what is now Fredericton (Figure 3a), the map provides no hint of Maliseet existence or claim to any of the land along the river, as had been shown in maps prior to 1759. With the other major Maliseet village, Mehtawtik [Meductic], noted as being 'deserted,'⁶⁹ this map shows almost entirely empty space, ripe for the assertion of colonial control (Figure 3b). A related feature of great interest to colonial eyes was the extent of vacated lands, particularly the fields originally cultivated by Acadians between Sitansisk and Ekwpahak. In spite of the overwhelming sense of emptiness on all segments but this one, the map reveals an intriguing abundance of Maliseet names for tributaries, no doubt obtained from a Maliseet guide. At the same time, the presence on this map of new English names, such as Bear Island and Great Bay, indicates an extension of the process of political possession begun on the Holland map.

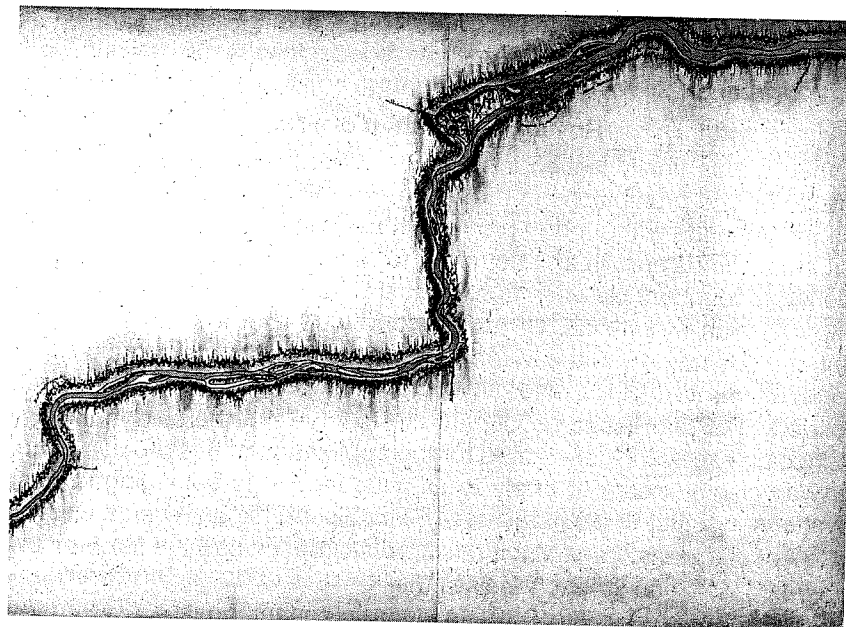
Figure 3a: Portion of a map drawn by Joseph Peach of the route to Quebec via the St. John River in 1762



Source: LAC, NMC, #12856.

Emboldened by the final establishment of peace between England and France (the Treaty of Paris) in February 1763, a new wave of English settlers began moving into Mi'kmaq, Maliseet and Passamaquoddy territories, largely without authorization. By the end of that year over 5,000 more New Englanders had moved into various parts of Nova Scotia, mostly in the old Acadian areas from the Minas Basin and Annapolis Royal to the Isthmus of Chignecto.⁷⁰ In spite of official efforts in 1762

Figure 3b: Portion of a map drawn by Joseph Peach of the route to Quebec via the St. John River in 1762



Source: LAC, NMC, #12856.

forbidding settlers from taking up lands reserved for disbanded soldiers on the St. John River, about 200 Massachusetts people took matters into their own hands and squatted that spring on the lands opposite the mouth of the Oromocto River that they had surveyed the preceding year.⁷¹ Thus began the processes central to settler imperialism described by Finzsch as 'deterritorialization' and 'reterritorialization'.⁷²

As for the Maliseet response to the arrival of so many settlers above Grimross, we have only occasional and cryptic comments, such as Moses Perley's remark that the New England settlers 'were for some time also annoyed by threatened attacks from the Indians.'⁷³ But if the chiefs had a complaint about the encroachments, it was not recorded when they went to Halifax with Passamaquoddy leaders in the summer of 1763. According to the record their only concern was to protest the fact that their priest, Father Charles Germain, had been detained in Quebec the previous autumn.⁷⁴

With the Board of Trade now thoroughly supportive of establishing Nova Scotia as a 'settlement colony,' the numbers of petitions for large land grants in the province began to grow.⁷⁵ But, since the king still had not announced any new details in the matter of land grants, no grants larger than 1000 could be issued under the old regulations that were still in effect. The king's delay in this matter now appears also to have

been a major factor in the outbreak of war that year in the Ohio Valley, where a massive invasion of First Nations territories by impatient English squatters and speculators had triggered a war of resistance known as Pontiac's War.⁷⁶

Royal Proclamation of 1763

When it was finally issued in October 1763, the Royal Proclamation repeated the prohibitions in the instruction of 1761 against the taking of Indian lands without due process. It also prohibited the private sale of Indian lands and, in an attempt to terminate Pontiac's War, it established a boundary between European and Indian territories west of the Appalachian Mountains. Of more importance to Maliseets and other Indigenous nations in the Maritimes, the proclamation extended these prohibitions to include also 'any other lands, which, not having been ceded to or purchased by Us, are still reserved to the said Indians.'⁷⁷ Since no exceptions are stated for the application of this proclamation, it was clearly meant to apply to all unceded lands belonging to First Nations, not just those in the newly established Indian reserve west of the Appalachians;⁷⁸ and since royal proclamations had the force of law there could be no ignoring their terms.⁷⁹

Early in 1764 Nova Scotia's new lieutenant governor, Montagu Wilmot, acknowledged having received the proclamation,⁸⁰ but he was faced with a unique situation. Where colonial authorities in other provinces 'had made a public virtue of providing guarantees ... to protect Indian Hunting Grounds,'⁸¹ Nova Scotia authorities had boldly granted 'warrants of survey' and passed patents for lands that had never been ceded or sold by the Indians. With serious settlement efforts already underway in the province, the matter required a careful response. In many ways, the response of Nova Scotia authorities to the instruction of 1761 had been a dress rehearsal for this one. The two-fold strategy of keeping both imperial authorities and Indians uninformed, which had been developed in response to the earlier instruction, was again invoked so that practices prohibited by both documents could continue as if neither had ever been issued. Nova Scotia's flagrant violation of the royal will and refusal to acknowledge Aboriginal title made it an anomaly in British North America.

For Nova Scotia this strategy represented a huge gamble, for discovery by either Indians or imperial authorities could have had painful consequences. If Indians had known the truth, it would, at the very least, have provoked serious resistance to the encroachments and possibly even open rebellion, as it had in Nova Scotia after 1713 and as it had in the Ohio region in 1763. If imperial authorities had been apprised of the violation of legitimate Indian claims in Nova Scotia, it would have meant, at best, serious repercussions for a succession of administrators in the

province and, at worst, unthinkable financial costs in compensating First Nations for their land.

