

**Understanding Historical Mi'gmaq Treaty and Aboriginal Rights and
Relations for the 21st Century: An “Along the Grain” Approach**

by

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Understanding Historical Mi'gmaq Treaty and Aboriginal Rights and Relations for the 21st Century: An "Along the Grain" Approach

Committee Approval

The members of Luke deMarsh's Dissertation Committee certify that they have read and reviewed the dissertation titled *Understanding Historical Mi'gmaq Treaty and Aboriginal Rights and Relations for the 21st Century: An "Along the Grain" Approach* and recommend that it be accepted as fulfilling the dissertation by portfolio requirements for the Degree of Doctor of Social Sciences:

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Final approval and acceptance of this dissertation is contingent upon the candidate's submission of the final copy of the dissertation to Royal Roads University. The dissertation supervisor confirms to have read this dissertation and recommends that it be accepted as fulfilling the dissertation requirements:

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Abstract

This synthesis paper summarizes the three components of my dissertation via portfolio. My first article, *The Essence of Honour & Humanity: Revisiting the Treaty-Making Process in Mi'gmaq'i*, looks at the development of the Peace and Friendship Treaties, between the Mi'gmaq and the British Crown, in what is now the Maritime provinces. This research is carried out using an "along the grain" research technique, where colonial figures who acted with honour and humanity are studied to see why they chose to act differently from their superiors and colleagues. For this paper, Paul Mascarene, an 18th century British colonial official in Nova Scotia assigned to Indigenous treaty negotiations, was chosen. Mascarene came from a persecuted French Huguenot background and was an avid academic reader, especially in the area of ethics. This background is explored and how it may have influenced Mascarene's decision to incorporate Indigenous perspectives in the treaty of 1726, despite the potential implications for his career. My second article, *Gift-giving, Diplomacy and Mi'gmaq Resource Revenue Sharing as a Treaty Right & Responsibility*, investigates the role of gift-giving in the treaty relationship between the Mi'gmaq and the British Crown in the 19th century. As a diplomatic tool, gift-giving was already a well-established cultural practice for the Mi'gmaq and the British Crown. However, they used gifts in very different manners. For the Mi'gmaq, gifts were used to establish and maintain relationships and demonstrate respect for territorial boundaries. For the British, gifts were used as a colonial pacification mechanism. In New Brunswick, there needs to be a shift from gift-giving to resource revenue sharing, whereby the Mi'gmaq are respected as treaty partners in the modern context. The history of Captain Henry Dunn O'Halloran's work with the Mi'gmaq in the 19th century is explored to demonstrate that some British colonial officials understood and respected their treaty relationship with the Mi'gmaq nearly 200 years ago. Captain O'Halloran was recognized by the Mi'gmaq for his efforts to support them, and they presented him with an elaborately beaded jacket. In turn, O'Halloran supported a Mi'gmaq delegation in their mission to meet Queen Victoria and express their concerns about colonial policies and practices affecting their lands, fisheries, annual gifts and religious freedoms. Finally, the policy report addresses Mi'gmaq concerns regarding lands in New Brunswick. Though the British signed Peace and Friendship treaties with the Mi'gmaq in the 18th century, they did not honour the terms of these treaties. The settlement of lands was supposed to take place only with the agreement of the Mi'gmaq. However, the British started granting lands to individuals who supported them in the American War of Independence. In addition to treaty-defying land grants, European squatters also started to establish themselves on Mi'gmaq lands. The colonial New Brunswick government developed licenses of occupation for Mi'gmaq communities to limit further infringements on Mi'gmaq lands. Some of these licenses of occupation lands became the current nine Mi'gmaq reserves in the province. These reserve lands are a tiny remnant of the original territory of the Mi'gmaq in New Brunswick and do not begin to meet the needs of the Mi'gmaq in the 21st century. Examples are given from other jurisdictions, including Nova Scotia and New Zealand, where Indigenous land restitution efforts are well underway and provide important lessons for New Brunswick.

