

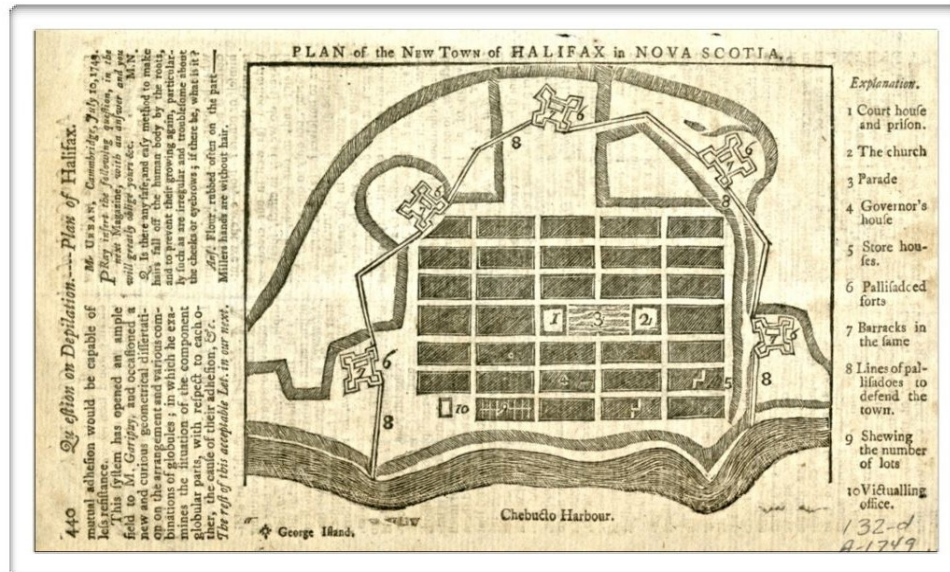
## **Moving Toward Peace and Friendship: Repositioning Edward Cornwallis in History**

Submission to the Task Force on  
Commemoration of Edward Cornwallis and  
the Recognition and Commemoration of Indigenous History

June 11, 2019



Maritime Institute for Civil Society  
Dr. Allen B. Robertson



## Introduction

The Maritime Institute for Civil Society has followed with interest the developing public discussion concerning Lord Edward Cornwallis (1712/13-1776) and the recognition of indigenous history. Now that a Task Force has been created from the original projected committee to evaluate evidence, concerns, and suggestions on the foregoing, the Institute seeks to engage in this discourse with the following submission.

The Institute is dedicated to the renewal of civil society, and believes that there are strong grounds for seeing the rebuilding of civil society – community organizations / non-profits / volunteer associations / the third-sector – as the basis for other richer and more authentic options than the dichotomy between the market and the state allows. Research and education form the basis of this undertaking, while by extension it intersects with community spirit or collective concerns. Cultural and historical resources become part of the basis for local investment. This leads to the concern which the Institute has for cultural, social, and civic action. Given these foundations and areas of intersection, the Institute sees a role in addressing public issues and, in this particular case, the various claims concerning Cornwallis and present-day realities.

The submission which follows is arranged to express the Institute's observations on the mandate of the Task Force, the claims being advanced about the scalping proclamation of 1749 and the settler colonial paradigm, and comments about the Mi'kmaq presence in commemorative situations. The submission concludes with its own recommendation.

## **The Known and the Unknown**

Between late 2017 and the present, the purpose of the Task Force on Cornwallis and its goal(s) and composition has evolved rather dramatically. It was stated in the media and initial committee agenda that Edward Cornwallis in certain respects has become a symbol of variant historical interpretation. It is unclear, however, if Cornwallis remains the sole focus of debate, or if the examination is to extend to the whole of his time in Nova Scotia (1749-1752) together with all persons who arrived here during those years – military, naval, government personnel, and the general civilian population both Christian and Jewish - whose own commemoration and presentation is to be revised, debated and reassessed.

Secondly, the positioning of criticism, either hostile to Cornwallis, or in support of him, needs clarification as to what is admissible. What is problematic are arguments based simply on assertion; historical offerings that are selective, either by way of inclusion or exclusion; and historiographic paradigms with politicized structures that lead to an unbalanced representation of the past (and, by implication, the present). Sound judgement seeks an equitable balance and is placed within the quest for truthful analysis.

