

**Anthropological advocacy?: Frank Speck and the mapping of  
Aboriginal territoriality in eastern Canada, 1900-1950**

**By**

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**Canada**



Frank Speck and the young "Chief Red Thunder Cloud" in his office at the University of Pennsylvania, December 1943. During World War II, Speck developed a ethnobotany program at the university to help supplement American medicinal supplies, largely shipped in from eastern Europe and Asia, with North American Aboriginal traditional medicines. In this picture, he is seen with a portion of a *Zamia* plant, used traditionally as a medicine by the Seminole in Florida. "Chief Red Thunder Cloud" helped Speck collect information for the program (American Philosophical Society, Frank Speck Papers, BOX 18, IV, E1, Reel 9; originally published in the *Philadelphia Bulletin*, 27 December 1943: "What's good for Tummyache, Heap Big Chief? Science Turns to Lore of Indians to Ease Drug Shortage.")

## **Abstract**

An analysis of Frank Speck's anthropological representations of Aboriginal territoriality in northeastern Canada indicates a direct connection between anthropology and advocacy during the early part of the 20<sup>th</sup> century. In situating Speck's work on the Family Hunting Territory Complex within the context of Aboriginal treaty and resource issues in Canada during the late 19th and early 20th century, this analysis examines how Speck's representations of Aboriginal territoriality challenged the strict management and regulation of Aboriginal traditional territories and resource use by the Canadian government. This thesis is not an intellectual biography. It is an examination of the practical conditions and the working assumptions associated with the production, accumulation and distribution of anthropological knowledge connected to the multiple domains of Speck's representation of Aboriginal territoriality. I argue that Speck was a participant in a much larger political struggle that included the active engagement of Aboriginal peoples. I also situate Speck's representations of Aboriginal territoriality within the broader field of ethnographic activity that existed prior to the emergence of the discipline and Speck's contributions to the discipline. I examine the tensions of colonialism and Aboriginal-non-Aboriginal relations inherent in the archives, texts and the networks of knowledge production associated with this disciplinary history and the practical relations and encounters that contributed to the production of anthropological knowledge associated with Speck's representations of Aboriginal territoriality.

## Acknowledgements

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**This dissertation is dedicated to the memory of Gladys Tantaquidgeon, student and friend of Frank Speck and Mohegan Elder, who crossed over to the spirit-world on the new moon of 2 November 2005. You will always be remembered and respected for your contributions.**

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## Abbreviations Used

**ANDC = Anglo-Newfoundland Development Corporation**  
**APS = American Philosophical Society**  
**CMC = Canadian Museum of Civilization**  
**DIA = Department of Indian Affairs**  
**DJC = Diamond Jenness Correspondence**  
**ESC = Edward Sapir Correspondence**  
**ESRP = Edward S. Rogers Papers**  
**FBC = Franz Boas Correspondence**  
**FSC = Frank Speck Correspondence**  
**FSP = Frank Speck Papers**  
**GIS = Geographical Information System**  
**GSC = Geological Survey of Canada**  
**GPS = Global Positional System**  
**HBC = Hudson's Bay Company**  
**HSC = Harlan Smith Correspondence**  
**IA = Indian Agent**  
**JCPC = Judicial Committee of the Privy Council**  
**JTC = James Teit Correspondence**  
**MHF = Museum History File**  
**NAC = National Archives of Canada**  
**OiC = Order in Council**  
**SCC = Supreme Court of Canada**  
**SMS = Sectional Map Series**  
**TAA = Teme-Augama Anishnabai**  
**TFN = Temagami First Nation**

## CHAPTER ONE

### Introduction and Methodology

An analysis of Frank Speck's work on Aboriginal territoriality in eastern Canada indicates a direct connection between anthropology and advocacy during the early part of the 20<sup>th</sup> century. I define advocacy in relation to how Speck's representations of Aboriginal territoriality actively supported Aboriginal peoples' socio-political struggles against repressive regimes of power. This includes how Speck's work countered the ideological and scientific paradigms that supported the epistemic racism associated with mainstream representations of Aboriginal peoples in Canada. An integral factor in this engagement, as Field (1999: 193) suggests, was the historical collaborative efforts between Aboriginal peoples and anthropologists. In this dissertation, I argue that Speck's anthropological representation of Aboriginal territoriality supported the organized and directed efforts of Aboriginal peoples for recognition of their cultural and historical presence on the land. Counter to prevailing notions of the anthropologist as "agent of the state," I argue that Speck was a participant in a much larger political struggle that included the active engagement of Aboriginal peoples.