Keywords: Mi'gmaq, Peace & Friendship Treaties, Along the grain research, Paul Mascarene, Gift-giving, Resource Revenue-Sharing, Captain O'Halloran, Land Restitution, Reconciliation

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The research I have undertaken will further the understanding of Mi'gmaq-British relations during the eighteenth and nineteenth-century colonial period. Moreover, it will support subsequent Mi'gmaq relations within New Brunswick and Canada in the more recent neocolonial context. I endeavoured to further the understanding of these past relations through an examination and analysis of historical documentation, particularly in the treaty and post treaty records. This is a topic of immediate importance as current relations continue to be fraught and partly influenced by ill-informed or conflicting interpretations of these past relations between the Mi'gmaq and British.

Complex Crown-Indigenous¹ relations are certainly not unique to New Brunswick nor to Canada. Countries around the world continue to grapple with their colonial pasts, including Nation-states with Indigenous Nations, like South Africa, Australia and New Zealand. I have chosen to focus my doctoral research on the colonial past of New Brunswick (previously Nova Scotia) in order to seek a nuanced understanding of this history. However, there is an excellent opportunity for future research comparing colonial pasts, as Plaice (2011) undertook in her comparative work on Labrador and South Africa.

Research Questions

My research questions came from a desire to elucidate these past relations to further understandings and relations in the current context of cultural relations in New Brunswick. My research questions at the beginning of my dissertation research were:

Did the Mi'gmaq in historical treaty-making or subsequent correspondence, written or oral, concede to seeing the British as their sovereign?

¹ I am choosing to capitalize Indigenous because that is the preference of my employer Mi'gmawe'l Tplu'taqnn.

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Were British colonial officials unanimous in their belief that they held sovereignty in Mi'gmaq'qi?

Having completed my dissertation research, I have developed further insight into my research questions. Returning to my first research question, I did not encounter correspondence where the Mi'gmaq conceded seeing the British as their sovereign. A recurring theme in the historical record is the Mi'gmaq belief in the sovereignty of each Nation.² This theme is elucidated in deMarsh (2021a) as it pertains to the 1725/6 treaty-making process. The Mi'gmaq and their co-negotiators, the Wolastoqey, Peskemekatti and Penobscot (collectively, the Wabanaki), pressured the Crown and their key negotiator, Paul Mascarene, to recognize ongoing Indigenous rights in their respective territories.

Similarly, an understanding of Indigenous territorial rights manifested in the experience of a delegation from Listuguj. This delegation travelled to England to meet Queen Victoria in 1842 to ameliorate colonial British laws and practices in their territory, affecting their fishing, land tenure and receipt of annual gifts from the Quebec colonial government (deMarsh, 2021b). In this case, Captain O'Halloran, whom Lieutenant Governor Colebrooke of New Brunswick commissioned, supported the Listuguj delegation in their bid to have their Aboriginal and Treaty Rights recognized. When colonial officials expressed frustration with him and the Listuguj delegation, Captain O'Halloran continued his support for the Mi'gmaq and wrote directly to Lieutenant Governor Colebrooke.

Regarding the second question, whether all British officials believed they held sovereignty in Mi'gmaq'i, this is a more nuanced question than I initially anticipated, which falls in line with recent social science research approaches (James et al., 2010). Based on my research,

² I am choosing to capitalize Nation because that is the preference of my employer Mi'gmaw'e'l Tplu'taqnn.

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perhaps a better question is whether some British officials recognized ongoing Mi'gmaq land and water use and occupancy rights in Mi'gma'qi? In terms of this question, both Mascarene and O'Halloran supported the recognition of the Mi'gmaq as a Nation and corresponding Mi'gmaq rights. The intricacies of these points are elaborated in deMarsh (2021a; 2021b).

Positionality

Establishing one's positionality, or social, cultural, political and economic perspective and privilege, is an important dimension of reflexive research (Rowe, 2014). Researchers are either insiders in their research, a member of a group they study, or outsiders and not a member of a group they study. Action researchers have further unraveled this classification into the following categories: "1. Insider (researcher studies own practice); 2. An insider in collaboration with other insiders; 3. Insider(s) in collaboration with outsiders; 4. Reciprocal collaboration (equal insider and outsider teams); 5. Outsider(s) in collaboration with insider(s) (non-equivalent relationships); 6. Outsider(s) studies (Rowe, 2014, p. 629). I believe my research fell within the reciprocal collaboration category of research. I am not Mi'gmaq, but I have worked with the Mi'gmaq for more than a decade in various research positions.