The periodic reassessment of history is part of the continuing conversation in historical scholarship which is always underway. That interaction ideally takes place in a setting of respectful speaking, listening, critique and response, all leading to a new synthesis of understanding. The outcome is successful if interpretation is marked by a rigorous study of the records which meets the standards of integrity and balance. A public commitment to impartiality by the committee, at the least, would reassure citizens that a foregone conclusion is not already in place.

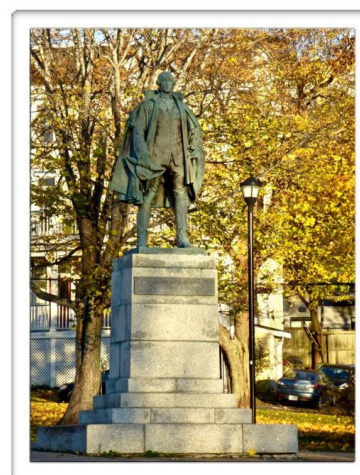
The public expectation is that the Task Force will endeavour to approach its undertaking in a balance between facts presented, public

concerns, and a positive way forward. Should any member of the Task Force be utterly opposed to, or utterly supportive of, the restoration of Cornwallis's statue and commemoration, then the Institute suggests that that individual(s) should remove themselves from this Task Force.

## Seeing a Way Forward to the Common Good

Each generation is bounded by its temporal placement and understanding of the times (social, political, ethical, etc.), but a moving forward for the public or common good remains a laudable endeavour. Therefore, the Institute wishes to expand on previous considerations of Edward Cornwallis and project the issue forward such that it may contribute to renewal, civil conversation, and a positive contribution to society now and for the coming years.

This submission will focus on specific historical occurrences as these are reflected in the current narrative. The past as remembrance and the past as symbol are in a state of tension. Cornwallis the person and the founding of Halifax are bound together. The removal of Cornwallis from public commemoration in its consequences removes the celebration of the community's founding and avid exploration of that heritage. It in effect leaves Halifax without a beginning, thereby contributing to a rootless urban present. Conversely, it is said that images of Cornwallis, even his name, inflict painful reminders of past indignities to which the Mi'kmaq were subjected. The two aspects appear to be irreconcilable.



Three facets of historical interpretation are determinant points in the Cornwallis and Halifax debate. Does the weight of evidence indict Cornwallis? Is settler colonialism, a politicized paradigm of the left, an appropriate lens for viewing past and present?<sup>1</sup> Can the various

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<sup>1</sup> Settler Colonialism which is the current historical underpinning to colonial studies can be found discussed in numerous articles and books, eg.: A. J. Barker, "Locating Settler Colonialism" *Journal of Colonialism and Colonial History* vol. 2

treaties of Peace and Friendship offer instead a novel way forward? We touch on each of these questions in what follows.

## The Scalping Proclamation of 1749

In the autumn of 1749, Edward Cornwallis in council issued the notorious scalping proclamation against the Mi'kmaq. This historical fact has been known since that time. Is this sufficient to ban the memory of the governor? Reassessment dictates that attention be given to the wording, intention, and outcome of the proclamation itself. Some historians and the popular media regularly state that a bounty was offered for the scalps of men, women and children in a premeditated act of extermination.<sup>2</sup> A reading of the actual text shows that it does not include these words, only the phrase "Micmac" is given. Both context and subsequent actions appear to be contrary to the popular belief. Indeed, documentation presents the setting as that where a proclamation was issued after Mi'kmaq warriors had assaulted and killed British troops; the proclamation was a military response.<sup>3</sup> There is no indication of a whole-scale attempt to eradicate the Mi'kmaq peoples. This does not deny episodes of intense warfare incidents by either side. Nor does it erase the fact that not all so-called evidence turned in for the bounty belonged exclusively to adult male Mi'kmaq, though the public records suggest that such

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(2012); A. J. Barker and Battel Lowman, ed., *Settler Identity and Colonialism in 21st Century Canada* (Halifax, NS: Fernwood Publishing, 2015); Patrick Wolf, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London: Cassell, 1999)