In the months following the proclamation, the Nova Scotia government showed no reticence about implementing its other provisions. One was to establish a free-trade system in place of the truck-house system, which had not only been opposed by the Board of Trade and excluded merchants but which had also been fraught with corruption, driving the province into near-bankruptcy.⁸² Implementation of this provision became an excuse for Halifax authorities to begin appropriating small parcels of Maliseet lands by issuing licences of occupation to independent traders, entirely without Maliseet permission or consent.⁸³ Among them were the Ferguson brothers at Ekwpahak, John Anderson and the Jeffrey brothers opposite Sitansisk, Captain Isaac Caton on the Long Reach and James Simonds at Menahkwesk.⁸⁴ Where soldiers and surveyors had been the thin edge of a wedge into Maliseet territory, the traders' establishments would soon open the door to full-scale dispossession.

Gentlemanly Elites and Settler Imperialism

During the winter following the announcement of the 1763 Royal Proclamation, a group known first as 'The Canada Company,' and later as 'The St. John River Society,' began meeting in Montreal.⁸⁵ Its particular interest lay in taking advantage of the settlement provisions in the proclamation, specifically to acquire large tracts of Maliseet land on the Wəlastəkw for themselves. The members included about sixty distinguished men from Montreal, Boston, Philadelphia, New York, England and Ireland. Among them were wealthy merchants, doctors, lawyers, ministers, high-ranking politicians, such as Thomas Hutchinson, Governor of Massachusetts, Indian Agents William and Guy Johnson, surveyors Samuel Holland, Joseph Peach and Charles Morris, military officers Moses Hazen, Colonel Frederick Haldimand, General Thomas Gage and Brigadier General Ralph Burton, and traders James Simonds and William Hazen.⁸⁶ Part of the appeal of the Wəlastəkw to this group, was, no doubt, its importance as a line of communication between Halifax and Quebec. But what more than likely linked these men together was an interest in speculation and a determination to use their power and rank as leverage for special consideration from imperial authorities.

While the Board of Trade appears to have been misinformed regarding Indian claims in Nova Scotia, there is evidence that it still expected the terms of the proclamation respecting Indian land rights to be applied in the province. Sieur de Stumpel's application to the Board for 100,000 acres of land between the St. John and St. Croix Rivers was recommended to the king on December 15, 1763, as long as 'it shall not be upon any Lands occupied by the Indians or used as their hunting Grounds.'⁸⁷ Later that winter, the Board also issued instructions to the

governors of the British provinces in North America emphasizing the importance of cultivating good relations with the Indians, just as it had done in instructions to Nova Scotia governors since 1719. The letter to Nova Scotia's new Governor Wilmot directed him 'to have Interviews from Time to Time, with the several Heads of the said Indian Nations and to enter into a Treaty with them promising them Friendship and Protection on our part.'⁸⁸

In spite of this ongoing concern on the part of the Board regarding the protection of Indian lands, some analysts have mistakenly presumed that the lords were now authorizing a different policy for Nova Scotia that exempted the province from the terms of the proclamation relating to Indian title.⁸⁹ This seems to have been deduced from a second letter to Wilmot from the Board which, in addition to authorizing grants of unlimited size and asking for detailed information on Indians in the province, denounced the size of Belcher's reservation of land for the Mi'kmaq. Specifically, it ordered Wilmot 'to induce the Indians to recede from so extraordinary and inadmissible a claim' or to find some means of doing it 'without giving disgust or dissatisfaction to the Indians.' Here the Board's concern seems to have been about the size of the reservation, rather than about exempting Nova Scotia altogether from the Indian rights terms of the proclamation.⁹⁰ For such an exemption to have been intended would have required specific articulation in the proclamation itself, and as legal analyst Nancy Ayers pointed out, 'the Crown could not validly authorize its governors to do something which it could not legally do itself.'⁹¹

In the new orders from the Board regarding the reservation for the Indians and the size of land grants there is little doubt that the Board had been substantially influenced by gentlemanly elites in the likes of Joshua Mauger, Colonel Alexander McNutt and the highly placed members of the St. John River Society.⁹² It is here that other aspects of settler imperialism become apparent in the processes of dispossession that were occurring in Nova Scotia. According to Finzsch, 'settler imperialism' requires two components: 'gentlemanly elites in the cities' and 'a class of landless or land-hungry farmers, plantation owners, and surveyors whose concern is to increase the area under their control and to drive the indigenous populations off the land that they possess.'⁹³

Clearly, Nova Scotia had them all, from gentlemanly elites comprised of wealthy merchants and politicians, to land-hungry farmers, would-be proprietors and surveyors. And it was only a matter of time before the confluence of their interests would triumph over the interests of both Indigenous peoples and imperial authorities. What fuelled these interests, beyond a doubt, was the 'fever' of speculation that was running high at the time.⁹⁴ According to John Bartlet Brebner, 'Even Halifax officials had their fingers in the pie,' and 'None of the Nova Scotia officials, even that

remarkably upright Provincial Surveyor, Charles Morris, seems to have escaped the infection.'⁹⁵ Here, in a couple of sentences lay the most plausible explanation for Nova Scotia's plan to circumvent the Indian title provisions of the Royal Proclamation.

An example of the critical role of gentlemanly elites may be found in the saga of the New England settlers who had squatted on the Wəlastəkok in 1762 in violation of imperial plans to settle the river with disbanded officers and soldiers. Through the intervention of highly placed people, including Joshua Mauger, the provincial agent in London, and Nova Scotia Council members Charles Morris and Henry Newton, each with their own interests in land on the Wəlastəkok, the Lords of Trade changed their minds about removing the New Englanders and recommended to the king that they be allowed to stay. A township was subsequently confirmed to the settlers by an order of the King in Council, and in honour of Mauger's assistance, it was named 'Maugerville.'⁹⁶

Fearing that the Board's new position on land grants would open the door to large-scale speculation, Governor Wilmot wrote to the Board in June 1764 strongly objecting to the new land grant terms and pointedly requesting a response on the matter.⁹⁷ But, with regard to Indian policies, he seems to have joined the conspiracy of silence, at least where Maliseet claims were concerned. A few days after writing this letter Wilmot responded to a request from the Board for information on Indian nations in the province, but he spoke only about 'Micmac nations'⁹⁸ and provided no information whatsoever about Maliseets.

On the other hand, Governor Murray of Quebec responded to a similar request from the Board of Trade with a detailed account not only of the Mi'kmaq but also of Passamaquoddies and Maliseets in Nova Scotia. For the Maliseets his report enumerated about sixty families at Ekwpahak and another nine or ten at Mehtawtik (Meductic), with about seventy men capable of carrying arms.⁹⁹ This revelation that there actually were Indians on the Wəlastəkok, however, did not deter the Board in its plan to settle the river with disbanded soldiers, again speaking volumes to the influence of the gentlemanly elites. Though never officially disallowed by the Board, the matter of the reservation for the Mi'kmaq seems to have quietly died, while the silence regarding Maliseets in Nova Scotia records continued.