While Speck's role could be characterized in terms of patron-broker-client theory (see Paine 1971; Eisenstadt and Roniger 1984; Paine 1985), I find that this structured hierarchal approach to social relations tends to rely too heavily on a discourse of victimization. These sorts of analyses over-emphasise the role of

the broker while underplaying the meaningful contributions of clients in the network of exchange. With respect to issues of anthropological advocacy, for example, patron/broker/client analyses tend to simplify the contributions of Aboriginal peoples in the representations of their cultural histories and practices. These analyses tend to focus mainly on examining the role of the anthropologist as an intermediary, brokering between contending parties—one dominant and one underprivileged—and very little context is provided of the complex and overlapping power relations associated with these representations (see Paine 1985: xv).

More generally, however, I support Paine's (1985) characterization of "concerned" advocacy within anthropology. Paine (1985: xiv) indicated that the role of the anthropologist as advocate is to provide specific clarification to information that has been left vague, interpreting what has not been understood or even propagating what has not been heard before. Similarly, Georg Henriksen (1985: 121) argues that, as advocates, anthropologists can provide social-scientific arguments to support the people and societies that contribute to anthropological inquiries. This requires the anthropologist to analyse national policies, development ideologies and the workings of bureaucracies to see beyond their regulatory apparatuses (Maybury-Lewis 1985: 147). These sorts of analyses can influence the complex ideological processes that work to oppress Aboriginal peoples. James Waldram (1993: 305-308) cautions, however, that anthropologists working in this capacity need to ensure that they do not develop a dependency relationship with their "clients." This necessitates the development

of ethical and participatory research frameworks that recognize the primary role of the anthropologist as an advisor and not as a leader.

Recent characterizations of anthropological advocacy by L. Lassiter (2005), S. Cook (2003) and L. Field (1999), provide a valuable alternative to the framework of patron/broker/client theory. While characterizations of Anthropologists as brokers work within a typical colonial binary of oppressed/oppressor, collaborative approaches suggest that anthropological advocacy should be examined in relation to the combined efforts of anthropologists and Indigenous peoples to educate mainstream non-Aboriginal society about Aboriginal issues. In 2002, the American Anthropological Association's El Dorado Task Force (2002: 46-47) issued a report that endorsed and further clarified these types of collaborative approaches. The report stressed that collaborative research incorporated "side-by-side work " in a mutually beneficial approach to issues that involved more than reciprocity in the form of advocacy and attention to social needs. In collaborative research, the local community ultimately defined its needs, and actively involved anthropologists to develop research programs and action plans.

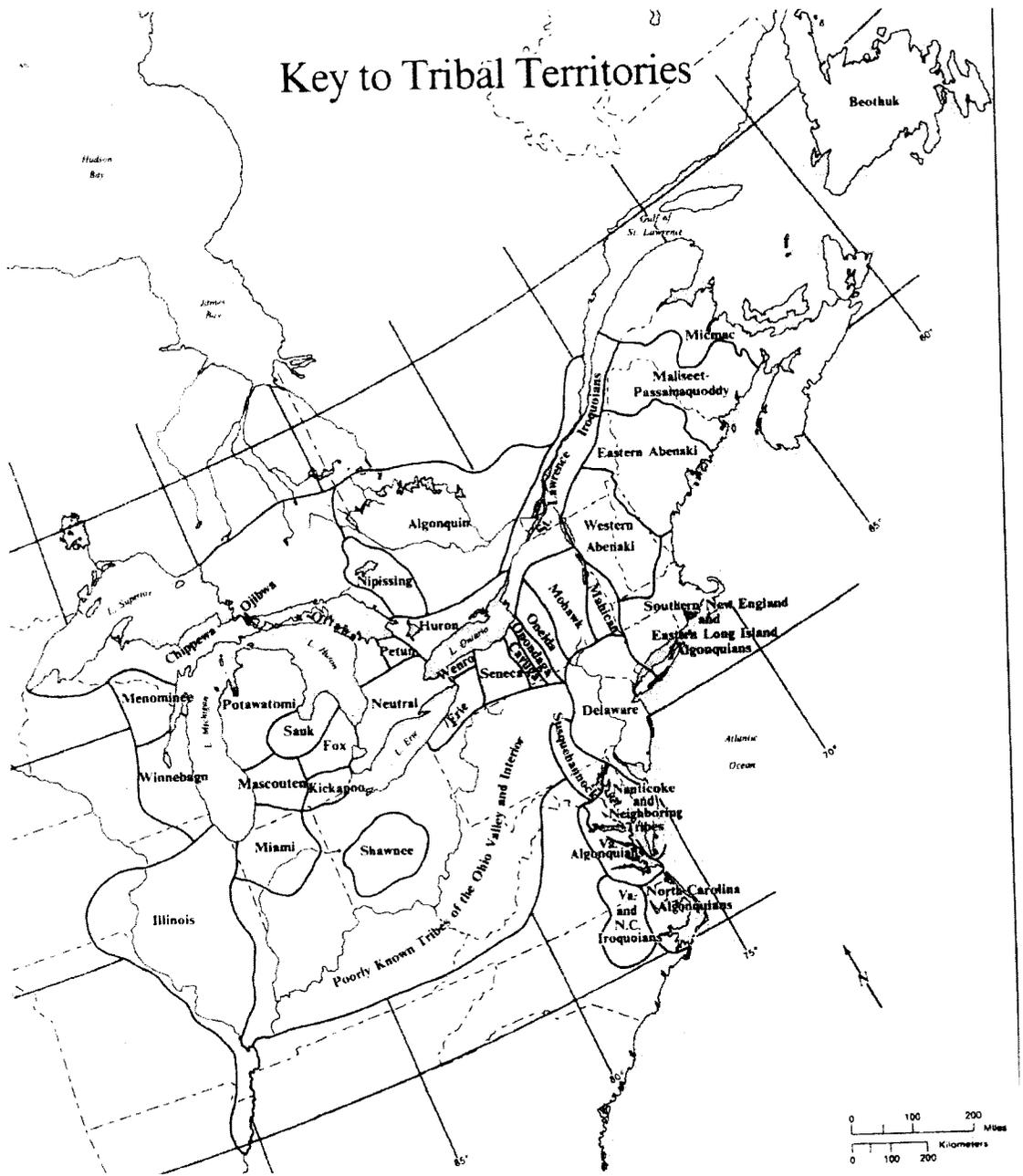
Instead of situating Speck as a broker of Aboriginal rights, a collaborative perspective recognizes that Speck contributed to a much larger political struggle that involved the meaningful, and active engagement of Aboriginal peoples. As a pioneer of applied anthropology and collaborative approaches to research, Speck addressed the historical and socio-political issues of Aboriginal land and resource use in eastern Canada. The significance of these land use practices for