<sup>2</sup> Daniel N. Paul, "The Hidden Agenda of the Americas: The Destruction and Depopulation of the Indigenous Civilizations of the Americas by European Invaders" *Settler Colonial Studies* vol. 2, no. 1 (2011): 167-81: "The second issued by Nova Scotia Colonial Governor Edward Cornwallis, also included bounties for women and children." Leslie Jane McMillan, "Koggwaja'timk : Mi'kmaq Legal Consciousness" (Ph.D. Thesis: Dept. of Anthropology, University of British Columbia, 2002): "Governor Cornwallis arrived in 1749 determined to exact his authority over the Mi'kmaq. Known for his brutality, he offered rewards for killing or taking the scalps of any Mi'kmaq because they demanded negotiating new settlements rather than just submit to the British (Paul 1993:108)." See also, Daniel N. Paul, *We Were Not the Savages: A Micmac Perspective on the Collision of European and Aboriginal Civilizations* (Halifax, NS: Nimbus, 1993)

<sup>3</sup> Daniel N. Paul has called into question the veracity of the attack on the soldiers sent to cut wood on the Dartmouth shore by suggesting that it was a propaganda story to justify the latter scalping proclamation: "Honouring past wrongs no way to bury hatchet" *Mail-Star* 1996 August 11 Friday pg. C2.

occurrences were rare. That which is evident is the absence of what today would be defined as a genocidal military assault. The proclamation as an act of war was made, yet contrary to assertions and statements by some historians who try to promote the narrative that all genders, all ages were the target of Cornwallis and the council's warfare, there is a dearth of evidence to substantiate it.

Transfer of the dispute to an inanimate object, that is, the statue of Edward Cornwallis, cannot be sustained solely on assertion. Education is a precept which provides balance as a preferential alternative to removal of the monument. It is useful to keep in mind the comments of two Prince Edward Island Mi'kmaq chiefs – Matidu Ramjattan and Brian Francis – in response to calls to rename the National Historic Site known as Fort Amherst:

“We have been guided by the wisdom of Sen. Murray Sinclair on this issue, a man whose reputation in the Indigenous community is beyond reproach. Sen. Sinclair, the former Chair of the Truth and Reconciliation Commission of Canada, has stated that tearing down tributes to historical figures is counter-productive. ‘It is not about taking names off buildings, it is about whether we can find a way to put Indigenous names on buildings.’”<sup>4</sup>

This offers a moving to a middle ground where dialogue can occur – not once for all time – but as a continuous engagement. Reconciliation takes place in that space; it is not aided by intransigence either to consider it or to reduce reconciliation to a settler colonial agenda.<sup>5</sup>

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<sup>4</sup> Matidu Ramjattan and Brian Francis, “Reconciliation revenge: Constant back and forth was becoming increasingly divisive and ineffectual”: *The Guardian* (Charlottetown, PEI) 2017 Oct. 28.

<sup>5</sup> Cf. Peter McFarlane and Nicole Schubered, ed., *Arthur Manuel: Whose Land Is It Anyway? A Manual for Decolonization* (Federation of Post-Secondary Educators of British Columbia, 2017): Taiaiake Alfred, “It’s all about the land”: “Our struggle is far from over. If anything, the need for vigilant consciousness as Indigenous people is stronger than ever. Reconciliation is recolonization because it allows the colonizer to hold on to his attitudes and mentality, and does not challenge his behaviour towards our people or the land” (pg. 11)

## The Settler Colonialism Paradigm

The employment of the settler colonialism paradigm, and its related vocabulary, have created a polarized clash of historical interpretation which has led to an irruption of trans-communal dialogue in Nova Scotia. Restructuring that dialogue is an essential step to allowing voices to be heard without generating impediments to a positive outgrowth of an on-going Common Good trajectory.

In its early scholarly use, ‘settler colonialism’ was seen as “a way of narrating history that does not culminate in the nation-state”.<sup>6</sup> But as Patrick Wolfe came to describe it, and how it has been adopted more recently in popular discourse, “settler colonization is a winner-take-all project whose dominant feature is not exploitation but replacement”.<sup>7</sup>

This politicized settler colonialism paradigm has inserted an oppressor-oppressed dialectic which presupposes interpretation in advance without permitting room for respectful discussion. As related to the Cornwallis debate and consideration of relationships among peoples living in Nova Scotia, the settler state paradigm posits that all non-Indigenous peoples are automatically in the oppressor category (whether ancestors arrived freely or involuntarily). Hence, anything introduced or actions taken are viewed as inherently wrong. Similarly, it denies the rootedness that descendants of actual settler generations now have in the land. To designate them as “guests” is to repudiate a present reality.

