

RNSHS VIRTUAL PLAQUE SERIES:
TREATY DAY IN NOVA SCOTIA: THE EVENTS OF 25 JUNE 1761

By the 1760s the British and First Nation peoples (Malecites, Mi'kmaq, and Passamaquoddy) of the Maritimes had been formally coexisting for almost half a century, following the Anglo-French treaty of 1713 that had given the British what they regarded as sovereignty over mainland Nova Scotia. Having been ignored by the authors of the 1713 settlement and fearful that British rule might trigger settler expropriation of their hunting and fishing grounds, such as was happening in neighbouring New England, this region's First Nations co-operated in resisting British encroachment through a combination of diplomatic and military manoeuvring.

That struggle, which included deaths and destruction of property, came to an end in 1725-26 with peace treaties negotiated in both Boston and Annapolis Royal, the latter then the capital of colonial Nova Scotia. The terms of that settlement, which would become the foundation for all subsequent eighteenth-century peace agreements in Atlantic Canada, have widely been interpreted as a compromise involving a complex blend of mutual gains and concessions. Both sides agreed to a cessation of hostilities, in return for which the British received First Nation acceptance of their presence in mainland Nova Scotia. But, as the Mi'kmaq and their allies saw it, that British presence was hedged with limitations. Newcomer settlement must remain limited to two small enclaves at Annapolis Royal and Canso, thereby securing Native hunting and fishing rights, along with First Nation autonomy, meaning in essence the capacity to trade and negotiate with the French who remained in possession of Ile Royale (Cape Breton) and Ile Saint Jean (Prince Edward Island).

While the British never formally agreed to these sweeping restrictions on their control of Nova Scotia, in practice they accepted the arrangement for the next twenty years, having little will to incur the cost in blood and treasure of achieving a more decisive triumph in this then relatively marginal part of their overall empire. However, in 1748-49, at the end of another round of Anglo-French warfare, London authorities committed to an ambitious programme of settlement and fortification in Nova Scotia designed to assist in bringing about the destruction through warfare of France's presence in North America.

In short order, Halifax emerged as Nova Scotia's new capital, settlement began at Lunenburg, blockhouses and forts appeared in the interior, and pressure began to build to convert the resident Acadian population from neutrality toward unqualified allegiance to King George. As for the region's First Nations people, the London government offered a renewal of the 1726 accord and on two occasions (1749 and 1752) peace treaties were signed with certain groups of Natives. But other First Nation people remained deeply suspicious of British intentions and with the encouragement of French officials launched raids on settlements such as Halifax. Soon attack and counter-attack raged across the Nova Scotian frontier, reaching a bloody climax when Britain and France again went to war in 1756.

French surrender, first at Louisbourg and then Quebec in 1758-1759, deprived Atlantic Canada's aboriginal population of the weapons and supplies they needed to sustain a military campaign against British forces in the region. Soon Native leaders opened negotiations for a return to peace. Delegations from the Passamaquoddy, Malecites and various groups of Mi'kmaq

appeared at Halifax and elsewhere to see what terms could be obtained in return for a cessation of hostilities. Some historians insist that isolation, hunger and disease had so debilitated the native community that they were willing to submit to an unconditional surrender. But other scholars suggest that Native leaders saw themselves as negotiating for a resumption of the conditional peace settlement agreed to by the British in 1726. Their central objective, it is suggested, was preservation of their existing way of life through continued access to hunting and fishing territory.

As for the British, their key goal – once the French military presence had been removed – was an unrestricted ability to continue with large-scale settlement of Nova Scotia. Eventually that influx would gravely compromise Native hunting and fishing rights but officials in both London and Halifax were willing to offer concessions that would accelerate the peace-making process. Accordingly, the settlement negotiated at Halifax in June of 1761 included a British commitment to establish a series of trading posts (called “truckhouses” by contemporaries) where Natives could exchange furs in return for supplies such as food and clothing, selling at government-subsidized prices. In addition, Governor Belcher drew up a proclamation which forbade private-enterprise encroachment on lands used by Native people.

Critics quite rightly note that these concessions were little more than short-term expedients necessitated by the vulnerability of the British position in Nova Scotia. War with France was still going on and after the conflict had ended there would be new troubles brought about by colonial unrest in areas such as New England. All of this gave bargaining power to Nova Scotia’s First Nation peoples and meant, some suggest, that treaties such as the one negotiated at Halifax in June of 1761 were more an act of mutual compromise than of Native capitulation. While Nova Scotia’s First Nation people would eventually become a marginalised presence in what once had been their exclusive homeland, that fate would not truly prevail for at least another generation beyond the early 1760s. Moreover in the twentieth century Canada’s highest court would look back on the 1760 and 1761 treaties and declare that they gave First Nation people substantial individual and collective rights of access to certain traditionally-gathered natural resources of the Maritimes.