This honour has given me a unique perspective and opportunity to build relationships with the leadership of the New Brunswick Mi'gmaq communities and the knowledge holders, especially the Elders. The warmth and humour of these relationships have made this work, which at times has been very challenging, very fulfilling.

One story in particular highlights my sentiments. While working with the Mi'gmawé'l Tplu'taqnn's research team, I was involved in many community meetings, knowledge holder sessions and individual interviews for several Mi'gmaq Indigenous knowledge projects, including the proposed Energy East pipeline. At one of these sessions, I was approached by an

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Elder I had known for many years with a gift bag. Inside the gift bag was a set of beautiful hand-knit gloves they had made for me. The Elder then said, "I think you are working too hard, so I knit you these gloves. I think you should have some more fun, so wear these and go build a snowman." The combination of care, concern and appreciation in this gift were unmeasurably meaningful to me and affirmed my place in Mi'gmawe'l Tplu'taqnn.

Most recently, I have been working as a researcher for Mi'gmawe'l Tplu'taqnn in the role of Trilateral Researcher. In this position, I am engaged in research regarding various files from fisheries, to forestry, to parks and lands, for the trilateral negotiations table with the Province of New Brunswick and the federal government. For Mi'gmawe'l Tplu'taqnn, the trilateral negotiation table is an opportunity to implement and live the Peace and Friendship Treaties with the Province of New Brunswick and the Government of Canada. My research will provide important data detailing the nature of relations in the past and mechanisms for improving these relations moving forward. I am fortunate to be completing this work within Mi'gmawe'l Tplu'taqnn because I am currently working with a supportive team. Moreover, the executive elements within my current work context are part of my employment approved doctoral research.

Methodology

The methodology I employed for my research is called "reading along the grain" and was developed by Ann Stoler (2009). Stoler (2009) started her research career using critical theory research methods, namely "reading against the grain", and over time came to see the importance of reading with the grain. In the case of reading against the grain the researcher starts with a critical appraisal and analysis of a given archival record. Inquiries include questions such as: who are the exploiters and exploitees? How is control gained and maintained?

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Moreover, how does a particular colonial experience fit within the metanarrative of empire? "Reading along the grain" involves trying first to understand who the colonial figures are. What are the factors that have brought them to their particular positions? And most importantly, what were the conflicts they experienced internally and externally in maintaining or losing their place in the colonial order?

The purpose of this research technique is to demonstrate the inconsistencies that existed between colonial policies and the response of colonial officials who chose to see their roles differently than their colleagues. Stoler (2009) looked at colonial outliers in the Dutch Sumatran context. Frans Carl Valck came from an elite Amsterdam liberal background that helped him think beyond Dutch colonial policy. He chose to listen to Malay and Indigenous perspectives in a plantation homicide case and was subsequently demoted and then fired for doing so.

For my research, I focused on colonial outliers in the historical Nova Scotian (what is now the Maritime provinces) colonial context. As Stoler (2009) suggests, colonial officials in the historical Nova Scotian context chose to see their roles differently than their colleagues, especially in their recognition of the treaty relationship with the Indigenous Peoples of the region.

Methods

I examined a series of archival records: historical records from colonial British officials and Loyalists during the 18th century, legal records, and ethnohistorical records, including Mi'gmaq oral history and oral traditions. A dimension of the "along the grain" approach to historical research I employed is to consider the cultural context of the historical figures.

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How did their cultural background come into play in how they thought and operated? I took this approach in reviewing records from the Provincial Archives of New Brunswick, New Brunswick Museum Archives, Library and Archives of Canada and the Massachusetts Historical Society.

I conducted in-person research at the Provincial Archives of New Brunswick; however, all of the other archival institutions were closed due to COVID-19. Nonetheless, the archivists at these institutions provided me with valuable materials in a digital format. All of the archivists I worked with were extremely helpful in supporting my research, including answering my numerous questions about source context and decipherment of text. I am indebted to them all for their enthusiastic and professional attention to my requests.

Portfolio Rationale & Article/Policy Report Summaries

In order to support a broader and more accessible understanding of historical Mi'gmaq-British relations, I believe the portfolio format has been the most suitable approach for this research, as opposed to a traditional monograph. In particular, the drafting of a policy report allowed me to present the research in a format that is accessible to general as well as academic review. In combination with a policy report, the two journal articles allowed me to further my topic in the academic sphere and benefit from peer review.