It seems advisable to create a working glossary of terms which will facilitate parties to be able to speak with and between each other, rather than speaking past each other. It is important that words have agreed upon meaning. Mi’kmaq peoples have accepted, or chosen for themselves, the terms Mi’kmaq, First Nations and Indigenous to state their ancient relationship to the land. Peoples who do not come under those terms are by reason of birth called Nova Scotians, though by extension all persons who live in the province come under that term. ‘Settler’ as a designation has been imposed with a weight of negative meaning and should be removed from the conversation. The use of ‘non-Indigenous’, if restricted to meaning persons not identifying as of Mi’kmaq ancestry, is acceptable so long as it does not connote that the

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<sup>6</sup> Tiraana Bains, Steve Pincus, and Alyssa Reichardt, *Thinking the Empire Whole* (Paper Presented at Dalhousie University, 2019), p. 49.

<sup>7</sup> Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology* (London: Cassell, 1999), p. 163.

former are somehow not legitimate persons of the land of Nova Scotia. There are other words or phrases which need clarification so that all who employ them have in mind a set content. For example, ‘unceded territory’ has obvious implications, but to date there does not appear to be a set definition. Debatable statements exist as well which are not settled among all parties. Variants on the phrasing that one is meeting or holding an event in Mi’kma’ki, the traditional and unceded land of the Mikmaq peoples is currently appearing in media reports as having mixed response among the Mi’kmaq themselves – whether regarded as empty rote words or as a sign of Land consciousness-raising. Where this implies that Nova Scotians are guests on the land – ie. tolerated but not legitimately rooted here – it becomes problematic.<sup>8</sup> Perhaps another phrasing or statement needs to be invoked to express uniqueness and collectivity.

It has been referenced already that to the Mi’kmaq peoples there is stated to be a sacred link with the land. This is referred to in invoking the special ties to ancestral territory as well as the implied role in caring for that which has been entrusted to them. Translated into modern terms, this carries ecological and resource management obligations along with older meanings. In a similar fashion, the land is held to be a sacred trust among other Nova Scotians who attend to their own religious heritage, whether Christian or Jewish or more recently introduced faith communities. Within two months of the fleets arrival in June 1749, a public religious service was celebrated on the site of Halifax. During Cornwallis’ time and that of his immediate successors, religious rites and prayers were offered up in newly built St. Paul’s and the first St. George’s, or what is now called the Little Dutch Church; in homes, the Jewish Shabbat was observed along with related daily prayer obligations. The presence of specifically built places of worship and prayer rites in homes sacralized Halifax, Lunenburg and the older community of Annapolis Royal. Though each faith group – including traditional Mi’kmaq observances along with Catholicism – differed, nonetheless, all recognized that over all was one Creator. Consequently, there exists a common bond or kinship amongst all peoples regardless of geographic origins. This spiritual component of society can shift the conversation when

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<sup>8</sup> To recognize that Nova Scotia was the ancestral homeland of the Mi’kmaq peoples is to recite fact along with their continued presence. However, to imply that Nova Scotians of non-Mi’kmaq ancestry are “guests” rather than at home in the land is in contradiction to the Treaties of Peace and Friendship, and the reality of successive generations of families within Nova Scotia. The language of Settler State Colonialism becomes an Orwellian means of displacing persons born and raised here.



discussing the past. It does not overlook human error and frailties, but it does erode the “us” and “the other” barriers which have been renewed with invocation of settler state colonialism and other divisive discourse. It reorients one toward the goal of the Common Good for society and a true reconciliation. Halifax as a site of contested legitimacy is moved from a locus of bodies within a bounded district to being bodies relating to spirituality – acknowledging that the Creator responds to them at this place, within and over the land. Proponents of settler colonialism depict Christianity and Judaism as agents of imperialism or supremacy while maintaining a deliberate non-recognition of religion’s core meaning. Equitable understanding rejects this premise as unsustainable.<sup>9</sup>

Historiographic models used in assessing Nova Scotia’s past have been heavily influenced by the settler state or settler colonialism paradigm. The recent critique of Edward Cornwallis under the title “The Three Lives of Edward Cornwallis” by John G. Reid, at the outset invokes this latter paradigm. One is alerted immediately that the final outcome will be in the negative with regard to Cornwallis the person, his policies and the intent of his government overlords in London. The same applies to the settlement of Halifax and all its inhabitants by extension – civilian and military, Christian and Jewish. Where this particular essay and the paradigm undergird the narrative on Cornwallis, it calls forth a need to counter-challenge the consequent descriptions. The settler state paradigm has been regularly used in the depiction of Israeli-Palestinian relations and is part of a