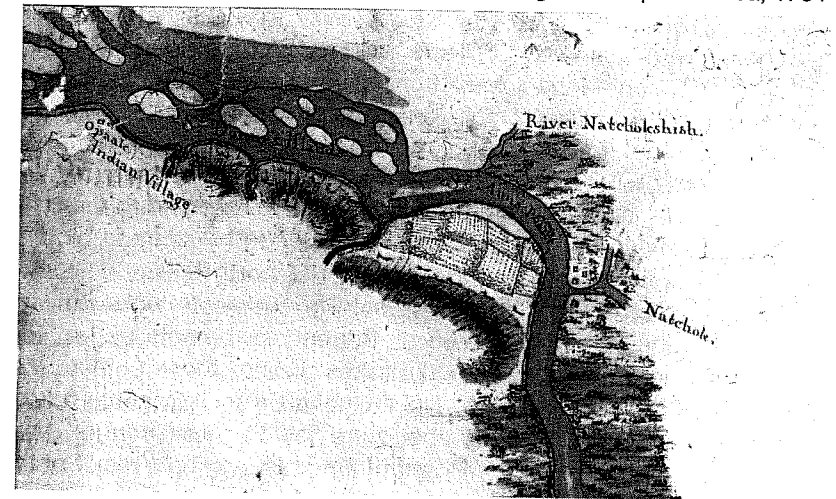
In the summer of 1764 another survey of the St. John River was undertaken by the Nova Scotia government engineer, Lieutenant John Marr, which resulted in several maps, including two of the river up to Ekwpahak (Figures 4a, 4b) and another of the harbour at the mouth of the river.¹⁰⁰ With far fewer Maliseet names and a number of new English, or anglicized French, names, Marr's maps speak to the colonial process of renaming and claiming that appears to have progressed in the two years after Peach's survey in 1762. Strangely enough, there is no record

Figure 4a: Map by John Marr showing from the mouth of the St. John River to the Ekwpahak area, 1764



Source: LAC, NMC, #16879.

Figure 4b: Portion of a map by John Marr showing the Ekwpahak area, 1764



Source: LAC, NMC, #16879.

that Maliseets objected to this survey even though the Penobscots were objecting strenuously to both English surveyors and hunters in their territory during the same year.¹⁰¹

While surveyors Peach and Morris were involved with the St. John River Society, Marr was aligned with a competing group, including some members of the Nova Scotia Council. Later that year this latter group, led by former Council member Major Otho Hamilton, petitioned Council for a 100,000 acre township just below Sitansisk. Not surprisingly, Council voted to reserve the requested township for the group.¹⁰²

Meanwhile, Beamsley Glasier, the newly appointed agent for the St. John River Society, finally arrived on the Wəlastəkok in October to inspect the lands which the Society hoped to acquire. Due to the early arrival of cold weather, it appears that he made it upriver only as far as the lower end of Musquash Island. Drawing on advice from informants at Fort Frederick he submitted a grandiose, but vague, request to the Nova Scotia government on behalf of the Society requesting all the arable lands on both sides of the river north to Ekwpahak, excluding lands already reserved.¹⁰³ Again, the Council, which now included at least two members of the St. John River Society,¹⁰⁴ agreed to reserve the requested lands until the following summer.

Maliseet Distress and the Conspiracy of Silence

In a long and jubilant letter Glasier immediately reported his success to Society members in Montreal and optimistically commented that the Indians 'seem to be well pleased at our coming here.'¹⁰⁵ Events in the

next few months, however, would prove his assessment of Maliseet temperament to have been either hopelessly wrong or, at best, premature. In January, James Simonds' brother, Richard, died defending their trading post at Menahkwesk from Maliseets.¹⁰⁶ At the other end of their territory, two Maliseet chiefs lodged a formal complaint at Quebec City declaring that they had been 'reduced to the lowest ebb of misery by the unwarrantable encroachments of Canadian inhabitants hunting beaver on [their] lands ... which had always been reserved to them.' In response, Quebec published a notice in the *Quebec Gazette* forbidding the inhabitants from hunting in these territories north of Grand Falls.¹⁰⁷

On the lower reaches of the Wəlastəkw Maliseets were similarly distressed in the summer of 1765 by the encroachments of the New England settlers in their hunting territories. Where these settlers had been originally forbidden by the Nova Scotia Council to settle on the lands they had surveyed in 1762, they were now firmly ensconced, having finally been allowed by the Board of Trade to stay as a result of the intercession of Joshua Mauger.¹⁰⁸ At first Council reacted dismissively to Maliseet complaints about the encroachments¹⁰⁹ until reports were received that Maliseets were 'assembling' near the fort and threatening violence. At that point Council ordered the militia at the fort to be armed and the Maliseet leaders to be invited to Halifax.¹¹⁰ Once again, the chiefs voiced a recollection of the Treaty of 1760 that was consistent with their earlier claim: that non-Native hunters had been trespassing on 'their exclusive property and that it was a condition of a former treaty that the English settlers should not be allowed to kill any wild game in any part of the wilderness, beyond the limits of their farms and improvements.'¹¹¹

Though this complaint of encroachments was identical to the one laid in Quebec the preceding winter, Maliseet concerns this time were labelled 'false and frivolous.'¹¹² That Halifax authorities could so trivialize Maliseet desperation was a consequence of the combined power of the primitivist discourse and what Finsch has termed a 'culturally engrained phenomenon of land hunger.'¹¹³ Far from being frivolous, however, Maliseet complaints were an expression of a growing desperation arising from the natural consequences of settler imperialism. The initial strategies of pacification through gift-giving and liberal trade terms under the government-operated truck-house system had ceased with the closure of that system and the opening of the free-trade system. Now, with 80 families of New Englanders also drawing a living from natural resources in the heart of Maliseet territory,¹¹⁴ Maliseets were beginning to experience severe shortages in the availability, not only of game but also of beaver, the currency on which the fur trade was based. Though the Maliseet chiefs won some grudging concessions from the government in the form of a promise to restrain the settlers and to provide some clothes in compensation for their losses, their reception in Halifax differed starkly

from their reception in Quebec. That so few settler families could cause such severe distress to Maliseets demonstrated how effectively settler colonialism operated to threaten Maliseet survival. From this point on Halifax authorities could no longer claim to have been unaware of the destructive consequences for Maliseets of the massive and secret plan to settle the Wəlastəkw.¹¹⁵

Since there are no known minutes of the chiefs' August meeting in Halifax, there is also no record that they were told of the enormity of the government's plans for their territory. Yet agents of petitioners were actually in Halifax clamouring for land grants at the same time the chiefs were there.¹¹⁶ As well, the plans for appropriating Maliseet lands on the Wəlastəkw had been a major concern of Council for many months. Beginning in the winter of 1764–65, Council had not only reserved a township for Major Hamilton and his associates, but it had also resolved to form the Wəlastəkw into a county named Sunbury.¹¹⁷ That summer, Council had reserved an entire township on the Wəlastəkw for Colonel McNutt (Township #5 in Figure 5), and by August it was still awaiting the formal request from the St. John River Society for several townships of 100,000 acres each.

