

**CANADA
PROVINCE OF NOVA SCOTIA**

No. 486169

IN THE PROVINCIAL COURT OF NOVA SCOTIA

REX

Applicant

v

DARREN CHARLES MARSHALL JR.

Respondent

**RESPONDENT'S BRIEF OF LAW PERTAINING TO "VUKELICH"
PRINCIPLES**

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OVERVIEW

1. Police executed a search warrant at Millbrook, Nova Scotia and laid a number of charges against Darren Marshall Jr and a number of other individuals.
2. A number of charges under the *Cannabis Act* and the *Excise Act* were laid. Those charges were:
 - a. Ss. 9(1)(a)(iv) and 10(2) of the *Cannabis Act*;
 - b. s. 158.11(1), s. 158.11(2), s. 158.1(a)(i), s.218.1(1), s. 214, s.158.1(b) under the *Excise Act*.
3. These charges were arranged in 6 counts as follows:
 - 1) S.10(2) Cannabis Act (June 2, 2021);
 - 2) S.9(1)(a)(iv) Cannabis Act (June 2, 2021);
 - 3) S.158.11(1) of the Excise Act, and therefore s.218.1(1) (June 2, 2021);
 - 4) S.158.11(2) of the Excise Act and therefore s.218.1(1) (June 2, 2021);
 - 5) S.158.1(a)(i) of the Excise Act and therefore s.214 (June 2, 2021); and
 - 6) S.158.1(b) of the Excise Act and therefore s.214 (June 2, 2021).
4. After a trial occurring in 2023, this Court indicated that findings of guilt would flow after the Crown made submissions.
5. In February 2024, in response to a Crown assertion regarding the expert reports filed by the defence, this Court ordered a *Haevischer* motion. Although it is relatively new, *R v Haevischer* 2023 SCC 11 largely replaces *Vukelich* as the governing case regarding summary dismissal. It remains a Crown application. The rigorous standard to be applied by trial judges when exercising their discretionary summary dismissal power is recalibrated under *Haevischer*.
6. Mr. Marshall seeks to challenge the constitutionality of the statutes he is alleged to have violated pursuant to section 35 of the *Charter*. This legal challenge was most recently heard in *R c Montour* 2023 QCCS 4154 (CanLII), which found that indigenous exercise of rights and the legal test applied to that exercise were influenced by the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).¹
7. Mr. Marshall, in support of this argument, asks the Court to declare a *voir dire* so that he can call lay and expert evidence regarding the traditional ways of the Mi'kmaw people

¹ *R c Montour* 2023 QCCS 4154.

and their right to trade for a moderate livelihood.

THE LAW BEFORE *HAEVISCHER*

8. The threshold for declaring a *voir dire* is low. A recent decision (*R v. Chapman and Honeyman*, 2016 BCPC 275) helpfully summarizes the considerations:

[9] An accused person is not entitled as of right to a *voir dire* to challenge the admissibility of evidence on constitutional grounds. However, the threshold for embarking on a *voir dire* is low. The Vukelich hearing itself was never intended as a mechanism to prevent investigation of alleged [Charter](#) breaches where a sufficient foundation for the alleged breach could be demonstrated, nor was the Vukelich hearing itself intended to be a protracted examination of the precise details of the accused's proposed [Charter](#) application.

[10] What underlies the Vukelich enquiry is the need to balance the accused's fair trial interests against the public interest in the efficient management of criminal trials by avoiding lengthy and unnecessary pretrial applications in circumstances where the remedy sought could not reasonably be granted.

[11] A review of rulings following *Vukelich* hearings suggests that the following procedural steps should be observed:

1. The Vukelich application must be made before or at the time when the evidence is tendered. Counsel may provide a copy of the Information to Obtain in question to the trial judge, in advance of the application.
2. The procedure should be flexible and should be adapted to the circumstances of the case.
3. The onus is on the accused applying to have a *voir dire* declared.
4. The application should be determined upon the statements of counsel, if possible.
5. Counsel for the accused should summarize the facts that the accused is relying on in support of his or her submission that there has been a [Charter](#) breach.

6. The Court should assume for the purposes of the Vukelich application that the facts as alleged by counsel are true.

7. If the trial judge declines to declare a *voir dire* on the basis of the statements of counsel, counsel for the accused must either choose to go further, or to accept the Court's ruling, subject to his or her eventual right of appeal.

8. When counsel for the accused chooses to go further, a more formal approach will be required. That may include the filing of affidavits or an undertaking to adduce evidence. In essence, there must be some factual basis supporting the application before the trial judge can declare a *voir dire*.

9. The accused is not required to file an affidavit, as it may expose him or her to cross-examination.

10. Ultimately, if the statement of counsel or the evidence adduced on the Vukelich application do not disclose a basis on which the court could reasonably make the order sought, the application to declare a *voir dire* should be dismissed.

THE LAW AFTER *HAEVISCHER*

9. *Haevischer* creates a two stage test for a summary dismissal application. The procedure outlined above remains, in the defence's submission, a valuable tool to streamline and facilitate these hearings. In the new test, at stage one the question is whether, taking the facts and inferences alleged to be true, the party seeking a summary dismissal has demonstrated that the underlying motion is manifestly frivolous. At stage two, if the matter proceeds to an evidentiary hearing, judges must decide the ultimate question of whether the underlying motion succeeds or fails on its merits. Apart from the separate legal standards applied at the two stages, the trial judge must also consider whether to entertain a summary dismissal application at all. The Supreme Court of Canada was clear in *Haevischer* that a *Vukelich* hearing should only be conducted when it will ensure a proportionate process: one which respects the applicant's right to be heard, serves trial fairness, actually saves resources and avoids undue delay.

10. In short, *Haevischer* confirms that the proper standard for summary dismissal is assessing whether the underlying application is manifestly frivolous.² Affirming that this

² *R v Haevischer* 2023 SCC 11 at para 66.

denotes a low threshold, Martin J explained that “frivolous” refers to the “inevitability or necessity of failure” of the underlying application.³ “Manifestly” serves as an added layer of scrutiny in the analysis, requiring that “the frivolous nature of the application be obvious”.⁴

THE RESPONDENT’S POSITION ON THE EVIDENCE AND THE LAW

11. This submission sets out Mr. Marshall’s position on the evidence and the law relevant to the proposed *Charter voir dire*.

Legislation in Issue

The legislation asserted to be unconstitutional and inapplicable is **sections 158.11(x2), and 218.1(1)(x2) of the *Excise Tax Act*** and **Sections 9(1)(a)(iv), and 10(2) of the *Cannabis Act***.

Reason for Assertion

12. Prior to enacting Cannabis laws, consultation around Aboriginal title and treaty rights was never specifically engaged with the Mi’kmaw of Milbrook First Nation as per the Supreme Court of Nova Scotia in *Sipekne’katik v. Alton Natural Gas Storage LP*, 2020 NSSC 111;

[70] The Crown has a legal obligation to consult with First Nations when it contemplates any decision that may adversely impact the First Nations’ asserted or established rights. The duty to consult arises from subsection 35(1) of the Constitution Act, which recognizes and affirms “existing aboriginal and treaty rights of the aboriginal people in Canada.”

[71] The foundation of the duty to consult is the honour of the Crown and the goal of reconciliation of “the Crown’s assertion of sovereignty in the face of prior Aboriginal occupation.”

Indigenous peoples’ constitutional rights embodied in subsection 35(1) require that “the Crown act honourably in defining the rights it guarantees and in reconciling them with other rights and interests.”

13. The Statutes are a Prima Facie Infringement of an Aboriginal Right to trade as per the trading clauses in both the 1752 treaty and the 1760 Treaty in particularly a Mi’kmaw right to trade for a Moderate Livelihood.

³ *R v Haevischer* 2023 SCC 11 at para 67.

⁴ *R v Haevischer* 2023 SCC 11 at para 69.

14. Further the respondent relies upon Article four (4) of his Nation's 1752 Treaty of Peace and Friendship which states; *"It is agreed that the said Tribe of Indians shall not be hindered from, but have free liberty of Hunting & Fishing as usual: and **that if they shall think a Truckhouse needful at the River Chibenaccadie or any other place of their resort, they shall have the same built and proper Merchandize lodged therein, to be Exchanged for what the Indians shall have to dispose of, and that in the mean time the said Indians shall have free liberty to bring for Sale to Halifax or any other Settlement within this Province, Skins, feathers, fowl, fish or any other thing they shall have to sell, where they shall have liberty to dispose thereof to the best Advantage.**"*

15. Further, territory where the violations of sections 158.11(x2), and 218.1(1)(x2) of the *Excise Tax Act* and Sections 9(1)(a)(iv), and 10(2) of the *Cannabis Act*, allegedly arose "has not been ceded to, or purchased by Us" within the meaning of the *Royal Proclamation of 1763*, R.S.C. 1985, App. II, No. 1;

16. The respondent Darren Charles Marshall is a member of the "Nation or Tribe of Indians" which occupies the said territory.

17. Aboriginal title as well as aboriginal rights are territorial based rights and not site-specific as per the Supreme Court of Canada's decisions in *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, where the courts state that aboriginal title including aboriginal rights are not confined to specific sites of settlement but extends to tracts of land that were regularly used for hunting, fishing or otherwise exploiting resources and over which the group exercised effective control. Further, the British Columbia high courts in *Ahousaht Indian Band and Nation v. Canada (Attorney General)*, 2021 BCCA 155 affirmed this territorial based right.

18. The respondent Darren Charles Marshall asserts that one major constitutional question is whether the territory where the events of the case at bar has allegedly taken place “has been ceded to or purchased by Us [the Crown]” within the meaning of the Indian part of the *Royal Proclamation of 1763*.

(a) Justice Hall in *Calder et al. v. The Attorney-General of British Columbia*, [1973] S.C.R. supra, at p. 394 stated: "This Proclamation was an Executive Order having the force and effect of an Act of Parliament,"

(b) Justice Maclean (as he then was) in *The King v. Lady McMaster*, [1926] Ex. C.R. 68 at p. 72 stated that the Royal Proclamation "has the force of a statute, and ... has never been repealed".

(c) The Royal Proclamation of 1763 is referenced in section 25 of Canadian Charter of Rights and Freedoms which is part of the Constitution of Canada and therefore constitutionally protected.

(d) Further, s. 25 The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including:

any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

(e) Chief Justice MacKEIGAN in the Supreme Court of Nova Scotia decision in *R. v. Isaac*, (1975), 13 N.S.R. (2nd) 460, 468 (App. Div.) stated at paragraph 52:

[52] I am of the opinion that **the Proclamation in its broad declaration as to Indian rights applied to Nova Scotia** including Cape Breton. Its recital (p. 127) acknowledged that in all colonies, including Nova Scotia, **all land which had not been "ceded to or purchased by" the Crown was reserved to the Indians as**

"their Hunting Grounds".

19. The burden of proving the territory has been so ceded or purchased is upon the Crown.
20. Judicial notice may be taken that there is no evidence that the Maritimes inclusive of the territory in this case has been so ceded or purchased.
21. The *Delgamuukw* decision of 1997, substantially reinforces the legitimacy of claims of aboriginal title. Adding credence to a possible Mi'kmaq claim is the *Isaac* decision, that being *R. v. Isaac*, (1975), 13 N.S.R. (2nd) 460, 468 (App. Div.) rendered in 1975 where the court, after extensive historical research, could find no evidence of the Mi'kmaq ever having ceded their land.
22. "Existing aboriginal rights" within the meaning of section 35(1) of the *Constitution Act*, 1982, established three constitutive authorities, namely:
 - (a) by the Canadian common law case on the doctrine of discovery, being *Connolly v. Woolrich*, (1867), 11 L.C.J. 197, 205-207 (S.C. Quebec) which confirmed the continuity of the indigenous jurisdiction to create their own law governing themselves and their beneficial interest:

...will it be contended that the territorial rights, political organization such as it was, or the laws of the Indian tribes, were abrogated that they ceased to exist when these two European nations began to trade with the aboriginal occupants? In my opinion, it is beyond controversy that they did not, that so far from being abolished, they were not even modified in the slightest degree in regard to the civil rights of the natives. As bearing upon this point, I cannot do better than to cite the decision of learned and august tribunal the Supreme Court of the United States. In the celebrated case of *Worcester* against the State of Georgia, (6th Peters Reports, pages 515-542), Chief Justice Marshall perhaps one of the greatest lawyers of our times in delivering the judgment of the Court, said:

America, separated from Europe by a wide ocean, was inhabited by a distinct people, divided into separate nations, independent of each other and of the rest of the world, having institutions of their own, and governing themselves by their

own laws. It is difficult to comprehend the proposition, that the inhabitants of either quarter of the globe could have rightful original claims of dominion over the inhabitants of the other, or the lands they occupied; or that the discovery of either by the other should give the discoverer rights in the country discovered, which annulled the pre-existing rights of its ancient possessors. After lying concealed for a series of ages, the enterprise of Europe, guided by nautical science, conducted some of her adventurous sons into this western world. They found it in the possession of a people who had made small progress in agriculture or manufactures, and whose general employment was war, hunting and fishing.

Did these adventurers, by sailing along the coast, and occasionally landing on it, acquire for the several governments to whom they belonged, or by whom they were commissioned, a rightful property in the soil, from the Atlantic to the Pacific; or rightful dominion over the numerous people who occupied it? Or has nature, or the Creator of all things, conferred these rights over hunters and fishermen, on agriculturalists and manufacturers?

But power, war, conquest give rights, which after possession, are conceded by the world; and that can never be controverted by those on whom they descend. We proceed, then, to the actual state of things, having glanced at their origin, because holding it in our recollection might shed some light on existing pretensions.

The great maritime powers of Europe discovered and visited different parts of this continent at nearly the same time. The object was too immense for any of them to grasp the whole; and the claimants too powerful to submit to the exclusive or unreasonable pretensions of any single potentate. To avoid bloody conflicts, which might terminate disastrously for all, it was necessary for the nations of Europe to establish some principle which all would acknowledge, and which should decide their respective rights as between themselves. This principle, suggested by the actual state of things, was, that discovery gave title to the government by whose subjects or by whose authority it was made, against all other European governments, which title might be consummated by possession. Johnson vs. McIntosh, 8 Wheaton's Rep., 543.

This principle, acknowledged by all Europeans, because it was in the interest of all to acknowledge it, gave to the nation making the discovery, as its inevitable consequence, the sole right of acquiring the soil and of making settlements on it. It was an exclusive principle which shut out the right of competition among those who had agreed to it; not one that could annul the previous rights of those who had not agreed to it. It regulated the right given by discovery among the European discoverers, but could not affect the rights of those already in possession, either as aboriginal occupants, or occupants by virtue of a discovery made before the memory of man. It gave the exclusive right to purchase, but did not found that right on a denial of the right of the possessor to sell.

The relation between the Europeans and the natives was determined in each case by the particular government which asserted and could maintain this pre-emptive privilege in the particular place. The United States succeeded to all, the claims of Great Britain, both territorial and political; but no attempt so far as is known, has been made to enlarge them. So far as they existed merely in theory, or were in their nature only exclusive of the claims of other European nations, they still retain their original character, and remain dormant. So far as they have been practically exerted, they exist; are asserted by the one, and admitted by the other.

Soon after Great Britain determined upon planting colonies in America, the king granted charters to companies of his subjects who associated for the purpose of carrying the views of the crown into effect, and of enriching themselves. The first of these charters was made before possession was taken of any part of the country. They purport, generally, to convey the soil, from the Atlantic to the South Sea. This soil was occupied by numerous and warlike nations, equally willing and able to defend their possessions. The extravagant and absurd idea, that the feeble settlements made on the sea coast, or the companies under whom they were made, acquired legitimate power by them to govern the people or occupy the lands from sea to sea, did not enter the mind of any man. They were well understood to convey the title which, according to the common law of European sovereigns respecting America, they might rightfully convey, and no more. This was the right of purchasing such lands as the natives were willing to sell. The crown could not be understood to grant what the crown did not affect claim; nor was it so understood.

Certain it is, that our history furnishes no example, from the first settlement of our country, of any attempt on the part of the crown to interfere with the internal affairs of the Indians, farther than to keep out the agents of foreign powers, who, as traders or otherwise, might seduce them into foreign alliances. The king purchased their lands when they were willing to sell, at a price they were willing to take; but never coerced a surrender of them. He also purchased their alliance and dependence by subsidies; but never intruded into the interior of their affairs, or interfered with their self government, so far as respected themselves only.

Though speaking more particularly of Indian lands and territories, yet the opinion of the Court as to the maintenance of the laws of the Aborigines, is manifest throughout. The principles laid down in this judgment, (and Mr. Justice Story as a Member of the Court concurred in this decision), admit of no doubt.

which, excerpted, enacted:

[Paragraph 1] And whereas it is just and reasonable, and essential to Our Interest and the Security of Our Colonies, that the several Nations or Tribes of Indians, with whom We are connected, and who live under Our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to, or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds; We do therefore, with the Advice of Our Privy Council, declare it to be Our Royal Will and Pleasure, that no Governor or Commander in Chief...do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands...upon any Lands whatever, which, not having been ceded to, or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

[Paragraph 3] And We do further strictly enjoin and require all Persons whatever, who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described, or upon any other Lands, which, not having been ceded to, or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

[Paragraph 4]...if, at any Time, any of the said Indians should be inclined to dispose of the said Lands, that same shall be purchased only for Us, in Our Name, at some publick Meeting or Assembly of the said Indians to be held for that Purpose by the Governor or Commander in Chief of Our Colonies respectively, within which they shall lie:...

[Paragraph 5] And We do, by the Advice of Our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever; provided that every Person, who may incline to trade with the said Indians, do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of Our Colonies respectively, where such Person shall reside; and also give Security to observe such Regulations as We shall at any Time think fit, by Ourselves or by Our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade;

(c) the proclamation's original and authoritative precedent being *St. Catherine's Milling and Lumber Company Ltd. v. The Queen*, (1888), 14 A.C. 46 (J.C.P.C.), which held:

[52-53] Of the territory thus ceded to the Crown, an area of not less than 32,000 square miles is situated within the boundaries of the Province of Ontario; and, with respect to that area, a controversy has arisen between the Dominion and Ontario, each of them maintaining that the legal effect of extinguishing the Indian title has been to transmit to itself the entire beneficial interest of the lands, as now vested in the Crown, freed from encumbrance of any kind, save the qualified privilege of hunting and fishing mentioned in the treaty....Although the present case relates exclusively to the right of the Government of Canada to dispose of the timber in question to the appellant company, yet its decision necessarily involves the determination of the larger question between that government and the province of Ontario with respect to the legal consequences of the treaty of 1873.

[54] Whilst there have been changes in the administrative authority, there has been no change since the year 1763 in the character of the interest which its Indian inhabitants had in the lands surrendered by the treaty.

[55] It appears to them [their Lordships] to be sufficient for the purposes of this case that there has been all along vested in the Crown a substantial and paramount estate, underlying the Indian title, which became a plenum dominium whenever that title was surrendered or otherwise extinguished.

[58] The Crown has all along had a present proprietary estate in the land, upon which the Indian title was a mere burden. The ceded territory was at the time of the union, land vested in the Crown, subject to “an interest other than that of the Province in the same,” within the meaning of sect. 109; and must now belong to Ontario in terms of that clause,

...

[59] The fact that the power of legislating for Indians, and for lands which are reserved for their use, has been entrusted to the Parliament of the Dominion is not in the least degree inconsistent with the right of the Provinces to a beneficial interest in these lands, available to them as a source of revenue whenever the estate of the Crown is disencumbered of the Indian title.

[60] By the treaty of 1873 the Indian inhabitants ceded and released the territory in dispute, in order that it might be opened up for settlement, immigration, and such other purpose as to Her Majesty might seem fit, “to the Government of the Dominion of Canada,” for the Queen and Her successors forever.... The treaty leaves the Indians no right whatever to the timber growing upon the lands which they gave up, which is now fully vested in the Crown, all revenues derivable from the sale of such portions of it as are situate within the boundaries of Ontario being the property of that Province.

23. The status of statehood is implicit in the designation by the proclamation of “Nations or Tribes of Indians.” See, *Cherokee Nation v. State of Georgia*, 30 U.S. 1, 1-2 (1831):

The Cherokees are a State. They have been uniformly treated as a State since the settlement of our country. The numerous treaties made with them by the United States recognize them as a people capable of maintaining the relations of peace and war; of being responsible in their political character for any violation of their engagements, or for any aggression committed on the citizens of the United States by any individual of their community. Laws have been enacted in the spirit of these treaties. The acts of our Government plainly recognize the Cherokee Nation as a State, and the Courts are bound by those acts.