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<sup>9</sup> Text and faith as much as narrative and faith can be drawn on for a sense of orientation, rootedness and regard for place: cf. William Pearson, “Colonial Exile: Place and Biblical Faith in North America” (Thesis, AST, Halifax, NS: 2016): Abstract: “... that is a result of the Biblical text, which is itself a reflection on the experience of exile and homelessness, confronts North Americans in a profoundly relevant way.”

present-day political agenda.<sup>10</sup> That which disturbs one is the either/or narrative which will not allow for bridge-building and constructive dialogue. It passes readily into anti-Semitic propaganda with the application of descriptives such as imperialism, settler colonialism, apartheid, white supremacy – all as applied to the “Zionist” agenda, which is a way of invoking anti-Semitic tropes while professing distinctions between a political and cultural movement and a religious affiliation. In the Nova Scotian context, such an argument has given rise to the perceived right to condemn people based on ancestral origins.<sup>11</sup> Indeed, the tropes come close to those used by anti-Israel, anti-Zionist commentators and authors.

A final comment on settler colonialism is taken from “‘Trees of the Forest’: A Critique of the Settler State Paradigm”:

“The idiopathic diagnosis of the Settler State Paradigm resides in its pre- conceptualized model yielding a matrix wherein all facts must be moulded to fit the expected outcome. Consequently the semiotic manipulation of terms, sequences and images admits of no counter-intuitive analysis or critique. The latter are dismissed as ideations out of oppressor social enmeshments – conscious or unconscious – which leads to the Orwellian shift in meaning attached to terminology. Discourse is fractured into non-aligned narratives that fail to intersect with differing viewpoints. Hence reconciliation means for the perceived ‘oppressor’ to be that of capitulation and self-abasement, while narratives not originating in deconstructionist, Neo-Marxist semantics are dismissed out of hand or subjected to violent cascading “isms” self-proclaimed to be

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<sup>10</sup> Cf. Noushim Franks and Susan Laundau, ed. “Why Palestine Matters: The Struggle to End Colonialism”: For Israel/Palestine Mission Network of the Presbyterian Church (USA): 2018: “The guide pinpoints settler colonialism as the underlying basis for Israeli apartheid while also advocating vigorously for an intersectional approach to unify struggle for human rights.”; Lorenzo Veracini, “The Other Shift: Settler Colonialism, Israel and the Occupation” *Journal of Palestine Studies* vol. 42, no. 2 (Winter 2013): 26-42; Mike Krebs and Dana M. Olwan, “‘From Jerusalem to the Grand River, Our Struggles are One’: Challenging Canadian and Israeli Settler Colonialism”: *Settler Colonial Studies* vol. 2, no. 2 (2012): 138-64: “This article explores the possibilities and histories of indigenous struggles against the settler colonial states of Canada and Israel. Throughout this work, we examine activist and political movements from Canada that make connections between the struggles of indigenous peoples in Canada and Palestine...”

<sup>11</sup> Cf. Paul, *We Were Not the Savages* (2006) pg. 84: “It defies logic but this crazy eighteenth-century English habit of trying to force people to like and obey **them** by brute force survives to this day in other jurisdictions. For example, up until the 1999 elections, the Israelis were using similar tactics against the Palestinians...”

superior to all other imaginings. These artificial philosophical or quasi-philosophical engines of paradigmatic overlay are hedged about with an intellectual battlement of secularism transmuted at times into mythologized Gaia transports.”<sup>12</sup>

This historical tool of interpretation is seriously flawed. Its use distorts all honest efforts at dialogue and refined narrative.

## Treaties of Peace and Friendship

The treaties of Peace and Friendship are problematic in how each party understood the contents.<sup>13</sup> Parties did agree that the goal was a cessation of warfare. Certain obligations were inserted and rights noted. Repeated efforts at ratification do illustrate renewed hopes after subsequent break-downs in mutual obligations. Those aspirations continue to echo today. The treaties are part of the 1749 Cornwallis and Halifax historical development. One of the governor’s earliest acts after the creation of the first council [14 July 1749 OS] was to reach out to First Nations leaders to reaffirm earlier treaties. This fact is too often overlooked in the current conversation. Moreover, prior to his leaving Halifax in October 1752 Edward Cornwallis had initiated new treaty communications which would be completed by his successor Peregrine Hopson.<sup>14</sup>