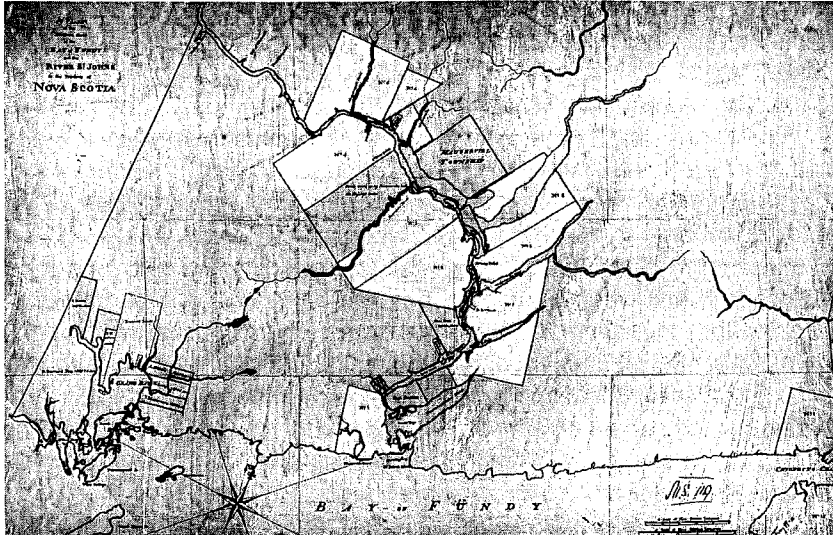
One probable reason for the Society's delay in carrying out its survey was the angry tenor of Maliseet protests at Menahkwesk that summer. But as revealed in an unofficial letter from Council member Michael Francklin to Society agent Beamsley Glasier, Halifax was becoming impatient with the Society, which had been given priority for selecting lands on the Wəlastəkw:

My dear Sir be thoroughly persuaded that no set of people will have the preference to your Gentlemen in anything that can be done for them, but pray do reflect and consider the Government here and our situation, how disagreeable it is to lock up a whole River, sufficient for fifty Townships and people applying every day that we are obliged to put off until you are served.¹¹⁸

In response, Beamsley Glasier and Charles Morris went upriver to conduct what was probably a hurried survey of the townships they hoped to acquire for the Society.

When Morris and Glasier finished their survey they appear to have returned to Halifax about the same time that the Maliseet chiefs were leaving the city, in early September. Since there is no evidence that townships were laid out before this date, the delineation of five townships to well above Ekwpahak on the presumed 1761 map by Morris (Figure 5) confirms that this map could not have been completed before 1765.¹¹⁹ In addition to the licences of occupation granted to the traders in 1764, the map shows lands reserved or granted no earlier than 1764 to some members of the gentlemanly elite, including Major Otho Hamilton and

Figure 5: Map presumed to have been drawn in 1761 by Surveyor General Charles Morris but more likely representative of 1765

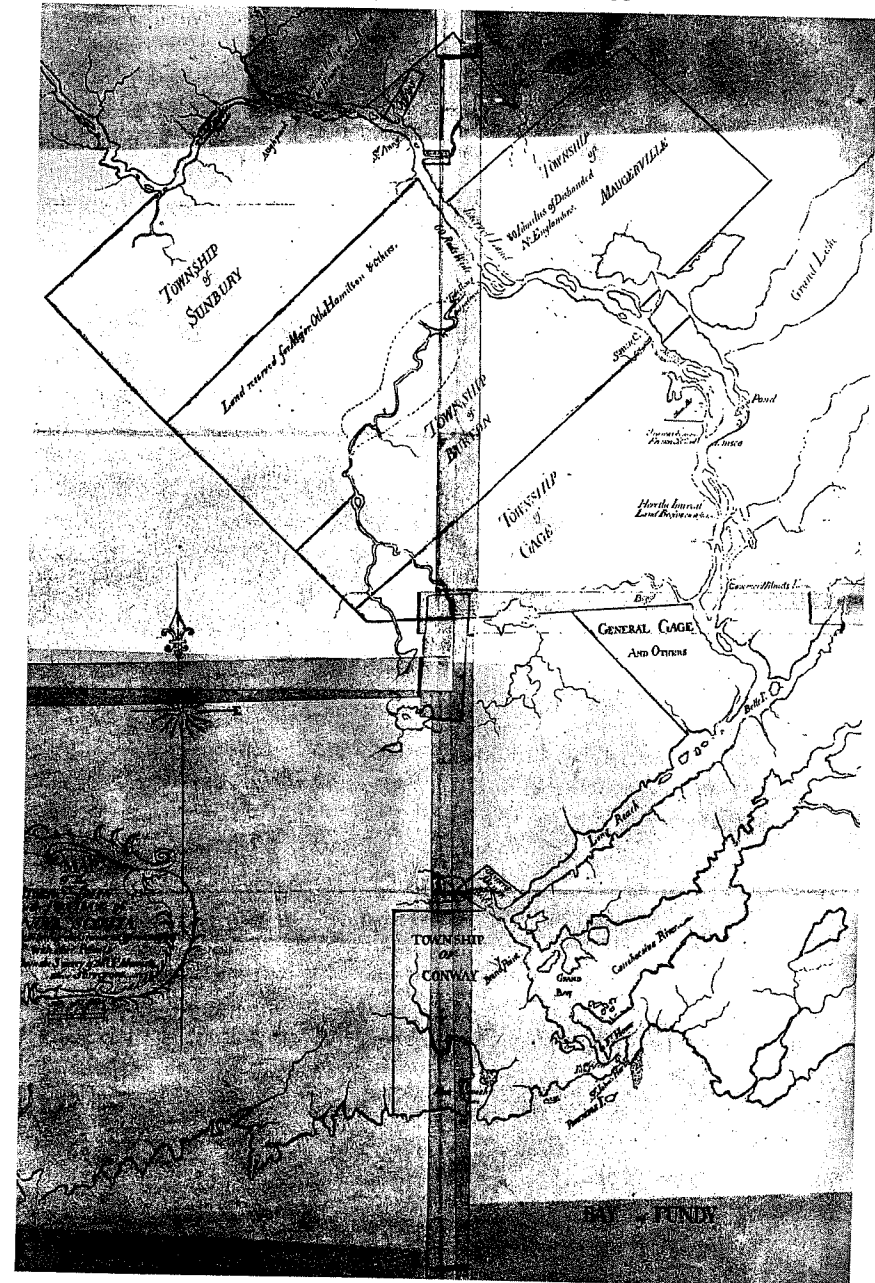


Note: Because of features referring to events and decisions that occurred several years later, this map was either misdated or used as a working copy to which features were added over time. The shaded townships are the grants the Society was hoping to acquire. Source: LAC, NMC, #14372.

his associates, described on the map as 'persons who have the king's orders.'¹²⁰ As for the township of Mauderville noted on the map, it was named only in 1765 in honour of the town's benefactor, Joshua Mauder.¹²¹ Since other townships that the Society hoped to acquire were marked only with numbers one to four, it is another clue that this map was drawn in the late summer of 1765, before these townships were named and issued to the Society later that fall.