24. The Moving Party/Defendant Darren Charles Marshall asserts that Mi'kmaw sovereignty co-exists with Canada's sovereignty to the same territory's radical or ultimate fee. These

two (beneficial and legal) harmonious sovereignties are constitutionally constituted and each is protected by the rule of law.

25. Further the Mi'kmaw have never ceded their right to Sovereignty in any treaty and still maintain themselves as a Sovereign Nation and continue to maintain their own laws, practices, customs and traditions. John Burke, *Osborn's Concise Law Dictionary*, 6th ed., Sweet & Maxwell, London, 1976 defined sovereignty in the unitary state of the United Kingdom:

Sovereignty. The supreme authority in an independent political society. It is essential indivisible and illimitable (Austin). However, it is now considered both divisible and limitable. Sovereignty is limited externally by the possibility of a general resistance. Internal sovereignty is paramount power over all action within and is limited by the nature of the power itself. In the British Constitution the Sovereign *de jure* is the Queen or Crown. The legislative sovereign is the Queen in Parliament, which can make or unmake any law whatever. The legal sovereign is the Queen and the Judiciary. The executive sovereign is the Queen and her Ministers. The *de facto* or political sovereign is the electorate; the Ministry resign on a defeat at a general election.

26. Indigenous internal sovereignty is unique relative to Canada in virtue of the royal proclamation and the *St. Catherine's* precedent.
27. Further, the respondent Darren Charles Marshall asserts that the Mi'kmaw have a right to maintain and regulate their own laws within their territory as per the United Nations Declaration on the Rights of Indigenous Peoples.

As per Article 3:

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

As per Article 4:

Indigenous peoples, in exercising their right to self-determination, have the right to

autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

As per Article 20 sub section 1:

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

As per Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

As per Article 32 subsection 1:

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources
28. Since time immemorable the Mi'kmaw maintained a social and political infrastructure with their own Mi'kmaw laws that were important in maintaining social order, peace and harmony.

29. In this present matter the Respondent Darren Charles Marshall was acting under the authority of Mi'kmaw Law.

- a) Although one might argue or even take a quote from a Saskatchewan Queen's Bench case by stating, "the laws of Canada apply throughout the country." However, in *Connolly v. Woolrich*, (1867), 11 L.C.J. 197, 205-07 (S.C. Quebec) [affirmed (1869), R.L.O.S. 356-7 (C.A. Quebec)] the Quebec Superior Court held that a marriage under Cree law could be recognized under Quebec law. Moreover, in *Pastion v. Dene Tha' First Nation*, 2018 FC 648, Justice Grammond of the Federal Court stated that:

"Indigenous legal traditions are among Canada's legal traditions. They form part of the law of the land. Chief Justice McLachlin of the Supreme Court of Canada wrote, more than fifteen years ago, that 'aboriginal interests and customary laws were presumed to survive the assertion of sovereignty.'"

- b) Justice Grammond further noted that:

"ever since the famous case of *Connolly v. Woolrich* in 1867, the year Canada became a nation, "Canadian courts have recognized the existence of Indigenous legal traditions and have given effect to situations created by Indigenous law, particularly in matters involving family relationships."

- c) The *Pastion v. Dene Tha' First Nation* decision provides important guidance for the courts to follow when reviewing the valid exercise of Indigenous legal traditions and Indigenous law practices.
- d) While most Judicial attention by the Courts regarding indigenous law practices have been with Family Law matters, the Courts have recognized indigenous law practices in other areas of law. In 2014 the Supreme Court of Canada in *Tsilhqot'in Nation v. British Columbia*

recognized the Indigenous Law practices of the Tsilhqot'in people. One of the main issues at the trial level was whether Aboriginal Rights and Aboriginal Title are vested in the Tsilhqot'in Nation as a whole or are they vested in individual Indian Act bands. Justice Vickers concluded that ... "the proper rights holder, whether for Aboriginal title or Aboriginal rights, is the community of Tsilhqot'in people. Tsilhqot'in people were the historic community of people sharing language, customs, traditions, historical experience, territory and resources at the time of first contact [with Europeans] and at sovereignty assertion [by the Crown]" In other words rights are territorial based rights.

- e) It is important to note that Justice Vickers use of the term "rights" here is significant because he was referring to the situation under Tsilhqot'in customs and traditions, both before and after European contact and Crown assertion of sovereignty. In other words, those customs and traditions contained laws that gave rise to rights. Moreover, Justice Vickers confirmed the existence of Tsilhqot'in law by stating: "Tsilhqot'in people were a rule ordered society".

30. The respondent Darren Charles Marshall asserts that the Statutes infringe Aboriginal/Mi'kmaw Treaty Rights protected by section 35 of the Canadian Constitution.

31. Section **35. (1)** states "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."

32. Since the adoption of s.35 in 1982, the Mi'kmaw have received judicial recognition of their aboriginal and treaty rights through a variety of cases which include, but are not limited to, *R. v. Simon* [1985] 2 S.C.R. 387; *R. v. Denny* (1990), 9 W.C.B. (2d) 438 and *R. v. Marshall* [1999] 3 S.C.R. 456.

33. The respondent Darren Charles Marshall makes a claim to the constitutional protection of the *Royal Proclamation of 1763*, the *St. Catherine's* precedent, the 1752 Peace and

Friendship Treaty, the 1760/1761 Peace and Friendship Treaty, UNDRIP, Supreme Court of Nova Scotia decision in *Sipekne'katik v. Alton Natural Gas Storage LP*, 2020 NSSC 111 and the Supreme Court of Canada decision in *R. v. Marshall* (No. 1), [1999] 3 S.C.R. 456. Together, they constitute the beneficial interest that embodies the "Aboriginal sovereignty" of the Mi'kmaw Nation. The Aboriginal sovereignty co-exists with Canada's sovereignty to the same territory's radical or ultimate fee. These two (beneficial and legal) harmonious sovereignties are constitutionally constituted, and each is protected by the rule of law. When the indigenous state cedes or sells a portion of its beneficial interest to Canada by treaty in exchange for contractual rights, the Aboriginal sovereignty partially merges with the fee, which modifies the Aboriginal sovereignty. While the Aboriginal sovereignty remains un-surrendered, the Indians can cede or sell it only to Canada: this is called the pre-emptive right of Canada, or the Indians' restriction on alienation. For the portion of the Aboriginal sovereignty which remains un-surrendered, there are three jurisdictions (Aboriginal, Provincial and Federal) with complementary claims to sovereignty.

- f) Further provincial laws may only apply to First Nations on reserve land if they do not infringe upon an existing Aboriginal or Treaty right protected under section 35(1) of the *Constitution Act*. In this case at bar there is an unjustifiable infringement of Aboriginal and Treaty Rights.
- g) In order to keep with the honour of the crown the resolution of the constitutional issue disposes of the proceeding.

34. The Court has directed that the Crown Applicant seek for Mr. Marshall's application for *Charter* relief to be denied pre-emptively on the basis that it cannot succeed, however the same argument has been sustained in both *R v Montour* and *R v Brennan et al.*

35. This court must decide several issues:

- a. Is there a treaty right to trade for a moderate livelihood held by the respondent?

- b. Has this issue been decided previously?
- c. Is any previous decision binding on this court?
- d. What evidence will the Respondent call to meet the burden on him? Will it be viva voce evidence, or affidavits, or both?
- e. What evidence will the Crown call in response?
- f. If the issue raised by the Respondent has not been decided previously, is the court time reserved for this matter appropriate?

36. The legal outline provided above makes it very clear that such a treaty right exists.

Further, this issue as it relates to cannabis has not been decided previously in any decision which is considered binding on this court. The evidence to be called by the Respondent has been provided to the Crown and is attached again in this Record. The Crown has indicated that its evidence will not be ready until late 2024. Given the fact that no decision has been made and none is binding on this court, the requested court time is appropriate. Certainly the low threshold set by *Haevischer* is met.

Evidence

37. Generally, Mr. Marshall expects to call evidence as follows:

- a. Lay evidence from indigenous persons related to their continued exercise of their right to a moderate livelihood and their relationship to cannabis at present, and historically, in line with the ruling in *Montour*.
- b. Expert evidence related to the foregoing and to the existence of a Mi'kmaw right to trade for a moderate livelihood;
- c. Expert evidence related to the continuous and ongoing existence of *Cannabis sativa L* as a plant which indigenous peoples, including the Mi'kmaw, traded and possessed;
- d. Documentary evidence related to the existence of treaties forming a covenant chain between the Crown and the Mi'kmaw people.

38. This procedure – a CQA application followed by the declaration of a *voir dire* – is the method by which the Courts of this and other Provinces have consistently approached prior *Charter*-based challenges under sections 25 and 35 as outlined above.

39. The Respondent now stands charged with serious criminal offences for exercising his rights held lawfully under the *Charter* and should be permitted to make full answer and defence to those charges including by being permitted to call evidence at a *Charter voir dire*.

RELIEF SOUGHT

40. Mr. Marshall submits that he will be able to meet any threshold imposed by this court regarding the necessity of his *Charter* application.

All of which is respectfully submitted.

DATED at Toronto, Ontario, this 22 day of March, 2024.

A handwritten signature in black ink, appearing to be 'JL', is positioned above a horizontal line.

Jack Lloyd
Counsel for Darren Marshall

Evidence of Cannabis in Pre-Columbian Canada

Dr Konstantia Koutouki

Introduction

My name is Konstantia Koutouki and I am a full professor at the faculty of law of the Université de Montréal in Québec, Canada. I have conducted research for the past 20 years of issues impacting Indigenous Peoples rights. I mainly focus on the relationship between intellectual property law and Indigenous traditional knowledge, economic development of Indigenous nations and the impact of ecological disturbances on the economies of Indigenous nations. As part of my research in the aforementioned areas, I often considered aspects relating to Indigenous food production and Indigenous traditional medicine practices. This research made the link with cannabis initially in 2010 resulting from private conversations with members of Indigenous communities on the topic. In 2015, I presented a paper at the *University of Vanderbilt IP Scholars Roundtable* entitled *Plant Breeders' Rights, Traditional Knowledge, and Medical Marijuana*. The paper was very well received and one of the organizers put me in touch with a publisher as he felt this would make a very interesting book. Unfortunately, the

publisher felt the topic (IP, traditional knowledge, and Cannabis) was too limited to reach an audience necessary to make the book financially viable. With this perspective in mind, I widened the scope of my research on this topic and in 2018 submitted a co-authored paper to the *Alberta Law Review*. The Review had a call for papers for a special volume on *Law, Justice, and Reconciliation in Post-TRC Canada* and my co-author and I submitted a paper entitled *Cannabis, Reconciliation, and the Rights of Indigenous Peoples: Prospects and Challenges for Cannabis Legalization in Canada*.¹ The paper was very well received and has been used by community members, lawyers, academics, policy makers and others for various of purposes relating to Indigenous Peoples legal potential to regulate the grow, sales, and distribution of the plant on their national territories. I have also given interviews and conferences on the topic throughout the years. Finally, I have travelled extensively in the United States and Canada personally and professionally and have amassed significant knowledge on the various models used across the provinces and states to reconcile Indigenous autonomy, sovereignty, and cannabis regulation.

¹ K. Koutouki and K. Lofts, *Cannabis, Reconciliation, and the Rights of Indigenous Peoples: Prospects and Challenges for Cannabis Legalization in Canada*, (2019) *Alberta Law Review* <https://doi.org/10.29173/alr2519>

The principal issue addressed in this report is **there available evidence of access to cannabis by Indigenous nations before European contact?**

The easy answer to this question and one that is rampant on the internet and even many academic circles is that there was no cannabis in Canada or the United States pre contact. Easy answers however have done much harm to Indigenous Peoples worldwide. They are, to a large degree, based on somewhat biased notions of the capacities of the people inhabiting these territories before the arrival of the Europeans and, to a certain degree, misconceptions about the societal role of the cannabis plant. What is rarely admitted to is the limitations of archeology to evaluate the existence and use of plants as opposed to other artifacts such as bones. Paleoethnobotany, a relatively newcomer to the field of archeology attempts to fill in some of those gaps with its own admitted limitations.² In fact, all disciplines are fraught with unintentional bias and in this case the Indigenous people were not the ones writing their own history.³ Lastly,

² Heather L. Pennington and Steven A. Weber, *Paleoethnobotany: Modern Research Connecting Ancient Plants and Ancient Peoples*, (2010) Critical Reviews in Plant Sciences, <https://doi.org/10.1080/07352680490273220>

³ "However, when placed in its proper historical context, it is clear that the discipline of archaeology was built around and relies upon Western knowledge systems and methodologies, and its practice has a strongly colonial history.¹ Many archaeologists have come to recognize that archaeology is based on, and

there is an unavowed reticence to contextualize archeological findings within the socio-cultural devastation which occurred in the Americas over the past 500 years and certainly continues today.

With this background in mind, it is my opinion based on research available to me that there is enough evidence of the existence of cannabis in the Canada and the United States to fulfill the requirements for giving the benefit of a legal doubt to the nations claiming historical use. If we are looking for scientific certainty, like in most cases, we will not find it. However, there is enough

generally reflects, the values of Western cultures.² In privileging the material, scientific, observable world over the spiritual, experiential, and unquantifiable aspects of archaeological sites, ancient peoples, and artifacts, archaeological practice demonstrates that it is solidly grounded in Western ways of categorizing, knowing, and interpreting the world... While one of the most far-reaching acts of cultural, spiritual and physical genocide was being perpetuated on the Indigenous people of North America, archaeologists and anthropologists began to take on the role of cultural and historical stewards, using the methods of their own Western cultures to examine, analyze, write, and teach about Indigenous lifeways and heritage.⁵ The colonization of North America involved actions and responses of many individuals and was part of a complex process. Native people responded to this disruption in their ability to control their cultural resources, history, and heritage in a variety of ways—some buried sacred items; others sold them in an effort to feed their families; still others gave up their traditional spiritual practices to embrace Christianity. However, through all of this, Indigenous people remained; their survivance demonstrates their ability to simultaneously both adapt to and change Western cultural practices, both in the past and the present.” Sonya Atalay, *Indigenous Archaeology as Decolonizing Practice*, (2006) The American Indian Quarterly, <https://muse.jhu.edu/article/202291>

evidence related directly to cannabis and evidence related to widespread historical oversights in research concerning Indigenous Peoples in general. This combination leads to the very plausible conclusion that cannabis was very well known by Indigenous Peoples before the 1500's. It would be an injustice should Indigenous Peoples be denied yet another benefit because scientific queries into this topic are either biased towards mainstream notions of Indigenous peoples' capacity to, for instance, carry out cross-Atlantic or trans-Pacific voyages, the value of cannabis for pre-Columbian societies or because science itself is presently incapable (or not developed enough) to provide scientific certainty of the existence of cannabis in this part of the world before the 1500's.

What science has demonstrated with great certainty is the beneficial uses of cannabis that span the history of humankind.⁴ Governments all over the world are coming to the realization that this is a fact and are taking steps to reclassify the plant away from a Schedule 1 drug (one with no currently accepted medical use and a significant potential for abuse). Interestingly enough, cannabis was used very widely in medicine in Canada, the United States and Europe until the 1950's when, for reasons beyond the scope of this report, the plant was

removed from the list of approved medicines and was made illicit and very much stigmatized. The illegalization of cannabis however did not change the fact that the medicinal, nutritive and fibre properties of the plant were known as for many thousands of years throughout many parts of the world.

A brief history of cannabis

Andrew Lawler states in his article in *Science* that, "cannabis, also known as hemp or marijuana, evolved about 28 million years ago on the eastern Tibetan Plateau, according to a pollen study published in May. A close relative of the common hop found in beer, the plant still grows wild across Central Asia. More than 4000 years ago, Chinese farmers began to grow it for oil and for fiber to make rope, clothing, and paper."⁵ The study Lawler refers to was published in 2019 in *Vegetation History and Archaeobotany* (another world for paleoethnobotany) by John M. McPartland, William Hegman and Tengwen Long. These authors attest that, "cannabis holds significance in human history

⁴ Charles W Webb, MD and Sandra M Webb, RN, BSN, *Therapeutic Benefits of Cannabis: A Patient Survey* (2014) Hawaii J Med Public Health, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3998228/>

⁵ Andrew Lawler, *Oldest evidence of marijuana use discovered in 2500-year-old cemetery in peaks of western China*, (2019) American Association for the Advancement of Science, <https://www.science.org/content/article/oldest-evidence-marijuana-use-discovered-2500-year-old-cemetery-peaks-western-china>

and life today as a triple-use crop. First, its fruits (seeds) provide valuable protein and essential fatty acids. Archaeological evidence in a food context dates back to 10,000 bp, in Japan.⁶ Its bast cells supply fibres, for cordage and textiles. Carbonized hemp fibres, found with silk and spinning wheels, date to 5,600 bp, in Henan Province, China.⁷ Its flowering tops produce cannabinoids, which have been used for medicinal, shamanic, and recreational purposes. Archaeological evidence of drug use dates to 2,700 bp⁸, in Xinjiang region.”⁹ There is evidence that cannabis was present in India 32,000 years ago.¹⁰ According to Gumbiner, “cannabis has been popular in India since the beginning of recorded history and is often taken as a drink. Nuts and spices, like almonds, pistachios, poppy seeds,

⁶ Kobayashi M, Momohara A, Okitsu S et al, *Fossil hemp fruits in the earliest Jomon period from the Okinoshima site, Chiba Prefecture*, (2008) *Shokuseishi kenkyū* 16:11–18

⁷ Zhang SL, Gao HY, *荥阳青台遗址出土的丝麻品观察与研究* (Observation and study of silk and hemp recovered from Qingtai archaeological site, (1999) Xingyang, *Zhōngyuán Wénwù* 3:10–16

⁸ Russo EB, Jiang HE, Li X et al, *Phytochemical and genetic analyses of ancient cannabis from Central Asia*, (2008) *J Exper Bot* 59:4,171–4,182, see also: Jiang HE, Wang L, Merlin MD, et al, *Ancient Cannabis burial shroud in a Central Eurasian cemetery* (2016) *Econ Bot* 70:213–221

⁹ John M. McPartland, William Hegman and Tengwen Long, *Cannabis in Asia: its center of origin and early cultivation, based on a synthesis of subfossil pollen and archaeobotanical studies*, (2019) *Vegetation History and Archaeobotany*, <https://link.springer.com/article/10.1007/s00334-019-00731-8>

¹⁰ Ibid.

pepper, ginger, and sugar are combined with cannabis and boiled with milk.

Yogurt is also used instead of milk.”¹¹

The amount of research that has been done on cannabis in Asia is very extensive given the interconnected relationship that most Asian cultures have with cannabis.¹² For instance, it is an integral part of Chinese traditional medicine with “the use of cannabis for purposes of healing predat[ing] recorded history. The earliest written reference is found in the 15th century BC Chinese Pharmacopeia, the Rh-Ya”¹³ and in India, “according to The Vedas, cannabis was one of five sacred plants and a guardian angel lived in its leaves.”¹⁴ Another reason for the large amount of research in this part of the world is that breeders are constantly

¹¹ Jann Gumbiner Ph.D., *History of Cannabis in India*, Psychology, <https://www.psychologytoday.com/ca/blog/the-teenage-mind/201106/history-cannabis-in-india>

¹² The government of Thailand recently announced that it will give away 1 million cannabis plants to be planted around the country. Cannabis is even part of Thai cuisine with boat noodle soup being the most famous of cannabis containing recipes. <https://www.forbes.com/sites/dariosabaghi/2022/05/23/thailand-to-give-away-one-million-cannabis-plants-to-households-across-the-country/?sh=5f8f328d6dc1>

¹³ Robert C Patterson, *Marijuana Research Findings: 1976, (1977)* National Institute on Drug Abuse (NIDA) <https://books.google.ca/books?id=GjNhNIXDzfYC&pg=PA196&lpg=PA196&dq=#v=onepage&q&f=false>

¹⁴ Anisha Dhiman, *Does your religion prohibit cannabis use?*, (2019) National Post, <https://nationalpost.com/cannabis-culture/cannabis-religion-use/wcm/2c9cb893-1989-4322-8eb0-87a705d69303/amp/>

looking for landrace seeds for their breeding operations.¹⁵ However, notwithstanding this widespread research, we are still in a situation where, “despite a voluminous literature emerging in the last three decades, the classification of *Cannabis* and its centre of origin remains under debate.”¹⁶ If key questions such as its centre of origin is under debate in a place where tremendous amount of research on the plant has been carried out, it is no surprising that in Canada and the US where little research on the topic has been done, that there would be some scientific uncertainty.