Policy Report - Mi'gmawe'l Tplu'taqnn Discussion Paper: Reclaiming our Lands

The policy report was written for Mi'gmawe'l Tplu'taqnn and focused on Mi'gmaq land interests in New Brunswick that date back thousands of years (Francis & Sable, p. 2012). The Mi'gmaq did not sign land cessation treaties with the British but instead signed a series of Peace and Friendship treaties in the 18th century that sought to ensure each Nation continued on its unique path in a harmonious manner. Unfortunately, the British did not honour these treaties (Hamilton, 2018, p. 8). In what is now New Brunswick, large quantities of land were granted to

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soldiers and civilians who supported the British in the American War of Independence at the end of the 18th century. These grants were created in contravention of the terms of the treaties and started the erosion of Mi'gmaq access to their lands in what is now New Brunswick. In addition, illegal land grants were made to squatters from the United States of America, England, Scotland and Ireland, seeking relief from deplorable conditions in those countries (Cuthbertson, 2015). These individuals settled on lands they considered uninhabited, but in fact, we're often areas of great importance to the Mi'gmaq for seasonal or permanent residence, hunting, fishing and or gathering of plants (Francis & Sable, 2012, p. 17).

In response to a barrage of complaints from the Mi'gmaq, the government of New Brunswick set aside lands for the exclusive use and occupancy of the Mi'gmaq. In many cases, small portions of these lands became the current nine Mi'gmaq reserves in the province. However, these lands also fell victim to settler squatting, pushing the Mi'gmaq onto smaller and smaller parcels of land (Walls, 2017, p. 157). In response the government of New Brunswick created an act in 1844 to codify the sale of lands set aside for the Mi'gmaq. The creation of the Act was a means to support their welfare, which was in great distress due to the onslaught of pressures on their economies and means of subsistence (Cuthbertson, 2015).

Mi'gmaq communities in New Brunswick and Nova Scotia, and Prince Edward Island have some of the lowest ratios of land per capita of First Nation communities in the country (New Economy Development Group, 2005, p. 2). These statistics are both troubling and can be significantly improved. Moreover, Mi'gmaq in New Brunswick, like Indigenous peoples across the country, are growing at a rate dramatically higher than the non-Indigenous population (Government of Canada, 2020). The Mi'gmaq in New Brunswick need lands to support the development of their communities and interests as a Nation. Looking at other jurisdictions in

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Canada and worldwide, we see that Indigenous land restitution efforts are well underway. In Nova Scotia, the provincial department of lands sets aside funds every year to purchase private lands for the Mi'gmaq in anticipation of reaching a final agreement with the Nation.

Internationally, New Zealand created a treaty commission that has purchased 100s of millions of dollars of land as part of their land restitution work with the Maori (Bourassa & Strong, 2002).

Efforts like these, from provincial and federal governments, would start the road to land reconciliation with the Mi'gmaq in New Brunswick.

Journal Article - The Essence of Honour & Humanity: Revisiting the Treaty-Making Process in Mi'gmaq'i

The Essence of Honour & Humanity (deMarsh 2021a) introduces the concept of "Reading Along the Grain", a research technique developed by Ann Stoler (2009) that seeks to explore the lives of colonial outliers, as detailed above. A colonial outlier experience, in the Canadian context, can be found in the life of Sir William Johnson (Walters, 2001). He became the Superintendent General of the Imperial Indian Department (Northern District) for Upper and Lower Canada between the mid-1750s and 1774. Johnson married a Kanien'kehá:ka (Mohawk) woman, Molly Brant, and became fluent in the Kanien'kehá:ka language. He was a prominent figure in British negotiations with the Haudenosaunee (Iroquois confederacy that includes the Kanien'kehá:ka). Johnson was critical of British scribe interpretations of the treaty-making process with the Kanien'kehá:ka because they lacked Kanien'kehá:ka cultural competency. Kanien'kehá:ka gestures of hospitality, like referring to the British King as their father, were construed as signals of submission.