With township boundaries clearly marked, this map represents a second function of maps, which, according to Harley, did more than depict lands that 'could be desired from afar.' It also greatly expedited the subdividing, patenting and physical settlement of the land by large numbers of settlers.¹²² Once achieved, the settlements would make resistance on the part of Indigenous peoples either impossible or suicidal. With no evidence of any effort to inform, consult with or show Maliseets the new maps, the conspiracy of silence invoked in 1761 appears to have been maintained. Speaking of the same secret process in New England in the 1600s, Harley stated that had 'King Philip been able to see [some of the early maps of his territory], his worst fears about the broken treaties and territorial encroachments of the English would have been confirmed.'¹²³ The maintenance of secrecy was, thus, essential to

Figure 6: Second map drawn by Charles Morris in 1765



Note: This map shows the grants acquired by the St. John River Society, and grants acquired by other individuals and parties. Source: PANB, H2, 203.29.

the process of settler imperialism since disclosure of the plans would have opened English settlers to the just hostility of the Maliseets and the likelihood of an expensive war.

On a second map drawn by Charles Morris in 1765 (Figure 6),¹²⁴ the townships which the Society would soon receive are listed not by number but by the names of 'Conway,' 'Gage,' 'Burton' and 'Sunbury,' and they are not yet described as having been granted. In his written report on this survey Morris provided what is probably the earliest description of the Maliseet village at Ekwpahak:

An island opposite Aughpack called Indian Island is the place where the Indians of St. John make their annual rendezvous. On this island is their town consisting of forty mean houses or wigwams built with slender poles and covered with bark. In the Center of the town is the Grand Council Chamber, constructed after the same manner as the other Houses, and here all differences and disputes are settled and Hunting Grounds allotted to each Family before they begin their Summer Hunts; these affairs are generally settled about the Beginning of July.¹²⁵

The Land Grab of 1765

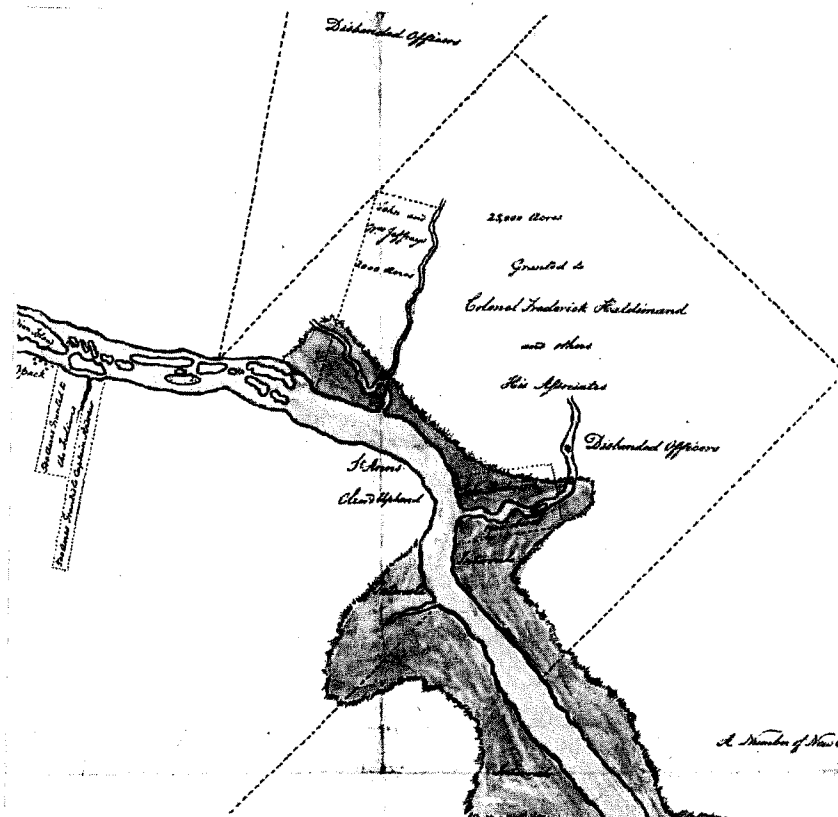
While things seemed quiet in Nova Scotia in the autumn of 1765, momentous events had been occurring in New England that would soon have a huge impact on Maliseets. The early storm clouds of the coming American Revolution were breaking over New England with the widespread and violent resistance to the Stamp Act of 1765.¹²⁶ This act was scheduled to take effect on November 1, and even land grants would be taxed; large land grants would accordingly be hit with steep taxes.¹²⁷ As the deadline loomed, some agents for petitioners threatened to withdraw their petitions if the grants could not be issued before that date. Governor Wilmot, who had still not received a reply to his 1764 letter to the Board regarding the danger of large land grants, finally sought a middle ground: to issue the large grants as requested but to place strict conditions on the proprietors to settle them within four years or have their grants forfeited.¹²⁸

What began as a trickle on October 2 wound up as a flood-tide in which nearly a million and a half acres of Maliseet lands on the Wəlastəkw were granted away by the end of the month. The first grant to be issued, on October 2, was for 2000 acres at Portland Point to Society member James Simonds and his two business partners Hazen and White. And on October 15 Agent Glasier received 5000 acres at the mouth of the Nerepis.¹²⁹

Three days later, on October 18, the land rush began with the granting

of three townships to the St. John River Society, two of 100,000 acres each, one in Gagetown and the other in Burton, and another township of 50,000 acres in Conway at the mouth of the Wəlastəkw.¹³⁰ Most grants to the Society were listed on a third map by Charles Morris in 1765 as townships granted to Colonel Frederick Haldimand and others.¹³¹ In the next few days the township of Maugerville was officially granted to the New England settlers,¹³² and by October 31 all the rest of the grants on the map had been awarded. They included 100,000 acres to Alexander McNutt and his associates on the Keswick,¹³³ another 100,000 acres to the Society for the township of Sunbury (now Fredericton), plus 50,000 acres for another township on the Nashwaak River for a mill site,¹³⁴ and another 100,000 acres to Society member Charles Petit and his associates below the Washedemoak and including the Belleisle River.¹³⁵ In addition to the township reserved for Major Otho Hamilton and his as-