Essentially, when we move away from the Asian continent, the historical evidence regarding cannabis use becomes harder to quantify as there is less cultural connection to the plant and fewer landrace seeds, hence less interest in researching its use or origins. Also impacting to quantity of research and information made available to researchers is the social stigmatization for the plant from one place to another. We know that it has been used in various parts of Europe for 6,000 years.¹⁷ However, if we look at the amount of research in

¹⁵ John M. McPartland and Ernest Small, *A classification of endangered high-THC cannabis (Cannabis sativa subsp. indica) domesticates and their wild relatives* (2020) PhytoKeys doi: 10.3897/phytokeys.144.46700

¹⁶ McPartland, *supra* at note 9

¹⁷ Robert Clarke and Mark Merlin, *Evolution and Ethnobotany*, (2013) University of California Press <https://doi.org/10.1525/9780520954571>

Europe dedicated to the origin and ancient use of grapes and wine versus cannabis, it is clear where the interest lies. This is not to say that cannabis was not a critical medicine in Europe, it was just not as intertwined into European culture as it was in Asia and the stigma associated with cannabis and use of cannabis is exponentially higher than that of wine or scotch etc.

We also know that it has been in the African continent for at least 1000-2000 years from cannabis residues found in mummies.¹⁸ If we look at the historical use of cannabis in Africa, we will notice that it almost exclusively starts with colonization, even though we know it historically dates much, much further back. In 2019 Chris Duval published a book called *The African Roots of Marijuana* which explores the importance of Africa in creating the knowledge we have about the plant today and documents its movement across the continent after its arrival over 1000 years ago via Egypt and Ethiopia. In reviewing the book, David M Gordon from *International Journal of African Historical Studies* states that, "rumors that become published facts in high-end publications and prestigious medical journals are the mainstay of histories of marijuana. Chris S. Duvall, in a magnificently researched and clearly written book, sets right this

historiography...Duvall does a brilliant job in consulting available archaeological evidence, carefully studying the spread of words, and, most of all, drawing on sometimes little-studied European observers, especially Portuguese expeditions into the Central African interior. His judicious combination of all of these sources, combined with critical judgement, is convincing and a pleasure to read."¹⁹ Indeed, one of the most interesting parts of the book is tracing the movement of cannabis throughout the continent via the appearance of words associated with the plant rather than simply relying on colonial writings on the topic. The African experience with documentation of the movement and use of cannabis is relevant to the US and Canadian context in that it provides a pattern of how European colonizers documented (or not) the plant's role in the everyday life of local communities. What is different however between North America and Africa is that socially, in Africa, the colonial morality codes, had less of an impact.

The absence of a true cultural connection between Europeans and cannabis, the difficulty in finding archeological evidence concerning plants given how easily

¹⁸ Franz Parsche and Andreas Nerlich, *Presence of drugs in different tissues of an Egyptian mummy*, (1995) Fresenius' Journal of Analytical Chemistry <https://link.springer.com/article/10.1007/BF00322236>

¹⁹ <https://www.dukeupress.edu/the-african-roots-of-marijuana>

they decompose, the stigmatization and illegalization of the plant, the prejudicial views regarding Indigenous capacities for long distance sea travel, and, as the former Supreme Court Chief Justice Beverley McLachlin put it, the cultural genocide²⁰ of Indigenous Peoples in Canada and the United States, has meant that constructing the history of the cultural importance of cannabis in Pre-Columbian North America is incredibly difficult.

Cannabis in Canada and the United States Pre-Columbus

The starting point for discussing the existence of cannabis in this part of the world is to examine when it was populated. For many Indigenous nations the answer is simple, they have always lived on turtle island.²¹ Basically, most Indigenous nations content that they have always been here, it is where the Creator created them. For non-Indigenous people, particularly settlers, the need to find where Indigenous people came from is overwhelming. This has a scientific basis (scientific curiosity) and a sociological basis (a certain comfort that we are all immigrants to this land). The science on this question is everchanging. For most of the modern era, the Beringia bridge theory was the considered the only plausible one. This is what most of us were taught in school and it is still the

²⁰<https://www.theglobeandmail.com/news/national/chief-justice-says-canada-attempted-cultural-genocide-on-aboriginals/article24688854/>

most prominent one among the public. The theory states that people from Asia crossed the land bridge between Asia and the Arctic and slowly populated the continent. For a very long time scientists did not look for any other explanation as this was deemed to be the gold standard. In the 1980s, however, evidence of a 14,500-year-old human at Monte Verde, Chile was discovered. In 2000 a 15,500-year-old presence was discovered in central Texas.²² Finds in the Chiquihuite Cave in Mexico date back 33,000 years. In 2018, a PlosOne publication revealed the finding of "at least 29 footprints...on Calvert Island in British Columbia and confirmed as the earliest known of their kind on the continent. Researchers at the University of Victoria's Hakai Institute published their findings... corroborating earlier indications of the age of the prints at about 13,000 years old."²³ The revolutionary aspect of this particular find is that they had to have made it there by boat. This challenges to a large degree that notion

²¹ <https://www.thecanadianencyclopedia.ca/en/article/turtle-island>

²² Tom D. Dillehay, Carlos Ocampo, José Saavedra, Andre Oliveira Sawakuchi, Rodrigo M. Vega, Mario Pino, Michael B. Collins, Linda Scott Cummings, Iván Arregui, Ximena S. Villagran, Gelvam A. Hartmann, Mauricio Mella, Andrea González, George Dix, *New Archaeological Evidence for an Early Human Presence at Monte Verde, Chile*, (2015) PLOS ONE <https://doi.org/10.1371/journal.pone.0145471>

²³ Duncan McLaren, Daryl Fedje, Angela Dyck, Quentin Mackie, Alisha Gauvreau, Jenny Cohen, *Terminal Pleistocene epoch human footprints from the Pacific coast of Canada*, (2018) <https://doi.org/10.1371/journal.pone.0193522>

that Indigenous Peoples did not know how to navigate the ocean. Collectively what does all this mean? Well as the Smithsonian puts it:

The traditional story of human migration in the Americas goes like this: A group of stone-age people moved from the area of modern-day Siberia to Alaska when receding ocean waters created a land bridge between the two continents across the Bering Strait. Once across, the giant Laurentide and Cordilleran ice sheets, which blocked southern Alaska and the Yukon Territory in western Canada, halted the migrants' progress. But about 13,000 years ago, the ice sheets began retreating, opening a 900-mile-long ice-free corridor following the Canadian Rockies. This, many researchers believe, is how the Clovis culture moved south and colonized other parts of the Americas. But new evidence has made that timeline hazy over the last decade. Research shows that humans were living south of the ice sheets before the ice-free corridor opened up. A settlement in Monte Verde, Chile, shows people had made it all the way down South America 15,000 years ago and a more recent discovery indicates that humans hunted mammoth in Florida 14,500 years ago. Now, a new study by an international team of researchers may finally rip the ice corridor hypothesis out of the textbooks once and for all. Using sediment cores and DNA analysis, the scientists reconstructed the corridor's environment. This research shows that there just weren't enough resources in the pass for the earliest human migrants to successfully make the crossing. "The bottom line is that even though the physical corridor was open by 13,000 years ago, it was several hundred years before it was possible to use it," project leader Eske Willerslev, an evolutionary geneticist from the University of Copenhagen and Cambridge University, says in a press release. "That means that the first people entering what is now the US, Central and South America must have taken a different route. Whether you believe these people were Clovis, or someone else, they simply could not have come through the corridor, as long claimed." ... Instead, early humans probably followed the Pacific Coast around the ice

sheets when colonizing the Americas. The study echoes another paper that came out in June. In that study, researchers looked at the DNA of northern and southern populations of bison concluding they did not intermingle until 13,000 years ago, meaning the corridor was blocked till then. Now, to complete the story of human migration in the Americas researchers need to focus on evidence along the coast. That's tricky since erosion, tides and now the effects of climate change make coastal archeological sites very rare.²⁴

There is even controversial evidence that there were people in North America 130,000 years ago.²⁵ As controversial as the findings of this research are, scholars such as Paulette Steeves, associate professor of sociology at Algoma University, argues that, "this was an area that was an academic violence against Indigenous people." In her book *The Indigenous Paleolithic of the Western Hemisphere* she assembles evidence and arguments pointing towards human presence in North America for at least many tens of thousands of years. She states "We're supposed to believe that early hominids got to northern Asia 2.1 million years ago and then for some reason didn't go any farther north...a few thousand more kilometres, they would have been in North America. So it does not make any sense whatsoever."²⁶ This is where science is just unable to give a

²⁴ <https://www.smithsonianmag.com/smart-news/humans-colonized-americas-along-coast-not-through-ice-180960103/>

²⁵ <https://www.theatlantic.com/science/archive/2017/04/new-study-puts-humans-in-america-100000-years-earlier-than-expected/524301/>

²⁶ <https://www.cbc.ca/radio/ideas/indigenous-archaeologist-argues-humans-may-have-arrived-here-130-000-years-ago-1.6313892>

decisive answer. As Professor Steeves says, if we go by what we know from other human migrations, it is almost inconceivable that it took 2.1 million years to explore a few thousand kilometres further. The point being is that science continually evolves and in this situation we see that in the last 20 years it clearly points to human habitation of Canada for much longer than our history books tell us. For our purposes, where the people came from is just as important as when they came. Both these pieces of information are important because given what we know about the varied levels of importance cannabis had on many Asian, African and European cultures for food, medicine and as building material, it would seem improbable that such a versatile and everyday use plant would be left behind. As it turns out in 2020 a study published *Nature* reveals:

...the possibility of voyaging contact between prehistoric Polynesian and Native American populations has long intrigued researchers. Proponents have pointed to the existence of New World crops, such as the sweet potato and bottle gourd, in the Polynesian archaeological record, but nowhere else outside the pre-Columbian Americas while critics have argued that these botanical dispersals need not have been human mediated. The Norwegian explorer Thor Heyerdahl controversially suggested that prehistoric South American populations had an important role in the settlement of east Polynesia and particularly of Easter Island (Rapa Nui). Several limited molecular genetic studies have reached opposing conclusions, and the possibility continues to be as hotly contested today as it was when first suggested. Here we analyse genome-wide variation in individuals from islands across Polynesia for signs of Native American admixture, analysing 807 individuals from 17 island populations and 15 Pacific

coast Native American groups. We find conclusive evidence for prehistoric contact of Polynesian individuals with Native American individuals (around ad 1200) contemporaneous with the settlement of remote Oceania.²⁷

There are in fact hundreds, if not thousands, of references in various studies to pre-Columbian trans-Atlantic and Pacific contact. One of the most encompassing is *Ancient Ocean Crossings: Reconsidering the Case for Contacts with the Pre-Columbian Americas* by Stephen Jett. In the book the author:

...encourages readers to reevaluate the common belief that there was no significant interchange between the chiefdoms and civilizations of Eurasia and Africa and peoples who occupied the alleged terra incognita beyond the great oceans. More than a hundred centuries separate the time that Ice Age hunters are conventionally thought to have crossed a land bridge from Asia into North America and the arrival of Columbus in the Bahamas in 1492. Traditional belief has long held that earth's two hemispheres were essentially cut off from one another as a result of the post-Pleistocene meltwater-fed rising oceans that covered that bridge. The oceans, along with arctic climates and daunting terrestrial distances, formed impermeable barriers to interhemispheric communication. This viewpoint implies

²⁷ Alexander G. Ioannidis, Javier Blanco-Portillo, Karla Sandoval, Erika Hagelberg, Juan Francisco Miquel-Poblete, J. Víctor Moreno-Mayar, Juan Esteban Rodríguez-Rodríguez, Consuelo D. Quinto-Cortés, Kathryn Auckland, Tom Parks, Kathryn Robson, Adrian V. S. Hill, María C. Avila-Arcos, Alexandra Sockell, Julian R. Homburger, Genevieve L. Wojcik, Kathleen C. Barnes, Luisa Herrera, Soledad Berríos, Mónica Acuña, Elena Llop, Celeste Eng, Scott Huntsman, Esteban G. Burchard, Christopher R. Gignoux, Lucía Cifuentes, Ricardo A. Verdugo, Mauricio Moraga, Alexander J. Mentzer, Carlos D. Bustamante & Andrés Moreno-Estrada, *Native American gene flow into Polynesia predating Easter Island settlement*, (2020) *Nature*, <https://www.nature.com/articles/s41586-020-2487-2>

that the cultures of the Old World and those of the Americas developed independently. Drawing on abundant and concrete evidence to support his theory for significant pre-Columbian contacts, Jett suggests that many ancient peoples had both the seafaring capabilities and the motives to cross the oceans and, in fact, did so repeatedly and with great impact. His deep and broad work synthesizes information and ideas from archaeology, geography, linguistics, climatology, oceanography, ethnobotany, genetics, medicine, and the history of navigation and seafaring, making an innovative and persuasive multidisciplinary case for a new understanding of human societies and their diffuse but interconnected development.²⁸

The coastal route theory discussed above which is replacing the land bridge theory, is of course based to a large degree on the idea that these people navigated by boat from Asia and used their boats to descend the coast. There is multifaceted evidence of pre-Columbian contact with people from all over the world via sea routes and hence sea navigation between the “New World” and the “Old World” remains controversial but not nearly as much as it once was.

One such contact that is not disputed or at least the divergence is not nearly as polarized is the presence of Vikings in Canada nearly 500 years before Columbus. In an article published in 2022 entitled *Evidence for European presence in the Americas in ad 1021* in *Nature*, the authors state that,

²⁸ <https://muse.jhu.edu/book/51953>

“transatlantic exploration took place centuries before the crossing of Columbus. Physical evidence for early European presence in the Americas can be found in Newfoundland, Canada. However, it has thus far not been possible to determine when this activity took place. Here we provide evidence that the Vikings were present in Newfoundland in ad 1021. We overcome the imprecision of previous age estimates by making use of the cosmic-ray-induced upsurge in atmospheric radiocarbon concentrations in ad 993 (ref. 6). Our new date lays down a marker for European cognisance of the Americas, and represents the first known point at which humans encircled the globe. It also provides a definitive tie point for future research into the initial consequences of transatlantic activity, such as the transference of knowledge, and the potential exchange of genetic information, biota and pathologies.”²⁹ The site, L’Anse aux Meadows, was named a UNESCO heritage site in 1978.³⁰

The use of the word “biota” is interesting in the above context. The reason for this is that in 2019 in a bog near this site, scientists found cannabis pollen among

²⁹ Margot Kuitens, Birgitta L. Wallace, Charles Lindsay, Andrea Scifo, Petra Doeve, Kevin Jenkins, Susanne Lindauer, Pinar Erdil, Paul M. Ledger, Véronique Forbes, Caroline Vermeeren, Ronny Friedrich and Michael W. Dee, *Evidence for European presence in the Americas in ad 1021*, (2022) Nature, <https://www.nature.com/articles/s41586-021-03972-8#citeas>

³⁰ <https://whc.unesco.org/en/list/4/>

other ecofacts. The findings were published in an article called, *New horizons at L'Anse aux Meadows* in *The Proceedings of the National Academy of Sciences USA*.³¹ The discoveries raised more questions than they answered. Did the Vikings bring the cannabis or was it already present from Indigenous nations such as the Beothuk that occupied the territory? A few years earlier evidence emerged that Vikings in Norway cultivated cannabis. The interesting aspect here is that the samples were originally collected in the 1940's but were not tested until 2012.³² This shows how sometimes information about a topic is present, we just did not pursue the knowledge of it.

The question as to whether it was there from Indigenous nations is also valid. In a 2002 Canadian Senate report, Leah Spicer notes that archeologists found "resin scrapings of 500-year-old pipes in Morriston, Ontario containing traces of hemp and tobacco."³³ A study published in the *Lancet* in 1993 called *Drugs in Ancient Populations*, clearly demonstrates the presence of cannabis in Peruvian

³¹ Paul M. Ledger, Linus Girdland-Flink, and Véronique Forbes, *New horizons at L'Anse aux Meadows*, (2019) PNAS, <https://doi.org/10.1073/pnas.1907986116>

³² Asle Rønning, *Norwegian Vikings grew hemp: Cannabis was cultivated 1,300 years ago at a farm in Southern Norway*, (2012) Sciencenorway.no, <https://sciencenorway.no/forskningno-hemp-marijuana/norwegian-vikings-grew-hemp/1380340>

³³ <https://sencanada.ca/content/sen/committee/371/ille/library/spicer-e.htm>

mummies dating back to 200-1500 AD.³⁴ Going back to 1200 AD in present day Ohio, Rowan Robinson notes that, "some of the earliest evidence of hemp in North America is associated with the ancient Mound Builders of the Great Lakes and Mississippi valley. Hundreds of clay pipes, some containing cannabis residue and wrapped in hemp cloth, were found in the so-called Death Mask Mound of the Hopewell Mound Builders, who lived about 400 BCE in modern Ohio. In his 1891 study, *Prehistoric Textile Art of Eastern United States*, Smithsonian Institute ethnologist W.H. Holmes describes the recovery of large pieces of hemp fabric at one site in Morgan County, Tennessee: the "friends of the dead deposited with the body not only the fabrics worn during life but a number of skeins of fibre from which the fabrics were probably made. This fibre has been identified as that of the *Cannabis sativa*, or wild hemp." "³⁵

Early settlers to North America also documented cannabis use by the Indigenous Peoples. Florentine explorer, Giovanni da Verrazzano, "wrote thoughtfully of the natives encountered during a French expedition to Virginia in

³⁴ Franz Parsche, Svetlana Balabanova, Wolfgang Pirsig, *Drugs in ancient populations*, (1993) The Lancet, DOI:[https://doi.org/10.1016/0140-6736\(93\)90267-K](https://doi.org/10.1016/0140-6736(93)90267-K)

³⁵ Rowan Robinson, *The Great Book of Hemp: The Complete Guide to the Environmental, Commercial, and Medicinal Uses of the World's Most Extraordinary Plant*, (1995) Park Street Press pg 124.

1524: "We found those folkes to be more white than those that we found before, being clad with certain leaves that hang on boughs of trees, which they sewe together with threds of wilde hemp."³⁶ In the 1600's, Samuel de Champlain recorded Indigenous people using wild hemp in all 3 voyages: on fishing lines, as clothes and as rope.³⁷ Jacques Cartier mentions the existence of hemp and its use by Indigenous Peoples several times as well. Some examples are, "because there is hemp four men were making rope", "beneath these grows as good hemp as that of *France*", "with nets they use for fishing, which are made of hemp thread, that grows in the country where they ordinarily reside", "they have wooden mortars, like those used in France for braying hemp, and in these with wooden pestles they pound corn into flour."³⁸ In his journal Robert Juet (sailed with Henry Hudson) wrote, "This day [September 5, 1609] many of the people came aboard, some in mantles of feathers, and some in skins of divers sorts of good furs. Some women also came to us with hemp. They had red copper tobacco pipes and other things of copper they did wear

³⁶ Ibid.

³⁷ Samuel de Champlain, *The Voyages and Explorations of Samuel de Champlain, 1604-1616, Volume 1*, (1904) Allerton Book Co. New York, <https://books.google.ca/books?id=gQMOAAAAIAAJ&pg>

³⁸ Ramsay Cook ed, *The Voyages of Jacques Cartier*, (1993) University of Toronto Press.

about their necks. At night they went on land again, so we rode very quite, but durst not trust them."³⁹

There are also authors who have presented evidence that Asians, particularly Chinese, had contacted American Natives before the Columbian period.⁴⁰

Charles Godfrey Leland wrote a book, "first published in 1875 and reissued in 1973, [which] analyses the limited evidence from the works of early Chinese historians that explorers from China had discovered a country they called Fusang – possibly western America, and in all probability Mexico. The original document on which Chinese historians based their accounts of Fusang was the report of a Buddhist monk called Hwei-shin, who, in the year 499 AD, returned from a long journey to the east."⁴¹ In 1885 Edward P. Vining published *An Inglorious Columbus: Evidence that Hui Shan and a Party of Buddhist Monks from*

³⁹ Thomas Wentworth Higginson, *A book of American explorers*, (1877) Lee and Shephard,

<https://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A2001.05.0226%3Achapter%3D13%3Apage%3D283>

⁴⁰ Zhang (Charlie) Minhua, *A Review of Theories and Evidences on Pre-Columbian Contact between Chinese and Americans* (2000) <http://hussle.harvard.edu/~zhang/>

⁴¹ Charles G. Leland, *Fusang or the discovery of America by Chinese Buddhist Priests in the Fifth Century*, (2019) Routledge, London.