Aboriginal peoples during the early 20<sup>th</sup> century should not be understated. During this time there was a direct need for the type of knowledge associated with Speck's representations of Aboriginal territoriality as the "land" provided the practical, historical and spiritual basis of Aboriginal people's distinct cultural practices. While the development of Speck's representations of Aboriginal territoriality would not necessarily meet today's stringent requirements for collaborative research (see Lassiter 2005), when examined proleptically, it is evident that, as a key defender of Aboriginal claims to territory, ancestry, and identity, Speck's representations of Aboriginal territoriality helped to substantiate the organized and directed efforts of Aboriginal peoples for recognition of their title to land and traditional land use practices.

This dissertation is not an intellectual biography of Frank Speck. By situating Speck's representations of Aboriginal territoriality within the context of Aboriginal treaty and resource issues in Canada during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, I focus on how Speck's ethnological work contributed to Aboriginal peoples' challenges to the Canadian government's strict management and regulation of their traditional land use practices. Speck's contributions directly countered the intellectual and scientific paradigms that implicitly supported these relations of ruling and provided an important scientific framework to support Aboriginal title claims in eastern Canada. This dissertation also serves a particular decolonizing agenda, problematising the characterization of anthropologists by Aboriginal and non-Aboriginal scholars, such as Peter Kulchyski (1993), Vine Deloria Jr (1997) and Linda Thuiwai Smith (1999), as

“Agents of the State” who solely contributed to the relations of ruling utilized to manage, interact with and discipline Aboriginal populations in Canada. As a friend and advocate who helped substantiate Aboriginal claims to land and resources in eastern Canada, I examine how Speck ultimately helped to bridge the gap between the separate, and often contradictory, spaces of Aboriginal and non-Aboriginal assertions of territory.

My use of the overlapping reference to the geographic area of eastern Canada and the anthropological culture area of the “northeast” may be a little confusing to some. The geographical reference to “eastern Canada” in the title of this dissertation encompasses the broad anthropological culture area of the northeast where Speck worked during the early 20<sup>th</sup> century (figure 1). This culture area represents the northerly limits of diffusion of significant cultural elements of Mesoamerican origin within the tripartite division of Coastal, St Lawrence Lowlands and Great-Lakes Riverine. The coastal area embraces the Canadian Maritimes and the eastern seaboard of the United States to North Carolina. This area includes the traditional territories of the eastern Algonquian, and some Iroquoian, speaking Aboriginal peoples. This includes the Mi’kmaq, Beothuck, Mohawk, Pequot-Mohegan, Maliseet and Passamaquoddy. The St. Lawrence Lowlands encompasses southern Ontario, upper New York State and



**Figure 1:** Map outlining the Northeast culture area in anthropology (Trigger 1978: ix)

the St Lawrence and Susquehanna valleys. This area largely includes the traditional territory of the Haudenosaunee or Six Nations Iroquois Confederacy. The Great-Lakes Riverine area comprises the area northwest of the Ottawa River Valley and includes the traditional territories of the Algonquian, Nipissing and Ojibwa (Trigger 1978: 1-3). This dissertation focuses most specifically within the area of eastern Canada, with some reference made to the southeastern and northeastern United States. While I recognize the importance of the culture area classification in relation to the Speck's representation of Aboriginal territoriality, in this dissertation, whenever possible, I use the specific geographic classification when referring to an area of Speck's work.