Figure 7a: Enlargement from the third map drawn by Charles Morris in 1765, showing at left the small (700-acre) allocation for the Maliseets in the Ekwpahak area



Source: LAC, NMC, #17808.

sociates below Sunbury, as noted earlier, another township of 100,000 acres was reserved for a Mathew Clarkson and his associates on both sides of Grand Lake.¹³⁶

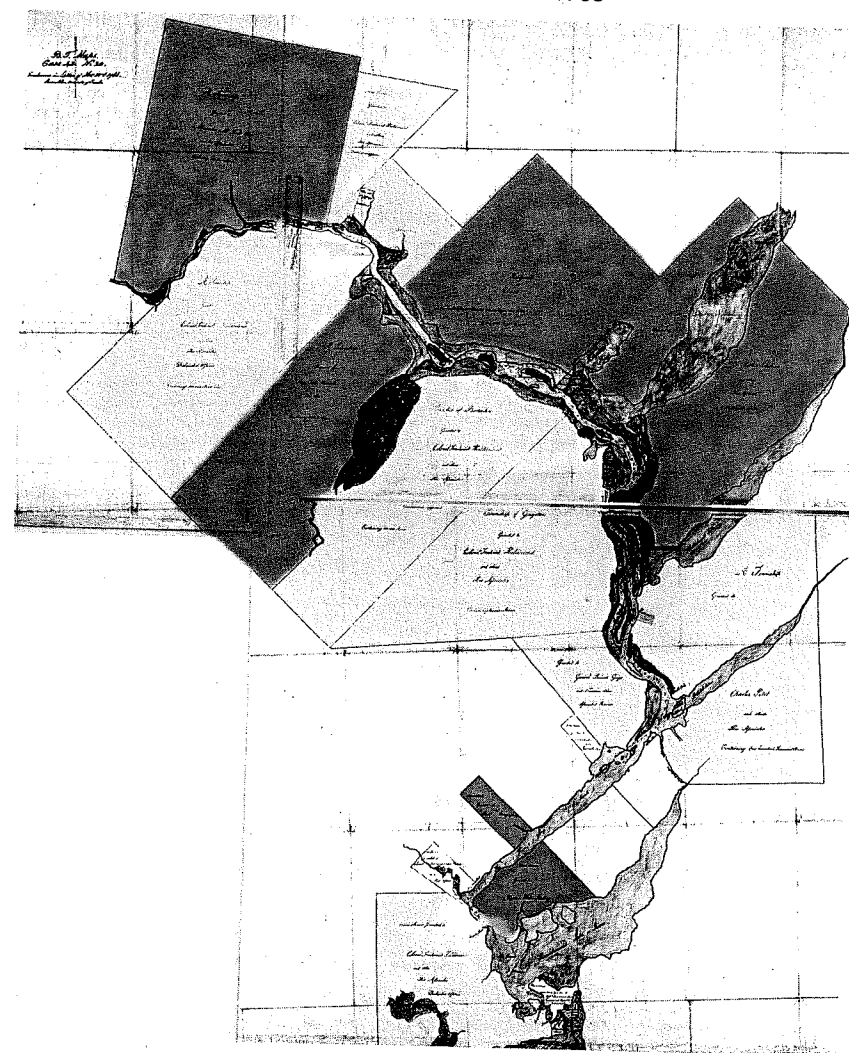
On October 29, near the end of the grant-giving, all that would be acknowledged for the Maliseets was a paltry 704 acres, 700 on the island and mainland at Ekwpahak (Figure 7a), plus 4 acres at Sitansisk for a church, which lands were only reserved and not granted at this time.¹³⁷ If this reservation for Maliseets was not an afterthought, it was likely a calculated step taken to ensure that they would not complain if and when they might discover that the vast majority of their lands had been taken up by settlers.

Margaret Ells aptly referred to this seventeen days in October as an 'orgy of granting.'¹³⁸ When it was finished, over a million and a half acres of land had passed forever from Maliseet hands. Of the three and a half million acres that were granted away in all of Nova Scotia, McNutt and his associates acquired nearly two million.¹³⁹ Once again, authorities appear to have gambled, this time on the hope that Maliseets would not find out about the magnitude of their dispossession until it was too late for redress, for once a patent was issued, it was considered legitimate under common law, no matter how the land was obtained. The only recourse would have been legal action, but that would have been impossible due to its expense and the fact that Indians were generally prohibited from giving evidence in court at the time.¹⁴⁰

What is notable about the third map by Morris dated 1765 (Figure 7b) is how closely it represents the three functions of mapping in the colonial processes of dispossession. In the first process, toponymic colonialism, the land is stripped of the original Maliseet names, which had appeared on the Peach map only three years earlier, and replaced almost entirely by English names or such heavily anglicized Maliseet names as to be barely recognizable. Aside from the Maliseet village, misspelled as 'Opak,' and an 'Indian Carrying Place,' noted between the Kennebecasis and the Wəlastəkw, this map graphically represents an almost complete erasure of Maliseets from the land.

The second process illustrated in the third map was to depict the land as empty and ready for the taking by industrious planters. It was a carry-over from the seventeenth-century English practice of describing the land as female, virgin and ripe for planting, which, as Patricia Seed said, 'frequently encouraged a masculine fantasy of the initial ploughing as a carnal act ... that effectively excluded others from the relationship, including the natives.'¹⁴¹ Indeed, this metaphor takes graphic representation in the shading of the fertile intervale lands on this map as a device to lure planters. The recent emphasis on the planter phenomenon in the history of this region has, in many ways, preserved this metaphor of a virgin land insofar as it privileges those who came to take, plough and