*Afghanistan Discovered America in the Fifth Century A.D.*⁴² In 1971, M. Joseph De Guignes published *Recherches sur les Navigations des Chinois du Cote de l' Amerique*.⁴³ Gavin Menzies in his book "1421: The Year China Discovered America" published in 2003, provides much supporting evidence for pre-Columbian Chinese contact and settlement in North, South and Central America.⁴⁴

Cannabis was incredibly important to the Chinese and other Asian cultures for fiber, wood, oil, medicine and relaxation. Many researchers question the plausibility that they would not have taken such a versatile and useful plant with them. In addition to all these practical reasons to bring cannabis (or cannabis seeds) on such a long voyage, there was also strong links between cannabis and spirituality in Asia. Heide confirms that, "like many mind-altering plants, cannabis has been part of spiritual practices for thousands of years. It has deep roots in Hinduism, Islam, Rastafarianism, and indigenous traditions in Asia,

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https://books.google.ca/books/about/An_inglorious_Columbus.html?id=h29BAAAIAAJ&redir_esc=y

⁴³https://books.google.ca/books/about/Recherches_sur_les_navigations_des_Chino.html?id=jl2tHAAACAAJ&redir_esc=y

⁴⁴ <https://www.penguinrandomhouse.ca/books/113324/1421-the-year-china-discovered-the-world-by-gavin-menzies/9780553815221>

Africa, and elsewhere.”⁴⁵ It cannot be stressed enough the large space that cannabis held in so many societies. For so many things it was critical and irreplicable. The spiritual aspect of cannabis was known in North America as well.

In Mexico, several Indigenous Peoples consider cannabis as a sacred gift from Rosa Maria or Santa Rosa. Particularly in Veracruz, Hidalgo and Puebla, ceremonies are performed using cannabis sativa. In North America however much of the ceremonial aspects of cannabis use was more or less eliminated due to the “cultural genocide” that followed the migration of Europeans to Canada and the United States. According to Bennett, “unfortunately much of the religion and culture of the aboriginal peoples of the western hemisphere was destroyed or driven underground by the European invaders.”⁴⁶ In some Indigenous nations however, the spiritual aspect of cannabis is part of their legends such is the case with the Cherokee and certainly the Tuscarora. Many of the Tuscarora nation explain their creation story which is based on Skywoman as follows:

⁴⁵ Frederick J Heide, Tai Chang, Natalie Porter, Eric Edelson, and Joseph C Walloch, *Spiritual Benefit from Cannabis*, (2021) J Psychoactive Drugs doi: 10.1080/02791072.2021.1941443

Before Europeans ever set foot in New World soil, America already had the Hemp Gatherers. Our story starts at the very beginning with a version of a 'Tuscarora' creation story. Before they lived in this world, the Tuscarora lived in the Sky World. In the middle of this Sky World was a great Tree of Life. At the base of this Tree of Life was a great hole. A pregnant girl named 'Sky Mother' looked into the hole and started to fall through. As she was falling, she grabbed at the sky world earth. She fell through the hole into this world but was able to grab seeds and plant roots from the sky world soil. The Tuscarora believe Sky Mother gave to them the gift of the Hemp Seed.⁴⁷

According to Crandy Johnson from the nation, "as Tuscarora, we were deemed protectors of the seed, we have an inherent right to own it and use it."⁴⁸

In explaining the long relationship between the Tuscarora and cannabis Alysa Landry interviews nation member Tracy Johnson and states, "the plateau of land overlooking Niagara Falls and nestled among the Finger Lakes of northwestern New York once was covered in fields of hemp. The natural herb, interspersed with rows of corn, was evidence of centuries of inhabitation by the Tuscarora, now a dwindling tribe on a tiny sliver of land. The Tuscarora, or Ska-ru-ren, are the "people of the hemp," "hemp gatherers" or "shirt-wearers," so-named because they traditionally wore shirts made of woven hemp, said Tracy, who is

⁴⁶ Chris Bennett, Lynn Osburn and Judith Osburn, *Green Gold: Marijuana in Magic & Religion*, (2001) Frazier Park, CA: Access Unlimited, p. 267.

⁴⁷ *America's Native Hemp Gatherers, 1400*, (2017) <https://www.thecannachronicles.com/americas-native-hemp-gatherers-1400/>

one of about 660 enrolled members of the tribe...A hunter/gatherer tribe, the Tuscarora also planted a wide variety of crops, Tracy said. The area once was covered in rich farmland and orchards. "Everything that grew in the Garden of Eden grew here," he said. "At one point all this was solid hemp. They planted it as far as the eye could see." Yet as the original land base has shifted and diminished, so have the traditions, including the rich but often controversial history of hemp."⁴⁹

As with most research on this topic, even quotes clearly mentioning cannabis from Cartier, Champlain and others are controversial. For some researchers when historical figures mention cannabis or hemp, they are actually talking about another plant, dogbane. This is difficult for many Indigenous people to accept and many of us in the academic field. There is a clear visual difference between cannabis and dogbane and it would seem to me at least that seasoned sailors and explorers such as Cartier whose ships were held together by hemp, would not see that this was a very different plant. Cartier often compared hemp in Canada to hemp in France and said that they were very much the same. This

⁴⁸ Ibid.

⁴⁹ Alys Landry, *People of the Hemp, Part 1: Losing Land, Culture, Tradition*, (2018) <https://indiancountrytoday.com/archive/people-of-the-hemp-part-1-losing-land-culture-tradition>

controversy is not without consequences, many scholars refer to dogbane as Indian Hemp and others use the term Indian Hemp to discuss hemp that was present in North America. It is in fact very interesting to note how often and how quickly researchers will default to saying “it was probably dogbane” or “most likely dogbane” when there is very little evidence, if any, to support that the settlers confused dogbane for hemp.

Conclusion

Research on pre-Columbian Canada has come a long way in the past 30 years. It is clear now that long held truths about Indigenous Peoples of this country were inaccurate at best and outright wrong at worse. The inaccuracies and mistakes do not stop with questions concerning the origins of Indigenous Peoples and their technological advancements, but they are pervasive in what we know about how they lived, their worldviews and cosmologies and their contact with others around the world at that time. In fact, there is some preliminary evidence that perhaps it was the Inuit that found the Vikings first and not vice versa. Creating an accurate register of where and how cannabis was used in pre-Columbian Canada is impossible due to the build in inaccuracies about Indigenous Peoples before (and many would argue after) contact with the Europeans that decided to stay here permanently. There is little doubt in my mind given the evidence we

have that cannabis was present and used in Canada a long time before the arrival of the settlers. The probable origins of Indigenous Peoples being from Asia; the clear contact of Indigenous Peoples with others from various parts of the world; the Indigenous creation stories; the archeological evidence of cannabis resin and fabric; the observation of cannabis by explorers when they arrived to this land; and the incredibly ability of cannabis to grow pretty much anywhere, are enough to cast a very reasonable doubt on those that say cannabis simply did not exist in North America before the settlers. If we take all this evidence and put in in the context of "cultural genocide" as Supreme Court of Canada Chief Justice Beverley McLachlin very eloquently mentioned when discussing the annihilation of Indigenous culture in Canada using a myriad of institutions, methods, and techniques, the absence of cannabis as a principle cultural icon in Canadian Indigenous nations should not be a surprise. At the time when Indigenous nations began to politically organize themselves and reclaim their history, their culture, the education of their children and so many other social aspects, cannabis became an illegal, incredibly stigmatized Schedule 1 drug which carried significant criminal penalties. As David Gordon mentioned earlier in this report "rumors that become published facts in high-end publications and prestigious medical journals are the mainstay of histories of marijuana." Much of modern research into cannabis had to rely on rumours

because no wanted to discuss this topic given the consequences for doing so. In related research that I conducted on the intellectual property rights of breeders who developed so many strains while the plant was illegal, anecdotal stories of Indigenous involvement in the creation on some of the more famous strains exist. For example, the most famous Indica strain called Northern Lights, "is believed that it was created on the 70's by a breeder known as "The Indian" on an island near Seattle, WA."⁵⁰

In assessing the evidence of cannabis use as food, medicine, building material, for spiritual purposes etc in pre-Columbian Canada, we absolutely must do so with all the above factors in mind. To simply treat the history of an illicit plant, in the context of "cultural genocide", based solely on what we know to be problematic archeological findings and interpretations of those findings would not be just given how the law operates in society today. Colonization has had a significant impact on the capacity of Indigenous people to transfer their culture from generation to generation as well as how many Indigenous feel about aspects of their pre-Columbian culture due to the imposition, via very violent means, of a moral code that was not their own but a reflection of what settlers thought was right, proper, important and virtuous. In addition, European

⁵⁰ <https://www.alchimiaweb.com/blogen/origins-northern-lights/>

researchers themselves have much difficulty looking at cannabis use from the perspective of a society where cannabis was not illicit, stigmatized, dangerous and immoral but a life-saving medication, a nutritious food that can make all the difference in the winter months, very strong fibre for ropes and budling, a means of social interaction and even divine anointment. This diametrically opposing experience with cannabis between researchers of today and cannabis users of yesteryear has a significant impact on how or even whether researchers consider this plant that has followed humanity, often on its own via natural ecosystems.



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Some observations on the traditional Mi'kmaw economy

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Introduction

Mi'kmaw trade entered the historical record at the very moment of recorded contact with the French. In the very first historical reference, in early July of 1534, the explorer Jacques Cartier encountered Mi'kmaw people in the 'baye de Chaleurs.' Cartier had been looking for a strait, which to his distress he did not find, but he was amazed by what he called the 'bounty of the country' or, in Cook's translation 'the richness of these lands.'ⁱ He soon encountered people in canoes who paddled out to meet the French sailors but the French were nervous and frightened them away:

"And when we were half a league from this point, we caught sight of two fleets of natural [I have edited the offensive mistranslation here] canoes that were crossing from one side [of Chaleur Bay] to the other, which numbered in all some forty or fifty canoes. Upon one of the fleets reaching this point, there sprang out and landed a large number of people, who set up a great clamour and made frequent signs to us to come on shore, holding up to us some skins on sticks. But as we were only one boat we did not care to go, so we rowed towards the other fleet which was on the water. And they [on shore], seeing we were rowing away, made ready two of their largest canoes in order to follow us. These were joined by five more of those that were coming in from the sea, and all came after our longboat, dancing and showing many signs of joy, and of their desire to be friends, saying to us in their language: '*Napou ton daman asurtat*' and other words we did not understand. But for the reason already stated, that we had only one of our longboats, we did not care to trust to their signs and waved to them to go back, which they would not do but paddled so hard that they soon surrounded our longboat with their seven canoes. And seeing that no matter how much we signed to them, they would not go back, we shot off over their heads two small cannon. On this they began to return towards the point, and set up a marvellously loud shout, after which they proceeded to come on again as before. And when they had come alongside our long boat, we shot off two fire-lances which scattered among them and frightened them so much that they began to paddle off in very great haste, and did not follow us anymore."ⁱⁱ

This initial encounter did not deter the Mi'kmaw traders and they returned the next day:

"The next day [Tuesday, 7 July] some of these naturals [I have edited the offensive mistranslation here] came in nine canoes to the point at the mouth of the cove, where we lay anchored with our ships. And being informed of their arrival we went with our two longboats to the point where they were, at the mouth of the cove. As soon as they saw us they began to run away, making signs to us that they had come to barter with us; and held up some skins of small value, with which they clothe themselves. We likewise made signs to them that we wished them no harm, and sent two men on shore, to offer them some knives and other iron goods, and a red cap to give to their chief. Seeing this, they sent on shore part of their people with some of their skins; and the two parties traded together. They showed a marvellously great pleasure in possessing and obtaining these iron wares and other commodities, dancing and going through many ceremonies, and throwing salt water over their heads with their hands. They bartered all they had to such an extent that all went back naked without anything on them; and they made signs to us that they would return on the morrow with more skins."ⁱⁱⁱ

In the event, Cartier left this point on the next morning in order both to take advantage of the favourable wind and to continue his search for a strait which would lead him further inland:

“On Thursday the eighth of the said month [of July] as the wind was favourable for getting under way with our ships, we fitted up our longboats to go and explore this [Chaleur] bay; and we ran up it that day some twenty-five leagues. The next day [Friday, 10 July], at daybreak, we had fine weather and sailed on until about ten o'clock in the morning, at which hour we caught sight of the head of the bay, whereat we were grieved and displeased. At the head of this bay, beyond the low shore, were several very high mountains. And seeing there was no passage, we proceeded to turn back.^{iv}

Although brief, this initial encounter provides us with a number of important clues about the nature of the Mi'kmaw economy and of their encounter with the French traders. In the first place we must remember to read Cartier critically. He was not a trained ethnographer and he had a strong personal agenda on this voyage and in writing his record of it.^v

Nevertheless, a number of his observations provide some help towards building an understanding of the Mi'kmaw economy at the time of the first recorded contact with French explorers in the early sixteenth century. The first point to note is that the Mi'kmaw had clearly encountered other Europeans before Cartier. Basque and Breton fishermen had been fishing for cod in these waters for a number of years and they had clearly met the Mi'kmaw people and traded with them. Both the enthusiasm – as much as we can believe Cartier – and the holding up of furs demonstrate Mi'kmaw interest in trade for European goods, in particular knives and other metal objects. Cartier's journal establishes an important point. Trade was part of the Mi'kmaw economy. In order to understand this, it must first be necessary to examine the economy in greater detail and to do that we must look at the Mi'kmaw region and its resources.

The region and its resources

Kjipuktuk aq Mi'kma'ki – the ancestral territories of the Mi'kmaw People

The first point to make about the ancestral territory of the Mi'kmaw people is that it is coastal. One does not understand the nature of Mi'kmaw economy and culture, the lifeways of the Mi'kmaw people without reference to the sea. The Mi'kmaw word for the sea is *apaqt* which literally means 'offshore' in English. It the sea was their most important source of food and much else. All eight (some say nine) territories of the Mi'kmaw people have long coastlines and numerous points of access to open water in the form of bays and river mouths. With one important exception, the waters of the Mi'kmaw territory were protected which enabled them to be navigable for most of the year.

The seven traditional territories of the Mi'kmaw are: *Kespukwitk* (where the land ends, or where the flow ends) now referred to as the southern part of mainland Nova Scotia; *Sipekne'katik* (the place of wild potatoes, or wild turnips) now referred to as the central and western portions of mainland Nova Scotia; *Eskikewa'kik* (the place of the tanners or the skin dressers) now referred to as the eastern part of mainland Nova Scotia; Unama'kik (the place of fog or the place of mists) now referred to as Cape Breton Island; *Epekwitk* (the land lying in the water) now referred to as Prince Edward Island; *Agg Piktuk* (the explosive or crashing place, thought to refer to the waves along the coast here) now referred to as the north-western part of mainland Nova Scotia; *Sikniht* (the drainage area) now referred to as New Brunswick; and *Kespek* (the last land) now referred to as the Gaspé Peninsula. To this list we can make a

subdivision, *Listuguj* (the Miramichi and the Resigouche) which is an area to the south of *Kespek* and north of *Siknikt*. It should also be noted that some traditions hold that the *Epekwithk* and *Agg Piktuk* regions should be counted as one territory.^{vi}

Some would add an additional territory to the ancestral territories of the Mi'kmaw people, *Ktaqmkuk* (the land across the waves). This is the southern strip of coastline which runs along what is now referred to as Newfoundland. The Mi'kmaw presence here is documented but the nature of this presence – whether permanent or seasonal – is beyond the brief of this project. One only mentions this land as it demonstrates the distances which Mi'kmaw canoeists were able to travel. They came here for the sealing. Whether they had a permanent base here is a matter of some debate.^{vii}

Resources

The first good account of Mi'kmaw resource use is to be found in the *Jesuit Relations*. In Father Pierre Biard's "Relation for 1616" we find the first attempt to provide an account of the Mi'kmaw people, their lifeways, and their adaptations to the regional resources. Biard, originally from Grenoble, made three trips into the *Kjipuktuk aq Mi'kma'ki* in 1611 but because of the disorganized nature of the early Jesuit missions, his observations were not published till the Relation of 1616. They remain the most pure and authentic account of Mi'kmaw life at the time of contact.^{viii}

Biard begins his account with a general description of the people, their dress, their character, their hairstyles and so on before he moves on to discuss their use of resources. His first useful comment is on the use of leather: "Their clothes are trimmed with leather lace, which the women dress and curry on the side which is not hairy. They often curry both sides of elk skin, like our buff skin, then variegate it very prettily with paint put on in a lace-like pattern, and make gowns of it; from the same leather they make their shoes and strings. The men do not wear trousers, because (they say) they hinder them too much, and place them as it were, in chains; they wear only a piece of cloth over their middle; in Summer they often wear our capes, and in Winter our bed-blankets, which they improve with trimming and wear double."^{ix}

The elk here, in the original French, *élan*, refers to moose hide. The French did not have such an animal and Biard used a word that his readers could understand. He makes it clear that this is of an animal beyond the French familiarity by providing a comparison, 'like our buff skin' meaning like our buffalo. The moose (*tia'm* in the Mi'kmaw language) was the most important large game animal hunted by the Mi'kmaw. The moose hunt (*najitia'mue'get*) was important both economically and spiritually for the Mi'kmaw. A successful moose hunt was a rite of passage for young men and a cause for celebration.^x

After dress, Biard turns his descriptive talents to Mi'kmaw shelter:

"Arrived at a certain place, the first thing they do is to build a fire and arrange their camp, which they have finished in an hour or two; often in half an hour. The women go to the woods and bring back some poles which are stuck into the ground in a circle around the fire, and at the top are interlaced, in the form of a pyramid, [41] so that they come together directly over the fire, for there is the chimney. Upon the poles they throw some skins, matting or bark. At the foot of the poles, under the skins, they put their baggage. All the space around the fire is strewn with leaves of the fir tree, so they will not feel the dampness of the ground; over these leaves are often thrown some mats, or sealskins as soft as velvet;

upon this they stretch themselves around the fire with their heads resting upon their baggage; And, what no one would believe, they are very warm in there around that little fire, even in the greatest rigors of the Winter. They do not camp except near some good water, and in an attractive location.”^{xi}

The hides used for covering the *wenji’guom* were moosehides again, although sometimes, as Biard notes, tree bark was used as a covering. The third covering, matting, refers to mats made from reeds. This was often a trade item as the reeds for the mats and the skill in making them came from the Lake Huron region. This is not always the case, as Mi’kmaw people wove mats, but it was a specialization of the Odaawaa, their Anishinaabe allies from the Great Lakes.^{xii}

This description of shelter also provides a reference to seal skins, the first mention of the resources of the sea. Seals were very important to the Mi’kmaw economy. Their skins were prized trade items and their uses as floor coverings was one of dozens. Father Biard would return to this subject.

Father Biard noted that summer shelters differed from the shelters of the winter hunting camps:

“In Summer the shape of their houses is changed; for then they are broad and long, that they may have more air; then they nearly always cover them with bark, or mats made of tender reeds, finer and more delicate than ours made of straw, and so skillfully woven, that when they are hung up the water runs along their surface without penetrating them.”^{xiii}

Here the emphasis on the mats is noted again.

His next observation concerns diet:

“Their food is whatever they can get from the chase and from fishing; for they do not till the soil at all; but the paternal providence of our good God, which does not forsake even the sparrow, lies not left these poor creatures, worthy of his care, without proper provision, which is to them like fixed rations assigned to every moon; for they count by Moons, and put thirteen of them in a year.”^{xiv}

This passage provides the first reference to fishing, the most important part of the Mi’kmaw economy. It also introduces the concept of the annual round in the absence of horticulture, the growing of crops.

We will follow Biard’s description closely here as he traces the economic activity over the course of a year. He begins in January with the seal hunt. The seal (*waspu*) was a unique resource for the Mi’kmaw people:

“Now, for example, in January they have the seal hunting: for this animal, although it is aquatic, nevertheless spawns upon certain Islands about this time. Its flesh is as good as veal; and furthermore they make of its fat an oil, which serves them as sauce throughout the year; they fill several moose-bladders with it, which are two or three times as large and strong as our pig bladders; and in these you see their reserve casks.”^{xv}

Sealing was a distinctive part of Mi’kmaw life. The January hunt took place on the ice and, because of this was extremely dangerous. Seal skins and seal oil were both important trade goods as other peoples lacked both the resource and the opportunity to hunt for it.