### **Decolonizing post-colonialism**

Beginning in the late 1970s, academic anthropologists began to reexamine the foundations of their intellectual heritage in order to address questions arising out of the anti-imperialist and anti-colonial movements which were spear-headed during the 1960s and gained increasing momentum during the 1970s (Bennett 1996: S23-S24). By the late 1980s and early 1990s, post-modern and post-colonial interdisciplinary studies furthered the critique of anthropology as an inseparable part of the legacy of the effects of colonialism on Aboriginal peoples. This critique was initiated in large part by James Clifford's (1986) *Writing Culture: The Poetics and Politics of Ethnography*. In his critique of anthropological practices, Clifford (1986: 7) built upon Michel Foucault's (1980) notion of 'regimes of truth' and argued that the "constructed truths" of ethnography were

made possible by “powerful ‘lies’ of exclusion and rhetoric” which created ethnographic texts as “systems or economies of truth.”

Clifford's critical analysis of ethnographic practices provided post-colonial scholars, such as Peter Kulchyski (1993), Bernard Cohn (1996), Vine Deloria Jr (1997) and Linda Tuhiwai Smith (1999), with a specific framework that positioned anthropology within the imperialist machine of colonialism. Building on Clifford's analysis, these scholars generally argued that anthropologists helped to enforce relations of ruling by situating Aboriginal cultures in specific, culturally coded categories that served to objectify and construct Aboriginal peoples and their cultures. According to Peter Kulchyski (1993: 34), anthropologists worked as surveyors for the State, subjecting Aboriginal cultures to an all pervasive and knowing colonial gaze. Kulchyski (1993: 33-34) argues that this gaze not only constructed Aboriginal peoples, their cultures and territories as objects of knowledge, it worked to establish and simultaneously to (re)inscribe as well as to consolidate, dominant modes of colonial rationality and governance.

Vine Deloria Jr. (1997: 211) also argued that, as a deeply colonial academic discipline, anthropology's construction of Aboriginal peoples as its object of inquiry rested on the valorization of European knowledge systems. In a classic example of rhetoric, Deloria (1997: 211) argued, for example, that western society was so rich and structured that it had the luxury to pay six-figure salaries to individuals “who [knew] a little bit about the pottery patterns of a small group of ancient people, who [knew] something of the language of an Indian tribe, or who [specialized] in ledger-book drawings of plant knowledge of a

remote desert-dwelling tribal peoples” (1997:211). While Deloria relied on this type of hyperbole to make his point, his use of rhetoric largely contributed to an increased interest in reflexivity within anthropology (see Biolsi and Zimmerman 1997; Shoemaker 2002).

In Canada, part of the development and implementation of a complex and multifaceted European colonial power structure relied upon specific relations of ruling to manage, interact with and discipline Aboriginal populations. Recent trends in post-colonial studies emphasize how these relations of ruling incorporated and transposed detailed knowledge of Aboriginal cultures, communities and Nations into various forms of cultural currency. These relations of ruling included the establishment of organized and systematic practices to mine, catalogue, study and store the various representations of Aboriginal peoples. Bernard Cohn (1996: 5) characterizes these practices as *investigative modalities*. According to Cohn (1996: 5-6), each modality includes the definition of a body of information, the procedures by which appropriate knowledge is gathered, its ordering and classification, and how it is transformed into useable forms, such as published reports, statistical returns, histories, gazetteers, legal codes and encyclopedias. Cohn (1996: 5-6) also points out, that while most modalities are constructed in relation to institutions and administrative sites with fixed routines, such as monthly reporting and census gathering, some modalities were constructed into “sciences,” such as history, biology and anthropology.

Of all the modalities implicated in ordering this new world data, the field of anthropology is considered by some Aboriginal and non-Aboriginal academics as

the one most closely associated with the study of Aboriginal peoples and the defining of primitivism (Smith 1999: 67; also see Stocking 1991; Kuper 1988). Due to this implicit association between anthropology and colonialism, anthropologists have gained the reputation as *the* scientists who largely facilitated the colonial oppression of Aboriginal peoples and the subsequent alienation of Aboriginal peoples from their traditional territories. Maori theorist, Linda Tuhiwai Smith (1999: 60), for example, argues that the histories of research involving Aboriginal knowledge systems were undeniably about power and domination. As “instruments of knowledge and instruments for legitimating various colonial practices,” Linda Tuhiwai Smith suggests that anthropology—and anthropologists—aided larger imperial projects of cultural domination by accumulating, storing and objectifying fragments of Aboriginal cultural knowledge and heritage. According to Linda Tuhiwai Smith, by constructing and representing Aboriginal peoples as objects of knowledge, anthropologists helped advance the acquisition of land and resources so desperately needed to accommodate an increasing settler-population (Smith 1999: 60-61).