Connected to this account is the validity of Halifax as a protected settlement. Treaties of Peace and Friendship refer to non-interference in English settlements already established or to be established. It has

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<sup>12</sup> Allen B. Robertson, “ ‘Trees of the Forest’ : A Critique of the Settler State Paradigm” [Draft section 2018 unpub. manuscript]

<sup>13</sup> Cf. William Wicken, *Mi’kmaq Treaties on Trial: History, Land, and Donald Marshall Junior* (University of Toronto Press, 2002; repub. 2004); Marie Ann Battiste, *Living Treaties, Narrating Mi’kmaq Treaty Relations* (Cape Breton University Press, 2016); McMillan, “Koggwaja’ltimk”; William Wicken, *The Colonization of Mi’kmaq Memory and History, 1794-1928: The King vs Gabriel Sylliboy* (University of Toronto Press, 2012)

<sup>14</sup> There is a tendency to either omit the 1749 Treaty signing or to describe it as an aberration. Cf. Jamie Battiste, *Understanding our history, culture, and moving away from the Indian Act* (Presentation on Atlantic First Nations Culture): The time line given under “Treaty Diplomacy Era 1630-1796” for example declares the 1752 Treaty of Peace and Friendship to be the first treaty signed between the British and the Mi’kmaq.

been argued that this situation did not apply to Halifax, Dartmouth, or Lunenburg.<sup>15</sup> This argument is held up as a truism in much of the discourse. The treaties collectively, however, can be employed to substantiate the counter-claim that the aforementioned settlements were covered by those multi-party agreements. Edward Cornwallis, as appointed to do so by his superiors, founded a valid community; this is in part validated by the reaffirmation of the 1725/26 Treaty of Peace and Friendship by representative Maliseet and Mi'kmaq from the St. John River district and other sites. That the proposed Halifax settlement was not agreeable to the Mi'kmaq elsewhere does not negate the actual signing in 1749 nor the intent to establish a regularized state of non-hostilities based on precedent.<sup>16</sup> This fact alters the later controversy over the statue of Cornwallis.

In moving beyond ownership of the land there is the concept of sharing – sharing for the future, sharing with each other, sharing responsibility for the land. Jewish philosopher and theologian Martin Buber wrote about a parallel, seemingly irreconcilable conflict over land in his observation on Jewish and Palestinian presence in the Middle East, namely the ancient land of Israel/Judah:

“But we have and still are convinced that it must be possible to find some compromises between this claim and the other, for we love this land and we believe in its future; since such love and such faith are surely present on the other side as well, a union in the common service of the land must be within the range of possibility. Where there is faith and love, a solution may be found even to what

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<sup>15</sup> Jon Tattie, *Cornwallis: The Violent Birth of Halifax* (Lawrencetown Beach, NS: Pottersfield Press, 2013)

<sup>16</sup> It is noteworthy that during the American Revolution when St. John River Mi'kmaq entered into a treaty with the proclaimed republic's representatives in what is now Massachusetts they provided a copy of the treaty which they said was the same as signed at Halifax in 1760 based on the 1725/26 Treaty of Peace and Friendship. The Watertown Treaty involved the repudiation of all former treaties, etc.; author Daniel N. Paul has stated that this treaty was not ratified by the chiefs but it remains the basis for trans-border crossing by Mi'kmaq and Maliseet today. This raises the point that if the earlier treaties were repudiated then how does that affect latter-day Supreme Court of Canada rulings on Treaties of Peace and Friendship, and rights arising from them. Among the Mi'kmaq representatives at Watertown were Joseph and Charles of the Windsor area of Nova Scotia, and Peter Andre of the “Leheve” together with promises of men to be supplied as warriors. *American Archives: Fifth Series: A Documentary History of the United States of America* by Peter Face (Washington: 1848): 838-50

appears to be a tragic opposition.” [Open letter of Martin Buber to Gandhi 1939 February 24]<sup>17</sup>

“We love this land and care for its future.” Should not this be all Nova Scotians’ by-word? Too frequently advocates of First Nations’ claims fail to recognize that others love this Nova Scotia; conversely, non-First Nations descendants need to see Mi’kmaq love of land and the idea of divine infusion in the latter. Land is a gift for which all of us are guardians, for in truth the land “belongs” to none of us. “The earth is the Lord’s and the fulness thereof; the world, and they that dwell therein” [Psalm 24:1] – these words of sacred text speak a truth that cuts the Gordian Knot of claims, counter-claims, settler colonialism, conquest narrative and deeply entrenched emotional responses. It clears the path to mutual dialogue, respect and co-responsibility.