February and March saw different hunts:

“Likewise in the month of February and until the middle of March, is the great hunt for Beavers, otters, moose, bears (which are very good), and for the caribou, an animal half ass and half deer. If the weather then is favorable, they live in great abundance, and are as haughty as Princes and Kings; but if it is against them, they are greatly to be pitied, and often die of starvation. The weather is against them if it rains a great deal, and does not freeze; for then they can hunt neither deer nor beavers. Also, when it snows a great deal, and does not freeze over, for then they cannot put their dogs upon the chase, because they sink down; the naturals [I have edited the offensive mistranslation here] themselves do not do this, for they wear snowshoes on their feet which help them to stay on top: yet they cannot run as fast as would be necessary, the snow being too soft. They have other misfortunes of this kind which it would be tedious to relate.”^{xvi}

Beavers (*gopit*) were trapped in February when their pelts were the thickest. They were trapped in an involved hunt which the Mi’kmaw call *gopitewe’get*. Essentially this hunt involved pulling down dams and netting beavers as they left their lodges to inspect the noise of the running water. In another location, the French trader Nicolas Perrot described the hunt in detail. When the hunters reached the beaver lodge they would carefully tap on the ice and then remain still for hours listening for signs of activity. The hunters broke into the lodge with ice picks and then knocked down the dams which the beaver had built to hold water in the pond. After the water drained out over the night, the hunters placed a snare net over the open end of the lodge. The animals were caught when they abandoned the lodge in order to repair the breach in the dam. Of all of their hunting techniques, the beaver hunt was the most elaborate and well-planned.^{xvii} Otters (*giwnig*) were hunted in winter for the same reasons. Their pelts were thicker in the cold weather and they were more easily taken in icy conditions.

The moose, (*tia’m*) we have noted above but the bear (*mui’n*) and the caribou (*qalipu*) were also important game species and, like the moose conferred honour upon the successful hunters. The bear was important not only for its meat, but also for its thick winter fur which made an ideal blanket. Bear grease (*mui’no’mi*) was an important product with many uses, particularly in cooking.

When he got to March, Father Biard noted the shift to the sea:

“In the middle of March, fish begin to spawn, and to come up from the sea into certain streams, often so abundantly that everything swarms with them. Any one who has not seen it could scarcely believe it. You cannot put your hand into the water, without encountering them. Among these fish the smelt is the first; this smelt is two and three times as large as that in our rivers; after the smelt comes the herring at the end of April.”^{xviii}

These fish, smelt (*gaqpesaw*) and herring (*agumegw*) come into shallow water once it is warm enough in order to spawn in streams. They were taken at night with dip-nets in a process the Mi’kmaw call *a’piet*.

Father Biard turned next to fowl – Canada geese, which he calls bustards or *outardes* in the original French but which the Mi’kmaw call *sulumgw*.

“and at the same time bustards, which are large ducks, double the size of ours, come from the South and eagerly make their nests upon the Islands. Two bustard eggs are fully equal to five hen's eggs.”

He then returns to fishing and to more waterfowl:

“At the same time come the sturgeon, and salmon, and the great search through the Islets for eggs, as the waterfowl, which are there in great numbers, lay their eggs then, and often cover the Islets with their nests.”^{xix}

It is clear that the spring brought important opportunities, so much so that Biard had a difficult time keeping everything straight. He did note the arrival of the sturgeon (*komudam*) and the salmon (*plamu*). Both of these fish were smoked but the female sturgeon were also used for their eggs.

Biard then discusses abundance and, important for our purposes, trade:

“From the month of May up to the middle of September, they are free from all anxiety about their food; for the cod are upon the coast, and all kinds of fish and shellfish; and the French ships with which they traffic, and you may be sure they understand how to make themselves courted. They set themselves up for brothers of the King, and it is not expected that they will withdraw in the least from the whole farce. Gifts must be presented and speeches made to them, before they condescend to trade; this done, they must have the Tabagie, i.e. the banquet. Then they will dance, make speeches and sing Adesquidex, Adesquidex, That is, that they are good friends, allies, associates, confederates, and comrades of the King and of the French.”^{xx}

Two things are of particular note in this passage. First Biard mentions fish and shell fish. The abundance of cod and shellfish at this time of the year was something to behold. Few places can have been as blessed by nature as *Kjipuktuk aq Mi'kma'ki*. Cod (*pleju*) was taken by nets (*tagawanji'j*) and by lines (*a'papi*) and hooks (*mgign*). Shellfish, in particular oysters (*mntmu*) were simply raked up at low tide. Lobster (*jegej*) were caught in traps in a process called *jagejue'get*.

The second thing of note, after abundance, was the trade. Like other Algonquian-speaking peoples, Mi'kmaq people followed strict protocols in trade. Goods were not simply exchanged but rather, as we see here, a special procedure had to be followed. A relationship to be formed and a ceremony had to take place. This is because, as we shall see, trade was not only conducted because of an ecological basis for exchange but also because of a cultural basis for exchange. This confused the French and caused Biard to scoff. Anything that was not done for the glory of God was a target for Jesuit contempt and disdain.

In the section on summer's abundance Biard turned to the produce of the forest:

“Water game abounds there, but not forest game, except at certain times birds of passage, like bustards and gray and white geese. There are to be found there gray partridges, which have beautiful long tails and are twice as large as ours; there are a great many wild pigeons, which come to eat raspberries in the month of July, also several birds of prey and some rabbits and hares.”^{xxi}

Hunting for small game was not a major component of the Mi'kmaq economy but some small game hunting did take place. Younger boys learned to sharpen their skills on rabbits (*apli'gmuj* although others called them *wapus*) and forest birds before they were allowed to participate in hunts for large game like moose, bear, and caribou.

Biard noted that September brought a new activity:

“Now our naturals [I have edited the offensive mistranslation here] in the middle of September withdraw from the sea, beyond the reach of the tide, to the little rivers, where the eels spawn, of which they lay in a supply; they are good and fat.”^{xxii}

Finally, Biard considers the resources available in the autumn:

In October and November comes the second hunt for elks and beavers; and then in December (wonderful providence of God) comes a fish called by them *ponamo*, which spawns under the ice. Also then the turtles bear little ones, etc. These then, but in a still greater number, are the revenues and incomes of our Naturals [I have edited the offensive mistranslation here]; such, their table and living, all prepared and assigned, everything to its proper place and quarter. Never had Solomon his mansion better regulated and provided with food, than are these homes and their landlords. But then a greater one than Solomon has made them; to him be the glory through all eternity.”^{xxiii}

This last reference is to tomcod or tommy cod, also called frost fish. The Mi’kmaq name for it is *plamuj* but some would say *pnamu*, which is closer to Biard’s word.

Before we leave the annual round and the traditional resource use of the Mi’kmaq it is important to look at the issue from a Mi’kmaq perspective. The Mi’kmaq calendar makes reference to the annual round and bears quoting here. Please note that the months are merely approximates:

January is *pnamujuigu’s* or the month of the tommy cod.

February is *apignajit* or the month of snowblindness.

March is *sigewigu’s* or the month of spring.

April is *penatmuigu’s* or the month of egg laying.

May is *sqoljuigu’s* or the month of young seals.

June is *nipnigu’s* or the month of leaf-opening.

July is *ps’guigu’s* or the month of moulting.

August is *gisigwegewigu’s* or the month of young birds fully-fledged.

September is *wigumgewigu’s* or the month of moose calling.

October is *wigewigu’s* or the month of fat animals.

November is *gept’gewigu’s* or the moon of All Saints.

December is *gesigewigu’s* or the moon of Chiefs.^{xxiv}

The most important point to note here is that Biard could not help but see the abundance. He met people who dined on lobster, caviar, smoked salmon, and Malpeque oysters. They wore robes of moose hide and bear skin. He mentioned only a part of the economy. He did not note many of the fish that were caught. He also noted the absence of horticulture. For the produce of the harvest, the Mi’kmaq people needed to trade.

Trade

For many years the history of the fur trade in Canada has been dominated by theory. Economic formalists argue that economic rationality of profit is found in all societies. On the other hand, substantivists posit that exchange is embedded in various social institutions belonging to different cultures. Perhaps we have been asking the wrong questions. Perhaps it is more important to note that in the pre-contact and early contact era of Canadian history the ecological basis for trade was real and vital. The cultural basis for trade stemmed in part from that. Trade became an important step along the route to military alliance.

In the case of the Mi'kmaw people the abundance of fish and game could not compensate for the lack of horticultural crops. As Biard noted there was no horticulture as such. There have been claims that tobacco was grown from time to time but these claims are difficult to substantiate. What we do know is that the Mi'kmaw had good relations with their nearest neighbours, the so-called St. Lawrence Iroquoians. We also know that these people did practise horticulture and that they in turn maintained strong connections with their Iroquoian relations the Wendat peoples of the Georgian Bay.

These people grew the traditional 'Three Sisters' crops: corn, beans, and squash. They called these crops *önenha*, *oyare'sa*, and *yashe'ta*. They also grew sunflowers (*ora'wan*) tobacco (*wen'wa*), and hemp (*skaru:re*). The Algonquian peoples who came to trade for these crops called them *mndaamin* (corn), *mskodiidsmin* (beans), *wewiinbaanh* (squash), *waawaaskonenh* (sunflower), *semaa* (tobacco), and *mshkiig* (hemp) though some would say *mshkiki*. There was also a minor variety of squash called *ohnionhchia* by the Wendat people and *kosman* by the Algonquian peoples. It is a variety of pumpkin.

Corn was, of course, absolutely vital. It was more easily attainable than wild rice, and more reliable. Dried and ground it was easily preserved. Corn meal was light and easily transported. It made the base of a soup that was used by all the peoples of the Great Lakes. It could be baked into a flat bread. It was in fact the super food of the region and was widely traded by those who could grow it. It grew very well in the Penetanguishene Peninsula.

The French explorer Champlain noted this:

"This whole region which I visited on foot extends for some twenty to thirty leagues, and is very fine, being in latitude 44³⁰', and a well cleared country where they plant much Indian corn, which comes up very well as do also squashes and sunflowers from the seeds of which they make oil wherewith they anoint their heads."^{xxv}

This last point is important as sunflower oil was used for many purposes and among the Algonquian-speaking peoples, including the Mi'kmaw it was often used for personal grooming as Champlain noted:

"As to the women and girls, they wear it always in the same manner; they are clad like the men except that they always gird up their robes, which hang down to the knee. In this they differ from the men; they are not ashamed to show their body, that is, from the waist up and from mid-thigh down, always keeping the rest covered, and they are laden with quantities of wampum, both necklaces and chains, which they allow to hang in front of their robes and attached to their belts, and also with bracelets and ear-rings. They have their hair well combed, dyed and oiled, and thus they go to the dances with a tuft of their hair behind tied up with eel-skin which they arrange to serve as a band, or sometimes they fasten to it plates a foot square covered with the same wampum, which hang behind. In this manner, gaily dressed and

adorned, they like to show themselves at dances, where their fathers and mothers send them, forgetting no device that they can apply to bedeck and bedizen their daughters; and I can assure you that at dances I have attended, I have seen girls that had more than twelve pounds of wampum on them, without counting the other trifles with which they are loaded and decked out. On this page may be seen how the women are dressed, as is shown in F, and the girls going to the dance in G. [plate vi].”^{xxvi}

Sunflower oil was also important as a binding agent in paint. This was used for painting the skin and also for painting designs on rocks, canoes, and longhouses. The Jesuit Francesco Giosepe Bressani noted this first application in his relation of 1653:

“They paint their faces in various styles, and on sundry occasions; and many, their whole bodies, some superficially and temporarily, others permanently. The former paint themselves, now black, now red, now various colours: these appear artistic ally bearded, those seem to wear spectacles; some have the whole face striped with various colours, others, only half, but all, shining with oil or grease, which they mix in their colours. Black they commonly take from the bottom of the pots; the other colours are of various earths, as lake, or are derived from certain roots, which yield a very fine scarlet colour: and they paint themselves so well that some, at first sight, have supposed certain Barbarians to be clothed, who were perfectly naked, their clothes consisting only of paint.”^{xxvii}

Tobacco was a very important trade crop produced in the region of southern Georgian Bay. It had both social and spiritual uses. It was grown throughout the region but in particular it was grown by the Tionnontaté people in the Nottawasaga Bay area. Paul Le Jeune made note to them in 1635. They are second on this list of Iroquoian speaking peoples:

“I am rejoiced to find that this language is common to some twelve other Nations, all settled and numerous; these are, the Conkhandeenrhonons, khionontaterrhonons, Atiouandaronks, Sonontoerrhonons, Onontaerrhonons , Oiiioenrhonons, Onoiochrhonons, Agnierrhonons, Andastoerrhonons , Scahentoarrhonons, Rhierrhonons, and Ahouenrochrhonons . The Hurons are friends of all these people, except the Sonontoerrhonons , Onontaerrhonons , Ouioenrhono7is, Onoiochrhonons and Agnierrhonons, all of whom we comprise under the name Hiroquois. But they have already made peace with the Sonontoerrhonons, since they were defeated by them a year past in the Spring.”^{xxviii}

The word ‘khionontaterrhonons’ is a Wendat word for Tionnontaté including the populative suffix ‘rrhonons’ which simply means people.

Tobacco was of great importance both for personal use and for ceremonial use. In personal use we see hundreds of references but one will suffice here. The Recollet Gabriel Sagard noted that when hunters left on long expeditions, they carried only the essentials:

“They also make journeys overland, as well as by sea and by river, and undertake (something incredible) to go ten, twenty, or forty leagues, in the woods without recourse either to paths or cabins, and without carrying any provisions except for tobacco, a flint stone, a bow in hand, and a quiver on the back.”^{xxix}

The spiritual uses of tobacco were equally important in the Great Lakes region. Council decisions and diplomacy found it indispensable. All agreements were solemnized by the parties sharing a pipe of tobacco, as can be seen in the famous accord of the Peace of Montreal, but tobacco was used

throughout the meeting. It was also presented at the beginning of the meeting. Paul LeJeune notes this in his report for the year 1637:

"Having returned to Angoutenc for the council, we found all the Captains there (for there are several of them in the same village, according to the diversity of affairs), who gave us a sufficiently kind reception. The most influential one invited the others to the assembly, crying in a loud voice through the village. The Old Men, the women, the young people, and the children hastened thither at our solicitation. The council was opened by our presenting to them a cake of Tobacco in a dish, in the manner of the country; one of the Captains broke it, in order to distribute it to the more prominent members of the company. They never speak of business, nor come to any conclusion, except with the pipe in the mouth; this smoke, which mounts to their brains, gives them, they say, enlightenment amid the difficulties that present themselves."^{xxx}

A rather more graphic illustration of this is found in the treaty of the Great Peace of Montreal of 1701. In this document, several of the leaders were puzzled by the French insistence on signing an agreement on paper. For them tobacco smoking was the correct method of formalizing an agreement. One got round this problem by drawing a pipe and three others got round it by drawing smoke, in two of these illustrations the smoke was emanating from the mouths of the leaders auto-portraits.^{xxxi}

Tobacco was also offered as a gift to the spirits. It was left in cakes, or, more frequently, sprinkled on the water at the outset of a journey or at the onset of a storm. The Jesuit Lalement relates this in 1643:

"Before concluding this Chapter, I cannot omit a rather remarkable incident that happened, some time ago, to this good Christian. He was in the middle of a great lake in a small bark canoe, in company with some Infidels. A storm surprised them; the Sky was full of thunder and lightnings; and the water presented as many precipices as they saw waves before them. After having in vain exhausted both their skill and their strength in resisting the tempest, they began to despair; they invoked a certain Demon named Iannaoa, who, they say, once cast himself into this lake in his despair, and causes all these storms when he wishes to revenge himself upon men; and he calms them after men have paid him some homage. In his honor, they throw tobacco into the water, which in these countries is a kind of sacrifice. " Courage, my comrades," said the good Neophyte to them. " We shall soon perish, since you call misfortune to your aid. For my part, I would willingly die, rather than owe my life to the Demons, for whom I have nothing but hatred." " Wretched man," said the Infidels to him, " invoke then thy God, and we will acknowledge his power, if he delivers us from death." Meanwhile the canoe took in water, the waves came pouring upon them, and the steersman abandoned the care of his vessel and of his life. Thereupon Barnabe called out, " Great God, who art obeyed by tempests, have pity on us." At that moment the fury of the winds was appeased; the mountains of water fell to their level; they saw all over the lake a calm, that was so favorable to their designs that they reached the shore without difficulty. But those Infidel minds refused to give the glory thereof to God; they said that it was the Demon whom they had invoked that had granted their prayers; and that it was his custom to save them from danger, even when they were in still deeper despair."^{xxxii}

Tobacco was used at the outset of voyages as well, to ensure good weather. According to Nicholas Perrot, who lived in the Great Lakes in the late seventeenth century, the pantheon of the Algonquian spirit world was dominated by the great spirit of the water known as Mshibzhii (though some would say Mshibzhiw) the Underwater Panther, believed to be a creature of great power which dwelled in an

underwater fortress. Mshibzhii (though some would say Mshibzhiw) could summon a storm with the swish of his immense tail and he could cause high winds simply by drinking. When the Algonquians travelled they made an offering to Mshibzhii (though some would say Mshibzhiw) in order to assure good weather and to protect them from the dangers of the voyage. Before embarking on a voyage the village *sagima* (medicine man) would blow tobacco smoke into the wind and call out the following invocation: "Thou, who art the master of the winds, favour our voyage and give us calm weather." Sometimes moose or deer hides were thrown in the water as an offering to Mshibzhii (though some would say Mshibzhiw) in exchange for good weather:

"They call the Manitou of waters and fishes Michibichy; and they offer him a somewhat similar sacrifice when they go to fish, or undertake a voyage. This sacrifice consists of throwing into the water tobacco, provisions, and kettles; and in asking him that the water of the river may flow more slowly, that the rocks may not break their canoes, and that he will grant them an abundant catch."^{xxxiii}

Across the Algonquian world, tobacco was thus important – necessary – for personal use, essential for diplomacy and council meetings, and vital for offerings to the spirit keepers for protection and good fortune in hunting. If it could not be grown, it had to be acquired through trade.

Hemp was another important horticultural product that was of great value to the Mi'kmaw people. The explorer Champlain noted its cultivation in Wendake as early as 1615. Champlain was interested in the role of women in farming, and in particular stripping and spinning hemp:

"Among these tribes are found powerful women of extraordinary stature; for it is they who have almost the whole care of the house and the work; for they till the soil, sow the Indian corn, fetch wood for the winter, strip the hemp and spin it, and with the thread make fishing-nets for catching fish, and other necessary things they have to do: likewise they have the labour of harvesting the corn, storing it, preparing food, and attending to the house, and besides are required to follow and accompany their husbands from place to place, in the fields, where they serve as mules to carry the baggage, with a thousand other kinds of duties and services that the women fulfil and are required to carry out."^{xxxiv}

Champlain, in this same passage, also noted that it was essential to acquire by trade that which could not be produced: "Having done this they visit other tribes, where they have access and acquaintance, to trade and exchange what they have for what they have not."^{xxxv}

The fibrous stems were spun into threads for fishing nets, a vital part of the Mi'kmaw economy as we have seen. The Jesuit Paul LeJeune, in 1636 noted the same use:

"There were also several women who were gathering the hemp of the country, that is, nettles, of which they make very strong ropes."^{xxxvi}

The Jesuit Lalement made a similar observation in 1643:

"About forty persons went to gather some wild plants, of which they make a kind of twine for the nets that they use in fishing."^{xxxvii}

Studies of material culture have examined other uses for hemp fibre and suggest that bowstrings were made of this as well:

“Chief among the offensive weapons of the North American Indians were the bow and arrow. Though still used to some extent, among various tribes, they have been mainly superseded by the firearms of the whites. The bows used among various tribes are divided by Mason into three classes, — "self," or plain (made of one piece), backed (with sinew or veneers), and compound (of two or more pieces of wood fastened together). Those of the first class characterize the region east of the Rocky Mountains and south of Hudson's Bay. The material of the bow was generally wood, of the hardest and most elastic kind obtainable in any given area, — oak, ash, hickory, etc.; or, in Canada, maple, birch, spruce, cedar, and even osier. The elasticity and toughness were increased, especially in the softer kinds of wood, by various processes — scraping, rubbing down, dipping in oil, and heating before a fire, and sometimes boiling. The bowstrings were made, sometimes from fibers of hemp or similar plants; sometimes from strips of rawhide twisted together, or intestines of animals; but most often from sinews. Usually, the Indian wore on the left wrist, as a guard against the bowstring, a band of rawhide two or three inches in width. The arrow was composed of a shaft of reed or wood, feathered at one end, and armed at the other with a head — sometimes of bone, horn, or wood; sometimes of shell, or copper; but perhaps oftenest of flint, quartz, or slate; for these, after the coming of white men, were often substituted iron arrow-points of European manufacture. These arrowheads were sometimes barbed, and sometimes serrated. All these parts were bound together with the sinews of animals, which, shrinking as they became dry, held all firmly in place. In some cases, pine-pitch was also used for the same purpose.”^{xxxviii}

It is quite evident that the Mi'kmaw people and their Iroquoian allies the St. Lawrence Iroquois and the Wendat had a symbiotic trade relation. The Mi'kmaw economy provided a surplus in valuable furs, seal skins, smoked salmon, and other important trade items. The Iroquoians had a surplus in horticultural goods and in particular in hemp for fishing nets and in tobacco for a variety of uses. The ecological basis for trade was joined by a cultural basis for trade as these groups became allies as well as trading partners.