In *The Essence of Honour & Humanity* (deMarsh 2021a), I explore the life of Paul Mascarene. He came from a politically active and persecuted French Huguenot family in

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southern France and became a British military commanding officer in Nova Scotia in the early-to-mid part of the 18th century (Moody, 1976). Mascarene was appointed as the treaty negotiator with the Indigenous Peoples (including the Mi'gmaq, Wolastoqey and Peskemekatti) of Nova Scotia, which included New Brunswick and Prince Edward Island at the time. The Mascarene Treaty (of 1726) in particular, is an example of Mascarene's attempt to balance the interests of the British Crown and the Indigenous Peoples. Mascarene changed the language found in the Dummer Treaty (1725), referring to the British as the "rightful owners" to the "rightful possessors" (Bear-Nicholas, 1994). This change in language may be attributable to Mi'gmaq, Wolastoqey and Peskemekatti epistemological beliefs that land cannot be owned. Support for this theory can be found in Mascarene's correspondence with his family, especially with his son. While Mascarene was on duty in Nova Scotia, he wrote letters to his son living in Boston. In these letters, they often discuss works of literature which they are sharing. The author Isaac Watts, for example, is mentioned. Watts was an 18th-century hymnologist who advocated for a congregational approach to worship, where the parishioners were active in the service and active in the logic of life (Watts, 1866). Watts advocated that people set aside their fears and prejudices to seek clear thinking based in justice. Readings like Watts may have influenced Mascarene in his approach to treaty negotiations with the Wabanaki Nations. Evidence for this hypothesis can also be found in correspondence with Mascarene's senior officials, where he lobbies for their support in honouring the signing of the Treaty of 1726 with as many top British officials as possible (Massachusetts Historical Society, Mascarene Family Papers, John Mascarene letter to Governor Phillips, December 18, 1725).

I plan to submit this article to the Journal of Studies in Social Sciences (<https://infinitypress.info/index.php/jsss/pages/view/Contact>). The Journal of Studies in Social

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Sciences is an open-access, peer-reviewed journal that aligns with my knowledge dissemination plan detailed below.

Journal Article - Gift-giving, Diplomacy and Mi'gmaq Resource Revenue Sharing as a Treaty Right & Responsibility

Gift-giving, Diplomacy and Mi'gmaq Resource Revenue Sharing as a Treaty-Right & Responsibility (deMarsh, 2021b) looks at a critical custom in international diplomacy, gift-giving and its modern evolution into resource revenue sharing. Gift-giving was an established practice of the Mi'gmaq in their international diplomacy with their fellow Indigenous Nations and the French Crown (Youngblood Henderson, 2020). Similarly, the British Crown had employed gift-giving throughout their international diplomacy around the world. The purpose of gifts may have been seen differently from the perspectives of each Nation. In Mi'gmaq culture, which is politically diffuse to the community level, anyone entering a community watershed territory that was not theirs (from a neighbouring community to a neighbouring Nation) was expected to provide gifts to the Chief (for distribution) (Hoffman, 1955, p. 527). This compensation was an acknowledgement of visiting person(s) respect for the territory they were in and the impact of their presence on the people and their environment.

Unfortunately, the British saw themselves as superior to the Indigenous Nations they encountered around the world. The gifts they provided were given to pacify these Nations so that they could gain control of a given territory (Said, 1993). In practice, this strategy was not always successful, and sometimes gift-giving continued for many years after Treaties were signed with a given Nation (Asch, 2001, p. 203). This was the case with the Mi'gmaq in New Brunswick and neighbouring Quebec. The focus of *Gift-giving, Diplomacy and Mi'gmaq Resource Revenue Sharing as a Treaty-Right & Responsibility* (deMarsh, 2021b) is on Captain Henry Dunn

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O'Halloran, of the 69th Foot Regiment. O'Halloran supported the Mi'gmaq of Listuguj in their mission to have their fisheries and land rights respected and have their annual gifts from the Canadian (what is now the province of Quebec) colonial government sent to them rather than having to travel to Montreal to collect them.