Edward Cornwallis was a man, but has been made to shoulder the weight of symbolism, anger, settler colonialism, imperialism and other “isms” which try to shout the loudest.<sup>18</sup> Unburdened by the latter, Cornwallis is revealed as a military man given the task of governing civilians and engaging in negotiations. He did, in fact, sign a Treaty of Peace and Friendship, and endeavoured to renew it two years later.

The Treaties of Peace and Friendship are taken collectively to reinforce the Mi’kmaq renaissance in political action, economic self-

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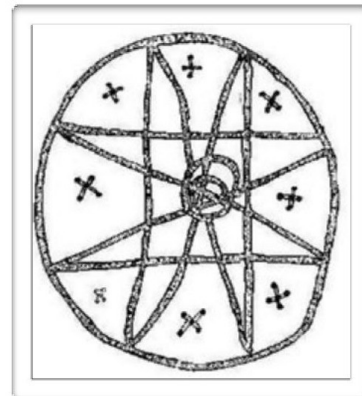
17 Paul Mendes-Flohr, ed. *A Land of Two Peoples: Martin Buber on Jews and Arabs*. (University of Chicago Press, 1983) pg. 120

18 Many examples exist where Cornwallis is depicted in disparaging ways; one seeks, however, the evidence-based documentation apart from the pre-set condemnation. Cf. Jaime Battiste (2018) “Finding Forgiveness, Building Trust” : “Cornwallis was infamous within Mi’kmaq communities as a violator of the 1725-26 Treaty. He also, in 1749, put a bounty on Mi’kmaq scalps.” —this sentence omits the 1749 Treaty of Peace and Friendship which Cornwallis set as a priority with the Saint John River Mi’kmaq and Maliseet, and the conflict with immediate area Mi’kmaq which motivated the proclamation. Leslie June McMillan, “Koggwaja’ltimk: Mi’kmaq Legal Consciousness”: pg. 109; Maureen Googoo, “ANSMC Co- Chair questions need to set up expert panel on Cornwallis” 2018 July 25: [Membertou Chief Terrance Paul] “This person [Cornwallis] was a murderer. It doesn’t matter what the times were. This individual was responsible for doing that not only here but on the other side of the ocean,” Chief Paul added; “The Assembly Calls for Cornwallis Statue to be Removed Immediately” 2018 Jan. 26: “The Assembly then passed a resolution calling on the HRM to remove the statue of Edward Cornwallis immediately and deal with all commemorations of Cornwallis in the HRM.” None of the foregoing provides for reassessment of charges against Cornwallis, other ways of negotiating the events of the time to create a better understanding of the events of 1749-52 (the period of Cornwallis’s governorship).

determination, education and cultural/linguistic revivals. Supreme Court of Canada decisions have strengthened the Treaties as the ongoing basis for Mi'kmaq and Crown relationships (federal, provincial, municipal). Arising from these facts is the often quoted statement that “we are all treaty people.” Inference is generated that the latter means non-Mi'kmaq recognition of First Nations' status and claims within Nova Scotia. Less attention has been given to Mi'kmaq obligations according to those same Treaties as these applied in the past and apply today.<sup>19</sup>

Certain rights and obligations were entered into or enacted by way of successive Treaties. These included Mi'kmaq promises not to molest settlers in their habitations or settlements already established, or to be established; non-interference in settlers's commerce and trade; all disputes were to be settled in accordance with Crown laws; and, finally, past acts on either side committed during times of conflict were to be “cast into oblivion.”<sup>20</sup> The hope was that a Treaty of Peace and Friendship would constitute a new beginning for all concerned, and that revenge was removed from that negotiated relationship in order to enhance future peace. This was to be the groundwork for cohabitation in the land, whether called Nova Scotia or Mi'kma'ki.