The Right to Trade

The British, when they forced the French out of the Kijipuktuk aq Mi'kma'ki recognized the trade that had been going on since time immemorial. They included this in the 1752 Treaty.

Article four (4) of his Nation's 1752 Treaty of Peace and Friendship which states:

“It is agreed that the said Tribe of Indians shall not be hindered from, but have free liberty of Hunting & Fishing as usual: and that if they shall think a Truckhouse needful at the River Chibenaccadie or any other place of their resort, they shall have the same built and proper Merchandize lodged therein, to be Exchanged for what the Indians shall have to dispose of, and that in the mean time the said Indians shall have free liberty to bring for Sale to Halifax or any other Settlement within this Province, Skins, feathers, fowl, fish or any other thing they shall have to sell, where they shall have liberty to dispose thereof to the best Advantage.”^{xxxix}

This paper has shown clearly that the Mi'kmaw economy, from the earliest contact, enabled them to trade and to form trade partnerships. This paper has shown what their traditional economy was and it has shown that it was an economy of abundance. Tobacco was part of that trade, as was hemp.

ⁱ Ramsay Cook, ed., *The Voyages of Jacques Cartier*. (Toronto: University of Toronto Press, 1993), 18.

ⁱⁱ Ramsay Cook, ed., *The Voyages of Jacques Cartier*. (Toronto: University of Toronto Press, 1993), 19-21.

ⁱⁱⁱ Ramsay Cook, ed., *The Voyages of Jacques Cartier*. (Toronto: University of Toronto Press, 1993), 21.

^{iv} Ramsay Cook, ed., *The Voyages of Jacques Cartier*. (Toronto: University of Toronto Press, 1993), 21.

^v "He[Cartier] came across islands which appeared fertile to him by comparison with Newfoundland, among them Île Brion where he perhaps set up another cross, and on 26 June he reached the Îles de la Madeleine, which he assumed to be the beginning of the mainland. On the evening of 29 June he sighted another land, "the best-tempered region one can possibly see, and the heat is considerable"; he had discovered Prince Edward Island, without however being able to determine that it was an island.

Next, he explored bays that were disappointing, openings that held continual promise of being the passage to Asia, but which grew narrower as he advanced. To the southern tip of the "baie de Chaleurs" he gave the name of Cap d'Espérance, "for the hope we had of finding here a strait." From 4 to 9 July he made a systematic investigation, only to conclude that no passage existed, "whereat we were grieved and displeased." On 14 July he entered the Baie de Gaspé (which remained unnamed in 1534). He stayed there for a considerable time, until 25 July, which permitted him to establish some very important contacts with the Indians.

They were not the first natives whom he had encountered. On 12 or 13 June he had seen Indians in the "land of Cain"; they had come from inland to hunt the seal, and they have been identified by some as Beothuks, who are now extinct. At the beginning of July he had seen others on the Prince Edward Island coast, and on 7 July, in the Baie des Chaleurs, he had traded in furs with natives, probably Micmacs. Those whom he met at Gaspé were Laurentian Iroquois, who had come down in great numbers for their annual fishing. This nation was master of the St. Lawrence and was to assume historical importance. Marcel Trudel, "Jacques Cartier" *Dictionary of Canadian Biography On-line*. http://www.biographi.ca/en/bio/cartier_jacques_1491_1557_1E.html

^{vi} Map of the Districts of Mi'kma'ki (Kjipuktuk aq Mi'kma'ki) <https://parks.canada.ca/lhn-nhs/ns/fortanne/culture/autochtone-indigenous/carte-mikmaki-map>

^{vii} Scattered references in English and French historical records suggest that during the 17th century (1600-1700), Mi'kmaq families hunted, fished, and trapped from Newfoundland's southwest coast to Placentia Bay. Travelling back and forth between Cape Breton and Newfoundland, these Mi'kmaq incorporated the island of Newfoundland into what one researcher has aptly called a "domain of islands" See Charles A. Martijn, "Early Mi'kmaq Presence in Southern Newfoundland: An Ethnohistorical Perspective, c.1500-1763." *Newfoundland and Labrador Studies* 19.1 (2003) 44-102.

^{viii} After his noviciate and his literary studies he taught at Billom, studied philosophy and theology at Avignon, and was ordained a priest in 1599. In the years following he taught theology at Tournon, then at the Collège in Lyon, which he left in August or September 1608 in order to go to Bordeaux, and there await an opportunity of getting to Canada. He had to bide his time until September 1610, when the provincial of the Jesuits of Paris summoned him

to the capital in order to send him and Father Énemond [Massé](#) to Port-Royal (Annapolis Royal, N.S.) on the ship belonging to [Charles de Biencourt](#), son of [Jean de Biencourt](#) de Poutrincourt. When they reached Dieppe towards the end of October 1610, the two missionaries encountered opposition from two Calvinist merchants who were rigging the ship. [See [Charles de Biencourt](#).] But Antoinette de Pons, Marquise de Guercheville generously solved the difficulty by buying up the merchants' shares in the cargo, at a cost of 4,000 *livres tournois*. The noble lady stipulated that the missionaries should be partners of Poutrincourt, and should have half of the revenues of the expedition as their share. The contract was signed 20 Jan. 1611. The aim of the Marquise was to establish what was called a foundation for the maintenance of the missionaries. The capital which would be recovered on the ship's return by the sale of the merchandise was to be reinvested in the following expedition, whereas the half of the profits accruing to the Jesuits would serve to pay for their maintenance. But this half was from the beginning hypothetical since the missionaries shared in all the expenses, whatever they were, not only those of the commercial expedition, which brought profits both to them and to Poutrincourt, but also those involved in the maintenance of the Port-Royal settlement, which was advantageous only to Poutrincourt.

Father Biard left Dieppe 26 Jan. 1611, and after a long and hard crossing of four months' duration, reached Port-Royal 22 May. That same year he made three journeys along the coasts of New Brunswick and Maine, going as far as the Kennebec River, in an attempt to appease the quarrels among the French and to inculcate in the Indians the rudiments of Christianity. He incurred Biencourt's rancour when he decided to baptize the Indians only after he had been able to give them some instruction, since he saw that those who were already Christians had retained all their pagan customs. As it happened, Biencourt was counting on the number of baptisms conferred by Abbé [Fléché](#) for propaganda purposes in Europe and for raising funds. [See [Jean de Biencourt](#)] Moreover Father Biard, who could not learn Indian languages at Port-Royal, conceived the idea of going and asking the help of young [Robert Gragé](#) Du Pont, Biencourt's rival. Biencourt was vexed at this, and refused to let the missionary leave. Thus immobilized, the Jesuit faced with the others the winter of 1611–12 and all its hardships, which were further accentuated by the shortage of supplies. Lucien Campeau, "Pierre Biard," Dictionary of Canadian Biography On-line. http://www.biographi.ca/en/bio/biard_pierre_1E.html.

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^{xiv} *The Jesuit Relations and Allied Documents: Travels and Explorations of the Jesuit Missionaries in New France, 1610-1791. The Original French, Latin, and Italian Texts, with English Translations and Notes.* Edited by Reuben Gold Thwaites. 73 volumes. (Burrows Brothers, Cleveland, 1896-1901). Volume III, p. 77-79.

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^{xvii} Perrot, Nicolas. *Mœurs, coutumes et religion des sauvages de l'Amérique septentrionale*. Ed. Pierre Berthiaume. (Montréal : les Presses de l'Université de Montréal, 2004), 257-258.

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^{xxx} *The Jesuit Relations and Allied Documents: Travels and Explorations of the Jesuit Missionaries in New France, 1610-1791*. The Original French, Latin, and Italian Texts, with English Translations and Notes. Edited by Reuben Gold Thwaites. 73 volumes. (Burrows Brothers, Cleveland, 1896-1901). Vol. xv, p. 26-27.

^{xxxi} AN, C11A 19/fo1.41-44v, 1701, août-septembre Ratification de la paix conclue entre les Français, leurs alliés et les Iroquois. Signature de chefs iroquois, outaouais, hurons, abénaquis, algonquins, sauteux, etc, sous forme de dessins représentant l'animal totémique de leur tribu. Ce document est connu sous le nom de Traité de la grande paix de Montréal de 1701.

^{xxxii} *The Jesuit Relations and Allied Documents: Travels and Explorations of the Jesuit Missionaries in New France, 1610-1791*. The Original French, Latin, and Italian Texts, with English Translations and Notes. Edited by Reuben Gold Thwaites. 73 volumes. (Burrows Brothers, Cleveland, 1896-1901). vol. xxvi, p. 308-311.

^{xxxiii} *The Jesuit Relations and Allied Documents: Travels and Explorations of the Jesuit Missionaries in New France, 1610-1791*. The Original French, Latin, and Italian Texts, with English Translations and Notes. Edited by Reuben Gold Thwaites. 73 volumes. (Burrows Brothers, Cleveland, 1896-1901, vol. 67, p. 158.

^{xxxiv} H.P. Biggar, ed. *The Works of Samuel de Champlain*. (Toronto: Champlain Society, 1929), vol. III, pp. 136-137.

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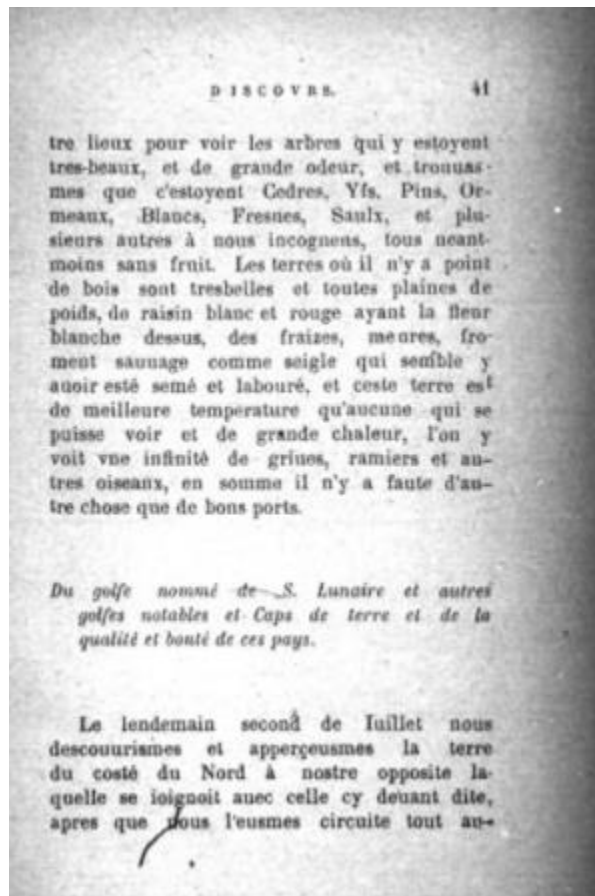
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^{xxxix} 1752 Peace and Friendship Treaty Between His Majesty the King and the Jean Baptiste Cope
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Note 1, *Premier Voyage de Jacques Cartier au Canada*, 41.

Du Cap d'Esperance et du lieu S. Martin, et comme ces barques d'hommes sauvages approchez de notre barque et ne se voulans retirer, furent espouventez de quelques coups de passe-cotans et de nos dards, et comme ils s'enfuirent à grand haste.

Le Cap de ceste terre du Su fut appelée Cap d'Esperance, pour l'esperance que nous auions d'y trouuer passage. Le quatrième iour de Juillet allasmes le long de ceste terre du costé du Nord pour trouuer port, et entrasmes en vn petit port et lieu tout ouuert vers le Su où n'y a aucun abry pour ce vent, et trouuasmes bon de l'appeler le lieu S. Martin, et demeurasmes là depuis le iij. de Juillet iusques au xij. Et pendant le temps que nous estions en ce lieu allasmes le Landy sixième de ce mois apres auoir oy la Messe avec vne de nos barques pour descourrir vn Cap et pointe de terre, qui en estoit esloigné sept ou huit lieues du costé d'Ouest, pour voir de quel costé se tournoit ceste terre, et estans à

demi-lieu de la pointe apperceusmes deux bandes de barques d'hommes sauvages qui passoyent d'une terre à l'autre, et estoient plus de quarante ou cinquante barques desquelles vne partie approcha de ceste pointe, et s'anta en terre vn grand nombre de ces gens faisans grand bruit et nous faisoient signe qu'allassions à terre montrans des peaux sur quelques bois, mais d'autant que n'aulops qu'une seule barque nous n'y voulusmes aller, et nanigasmes vers l'autre bande qui estoit en mer. Eux nous voyans fuir, ordonnerent deux de leurs barques les plus grandes pour nous suyvre, avec lesquelles se ioignirent ensemble cinq autres de celles qui venoyent du costé de mer, et tous s'approchèrent de nostre barque sautans et faisans signe d'allegresse et de vouloir nostre amitié, disans en leur langue, *Napeu tou damen assurtah*, et autres paroles que nous n'entendions. Mais parce que comme nous auons dit, nous n'auions qu'une seule barque, nous ne voulusmes nous fier en leurs signes, et leur donnasmes à entendre qu'ils se retirassent, ce qu'ils ne voulurent faire,

ains venoyent avec si grande furie vers nous qu'aussitost ils environnerent nostre barque avec les sept qu'ils avoyent. Et parce que pour signes que nous fissions ils ne se vouloyent retirer, laschames deux passe-volans sur eux, dont espouvanter retournerent vers la susdite pointe faisant tres grand bruit, et demeurez là quelque peu, commencerent derechef avenir vers nous comme deuant, en sorte qu'estans approchez de la barque, descochames deux de nos dards au milieu d'eux, ce qui les espouventa tellement qu'ils commencerent à fuir en grand haste, et n'y voulurent oncques plus revenir.

Note 2, *Premier Voyage de Jacques Cartier au Canada.*, 44-46.

Comme ces sauvages venans vers nos Nauires et les nostres venans vers les leur, descendent les uns et les autres en terre, et comme ces sauvages se joignent a traffiquer en grande allegresse avec les nostres.

Le lendemain partie de ces sauvages vindrent avec neuf de leurs barques à la pointe et entree du lieu d'où nos Nauires

estoyent partis: Et estans advertis de leur venue, allasmes avec nos barques à la pointe où ils estoyent, mais si tost qu'ils nous visrent ils se misrent en fuite, faisant signe qu'ils estoyent venus pour traffiquer avec nous, monstrans des peaux de peu de valeur, dont ils se vestent. Semblablement nous leur faisons signe que ne leur voulions point de mal, et en signe de ce deux des nostres descendirent en terre pour aller vers eux, et leur porter couteaux et autres ferremens avec un chapeau rouge pour donner à leur Cappitaine. Quoy voyans descendirent aussi à terre portans de ces peaux, et commencerent à traffiquer avec nous, monstrans une grande et merueilleuse allegresse d'avoir de ces ferremens et autres choses, dansans toujours et faisant plusieurs ceremonies, et entre autres ils se jectoyent de l'eau de mer sur leur teste avec les mains. Si bien qu'ils nous donnerent tout ce qu'ils avoyent ne retenans rien, de sorte qu'ils leur fallut s'en retourner tous nuds, et nous firent signes qu'ils retourneroyent le lendemain et qu'ils apporteroyent d'autres peaux.

Footnote 3, *Premier Voyage de Jacques Cartier au Canada*, 46-47.

Comme après que les notres eurent envoyé deux hommes en terre avec des marchandises, vinrent 300 Sauvages en grande joie ; de la qualité de ce pays, de ce qu'il produit, et du Golfe de la Chaleur.

Le Jeudi huitième du dit mois, par ce que le vent n'étoit bon pour

sortir hors avec nos navires, appareillames nos barques pour aller découvrir ce Golfe, et courumes en ce jour vingt-cinq lieuës dans icelui. Le lendemain ayant bon temps navigames jusqu'à midi, auquel temps nous eumes connoissance d'une grande partie de ce golfe, et comme sur les terres basses il y avoit d'autres terres avec hautes montagnes. Mais voyans qu'il n'y avoit point de passage, commençames à retourner faisant notre chemin le long de cette côte, et navigames, vîmes des Sauvages qui étoient sur le bord d'un lac qui est sur les terres basses. Le jour le sixième d'octobre

Note 4, *Premier Voyage de Jacques Cartier au Canada*, 47-48.



Note 6, Map of the Districts of Mi'kma'ki (Kjipuktuk aq Mi'kma'ki)

CHAPITRE IV.

DU NATUREL DES SAUVAGES, DE LEURS HABITS, HABITATIONS, & VIURE.

LE naturel de nos Sauvages est de foy liberal, & point malitieux: ils ont l'esprit assez gaillard & net, quant à l'estime, & iugement des choses sensibles, & communes & deduifent fort gentiment leurs raisons, les affaifonnant toujours avec quelque jolie similitude. Ils ont fort bonne memoire des choses corporelles, cōme de vous auoir veu, des qualitez d'une place, où ils auront esté, [37] de ce qui aura esté fait deuant eux, depuis vingt & trente ans, &c. Mais d'apprendre par cœur, là est l'escueil: il n'y a moyen de leur mettre dans la caboche une tirade rengée de paroles. Ils n'ont point de barbe, autant peu les hōmes que les fēmes, hormis quelques vns plus robustes, & virils. Souuent ils m'ont dit, q̃ nous leur semblions du commencement fort laids, avec nos cheueux, aussi bien sur la bouche que dessus la teste: mais peu à peu ils s'accoustument, & nous commençons à ne plus leur paroistre si difformes. Vous ne sçauriez recognoistre les ieunes garçons d'avec les ieunes filles, sinon à la façon de se ceindre. Parce que les femmes se ceignent dessus & dessous le ventre, & sont plus couuertes que les masles: elles sont aussi d'ordinaire plus parées de matachias: c'est à dire, de [38] chaines, & affiquets, & semblables parures à leur mode: à ce que vous sçachiez que par

tout telle est la nature du sexe, amoureuse d'embellissement. Vniuersellemēt parlant ils sont de taille vn peu moindre que nous, principalemēt quant à l'espaiffeur: Belle toutesfois & bien prinse, comme si nous demeurions en l'estat qu'auons à l'age de vingt & cinq ans. Vous ne recōtreriez point entr'eux vn vëtru, bossu, ny contre-fait: ladres, gouteux, pierreux, infenés, ils ne sçauent que c'est: ceux d'entre nous qui sont tarez, comme borgnes, louches, camus, &c. sont aussi tost remarqués par eux, & mocqués largement, spëcialemēt par derriere, & quand ils sont entr'eux: car ils sont bons compagnons, & ont le mot & sobriquet à commandement, fort aises quand ils se pensent auoir occasion de [39] nous mespriser. Et certes (à ce que ie vois) c'est vne contagion dont personne n'est exempté que par la misericorde de Dieu: que de se trop estimer soy-mesme. Vous verriez ces pauvres barbares, nonobstant leurs si grands manquements de police, de puissance, de lettres, d'arts & de richesse: neātmoins tenir si grād compte d'eux, qu'ils nous en déprisēt beaucoup, se magnifiants par dessus nous.

Leurs habits sont chamarrés de peaux, que les femmes passent, & conroyent du costé, qui n'est pas velu: elles conroyent souuent les peaux d'elan de tous les deux costés, comme nostre buffetin, puis le barricolent de peinture en forme de passéments bien ioliment, & en font des robes: de ces mesmes peaux elles leur font des fouliers, & des greues. Les masses ne portent point de hauts [40] de chausses, parce que (disent-ils) cela les entraue trop, & met comme aux ceps, ils portent seulemēt vn linge au deusāt de leur nature, l'Esté ils vsent fort de nos capots, & l'Hyuer

de nos couvertes de liëts, lesquelles ils s'accommodent en charre les redoublants: ils s'aident aussi fort volontiers de nos chapeaux, fouliers, bonnets de laine, chemises, & du linge, pour nettoyer leurs enfans de maillot, car on leur troque toutes ces denrées contre leurs peaux.