Noel Dyck (1997: 337) maintains, however, that anthropologists who work with contemporary Aboriginal peoples and communities encounter an expectation amongst Indigenous peoples that anthropological research ought to address social justice issues. Dyck (1997:337) contends that contemporary anthropologists are therefore obliged to represent the ongoing struggles of First Nation peoples in Canada with the legacy of colonialism. In Canada, this legacy

of colonialism has its roots in the mid-19th century, when the fledgling Canadian government adopted both a system of land transfer and an administrative regime from the British Imperial Government. The mechanisms of land transfer and the policy initiatives of administering treaty agreements and colonial imperatives for the protection, civilization and assimilation of Aboriginal peoples, however, cannot be easily untangled. As Derek G. Smith (2001: 8) points out, these projects of governance were negotiated and contested in complex ways throughout the whole of Canada's administration of First Nations peoples. He further suggests that in order to gain insights into these major, enduring projects of governance, one must examine those "politico-legal, administrative, and ideological and conceptual discourses ('policies'), which seek, if only partly explicitly, to verbalize, legitimize, define and embody these projects in various forms of ruling" (2001 11). Smith (2001: 12), in fact, argues that it is essential to problematize academic practices, for they are rooted in the very same large cultural discourses which generate the relations of ruling and regulations of power that they seek to investigate.

Foucault (1990: 92-93) characterized power as both an "intentional and nonsubjective," strategy whose general design is embodied in the apparatus of government, the formulation of law, and the development and maintenance of various social hegemonies. He further characterized power as involving specific "tactics" which become connected to one another and, through finding their base of support and their conditions elsewhere, work to form comprehensive knowledge systems (Foucault, 1990:95).

As 'technicians of power,' anthropologists have historically maintained specific sets of power relations related to those colonial discursive strategies which were preoccupied with the governing of colonial territories and populations. These power relations, however, were neither totalizing nor ubiquitous. Rather, they were, as Derek G. Smith (2001) pointed out, both ambivalent and at times contradictory. In this dissertation I do not dismiss outright these specific sets of power relations, but focus more on exploring how the tripartite power relations among government officials, Aboriginal peoples and Frank Speck simultaneously constructed Aboriginal territoriality as a legitimate object of anthropological inquiry, Aboriginal peoples as active participants in this process of knowledge production and Frank Speck as an advocate of Aboriginal rights and a scholar of Aboriginal peoples.

While I value the role of contextualizing anthropological practices within this complex history of power relations, the approach exemplified by Kulchyski (1993), Vine Deoloria Jr (1997) and Tuhiwai Smith (1999), tends to view anthropology either primarily as an aid to colonial administration, or as a mere reflection of colonial ideology. Such a narrow view of anthropological practices fails to recognize the profound contradictions and ambiguities contained within the field of anthropology. Following Smith's (2001) position that these power relations were both ambivalent and at times contradictory, I argue that the power and strategic volition of Speck's representations of Aboriginal territoriality ultimately challenged the cultural mores and scientific paradigms of his time. By rethinking and re-evaluating the epistemological origins associated with Speck's representations of Aboriginal territoriality, this dissertation shifts the context,

construction and understanding of anthropological practices by examining the practical conditions and working assumptions associated with the production, accumulation and distribution of these representations during early 20<sup>th</sup> century.

### **Frank Speck and the debate on the Algonquian family hunting territory system**

As one of the first generation of professionally trained anthropologists to contribute to the formation of anthropology as a professional university discipline in Canada and the United States, Speck was also one of the first professionally trained, university educated anthropologists to work with Aboriginal peoples in the northeastern United States and Canada. He not only established the Anthropology Department at the University of Pennsylvania in 1912, he contributed extensively to the promotion of Aboriginal land and resource rights, via on the ground advocacy work, and through the more than one hundred academic papers and monographs he published across a wide variety of disciplines.

Frank Gouldsmith Speck was born on 8 November 1881, in Brooklyn New York, to a lower middle class merchant family. Speck's father was of Dutch origin, but little or nothing is known or written about the genealogy of his mother.<sup>1</sup> Both Speck's father and his grandfather were businessmen who sailed the waters of the Lower Hudson Valley (Witthoft 1990: 1). Early Dutch settlement in New England and New Netherlands (New York) is a complex and extensive

history that begins in the early seventeenth century. Part of this history includes extensive trade between the Dutch and the various Aboriginal groups along the eastern Atlantic seaboard, including the Mohawks, Senecas, Pequots and Mohegans (See Ceci 1990). The relationship between early Dutch traders, settlers and Aboriginal peoples on the eastern seaboard may offer clues to a deeper understanding of Speck's family genealogy. Did Speck's father, grandfather or perhaps great-grandfather, for example, marry into an Aboriginal community for business purposes? In what types of trade goods (and with whom) did Speck's father and grandfather deal? How long had the Speck family lived in the Hudson Valley, and were they part of the "original" Dutch settlers to the eastern seaboard? While this dissertation does not aim to answer these specific questions, they raise significant areas of inquiry suitable for future work on Speck's intellectual biography.