Gift-giving is an understudied topic in modern anthropology, and there are very few articles written on the topic (Makovicky & Smith, 2020, p. 2). This is partly due to classic anthropologists' relegation of gift-giving to an early form of economics (Mauss, 1950). While gift-giving may be considered an early form of economics, it has modern equivalencies. In the historical Mi'gmaq context, gifts were given as an acknowledgement by visitors to a given district territory of the impact of their passage through the territory. In the modern Mi'gmaq context, the provincial and federal governments provide funding to the Mi'gmaq for environmental impacts in Mi'gmaq territory. Similarly, industry has signed impact benefit agreements with the Mi'gmaq in order to operate in their territory. However, agreements with government and industry are too often hard fought because of an unwillingness by those parties to recognize Mi'gmaq rights in their territory (Pulla, 2016). This unwillingness affects the relationship of the Mi'gmaq with government and industry and can lead to industries being hampered or shut down by the Mi'gmaq, as was the case with shale gas in New Brunswick (Simon, 2016).

There are examples of government officials in the past who recognized the importance of the treaty relationship with the Mi'gmaq. In 1841, Captain O'Halloran aided a diplomatic delegation from Listuguj to seek an audience with Queen Victoria to voice their concerns to her about Canadian (Quebec) colonial policy. Captain O'Halloran was participating in a Mi'gmaq welfare assessment mission for the government of New Brunswick along with colonial officer

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Moses Perley. On this mission, Captain O'Halloran was presented with an intricately beaded jacket by the Mi'gmaq Chiefs of the Miramichi area and bestowed the title of White Chief to the Mi'gmaq for his efforts, including that of learning the Mi'gmaq language (Upton, 1979).

O'Halloran must have taken this gift and bestowment to heart. He ignored the colonial border that artificially separated New Brunswick from Quebec and travelled across the Restigouche River to Listuguj to meet with Chief Malie and hear his concerns. O'Halloran facilitated transportation for Chief Malie and his delegation to England and provided them with a letter of introduction to Lord Stanley, Secretary of State for the British North American colonies (Upton 1974). Unfortunately, Queen Victoria was not available for an audience with the delegation. However, she arranged for transportation of the delegation back home and wrote to Lord Stanley about the matters raised by the delegation, including concerns about their lands, fisheries and annual gifts (RG10-A volume 470_Part 2, p. 4-5). Lord Stanley was extremely angry with O'Halloran for facilitating the delegation's trip and made his views known to the Lieutenant Governor of New Brunswick (RG10-A volume 470_Part 3, p. 1-3). Moses Perley, who had high-level colonial ambitions, also wrote an extremely disparaging report of the delegation's trip in *The Courier*, the main Saint John newspaper at the time (PANB F12217).

O'Halloran, in response to Perley's newspaper report, wrote to Lieutenant Governor Colebrooke to both defend the Listuguj delegation and to accuse Perley of inappropriate behaviour with female members of Listuguj (New Brunswick Museum Archives-Ganong F25-3_02). This further step of solidarity with the Mi'gmaq of Listuguj is quite striking; given the political hot-water, it could have landed O'Halloran in. In the end, O'Halloran continued his military career and Perley was passed over for a promotion in the colonial government (Upton 1974, p. 15).

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Here we have a little-known piece of colonial history that shows a different nuanced side to the imperial metanarrative. In this case, Captain O'Halloran took on his duties to help the Mi'gmaq in affirming their rights, despite the potential career perils of these efforts. This pocket of history leads to important questions. Such as, if a government official recognized and supported the Mi'gmaq almost 200 years ago, why not today? Moreover, with all that we know today about Indigenous Rights, from UNDRIP to the TRC to the magnitude of court decisions in favour of Indigenous Peoples, why not focus on building better relationships with the Mi'gmaq and developing respectful benefit agreements that recognize that a sizable part of New Brunswick is their territory?

I am submitting this article to the Journal of New Brunswick Studies (<https://journals.lib.unb.ca/index.php/JNBS/about/contact>). The Journal of New Brunswick Studies is an open access, peer-reviewed journal in synch with my knowledge dissemination plan, as detailed below.

Discussion: Tying the Policy Report and Articles Together

These three documents (Mi'gmawe'l Tplu'taqnn, 2021; deMarsh 2021a; deMarsh 2021b) seek to further the discussion of Mi'gmaq rights affirmation in the New Brunswick context. The first paper (deMarsh 2021a) looks at the life of Paul Mascarene, an early British colonial official in Nova Scotia, and how he massaged the language from The Treaty of 1725 (Dummer Treaty) to be more in line with Mi'gmaq perspective as it was then recorded in The Treaty of 1726 (Mascarene Treaty).