Quelque part qu'ils soyent arrivés, la première chose c'est de faire du feu, & se cabaner, ce qu'ils ont fait dans un heure, ou deux: souvent en demy heure. Les femmes vont au bois, & en apportent des perches, lesquelles on dispose par en bas en rond à l'entour du feu; & par en haut on les enfourche entr'elles pyramidalement, [41] de manière qu'elles se reposent l'une contre l'autre droit au dessus du feu; car là est la cheminée. Sur les perches on jette des peaux, ou bien des nattes, ou des écorces. Au pied des perches dessous les peaux se mettent les sacs. Toute la place à l'entour du feu est jonchée de feuilles de pin, à fin de ne sentir l'humidité de la terre: dessus les feuilles de sapin ils jettent souvent des nattes ou des peaux de loup marin aussi délicates que le velours; là dessus ils s'étendent à l'entour du feu ayant la tête sur leurs sacs. Et ce qu'on ne croiroit pas, ils font très-chaudement leans dedans à petit feu, voire aux plus grandes rigueurs de l'Hiver. Ils ne se cabanent point, qu'aupres de quelque bonne eau, & en lieu de plaisant aspect. En Esté leurs logis changent de figure: car ils les font larges & longs, [42] à fin d'avoir plus d'air; aussi les couvrent-ils lors quasi d'écorces, ou de nattes, faites de roseaux tendres, & font beaucoup plus minces & délicates que les nôtres de paille, si artistement tissées, que quand elles pendēt, l'eau coule tout au long, sans point les percer.

Leur viure est ce que la chasse, & la pèche leur donnent : car ils ne labourent point : mais la providence paternelle de nostre bon Dieu, laquelle n'abandonne pas les passereaux mesmes, n'a point laissé ces pauvres creatures, capables de luy, sans prouisiõ cõuenable, qui leur est comme par estape, assignee à chaque lune, car ils cõtent par Lunes, & en mettēt treze en l'an : Par exemple donc, en Ianuier ils ont la chasse des loups marins : car cest animal, quoy qu'il soit aquatique, fraye neantmoins [43] sur certaines Isles enniron ce temps. La chair en est aussi bõne q̃ du veau ; & de plus ils font de sa graisse vn'huyle, qui leur sert de sausse toute l'annee, ils en rèplissent plusieurs vessies d'ornac, qui font deux ou trois fois plus amples & fortes que les nostres de porc ; & voila leurs tonneaux de reserve. En ce mesme mois de Feurier, & iusques à la my-Mars, est la grande chasse des Castors, loutres, orignacs, ours (qui font fort bons) & des caribous, animal moitié asne, moitié cerf. Si le tẽps leur dit, ils viuent lors en grand'abondance, & font aussi fiers que Princes & Roys ; mais s'il leur est contraire, c'est grãde pitié d'eux, & souuent meurent de miserable faim. Le temps leur est contraire, quand il plect beaucoup, & ne gele pas ; parce que lors ils ne peuvent chasser ny aux effans, ny aux [44] castors. Item, quand il nege beaucoup, & ne gele pas là dessus, car ils ne peuvent pas mener leurs chiens à la chasse, pource qu'ils enfoncēt dedans, ce qu'ils ne font pas eux, parce qu'ils s'attachent des raquettes aux pieds à l'aide desquelles ils demeurent dessus ; si ne peuvent-ils tant courir qu'il faudroit, la nege estât trop molle. Autres tels miserables accidents leur arriuent, qui seroyent longs à raconter.

Sur la my Mars le poisson commence à frayer, & monter de la mer en haut contre certains ruisseaux, fouent en si grand'abondance, que tout en formille. A peine le croiroit, qui ne l'auroit vu. On ne scauroit mettre la main dans l'eau, qu'on ne rencôtre proye. Entre ces poissons l'eplan est le premier: cest eplan est deux & trois fois plus grand que [45] n'est le nostre de ruiere: apres l'eplan suit le harenc à la fin d'Auril, & au mesme temps les outardes arriuent du Midy, qui font grosses cannes au double des nostres, & font volontiers leurs nids aux Isles. Deux œufs d'outarde en valent richement cinq de poule. A mesme termoyement vient l'estourgeon, & le faumon, & la grande queste des œufs par les Illetes, car les oiseaux pefcherets, qui font là en tref grande foison, pondent lors, & fouent courêt de leurs nids ces Illetes. Dès le mois de May iusques à la my-Septembre, ils font hors de tout esmoy pour leur viure: car les mouluës font à la coste, toute forte de poisson & coquillage; & les nauires François avec lesquels ils troquent; & sçavez vous s'ils entendent bien à se faire courtiser. Ils tranchent des freres avecques [46] le Roy, & ne leur faut rien rabattre de toute la piece. Il faut leur faire des presents, & les bien harâguer auant qu'ils accordent la traicte; & icelle faicte, faut encores les Tabagier, c'est à dire, les banqueter. Alors ils danferont, harangueront & chanteront *Adequidex, Adequidex*, Sçauoir est, qu'ils font les bons amys, alliés, affociés, confederés, & comperes du Roy, & des François.

Le gibier d'eau y abonde; celui de terre non, sinon à certain temps les oiseaux passagiers, comme outardes & oyes grises & blâches. On y trouue des per-

drix grifes, qui ont vne fort belle quenë, & font deux fois plus grosses que les nostres; on y voit force tourtes, qui viennent manger les fräboises au mois de Juillet. Plusieurs oiseaux de proye & quelques lapins & leuraux.

[47] Or nos fauuges sur la my-Septembre se retirent de la mer, hors la portée du flux, aux petites riuieres, où les anguilles frayent & en font prouision, elles font bônes & grasses. En Octobre & Novembre est la seconde chasse des castors & des eslans: & puis en Decembre (admirable prouidence de Dieu) vient vn poisson appelé d'eux *ponamo*, qui fraye sous la glace; Item lors les tortues font leurs petits, &c. Tels donc mais en bien plus grand nombre font les reuenus, & censues de nos Sauuages, telle leur table & entretië, le tout cotté & assigné chascune chose en son endroit & quartier. Iamais Salomon n'eust son hostel mieux ordonné & policé en viuandiers, que le font ces pensions & les voicturiers d'icelles. Aussi vn plus grand que Salomon les a constitués. A luy soit gloire à tout'eternité.

[48] Pour bien iouyr de ce leur appanage; nos syluicoles s'en vont sur les lieux d'iceluy avec le plaisir de peregrinatiô & de proumenade, à quoy facilement faire ils ont l'engin, & la grande commodité des canots qui font petits esquifs faicts d'escorce de bouleau, estroits & resserrés par les deux bouts, comme la creste d'un morion; le corps est en façon de berceau large, & ventru; Ils sont lōgs de huit, ou dix pieds; au reste si capables, que dans vn seul logera tout vn meſnage de cinq, ou six personnes avec tous leurs chiens, sacs, peaux, chauderons & autre bagage bien pesant. Et le bon est qu'il prennent terre, où

leur plaist, ce que nous ne pouuôs faire avec nos chaloupes ou bateaux mariniens; parce que le cauet le plus chargé ne scauroit cueillir demy pied d'eau, & deschargé il est si [49] leger, que vous le soufpeferiés facilement, & transporteriez de la main gauche; si vifte à l'auiron qu'à vostre bel-aife de bon temps vous ferés en vn iour les trente, & quarente lieuës: neantmoins on ne voit guieres ces Sauvages postilonner ainfi: car leurs iournees ne font tout que beau paffetemps. Ils n'ont iamais haste. Bien diuers de nous, qui ne scaurions iamais rien faire fans presse & oppresse; oppresse di je, parce que nostre desir nous tyrannise & bannit la paix de nos actions.

Notes 9-23, Jesuit Relations, vol III, pp. 72-84

50 VOYAGES DV SIEVR DE CHAMPLAIN

tous ces Villages ils nous reçurent fort courtoisement avec quelque humble accueil. Tout ce pays où ie fus par terre contient quelque 20. à 30. lieues, & est tres-beau, sous la hauteur de quarante quatre degrez & demy de latitude, pays fort deserté,¹ où ils sement grande quantité de bleds d'Inde, qui y vient tres-beau, comme aussi des sitrouilles, herbe au Vol. 27 Soleil, dont ils font de l'huile de la graine : de laquelle huile ils se frottent la teste. Le pays est fort trauersé de ruisseaux qui se deschargent dedans le lac.² Il y a force vignes & prunes, qui sont tresbonnes, framboises, fraises, petites pommes sauvages, noix,³ & vne maniere de fruct, qui est de la forme, & couleur de petits citrons, & en ont aucunement le goust, mais le dedans est tresbon, et ⁴ presque semblable à celuy des figes.⁵ C'est vne plante qui les porte, laquelle a la

¹ Voy. Vol. II, p. 60.

² est (1619, 1620, 1627).

Now in all these villages they received us very courteously with some modest welcome. This whole region which I visited on foot extends for some twenty to thirty leagues, and is very fine, being in latitude 44° 30', and a well cleared country where they plant much Indian corn, which comes up very well, as do also squashes and sunflowers, from the seeds of which they make oil wherewith they anoint their heads. The region is crossed by many streams which empty into the lake.¹ There is abundance of vines and plums, which are very good, raspberries, strawberries, small wild apples, walnuts ² and a kind of fruit of the shape and colour of small lemons, and with something of the taste of them, but the inner part is very good, almost like that of figs.³ The plant

¹ Heron.

² Probably butternuts. The European walnut-tree does not occur in America. (Ganong.)

³ The May-apple. "The fruit of this plant (*Podophyllum peltatum* Linn.), called *cicoumier* in Lower Canada, is good to eat, but the root is a violent poison." (Lav.)

vns longs, les autres courts, les autres d'un costé seulement : Pour les femmes, & les filles, elles les portent tousiours d'une mesme façon, elles s'ôt vestuës comme les hommes, horsmis qu'elles ont tousiours leurs robes saintes,* qui leur viennent en bas, iusques au genouil : c'est en quoy elles different des hommes,† elles ne sont point honteuses de montrer le corps, à sçavoir depuis la cainture‡ en haut, & depuis la moitié des cuisses en bas, ayant tousiours le reste couuert & sont chargées de quantité de porcelaine, tant en colliers, que chaines, Fol. 8 qu'elles mettent devant leurs robes, pendans à leurs ceintures, bracelets, & pendans d'oreilles, ayant les cheveux bien paignez, peints, & graissez, & ainsi s'en vont aux dances, ayans un touffeu‡ de leurs cheveux par derriere, qui leur sont liez de peaux d'anguilles, qu'ils accommodēt & font servir de cordon, ou quelquesfois ils attachent des platines

* *Saintes* = *ceintes*.

† Remplacer la virgule par un point.

‡ Lire *ceinture*, ou mieux *ceinture*.

‡ Autre forme de *touffeu* = *touffe*.

wear long, others short, others on one side only. As to the women and girls, they wear it always in the same manner; they are clad like the men except that they always gird up their robes, which hang down to the knee. In this they differ from the men; they are not ashamed to show their body, that is, from the waist up and from mid-thigh down, always keeping the rest covered, and they are laden with quantities of wampum, both necklaces and chains, which they allow to hang in front of their robes and attached to their belts, and also with bracelets and ear-rings. They have their hair well combed, dyed and oiled, and thus they go to the dances with a tuft¹ of their hair behind tied up with eel-skin which they arrange to serve as a band, or sometimes they fasten to it plates a foot square covered with the

¹ The French word in the text, *touffeu*, is an old word found in Cotgrave as equivalent to *touffe*.



To face p. 135

VOYAGES DV SIEVR DE CHAMPLAIN 135

d'un pied en carre,* couuertes de ladite pourceline, qui pend par derriere, & en ceste façon poupinement* vestuës & habillées, elles se montrent volontiers aux dances, où leurs peres, & meres les enuoyent, n'oubliant rien de ce qu'ils peuuent apporter d'inuention pour embellir & parer leurs filles, & puis asseurer auoir veu en des dances où i'ay esté, telle fille qui auoit plus de douze liures de pourceline sur elle(s), sans les autres bagatelles, dont elles sont chargées & attourées. En ceste page se voit comme les femmes sont habillées, comme montre F. & les filles allant à la dance, G.^d

*Filles en-
richies
d'estre
parées.*

[PLANCHE AU VERSO DU FOL. 87.]^a

Fol. 88. Tous ces peuples sont d'une humeur assez iouiale, bien qu'il y en aye beaucoup de complexion triste, & saturnienne entr'eux : Ils sont bien proportionnés de leurs corps, y ayant

^a Ainsi (pour carré) dans toutes les éditions.

^b Poupinement = mignonnement.

^c Cette note marginale est la dernière jusqu'au folio 106.

^d Le texte de 1632 ajoute : *Se voit aussi comme les femmes pilent leur bled d'Inde, lettre H.* Voir ci-dessus, p. 128.

^e Le folio 87 recto ne porte que onze lignes : le verso est occupé par la planche.

same wampum, which hang behind. In this manner, gaily dressed and adorned, they like to show themselves at dances, where their fathers and mothers send them, forgetting no device that they can apply to bedeck and bedizen their daughters; and I can assure you that at dances I have attended, I have seen girls that had more than twelve pounds of wampum on them, without counting the other trifles with which they are loaded and decked out. On this page may be seen how the women are dressed, as is shown in F, and the girls going to the dance in G. [PLATE VI.]

All these people are of a very cheerful disposition although many among them are of a sad and saturnine humour. They are well-proportioned in body; the men being well shaped,

Ma in questa quasi estrema povertà non lascian d'esser tra di loro e poveri, e ricchi, nobili, & ignobili, & hāno i loro ornamēti, massime le donne, per le pubbliche feste, e cerimonie di giuoci, balli, e festini, che hāno poco più, che il nome comune con quelli d' Europa. I loro costumi son differēti da' nostri, e in pace, e in guerra, e in publico, e in particolare: nō si scuoprono per salutare, essendo prima di conoscere i Frācesi, sēpre scoperti. Ma il silētio, e l' obediēza de' giouani verso gli attēpati seruono di riuerēza, e p' saluto ordinario si cōtētano d' vn buō dī, ch' in lingua loro s' esprime dicēdo. Quoe.

[10] Le donne portano i capelli tutti vniti in vna treccia, che gli cade dietro le spalle; gli huomini diuerfamente; altri si radono la metà della testa: altri tutta, lasciandoci solo alcuni fiocchi di capelli quà, e là; altri nutriscono longhissima la chioma, & è il più comune; altri li lasciano in mezzo, ò nella fronte, dritti come fetole; quindi i primi Francesi diedero à nostri Barbari il nome di Huroni per la hure, cioè per i crini dritti come fetole di cignale, che portauano in mezzo al capo; che questo significa in Francese, hure. Ma tutti gli hanno comunemente neri, & odiano grandemēte i ricci, cosa tra essi affatto rara, se pure ve n' è alcuno.

Pingonfi in diuerse maniere, & in varie occasioni la faccia, e molti il corpo tutto; alcuni superficialmente, e di passaggio, altri per sempre; i primi hora di nero, hora di rosso, hora di diuersi colori; questi comparisce artificiosamente barbato, quegli pare porti gli occhi-

ali; queſti hà tutta la faccia rigata di varij colori; quegli vna ſola metà; tutti però lucente per l' olio, ò graſſo, che meſcolano ne' lor colori: il nero lo pigliano comunemente dal fondo delle pentole; gli altri colori ſono di varie terre, come lacca, ò di certe radici, che rendono il colore d' vn finiſſimo ſcarlatto: e ſi pingono sì bene, che alcuni à prima viſta han creduto eſſer veramente veſtiti alcuni Barbari, che perfettamente nudi, altra veſte non haueuano, che di puro colore.

Ma quei, che ſi pingono permanentemente, lo fanno con eſtremo dolore; feruendoſi per queſto di achi, di acute leſione, ò di pungenti ſpine, con le quali forandoſi, ò facendoſi da altri forar la pelle, ſi formano ful viſo, ful collo, ful petto, ò altra parte del corpo qualche animale, ò moſtro, per eſempio vn' Aquila, vn Serpente, vn Drago, ò altra figura, che più gli aggrada: e paſſando poi ſopra il freſco, e ſanguinoſo diſegno poluere di carbone, ò altro nero colore, che ſi meſcola col ſangue, e penetra ne' fatti buchi, imprimono indelebilmente nella viuua pelle le diſegnate figure. E queſto in alcune nationi è sì commune che in quella, che chiamauamo del Tabacco, & in quella, che per hauer pace con gli Huroni, e con gl' Hirocheſi ſi chiamaua Neutra, non ſò ſe ſi trouaſſe vn ſolo, che non foſſe in queſto modo, in qualche parte dipinto. È vero, che quando la pittura è d' vna gran parte del corpo, è pericolofa, maſſime in tempo freddo, & ò per qualche ſpetie di ſpaſimo, ò per altra ragione, hà cauſata à più d' vno la morte: facendolo martire

phiole dans laquelle vne pulce paroist comme vn han-
neton, du verre triangulaire, des outils de menuife-
rie. Mais sur tout de l'écriture; car ils ne pouvoient
concevoir comme ce qu'un de nous, estât au village
leur auoit dit & couché en mesme temps par escrit;
vn autre qui cependant estoit dans la maison bien
esloignée, le disoit incontinent en voyant l'écriture.
Je crois qu'ils en ont fait cent experiences. Tout
cela sert pour gaigner leurs affections, & les rendre
plus dociles, quand il est question des admirables &
incomprehensibles mysteres de nostre Foy. Car la
croyance qu'ils ont de nostre esprit & de nostre capa-
cité, fait que sans repliche ils croient ce qu'on leur
annonce.

[163] Reste maintenant à dire quelque chose du
pays, des meurs & coustumes des Hurons, de la dispo-
sition qu'ils ont à la Foy, & de nos petits traux.

Quant au premier, le peu de papier & de loisir que
nous auons, m'oblige à vous dire en peu de mots ce
qui pourroit faire vn iuste volume. Le pays des Hu-
rons n'est pas grand, sa plus longue estenduë se peut
trauerfer en trois ou quatre iours, l'affiette en est
belle, la plus part toute en plaines. Il est environné
& entrecoupé d'une quantité de tres-beaux lacs, ou
plustost mers, d'où vient que celui qui leur est au
Nord, & au Nord-nordouest, est appelé mer douce.
Nous passés par là en venant des Bissiriniens. Le sol
de ce pays est tout sablonneux, quoy que non esgale-
ment. Cependant il produit quantité de tres-bon
bled d'Inde, & peut-on [164] dire, que c'est le gre-
nier de la plus part des Algonquains. Il y a vingt
Bourgades, qui disent environ trente milles ames,
sous vne mesme langue, & encore assez facile à qui a
quelque maistre. Elle a distinction de genres, de

moindre occasion la chaudiere est toujours preste, & particulièrement en hyver, qui est le temps auquel principalement ils se festinent les uns les autres. Ils aiment la peinture, & y reüssent assez industrieusement, pour des personnes qui n'y ont point d'art ny d'instrumens propres, & font neantmoins des representations d'hommes, d'animaux, d'oyseaux & autres grotesques; tant en relief de pierres, bois & autres semblables matieres, qu'en platte peinture sur leurs corps, qu'ils font non pour idolatrer; mais pour se contenter la veuë, embellir leurs Calumets & Petunoirs, & pour orner le devant de leurs Cabanes.

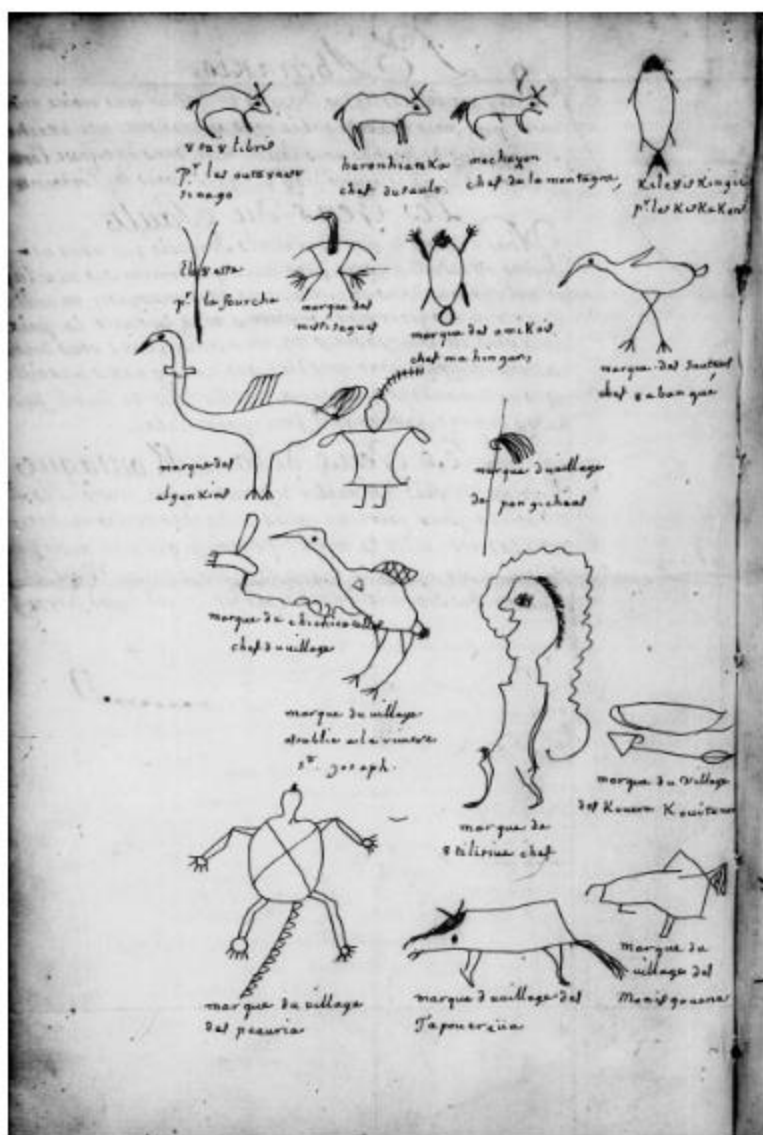
Pendant l'hyver, du filet que les femmes & filles ont filé, ils font les rets & filets à pescher & prendre le poisson en esté, & mesme en hyver sous la glace à la ligne, ou à la seine, par le moyen des trous qu'ils y font en plusieurs endroits. Ils font aussi des flesches avec le cousteau, fort droictes & longues, & n'ayans point de cousteaux, ils se servent de pierres trenchantes, & les empennent de plumes de queue & d'aisles d'Aigles, parce qu'elles sont fermes & se portent bien en l'air; la pointe avec une colle forte de poisson, ils y accommodent une pierre aceree, ou un os, ou des fers, que les François leur traictent. Ils font aussi des masses de bois pour la guerre, & des pavois qui couvrent presque tout le corps, & avec des boyaux ils font des cordes d'arcs & des raquettes, pour aller sur la neige, au bois & à la chasse.