Health was always a concern for Speck during his life. As he aged, Speck increasingly spent his summers nursing his "nervous condition" with his wife Florence and their three children at the family cottage, "the Wigwam" on the Annisquam River, in Gloucester, Massachusetts. Even from the earliest periods in his academic career, Speck's health necessitated frequent leave from his work. In June of 1905, for example, after a summer of graduate fieldwork in Taskigi Town, Oklahoma, Speck's dissertation advisor, Franz Boas, wrote to him inquiring after his health, "please let me know when your health is getting on, I hope that it is improving."<sup>2</sup> Speck notified Boas that his nervous condition made "it almost impossible to concentrate for any length of time," forcing him to

postpone the completion of a seminar report that summarized his field-data from Oklahoma.<sup>3</sup>

John Witthoft (1990: 1) suggests that, at the age of eight, due to his health Speck left the urban landscape of Brooklyn New York for the clean air of Mohegan to live with a “friend” of the family in the summer of 1889. The friend was Fidelia Flying Bird Fielding, who was born in 1827 and was the last fluent speaker of the Mohegan-Pequot dialect during the late 19<sup>th</sup> century. Fidelia was also the tribal-culture keeper of the Mohegan Nation, and a direct descendent of Sachem Uncas, the revered leader of the Mohegan people during the 17<sup>th</sup> century (Witthoft 1990: 1; Mohegan Nation 2005). According to Witthoft (1990: 2), Speck’s family maintained a close friendship with Fidelia’s family and their people, “from the days when the Indian communities of coastal New England and New York had played major roles in whaling and shipping, and when Frank’s ancestors, both Indian (Mahican) and Dutch, sailed from the Hudson River ports.”

If one follows Witthoft’s story, Fidelia would have been sixty-two years old when the young Frank Speck came to live with her at Mohegan. Witthoft (1990: 2) suggests that, during the seven years Speck spent living with Fidelia, she “became a second mother to him, a mother of the most loving and creative kind.” He also points out that she taught Speck many things, including woods-crafts and “endless botanical curiosities recognized in the lore of the herbalist.” Most importantly, she taught Speck how to speak the Mohegan-Pequot dialect of her people (Witthoft 1990: 2). Mohegan tribal historian, Melissa Fawcett (2000), however, recounts that, counter to Witthoft’s romantic account, Speck never

spent time in Mohegan living with Fidelia. Speck's connection to Mohegan stemmed from a chance encounter with Fidelia's nephew, Burill Tantaquidgeon, in a rooming house in New-York city in 1902 where he invited Speck to visit his Aunt Fidelia. In an interview with Fawcett, Burill's sister, and former student of Speck, Gladys Tantaquidgeon, recalled the first time Speck came to visit Mohegan. She noted:

When Frank Speck first visited Mohegan, I recall the elders saying that they liked him very much. I think that was because his theories were in their formative stages. It was our brother Burill Tantaquidgeon, who was living with Frank at the old parsonage, who convinced him to meet his aunt Fidelia Fielding and record the language from her. I do not know how he did it. Fidelia didn't like too many people (quoted in Fawcett 2000: 63).

Speck's early work with Fidelia provided the linguistic background from which he developed his graduate studies in anthropology and gained the attention of Franz Boas. Witthoft's (1990) romanticization of Speck's relationship with Fidelia may provide a deeper context to how Speck, in his later career, may have represented himself as an adopted "Indian" to his students and colleagues (see Beck 1951). This, however, should not be overblown. I think it is more important to highlight how Fidelia trusted the young Speck with her traditional knowledge and, by passing on this knowledge provided Speck with the specific grounding from which he would pursue a career in anthropology.

