The Peace and Friendship Treaties:
A Complicated History
A Note on History...

- History is not something that just happened in the past. Historical events have consequences that reverberate down into the present and into the future.

- For a long time, Canadian history was often told as if nothing of importance happened in the Maritimes after Confederation with maybe the possible exception of the World Wars
For a long time, women and people of colour were not included in the historical narrative. If they were included, it was in a cursory way or in a way that made them “the other.”

Representations of people who were not white, anglophone and Protestant were often filled with prejudice.
Indigenous Histories...

- It is important to remember that every group of indigenous peoples has a different history. There are similarities amongst these different indigenous histories, but there are also differences.
- Even within Atlantic Canada, the northeastern US and the Gaspé different indigenous groups have different histories.
- Even national histories written from an indigenous perspective are not immune to the trend of forgetting there was still a history to tell in the Maritimes after 1867.
The 18\textsuperscript{th} Century Background....

● British and French imperial interests were both intent on controlling northeastern North America.

● By the end of the 18\textsuperscript{th} Century, Britain and the new United States of America were contesting for territory.

● The Indigenous population of what today is referred to as the Maritimes, the Gaspé, and Maine retains enough agency at the time that the British do not want them helping the French or the Americans.
British Promises...

● The British had a habit of making promises to various groups of people either to gain them as allies or to at least ensure whatever group did not assist the current enemy of British imperial interests.

● Sometimes the British made contradictory promises to different groups of people.

● If you were of European ancestry, wealthy or had influential friends, you might get a reasonable amount of the recompense you were promised. If you were less well off or a person of colour, the likelihood of any promises truly being kept was suspect at best.

● Sometimes officials in North America were willing to keep the promises but those in London were not. Sometimes officials in London were willing to keep certain promises and those in North America were not.
What are the Peace and Friendship Treaties?

- These are a series of treaties signed mostly in the 18th century (1700s) between the British and indigenous groups in northeastern North America.

- There is also the Treaty of Watertown signed by some indigenous groups with the new United States

What are the Treaties for?

- To ensure a peaceful relationship between indigenous groups and the British crown/settlers
- To facilitate trade
- To guarantee the continuation of hunting, fishing, gathering rights for indigenous communities
What the Treaties are NOT for...

- The treaties are NOT land surrender treaties. They are designed to be the basis of an ongoing relationship of co-existence.

- British and later Canadian officials may come to treat the treaties as if they were land surrender documents, but that is not how indigenous groups saw them.
What happened after 1800?

• Up until the end of the War of 1812, indigenous groups had some agency to get their demands met by colonial officials.

• After the end of the War of 1812, however, there’s less conflict between “British North America” and the United States of America.

• Starting with the Loyalists during the American revolution, increasingly indigenous groups find themselves outnumbered by settlers.

• Indigenous groups continue to demand their treaty rights, but increasingly any demands are ignored.
What happened after 1867...

- Less attention is paid to indigenous groups in the East than in the West by the new Canadian government.
- The bad consequences: poverty, poor living conditions, and lack of food and resources. In addition, non-indigenous groups basically take land supposed to be reserved for indigenous groups and the federal government does very little to support the indigenous claims even when they make an effort to protest.
The More Positive Consequences of Inattention...

● For some decades some of the most egregious components government policy towards indigenous groups are not enacted fully in the Maritimes.

● This means aspects of indigenous culture such as governance structures and language have a chance to continue to exist. In one case, two sisters in New Brunswick teach school in their own language.
What happens in the 1910s/1920s...

- Duncan Campbell Scott becomes head of the Department of Indian Affairs in the decade between 1910-1920.
- DIA begins to pay more attention to indigenous groups in the East. Egregious policies that hadn’t been enforced were now enforced. Indigenous women married to non-indigenous men lost their indigenous status. Indigenous teachers are no longer hired. And, in 1929, The Shubenacadie Indian Residential School is opened.
And Still They Resist...

• In 1927, Grand Chief Gabriel Sylliboy is charged with hunting out of season.
• He argues he is allowed to do what he did based on one of the Peace and Friendship Treaties of the 18th century.
• The court rules against him.
“While Sylliboy and the five other men he testified with were ultimately unsuccessful, Wicken identifies King v. Sylliboy as a moment through which we can view Mi’kmaw memory and understanding of the treaty juxtaposed against a Euro-Canadian amnesia surrounding the nature of the treaties themselves. Conveniently, settler courts had forgotten that the treaties Britain had signed with the Mi’kmaq were not land cessation treaties at all but agreements of reciprocity and co-habitation.”

Resistance is NOT Futile....Eventually!

Two cases that went to the Supreme Court of Canada – Simon vs. The Queen (1985) and, especially, R. v. Marshall (1999) finally recognize the Peace and Friendship Treaties as still valid today. This includes the recognition of indigenous hunting, fishing and gathering rights.

It is worth noting, however, that more than two decades after R. v. Marshall, there is still debate over what the judgment means and how it is to be applied. For more about the modern social justice issues stemming from rights granted by the Peace and Friendship Treaties talk to Justice, Mission and Outreach.