Figure 7b: Third map drawn by Charles Morris in 1765

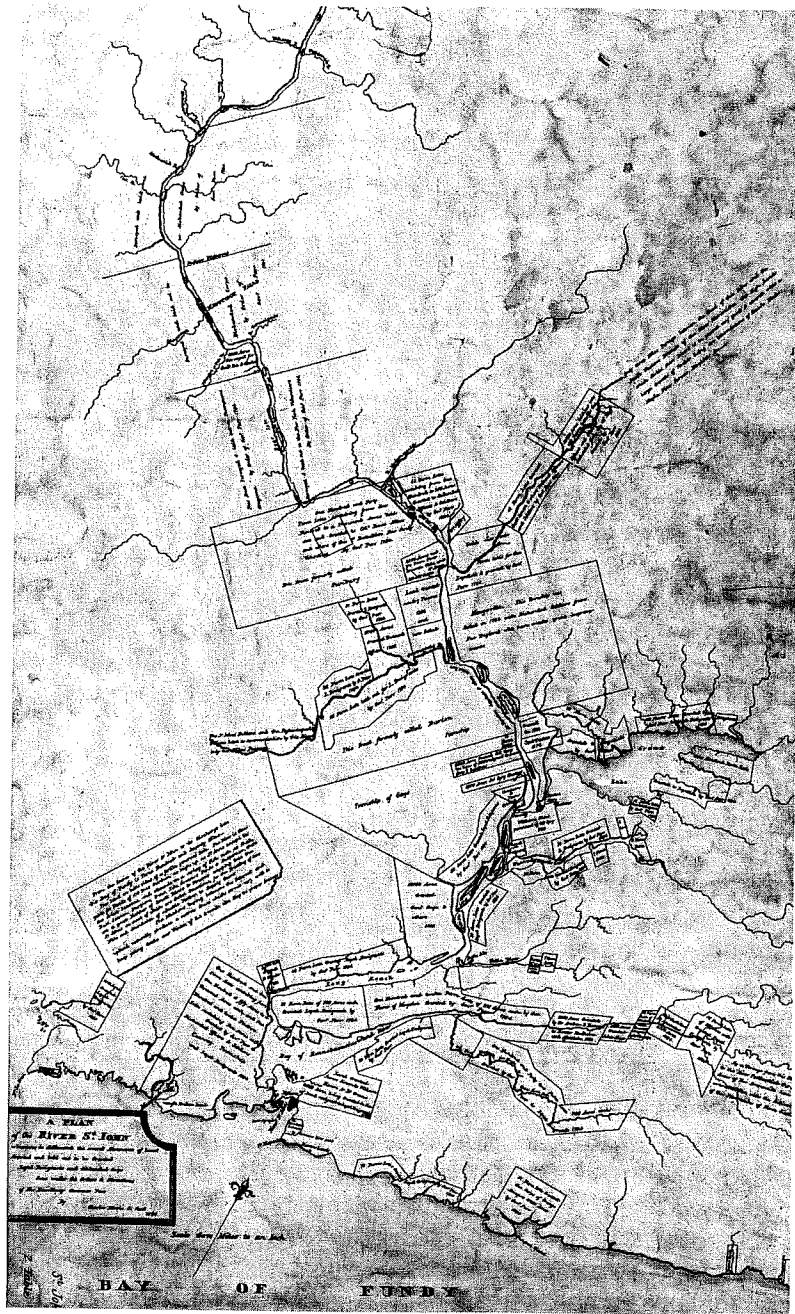


Source: LAC, NMC, #17808.

seed the land, while excluding all those who came before, not only from the land but from history itself.

As for the third colonial function of maps, the bounding and subdividing of the land, it was supposed to facilitate the rapid taking of physical possession, but that did not happen as planned in the years immediately after 1765 for a number of reasons. The most important was the coming of the American Revolution, the first hints of which had appeared in the

Figure 8: Charles Morris Map of 1784, illustrating the survival of 1765 land-grant boundaries and the proliferation of settlement up the river



Source: LAC, NMC, #14379.

violent reaction to the Stamp Act in 1765. Since so many proprietors held high-ranking positions in British colonial society, they would become deeply involved not only in the turbulent events but also in the defence of the very idea of empire.¹⁴² The result was that by 1783, there were only about 1400 English settlers, mostly tenants, living on the one and a half million acres of Maliseet lands that had been expropriated and granted away in 1765.¹⁴³

With the inability of the British to take full physical possession of Maliseet lands, there was every reason to continue keeping Maliseets uninformed of the magnitude of their dispossession. Though there was no sudden influx of new settlers, the tension and many incidents of violence that occurred in the nearly two decades after 1765 are testimony to Maliseet resistance, not only to violations of the Treaty of 1760 but also to the destructive economic and ecological consequences of settler imperialism, even in its early stages.¹⁴⁴

It was only with the arrival of 12,000 mostly disbanded Loyalist officers, soldiers and their families in 1783 and 1784 that the intentions of the proprietors and settlers in the 1760s were brought to fruition. That grants for nearly half a million acres on the Wəlastəkok in 1765 were forfeited for non-fulfillment of terms to make way for the Loyalists was but a glitch in the process.¹⁴⁵ Not only would the metes and bounds inscribed on the maps of 1765 survive the American Revolution, they would also facilitate the incredibly swift dispossession of Maliseets all the way to Woodstock by 1784 (see Figure 8).

For Indigenous peoples in the Maritimes the consequence of this dispossession has been two and a half centuries of lethal poverty and deprivation.¹⁴⁶ It is, of course, another whole story, but it is one that will remain flawed and incomplete as long as it fails to acknowledge the 'repetitive and enduring' process of settler imperialism.¹⁴⁷ In Nova Scotia this process included the fictions and silences so perfectly inscribed on the maps of the era, the veils of secrecy and misinformation intended to keep both Indians and imperial authorities uninformed, the deliberate violation of royal instructions, the blatant conflicts of interest and the collusion of powerful speculators, politicians and mercantile elites.¹⁴⁸ That Maliseets remain dispossessed and mostly poor today is testament to the ongoing existence of settler imperialism and a legitimizing discourse as fundamentally racist as that used to justify the initial dispossession. As long as this story remains hidden and unaddressed, the future for Maliseets and indeed for other First Nations will remain as bleak as it has been in the last two and a half centuries.

Notes

1. Margaret Ellis, 'Clearing the Decks for the Loyalists,' *Canadian Historical Association Annual Report* (1933), 43–58.