This transfer of knowledge, however, was not only an intellectual exercise but a concerted effort on Fidelia's part to protect and conserve her people's cultural traditions. According to Gladys, Fidelia transferred portions of her traditional knowledge to Speck because she feared that Gladys would be punished, as Fidelia had been, for speaking her Aboriginal language (Fawcett

2000: 64). While it is unclear what punishment and by whom Fidelia may have suffered for speaking her language and practicing her traditions, it is probable that this was connected to early 19<sup>th</sup> century Indian policies in the United States (see Prucha 1962; Wilcomb 1975). Fidelia probably did not make explicit to Speck her specific motivations for transferring her diaries to him. In collaborating with Fidelia, however, Speck played an implicit political role in helping to keep the Mohegan-Pequot language alive. He also helped to keep Gladys safe from the institutional racism practiced by early 20<sup>th</sup> century government authorities (see Fielding 2005). In Chapters Four and Five of this dissertation I further analyze this role Speck played as an anthropologist. In particular, I examine how Speck's representations of Aboriginal territoriality relied on the active engagement of Aboriginal peoples for recognition of their traditional land use practices. Similar to Fidelia's reliance on Speck to help keep the Mohegan-Pequot language alive, I argue that Aboriginal peoples in eastern Canada worked collaboratively with Speck to develop specific representations of their geographic knowledge to counter their continuing alienation from their traditional territories by the federal and provincial governments.

Speck's undergraduate training in classical languages and literature at Columbia University in New York, sparked his keen interest in studying the linguistic composition of Mohegan-Pequot, as contained in Fidelia's diaries. Speck's interest in and knowledge of Aboriginal languages eventually led him to enroll in a class on comparative philology with American linguist J.D. Prince. Speck's knowledge of Pequot enabled him to demonstrate in class to Prince that "Semitic structure had a parallel in the extreme amount of ablaut and umlaut

vowel change involved in the declension of Algonquian verbs” (Witthoft 1990: 3). It was Speck’s knowledge of the Pequot-Mohegan dialect, which had supposedly disappeared in the early nineteenth century, that piqued Prince’s own interest in Algonquian speech patterns and, eventually led Prince and Speck to work together on a variety of academic publications in *American Anthropologist* relating to the Mohegan-Pequot dialect (Speck and Prince, 1903; 1904a; 1904b). These publications served as Speck’s first introduction to the professional academic world of anthropology, eventually leading him to pursue a doctorate in Anthropology under the supervision of Franz Boas.

At the suggestion of Boas, Speck spent time in the American Southwest during the early 1900s among the poverty-stricken Creek, Chickasaw, Osage and Yuchi Nations, where racist views and practices were extensive. The material he gathered during his time in the Southwest provided the content for his PhD dissertation, *Ethnology of the Yuchi Indians* (1909). Interestingly, in his dissertation Speck did not provide any discussion on Yuchi ethnogeography or territoriality, focussing instead on examining Yuchi material culture and social organization. Much later in his career he returned to the southern United States to work among the remnant groups of the Creek and Yuchi (Speck 1938; 1943; 1947).

In 1907 Speck was offered a Harrison Research Fellowship at the University of Pennsylvania. Prince, in fact, made a special recommendation in 1907 to G.B. Gordon, head of the Anthropology Department at the University of Pennsylvania, for Speck to receive this fellowship to help fund his doctoral

research. Prince spoke highly of Speck's work on the Mohegan-Pequot and indicated to Gordon that Speck was working on the almost unknown Yuchi idiom of the Creek Nation in Indian Territory.<sup>4</sup> In 1908, Speck obtained his PhD from the University of Pennsylvania. After receiving his doctorate, he began work as an Associate Researcher at the University Museum at the University of Pennsylvania.

During the early 1900s, Speck became good friends with Edward Sapir, Boas' prize student, and, between 1908 and 1910, Speck and Sapir worked together at the University Museum at the University of Pennsylvania. They also lived together in a house in Philadelphia, with their wives and Sapir's mother and father. During these years, the Speck and Sapir families formed a close and lasting friendship, and, in fact, in 1911, Jacob Sapir, Edward Sapir's father, transcribed Speck's (1911) *The Ceremonial Songs of the Creek and Yuchi Indians* into standard musical notation (Fenton 1990: 19).

On 9 May 1910, the Director of the Canadian Geological Survey, R.W. Brock informed Boas that the Department of Mines was anxious to hire an ethnologist to take charge of the newly established Victoria Memorial Museum in Ottawa. Brock asked Boas to recommend a possible candidate for the position, stressing that a substantially trained leader was needed "to guide this enthusiasm into proper channels and to suggest work for those which wish to do more or less along these lines."<sup>5</sup> In reply to Brock, on 14 May 1910, Boas indicated that he could not think of a suitable Canadian anthropologist for the job. He pointed out that Canadian anthropologists were too amateur and did not have a firm grasp of the problems of comparative ethnology, methods of

linguistic inquiry, or a grounding in biometrical methods. Boas suggested that if he wanted to find a man with scientific training of this kind with “a grasp of the wider problems and who is capable of handling the various kinds of anthropological methods efficiently,” he would have to turn to the United States.<sup>28</sup> In the Spring of 1910, at the strong recommendation of Boas, Brock offered Edward Sapir the position of head of the new Canadian Anthropology Division at the Victoria Memorial Museum.