Mascarene's approach to treaty negotiations was very different from most British colonial officials who sought to cement British supremacy and were willing to be deceptive in their oral and written treaty negotiations. Colonial outliers, like Mascarene, are an essential

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dimension of colonial history because they break the fallacy that notions of national or ethnic supremacy were universally held. In order to understand these unique characters, I applied an "along the grain" approach, which seeks to understand the circumstances that led to an alternative approach (Stoler, 2009). In Mascarene's case, his coming from a persecuted background as a French Huguenot as well as his interest in academics with a bent towards philosophical ethics may have contributed to his approach.

In the first research paper, both of my research questions are addressed. Multiple examples are given of the Mi'gmaq and their allied Nations asserting sovereignty in their territories in historical contexts. Similarly, as pertains to the second question, a review of Mascarene's life experiences and a corresponding approach to treaty-making gives an indication of his respect for the Wabanaki Nations as governing bodies.

In the second paper (deMarsh, 2021b), I continue the discussion of treaty rights and responsibilities as they unfolded in the 19th century in New Brunswick and how they apply today. Here I look at gift-giving as a crucial component of the ongoing treaty relationship and the work of Captain Henry Dunn O'Halloran to support the Mi'gmaq in the affirmation of their rights. The Mi'gmaq of the Miramichi area honoured O'Halloran with an intricately beaded jacket for his efforts to learn their language and support their welfare. O'Halloran, in turn, supported the Mi'gmaq of Listuguj in their pursuit of rights affirmation, including land rights, fishing rights and receipt of annual gifts close to their community. O'Halloran facilitated a trip to England for the Chief and his delegation and defended the efforts of the delegation when other colonial officials questioned them.

In the modern setting, the purpose of the Listuguj delegation's mission can be realized through relationships based on respect. O'Halloran understood the importance of respect in his

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support of the Mi'gmaq toward the middle of the 19th century. In the latter half of the 19th century, in the 20th century and the early part of the 21st century, Indigenous rights have been oscillating between assimilationist rules, like those codified in the Indian Act, and the affirmation of their rights, in section 35 of the Canadian constitution, numerous courts decisions and a plethora of reports (Plaice, 2011). Moving forward, respect for the Mi'gmaq means the development of relationships based on the affirmation of their rights. In the natural resource extraction environment, this means developing agreements that acknowledge the impact of taking from the lands and waters of the Mi'gmaq (Pulla, 2016). Impact agreements are not new to the Mi'gmaq and are documented in oral history and written records. Both government and industry need to improve their approach to working with the Mi'gmaq and need to involve them in all decisions affecting their lands and waters.

In the second research paper, my research questions are also brought into focus with a specific historical example. A Mi'gmaq delegation from Listuguj courageously travelled to England in 1842 to have their sovereign rights to land, fisheries and religious practice recognized and respected by the British Crown. Captain O'Halloran made the risky professional decision to assist the Mi'gmaq delegation in their efforts to have their sovereign rights recognized.

Finally, the policy paper (Mi'gmawe'l Tplutaqan, 2021) elucidates current Mi'gmaq interests in land in New Brunswick. It begins with a discussion of the Peace and Friendship Treaties which were non-cession treaties signed by the Wabanaki Nations with the British. However, at the end of the 18th century, the British started to act as if the treaties were land cession treaties. Some of the soldiers who fought for the British in the American War of Independence were given tracks of land in New Brunswick as compensation for their efforts. Moreover, squatters started to occupy lands throughout New Brunswick. Both the grantees and

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squatters impacted the Mi'gmaq in New Brunswick (Cuthbertson, 2015). These intrusions impacted Mi'gmaq sites of occupation as well as their hunting and fishing grounds.

Lands were set aside for the Mi'gmaq by the New Brunswick provincial government, but these lands were often infringed upon. Over time there was a dramatic reduction in the reserve land base of the Mi'gmaq communities. In some cases, this has been a 90 percent reduction below the initial areas set aside for these communities (Walls, 2017). Overall, First Nations in the Maritime provinces have some of the lowest per capita land levels in Canada (New Economy Development Group, 2005). Such an insufficient land base has detrimental effects on community development in Mi'gmaq communities. Also, like First Nations throughout Canada, Mi'gmaq communities in New Brunswick are growing at a rate well above the general population (Government of Canada, 2020).