Bound up with the Treaties' interpretations which include the current debate surrounding Cornwallis has been the variant understandings of whom Mi'kmaq elders represented in signing and witnessing those agreements. That complexity has been examined by William Wicken, John G. Reid, the Supreme Court of Canada, and others. Daniel N. Paul has repudiated the representatives from the Saint John River who signed a renewal of the 1726 Treaty of Peace and Friendship with Cornwallis at Chebucto Harbour in 1749. On the other hand, Paul's endorsement of Jean Baptiste Cope's later signing of the 1752 post-Cornwallis treaty as being on behalf of all Mi'kmaq in Nova Scotia has itself been challenged. The pertinent point as it relates to Cornwallis is that



<sup>19</sup> Cf. Battiste, “Finding Forgiveness”: “As Treaty is everyone's heritage in Nova Scotia, how we live those Treaties and responsibilities will call us to new forms of awareness, of attitudinal changes, and of consequential action.”

<sup>20</sup> The successive Treaties (1725, 1726, 1749, 1752, 1760, 1761) reiterated or were based on the original Boston Treaty of 1725.

those Mi'kmaq elders who signed the Treaties did so in presumed good faith. Dismissal of the clause to not molest settlers in their settlements or settlements to be made, and the “cast into oblivion” clause, as is done so in the present day in regard to Cornwallis and allied matters, dishonours those elders. The aspirations for the outcomes for those Treaties have consequently been repudiated in favour of re-engaging in a battle of words and politics outside the spirit of the original agreements.

Advances in reconciliation and justice between Nova Scotia's Mi'kmaq peoples and those persons of other ancestry will not be made, as some have claimed, by removal of Cornwallis. To the contrary, it will contribute to acrimony and division. A return to the Treaties of Peace and Friendship, though, can provide a change of conversation by which a revised narrative in balanced proportion can be created. This path includes education, multifaceted examination of the past and present relations among all peoples, and means of mutual enrichment in culture, economy, and government. It is counter-productive to assail persons who challenge assertion-based interpretation as being scholars whose writings, “come from Caucasians, probably of British ancestry. It's understandable they try to minimize the horrors their ancestors committed.” Such statements are neither scholarly, nor conducive to the pursuit of history in its vigorous professional analysis. Neither is this the way to permit debate which is the means of on-going review and study.<sup>21</sup>

## Recommendation

Extrication from a web of preconfigured negativities is essential to the advance of reconciliation dialogue, commemorative issues, and a blossoming of a new cultural cross-fertilization for the future of Nova Scotia in general and Halifax in particular. It will realign Mi'kmaq and other Nova Scotians' exchange of viewpoints without undermining respect. One dares to hope that it will realize in public consciousness that all treaty people love this land, are rooted in it, and cannot properly exist without full acknowledgment of each other as intrinsic components of the collective psyche. Therefore, the Institute favours

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<sup>21</sup> One source for documentation from as many Mi'kmaq perspectives as possible was drawn together for publication in Ruth Holmes Whitehead's *The Old Man Told Us: Excerpts for Micmac History 1500-1950* (Halifax, NS: Nimbus, 1991)

the restoration of Edward Cornwallis's statue as a restoration of Peace and Friendship engagement, the placement of a Mi'kmaq monument in the same park space, and calls for the park to be renamed 'Peace and Friendship Park'.<sup>22</sup> Further, commemorative names and celebrations should be maintained and resumed in cross-participatory enrichment, while cultural and linguistic sharing may lead to a deepening of love for the land and each other. There was no perfection in the past. Neither is there perfection in the present. It is good will and a striving for better ways and relations among peoples that should guide all Nova Scotian residents regardless of origins. Mutual recognition is a pathway, for the end is not seen, nor is it feasible, as none of us are gifted with foreknowledge excepting by choosing a focus of destination. Journeying together is enjoined on us if the path leads to the Good which is neither place, state, nor political realignment. The Good is relationship which has no parameters. Relationship along the path recognizes burdens and treasures. There is no golden age, only times past, the present, and the journey. From aspirations in old treaties arises Peace and Friendship.<sup>23</sup>



<sup>22</sup> The conservationist John Sawhill, while commenting on building and streetscapes, does make a pertinent statement which is worthy of attention: "In the end, our society will be defined not only by what we create, but by what we refuse to destroy."

<sup>23</sup> "Today many Nova Scotians have lineages which trace to Europe, Africa, and Mi'kma'ki. One cannot ask persons of diverse ancestry to hate part of themselves. Reconciliation means all sides come together - go forward together. The sun and the moon shine on all people. The Creator made all people consequently all are kindred as children of the One. Julian of Norwich wrote in her late medieval mystical contemplations that when she asked what was the answer it came to her - Love, Love is the Answer." from the blog reflection "Can Edward Cornwallis Be Rehabilitated?" (2019) A. B. Robertson.