Ils font aussi des voyages par terre, aussi bien que par mer, & les rivières & entreprendront (chose incroyable) d'aller dix, vingt, trente & quarante lieues par les bois⁶, sans rencontrer ny sentiers ny Cabanes, & sans porter aucuns vivres sinon du petun & un fuzil, avec l'arc au poing, & le carquois sur le dos. S'ils sont pressez de la soif, & qu'ils n'ayent point d'eau, ils ont l'industrie de sucer les arbres, particulièrement les Fouteaux, d'où distille une douce & fort agreable liqueur, comme nous faisons aussi, au temps que les arbres estoient en seve. Mais lors qu'ils entreprennent des voyages en pays loingtain, ils ne les font point

6. Copie assez exacte de Lescarbot (*HNF*, p. 866, 894); les Hurons avaient un réseau de sentiers, estimé par Heidenreich à 300 km (voir *Huronie*, p. 156).

l'hyuer avec nous, si tu veux te tirer de ce danger. Voyla ce que ie viens d'apprendre à Onnentifati, où on parle de vous autres en fort mauvais termes; on tiët tout aßeuré que vous estes la cause de nostre [9] malheur: à toutes nos raisons il n'eust autre chose à nous repliquer, sinon que cela se disoit, ce qui laissoit tousiours de fortes impressions dans leurs esprits.

Estant retourné à Angstenc pour le conseil, nous y trouuons tous les Capitaines (car il y en a plusieurs dans vn meême bourg, selon la diuerfité des affaires) qui nous firent vn assez bon accueil: le plus qualifié inuite les autres à l'assemblée, criant à pleine teste autour de la bourgade. Les Anciens, les femmes, la ieunesse, & les enfans y accourent à nostre sollicitation. L'ouuerture du conseil se fist par vn pain de Petun que nous leur presentâmes dâs vn plat à la mode du païs; vn des Capitaines le rompt, pour le distribuer aux plus considerables de la troupe; iamais ils ne parlent d'affaires & ne tirent aucune conclusion que le calumet à la bouche, ceste fumée qui leur monte au cerueau leur donne, disent-ils, de l'esclaircissement dans les difficultez qui se presentent. Cela fait le President hausse la voix à peu prez du meême ton que nos crieurs publics font par les carefours de France; faisant entendre que ses Nepueux les François alloient parler, qu'on les escoutast bien, & qu'on ne s'ennuyast pas de la longueur de leur discours: que la chose estoit d'importance, & meritoit d'estre bien conceüe. Nous leur exposâmes ce qui nous auoit amené en leur païs, & particulierement ce que nous pretendions dans les visites de leurs malades. Ils nous escouterent avec assez d'attention; mais lors que nous estions sur le point de conclure, on vint



bien qu'en France, & en font auffi jaloux) mais son esprit qui est tout à fait [106] excellent, & son courage qui l'a rendu la terreur du pays ennemy, l'ont fait plus remarquable. En un mot il est de ces personnes qui portent sur le front ie ne sçay quoy digne d'empire, & à le voir un arc ou une épée en main, on diroit que c'est un portrait animé de ces anciens Cefars dont nous ne voyons en Europe que des images toutes enfumées: la Foy en a fait un excellent Chrestien. Nous dirons dans quelque'un des suivans Chapitres comme il a esté cet hyver prescher le nom de Dieu dans les parties plus éloignées de la Nation neutre. Avant que de partir d'icy, & depuis son retour par tout où il se trouve il faut que l'impiété soit confondue & Dieu glorifié. Il touche jusqu'au cœur & parle si fortement des mysteres de nostre Foy, que les plus infideles qui l'entendent à loisir sont contraincts d'aduoier qu'ils souhaiteroient que tout le pays fust Chrestien: mais tous ceux qui approuvoient ce que disoit nostre Seigneur ne se rangeoient pas de son party. C'est assez, & nous devons nous contenter qu'appellant à la Foy tout le monde, ceux-là seulement s'y reduisent [107] qui ont la marque des élus.

Avant que de finir ce Chapitre ie ne puis oublier une chose assez remarquable, qui arriva il y a quelque temps à ce bon Chrestien. Il estoit au milieu d'un grand lac dans un petit canot d'escorce en compagnie des Infideles: une tempeste les surprend, le Ciel est tout couvert de tonnerres & d'esclairs, & l'eau d'autant de precipices qu'ils voyent de vagues devant eux. Après avoir en vain espuisé & leur industrie & leur force pour resister à la tempeste, ils

en viennēt au defefpoir, ils inuoquent vn certain Demon nommé Iannaœa, qui difent-ils, s'eftant par defefpoir ietté autrefois dans ce lac, y excite tous ces orages lors qu'il fe veut vanger des hommes, & les appaife après qu'on luy a rendu quelque hommage; ils iettēt en fon honneur du petun dedans l'eau, qui eft en ces contrées vne façon de facrifce. Courage, mes camarades, leur dit ce bon Neophyte, nous perirons bien toft, puis que vous appelez le malheur à voftre aide: pour moy ie mourray volontiers pluftoft que de deuoir ma vie à des Demons pour qui ie [108] n'ay que de la haine. Malheureux, luy difent ces Infideles, inuoque donc ton Dieu, & nous reconnoiſtrons fon pouuoir s'il nous deliure de la mort. Le canot cependant fait eau, les vagues viennent fondre fur eux, & celuy qui gouuerne abandonne le ſoin de fon vaiſſeau, & fa vie. Barnabé là deſſus s'eſcrie, Grand Dieu qui eſtes obey des tempeſtes ayez pitié de nous. A ce moment la furie des vents s'appaiſa, ces montagnes d'eau s'aplaniffent, ils voyent vn calme fur tout le lac ſi fauorable à leur deſſein, qu'incontinent ils aborderēt. Mais quoy, ces eſprits Infideles en refusent la gloire à Dieu, ils difent que c'eſt le Demon qu'ils ont inuoqué qui a exaucé leurs prieres, & que c'eſt là ſon ordinaire de les retirer du peril lors qu'ils ſont plus auant dans le defefpoir. Après tout la famine les preſſe, ils n'ont point d'autres prouiſions que leur arc & leurs flèches: Que ton Dieu te faſſe prendre vn cerf, difent-ils à ce bon Chreſtien, puis que tu dy qu'il eſt auſſi puiffant dans les bois que fur l'eau. Que vos Demons, leur reſpond-t'il, vous faſſent tuer aujourd'huy quelque vache [109] ſauuage. Ils ſortent chacun de ſon coſté, & vont

et qu'il sera mieux reçu des grands Capitaines de la Nation, qui le conduiront avec eux dans un lieu de délices.

Tandis que tout s'ajuste dans le cercueil, les parens du mort assistent à la cérémonie en pleurant à leur manière, c'est-à-dire, en chantant d'un ton lugubre, et remuant en cadence un bâton auquel ils ont attaché plusieurs petites sonnettes.

Où la superstition de ces peuples paraît le plus extravagante, c'est dans le culte qu'ils rendent à ce qu'ils appellent leur *Manitou*: comme ils ne connaissent guère que les bêtes avec lesquelles ils vivent dans les forêts, ils imaginent dans ces bêtes, ou plutôt dans leurs peaux, ou dans leur plumage, une espèce de génie qui gouverne toutes choses, et qui est le maître de la vie et de la mort. Il y a, selon eux, des *Manitous* communs à toute la Nation, et il y en a de particuliers pour chaque personne. *Oussakita*, disent-ils, est le grand *Manitou* de toutes les bêtes qui marchent sur la terre, ou qui volent dans l'air. C'est lui qui les gouverne; ainsi, lorsqu'ils vont à la chasse, ils lui offrent du tabac, de la poudre et du plomb, et des peaux bien apprêtées, qu'ils attachent au bout d'une perche, et l'élevant en l'air: «*Oussakita*, lui disent-ils, nous te donnons à fumer, nous t'offrons de quoi tuer des bêtes; daigne agréer ces présens, et ne permets pas qu'elles échappent à nos traits; laisse-nous en tuer en grand nombre, et des plus grasses, afin que nos enfans ne manquent ni de vêtemens, ni de nourriture.»

Ils nomment *Michibichi* le *Manitou* des eaux et des poissons, et lui font un sacrifice à-peu-près semblable, lorsqu'ils vont à la pêche, ou qu'ils entreprennent

des hommes bien formez, forts, & robuestes, comme aussi des femmes, & filles, dont il s'en trouue vn bon nombre d'agreables, & belles, tant en la taille, couleur,* qu'aux traicts du visage, le tout à proportion, elles n'ont point le saing* rauallé que fort peu, si elles ne sont vieilles, & se trouuent parmy ces nations de puissantes femmes, & de hauteur extraordinaire: car ce* sont elles qui ont presque tout le soing de la maison, & du trauail, car elles labourent la terre, sement le bled d'Inde, font la prouision de bois pour l'hyuer, tillent la chanure, & la fillent, dont du fillet ils* font les rets à pescher, & prendre le poisson, & autres choses necessaires, dôt ils* ont affaire, comme aussi ils* ont le soing de faire la cueillette de leurs bleds, les serrer, accommoder à manger, & dresser leur mesnage, & de plus sont tenuës de suiure & aller avec leurs maris, de lieu en lieu, aux champs, où elles seruent de mulles à porter le bagage,* avec mille autres sortes

* (*bien qu'olnuastre*), addition de 1632.

* *Saing pour sein.*

* *se sont* (toutes les éditions).

* Ainsi dans toutes les éditions. Lire *elles*.

* Le texte de 1632 termine l'alinéa ici, et rattache *Quant aux . . .* guerre à l'alinéa suivant.

strong and robust, as also the women and girls, a good number of whom are pleasing and pretty both in figure, complexion and features, all in harmony. Their breasts hang down very little except when they are old. Among these tribes are found powerful women of extraordinary stature; for it is they who have almost the whole care of the house and the work; for they till the soil, sow the Indian corn, fetch wood for the winter, strip the hemp and spin it, and with the thread make fishing-nets for catching fish, and other necessary things they have to do: likewise they have the labour of harvesting the corn, storing it, preparing food, and attending to the house, and besides are required to follow and accompany their husbands from place to place, in the fields, where they serve as mules to carry the baggage, with a thousand other

Fol. 89. d'exercices, & services, que les femmes font & sont tenuës faire. Quant aux hommes, ils ne font rien qu'aller à la chasse du Cerf, & autres animaux, pêcher du poisson, de faire des cabannes, & aller à la guerre.

Ces choses faites, ils vont aux autres nations, où ils ont de l'accès, & cognoissance, pour traicter & faire des eschanges de ce qu'ils ont, avec ce qu'ils n'ont point, & estans de retour, ils ne bougent des festins, & dances, qu'ils se font les vns aux autres, & à l'issuë se mettent à dormir, qui est le plus beau de leur exercice.

Ils ont vne espece de mariage parmy eux, qui est tel, que quâd vne fille est en l'âge d'onze, douze, treize, quatorze, ou quinze ans, elle aura des seruiteurs, & plusieurs, qu'elle fera,* & selõ ses bonnes graces, qui la rechercheront quelque temps: cela faict, elles seront demandées aux peres, & meres, bien que souuent elles ne prennent pas leur consentemēt,

* La phrase qu'elle fera a peut-être le sens de: qu'elle s'attirera.

kinds of duties and services that the women fulfil and are required to carry out. As to the men, they do nothing but hunt deer and other animals, fish, build lodges and go on the war-path.

Having done this, they visit other tribes, where they have access and acquaintance, to trade and exchange what they have for what they have not, and on their return do not cease from feasting and dancing, with which they entertain one another, and afterwards they go to sleep, which is their finest exertion.

They have a kind of marriage among them, which is this, that when a girl is eleven, twelve, thirteen, fourteen or fifteen years of age, she will have suitors, and many whom she will get according to her attractions will woo her for some time: after that the consent of the parents will be asked, although often they do not seek their consent except those girls

quelque dispute qui estoit survenuë entre-eux. Le lendemain vindrent nouvelles que le reste de l'armée retournoit, & qu'on auoit mis à mort quelques ennemis. Enfin le treizième parurent vne partie de ces guerriers dans leur Canot, ils portoient en forme de Guidons les perruques de ceux qu'ils auoient tuez, car c'est leur coustume d'arracher la peau de la teste avec tout le poil de celuy qu'ils massacrent. Ces peaux font de grands trophées. On les voyoit voltiger avec leurs moustaches chacune au bout d'un long baston qu'ils éleuoient en l'air, comme des guidons; les femmes accoururent incontinent à la veüe de ces palmes, & de ces lauriers, quitterent leurs robes, & se ietterent à la nage apres ces guirlandes; [235] c'estoit à qui en attraperoit quelqu'une pour la pendre dans leurs Cabanes comme vne marque de leur generosité. On nous vint raconter cette barbarie; nous nous transportâmes aux Cabanes; comme ie regardois ces perruques, les femmes qui s'en estoient faifies, s'en voulurent glorifier; mais elles furent bien estonnées quand elles entendirent les reproches que nous leur fîmes de leur vanité. Or pour deduire en deux mots le succez de cette guerre, quelques cent Sauvages & plus s'estans debandez, le reste pourfuiuit fa pointe. Ils s'en vont à costé d'une bourgade de leurs ennemis, rencontrans vn ou deux pauvres miserables, ils les faifissent, & leur promettent la vie s'ils decouurent en quel endroit on pourroit faire rencontre de leurs compatriotes; ils leurs enseignent vne riuere non pas bien esloigné de là, où quelques hommes estoient allez, partie pour la pesche, partie pour faire de grands colets d'écorces propre à prendre des Cerfs. Il y auoit aussi plusieurs femmes qui re-

qui n'y font admis que de jour au passage, y puissent toujours recevoir quelque bon mot pour leur salut; il faut en ces pays plus qu'en aucun lieu de la terre, se rendre tout à tous, pour les gagner à Iesus-Christ.

Cet hospital est tellement separé de nostre demeure, que non seulement les hommes & enfans, mais les femmes y peuvent estre admises; Dieu nous ayant donné quelques bons domestiques capables de les secourir en leurs maladies, en mesme temps que nous les assistons pour le bien de leur ame. Si ce soing est [25] fuit à des peines, les fructs nous en ont esté si sensibles, que nous souhaiterions vn nombre de malades encore plus grand que nous n'auons eü, le travail deüit-il croistre au centuple. Cette Maison est vraiment la maison de Dieu, & non pas des infirmes, disoit vn sauuage Chrestien nommé Thomas Sasenhati du bourg de S. Ioseph, iamais ie n'auois reconnu que la maladie fust vn bien, & maintenant ie la prefere à la santé, les dons du Ciel me font venus avec mon mal, & c'est icy que Dieu me fait connoistre, que luy seul est capable de contenter tous nos desirs. Je ne souhaite pas la vie, qui me retarde la possession des grands biens que la Foy me fait esperer; ie ne recherche pas la mort, car celuy seul qui est le Maistre & de nos corps & de nos ames doit disposer de ce qui est à luy: mais quand il luy plaira m'appeller de ce monde, il m'est aduis que ie suis prest d'obeir à ses volontez.

Dieu alloit disposant ce Chrestien non pas à mourir en nostre Maison, où il fut l'espace d'un mois, mais à vne mort moins preueüe, qui le trouua preparé [26] pour le Ciel peu de iours après. Ils estoient allex environ quarante personnes cueillir quelques herbes sauuages dont ils font vne espeece de fil à rets qui leur

fert pour la pêche. La nuit dans le plus fort de leur sommeil, une vingtaine d'Iroquois se vient jeter sur eux, en massacre les uns, prend les autres captifs, quelque nombre s'estant sauvé plus heureusement à la fuite. Notre Chrestien tomba des premiers sous la hache de l'ennemy. Il ne preuvoit pas sa mort, mais il n'eust pu s'y disposer plus faintement. Allant en ce lieu il ne parloit par le chemin que des biens qu'apporte la Foy à un cœur qui l'embrasse; il exhortoit ses camarades à se rendre Chrestiens, afin leur disoit-il que nous allions de compagnie au Ciel. Tout le soir, & une partie de la nuit accommodant sa chanure il offroit son travail à notre Seigneur avec tant de ferueur, que ne pouvant pas retenir cette deuotion en soy mesme, sa voix faisoit entendre aux infideles les paroles que son cœur adresseoit à Dieu. Un Capitaine de son bourg qui coucha cette nuit près de luy, & se sauua de ce massacre, [27] nous a rapporté que le voyant parler si ardemment de Dieu, il luy disoit, Mon amy donne moy ta Foy. Ce bon Chrestien luy sous-rioit sans luy respondre; mais en effet il le fit heritier de ses vertus, & de sa foy incontinant après sa mort; & du depuis ce Capitaine a pris son nom dans le Baptême, & s'est tellement comporté que nous benissons Dieu de ce que par des voyes esloignées de nos prenoiances, il enrichit en mesme temps, & avec auantage l'Eglise & triomphante & militante des Hurons. Nous deuons parler en son lieu de ce Capitaine nouvellement conuertý nommé Thomas Sondakka des plus considerables de tout ce pays.

Une femme Chrestienne du bourg de la Conception estant allée visiter ses plus proches parens à douze lieues de nostre Maison, s'y sentit attaquée d'une

NOTES TO VOL. XV

Figures in parentheses, following number of note, refer to pages of English text.)

1 (p. 41).—See Brébeuf's detailed and picturesque description of the Feast of the Dead (vol. x., pp. 279-307). Cf. Sagard's account of this solemnity (*Voy. Hurons*, part 1., chap. xxii.); also Yarrow's *Fortiary Customs among N. Amer. Indians* (Smithsonian Institution, 1880).

2 (p. 57).—Chief among the offensive weapons of the North American Indians were the bow and arrow. Though still used to some extent, among various tribes, they have been mainly superseded by the firearms of the whites.

The bows used among various tribes are divided by Mason into three classes,—“self,” or plain (made of one piece), backed (with new or veneers), and compound (of two or more pieces of wood fastened together). Those of the first class characterize the region east of the Rocky Mountains and south of Hudson's Bay. The material of the bow was generally wood, of the hardest and most elastic kind obtainable in any given area,—oak, ash, hickory, etc.; or, in Canada, maple, birch, spruce, cedar, and even osier. The elasticity and toughness were increased, especially in the softer kinds of wood, by various processes—scrapping, rubbing down, dipping in oil, and heating before a fire, and sometimes boiling. The bowstrings were made, sometimes from fibers of hemp or similar plants; sometimes from strips of rawhide twisted together, or intestines of animals; but most often from sinews. Usually, the Indian wore on the left wrist, as a guard against the bowstring, a band of rawhide two or three inches in width.

The arrow was composed of a shaft of reed or wood, feathered at one end, and armed at the other with a head—sometimes of bone, horn, or wood; sometimes of shell, or copper; but perhaps oftenest of flint, quartz, or slate; for these, after the coming of white men, were often substituted iron arrow-points of European manufacture. These arrowheads were sometimes barbed, and sometimes serrated. All these parts were bound together with the sinews of animals, which, shrinking as they became dry, held all firmly in place. In some cases, pine-pitch was also used for the same purpose.

Note 38, *Jesuit Relations*, vol. xv, p. 245, note 2.