In other jurisdictions, governments are making strides to remedy the loss of Indigenous lands. The Nova Scotia government is purchasing lands for Mi'gmaq interests every year. In New Zealand, a treaty commission holds thousands of acres of land for negotiations with the Maori (Bourassa, 2002). In New Brunswick, a much more active engagement with the Mi'gmaq needs to take place, in which they are treated as a Nation with constitutionally protected rights to their lands and waters.

The policy paper addresses my research questions in a modern context. Mi'gmawew'l Tplu'taqnn asserts their sovereign interests in lands in New Brunswick. The paper makes a case for why both the Government of New Brunswick and the Government of Canada need to recognize Mi'gmaq sovereignty in New Brunswick as it pertains to lands. This case is made with examples from other jurisdictions that recognize and support the assertion of Indigenous rights.

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Knowledge Dissemination and Transfer Plan

Knowledge Dissemination was a key dimension of this doctoral project. This is not a research project undertaken for pure academic knowledge/ personal interest; this is a research project undertaken to build understanding and shared meaning of the Peace and Friendship Treaties signed between the British and Wabanaki Nations, including the Mi'gmaq. As Boud et al. (2018) suggest, professional doctoral researchers have learned to bring their academic skills to benefit organizational discussions, including governance dialogues. Core elements for igniting the potential of professional doctoral research include identifying a clear purpose for the research, having a shared understanding of the importance of the research, and benefitting from an uninhibited space for ideas to be expressed and a highly skilled work team (Boud et al. 2018, p. 916).

This portfolio dissertation is comprised of three components: a policy brief; and two journal articles. My knowledge dissemination and transfer plan for the policy brief involves presenting it to the Mi'gmawe'l Tplu'taqnn Board of Directors. Based on Board member feedback, the document will either be incorporated into internal organizational strategies or shared with a wider audience as they see fit. For the two journal articles, I will ensure the articles are published through journals that are open-access, so everyone can access the articles. I will also present the content of the articles to the Mi'gmawe'l Tplu'taqnn Board of Directors and seek their direction on further dissemination.

Conclusion

These three dissertation portfolio components are intended to paint a more nuanced picture of the past. The British are a dimension of the portrait in this picture, but the Mi'gmaq are much more prominent than previously acknowledged. In this picture, the Mi'gmaq are active in

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the treaty-making process, as demonstrated by the treaty diplomacy of Paul Mascarene in the 18th century. In this picture, the Mi'gmaq are also international diplomats travelling to England to fight for their rights, with the support of Captain O'Halloran in the 19th century. Finally, in this picture, the Mi'gmaq are changing Canadian, and New Brunswick government policies and procedures to make current governments respectful of their 300-year relationship with the Mi'gmaq codified in the Peace and Friendship Treaties. These three documents address my research questions. Each paper gives examples of the Mi'gmaq and other Indigenous Nations asserting sovereign rights within their respective territories. Correspondingly, a number of modern and historical examples are given where government officials support the Mi'gmaq and other Indigenous Nations in their efforts to assert sovereignty.

This research contributes to reconciliation efforts to uncover a more nuanced version of history. This nuanced version of history shows the tenacity and perseverance of the Indigenous Peoples and the courage of some colonial officials and modern government officials.

It bolsters the work of Ann Stoler (2009) in showing that when you "read along the grain," the human and cultural dimensions of a person's life provide essential clues as to what motivated them. The limitations of this research are its circumstances. Conducting research during the COVID-19 pandemic meant I was not able to visit most archival institutions.

The narratives within this portfolio dissertation reflect the history of all peoples in New Brunswick, including our trials and tribulations. It is time to work together to address the myriad challenges that face this small neck of the woods on a changing planet in an environmental crisis (Dale et al., 2021). The painting continues to evolve; let's try to make the next instalment of the painting, once again, one of peace and friendship and building better relationships based on respect. There is an opportunity to further the research described here, and the colonial officials

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addressed here can be further researched with additional materials. Moreover, the records of additional colonial officials worldwide can be reviewed to build upon the evidence that suggests recognition of Indigenous rights was more prevalent than previously known.

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