2. D.W. Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History, Volume I, Atlantic America: 1492–1800* (New Haven and London: Yale University Press, 1986), 83–206.
3. Rhizomatic expansion means 'expansion by putting down roots.'
4. Norbert Finzsch, "'The Aborigines ... were Never Annihilated, and Still they are Becoming Extinct,'" Settler Imperialism and Genocide in Nineteenth-Century America and Australia,' in A. Dirk Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (New York & Oxford: Berghahn Books, 2008), 253.
5. Ibid., 254.
6. Cole Harris, 'How did Colonialism Disposess? Comments from an Edge of Empire,' *Annals of the American Association of Geographers* 94:1 (2004), 165, 170; Norbert Finzsch, "'It is scarcely possible to conceive that human beings could be so hideous and loathsome": Discourses of Genocide in Eighteenth- and Nineteenth-Century America and Australia,' *Patterns of Prejudice* 39:2 (2005), 97–115.
7. J.M. Blaut, *The Colonizer's Model of the World: Geographical Diffusionism and Eurocentric History* (New York & London: Guilford Press, 1993), 25.
8. See Barbara Arneil, *John Locke and America: The Defence of English Colonialism* (Oxford: Clarendon Press, 1996).
9. John C. Weaver, *The Great Land Rush and the Making of the Modern World, 1650–1900* (Montreal & Kingston: McGill-Queen's University Press, 2003), 147; Roland Chrisjohn, '...And Indians, too: The Canadian Form of Racism,' Ms. (Fredericton: St. Thomas University).
10. Ronald Sanders, *Lost Tribes and Promised Lands: The Origins of American Racism* (Boston & Toronto: Little, Brown and Company, 1978).
11. See Jeffrey McNairn, 'Meaning and Markets: Hunting, Economic Development and British Imperialism in Maritime Travel Narratives to 1870,' *Acadiensis* 34:2 (Spring 2005), 3–25.
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13. J.B. Harley, 'New England Cartography and Native Americans,' in Emerson W. Baker, Edwin A. Churchill, Richard D'Abate, Kristine L. Jones, Victor A. Konrad and Harald E.L. Prins, eds., *American Beginnings: Exploration, Culture and Cartography in the Land of Norumbega* (Lincoln & London: University of Nebraska Press, 1994), 287.
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72. Finzsch, 'The Aborigines...', 261.
73. Perley, 'On the Early History,' 9. See also Raymond, *The River St. John*, 166–7.
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85. W.O. Raymond, ed., 'Old Townships on the River St. John: Papers Relating to the St. John's River Society,' CNBHS 2:6 (1905), 305–6. The originals of these papers are in the Massachusetts Historical Society, P774.
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97. Wilmot to the Board, 24 June 1764, NSARM, RG 1, v.39, doc. 9; Ells 'Clearing the Decks,' 47–8.
98. 'Account of Micmac Nations, 27 June 1764,' JCTP, 12: 113.
99. 'State of the Savages of the River St. John called Amalecites, sometimes Canibas or Abenauquis,' in Governor Murray to Board, 24 April 1764, LAC, MG 11, CO 42/1:364–6.
100. 'A Survey of the Harbour of St. John on the North Side of the Bay of Fundy,' LAC, NMC #16879. See Wilmot to Board, 5 November 1764, LAC, MG 11, CO 323/20:11.
101. See 'Letter to English Hunters, March 24, 1764' and 'Extracts of a letter from Captn. Goldthwait to the Governor, 26 March 1764,' Massachusetts Archives, 33: 290–4; Joseph Chadwick, 'An Account of a Journey from Fort Pownal — now Fort Point — up the Penobscot River to Québec in 1764,' *Bangor Historical Magazine* 4:8 (1889), 140–8.
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103. Raymond, 'Papers Relating to the St. John River Society,' 306–7.
104. Michael Francklin and Charles Morris.
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106. Raymond, *The River St. John*, 138.
107. 'Petition of Maliseets to Quebec Government,' 19 January 1765, *The Quebec Gazette* (24 January 1765); Laurence Johnson and Charles A. Martijn, 'Les Malécites et la Traite des Fourrures,' *Recherches Amerindiennes au Québec* 24:3 (1994), 36.
108. Raymond, 'Papers Relating to the St. John River Society,' 299–300.
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110. NS Council Minutes, 31 July 1765, NSARM, RG 1/211, NS 'B', 13:188; Fisher, *The First History*, 117–18; Raymond, *The River St. John*, 138.
111. Fisher, *The First History*, 118.
112. Ibid.
113. Finzsch, 'The Aborigines...', 262.
114. Simonds to Blodgett and Hazen, 16 December 1764, and Simonds to Hazen and Jarvis, 27 May 1765, CNBHS (1896), 165, 169; W.O. Raymond, *The River St. John*, 169, 183.
115. See Finzsch, 'The Aborigines,' 262.
116. See Paul David Nelson, *Anthony Wayne: Soldier of the Early Republic* (Bloomington: Indiana University Press, 1985), 8–11.
117. Murdoch, *A History of Nova Scotia*, II, 449.
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119. 'Plan of the Northern Coast of Nova Scotia,' LAC, NMC #14372. See note 50 above.
120. Raymond, *The River St. John*, 206–7; Ganong, Historic Sites, 121.
121. Raymond, *The River St. John*, 164.

122. Harley, *New England Cartography*, 304–5.
123. Ibid, 307.
124. 'Map of the River St. John in the Province of Nova Scotia,' PANB, H2 203.29 [1765].
125. 'Description of the Harbour and River of St. Johns in Nova Scotia ...' (1765), enclosed in Francklin to Board, 22 November 1766, LAC, MG 11, CO 217/78:205–10; also PRO, CO700/NEW BRUNSWICK8, 1761, and LAC, NMC #35530, 1784.
126. Lawrence Henry Gipson, *The Coming of the Revolution, 1763–1775* (New York: Harper Torchbooks, 1954), 1–100.
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128. Ibid.
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130. Ganong, *Historic Sites*, 121; Raymond, 'Papers Relating to the St. John River Society,' 302–4.
131. LAC, NMC #17808, enclosure in Francklin to Board, 22 November 1766, LAC, MG 11, CO 217/78:173–5.
132. Ganong, *Historic Sites*, 121; Raymond, 'Papers Relating to the St. John River Society,' 302–4; Raymond, *The River St. John*, 164–5, 180, 206–7.
133. Anthony Wayne and Benjamin Franklin were among McNutt's associates. Raymond, *The River St. John*, 205; Nelson, Anthony Wayne, 8–11.
134. NS Council Minutes, NSARM, RG 1/188:572–3; Ganong, *Historic Sites*, 121; Raymond, 'Papers Relating to the St. John River Society,' 304–6; Raymond, *The River St. John*, 180.
135. Petit was a member of the Society, but see grant to Joseph Frederick Wallet DesBarres, NS Council Minutes, NSARM, RG 1/188:574, and to Alexander McNutt and associates, Ganong, *Historic Sites*, 121.
136. NS Council Minutes, NSARM, RG 1/188:572–3; Ganong, *Historic Sites*, 121–2; Raymond, 'Papers Relating to the St. John River Society,' 304–6, Raymond, *The River St. John*, 181, 206–7.
137. NS Council Minutes, 29 October 1765, NSARM, RG 1/188:575. This land was eventually granted to the Maliseets in 1768 and again in 1779.
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139. Raymond, 'Colonel Alexander McNutt,' 91–2; Raymond, *The River St. John*, 205–6.
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141. Patricia Seed, 'Imagining a Waste Land: Or Why Indians Vanish,' in Seed, *American Pentimento: The Invention of Indians and the Pursuit of Riches* (Minneapolis: University of Minnesota, 2001), 29.
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143. Raymond, *The River St. John*, 184–7; D. Murray Young, 'Planter Settlements in the St. John Valley,' in Margaret Conrad, ed., *They Planted Well: New England Planters in Maritime Canada* (Fredericton: Acadiensis Press, 1988), 33.
144. William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983).
145. Ells, 'Clearing the Decks,' 55–7; Raymond, *The River St. John*, 265–72.
146. Moses, 'Genocide and Settler Society,' 35. See John Reid, 'Empire, the Maritime Colonies, and the Supplanting of Mi'kma'ki/Wulstukwik, 1780–1820,' *Acadiensis* 38:2 (Summer/Autumn 2009), 78–97.
147. Finzsch, 'The Aborigines,' 253.
148. Ibid., 262.