Sapir's (1911) goal as head of Canada's new Anthropology Division was to provide a professional and viable institution for anthropologists in Canada based on the model of the Bureau of American Ethnology in the United States. As a first priority, the division established interesting and instructive displays in the Ethnological Hall of the New Museum, ensuring public support of ethnology in Canada. Sapir's second task was to organize, stimulate, encourage and direct individual ethnological effort throughout Canada. The bulk of this effort focused on the establishment of a thorough and scientific investigation of the distribution, languages and cultures of Aboriginal peoples in Canada, including the collection and preservation of their material culture.<sup>6</sup>

In order to fulfill this mandate, Sapir's division needed to conduct field research with the various groups of Aboriginal peoples across Canada. Sapir was also responsible for overseeing the publication of research results as well as the exhibition of Aboriginal cultural material in the museum. In a letter to the Canadian Minister of Mines, R.G. McConnell, Sapir noted that, ideally, his division would conduct a complete study of all Aboriginal peoples in Canada from

all possible standpoints, not only to obtain a good descriptive idea of each tribe as such, but to contribute to the larger problem of “tribal relationships and movement in the past, and in general anthropological problems as specifically illustrated by Canadian data.”<sup>7</sup>

During the same time that his best friend moved to Ottawa in 1911, Speck quit his job as Assistant at the University Museum, University of Pennsylvania. The same day he resigned, however, the University of Pennsylvania rehired Speck and created a new department of Anthropology in which he was the sole professor. Speck became Assistant Professor in Anthropology at the University of Pennsylvania and, in 1925, he became a full Professor and Chair of the Anthropology Department until his death in 1950 (Fenton 1990: 19). As a newfound academic anthropologist, however, Speck had to rely largely on his own means to finance his research. The most common and accepted way of financing anthropological fieldwork during the early 1900s was through the sale of ethnographic collections to museums (Fenton 1990: 20). Sapir's appointment to Ottawa provided Speck with the perfect opportunity to tap into a significant source of financial support to continue his fieldwork in eastern Canada. During the early 20<sup>th</sup> century Speck was the only professional anthropologist working in this geographic area.

As one of the only anthropologists to work and collect in eastern Canada, Sapir offered Speck the chance to begin constructing official collections of material culture of the Aboriginal presence in eastern Canada—specifically northeastern Quebec, central Labrador, Nova Scotia, New Brunswick and Newfoundland—for the Canadian government. The sale of his Abenaki collection

to the museum in 1912 for fifty-five dollars marked the official beginning of Speck's work for Sapir.<sup>8</sup> This collection included: a cradle board (Kinanagan); a pair of snowshoes (angamak); a pair of moccasins (m'kagan); a corn mill (takawongan); six spoons and ladles (amkwink); two crooked knives (pikalagangian); two awls (uagos?); two lace baskets; a birch-bark basket; a sweet grass basket; a model pack basket; a bard basket (sua'skwa idyu); two splint knives; a dancing rattle (acikwa); a cup-and-ball game (pabongan); two bows (Tamble?) and one arrow (Pakwa).<sup>9</sup> While Speck continued to collect officially for the Victoria Memorial Museum—as well as the National Museum of Denmark in Copenhagen, the Smithsonian in Washington, and the Museum of the American Indian in New York—until his death in 1950, this dissertation does not focus on Speck's collecting practices or the nuances associated with the representation of Aboriginal peoples through museum collections and exhibits during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. This dissertation focuses only on those specific aspects of Speck's work related to Aboriginal territoriality and ethnogeography.<sup>10</sup>

As a source of much needed financial support, Speck's collections enabled him to continue his fieldwork in eastern Canada, which he started in 1909, mapping and developing specific representations of Aboriginal territoriality. Speck's efforts corresponded with Sapir's 'science-first' policy at the Victoria Memorial Museum. This policy stressed that collections of Aboriginal material culture were a direct result of anthropological field research. It was assumed that in order to understand the social and religious cultures of Aboriginal people, anthropologists had to have a firm understanding of their material culture.<sup>11</sup> With

regard to the Canadian Anthropology Division's science-first policy on research funding, the chief archaeologist at the Victoria Memorial Museum, Harlan Smith, further explained this to Speck in 1912. He noted: "it is our policy to facilitate exploration and research instead of buying [ethnological collections]. I am sure we will get more specimens by this method and will also get research work. It has been my experience for years that money spent on research brought in more specimens than money spent on buying."<sup>12</sup>

By 1915, Sapir fulfilled his mandate to publish relevant ethnological studies based on fieldwork funded by the Victoria Memorial Museum's Anthropology Division by publishing the preliminary results of Speck's 1914 fieldwork in northeastern Canada. "Family Hunting Territories and Social Life of Various Algonquian Bands of the Ottawa Valley" (Speck 1915b) officially introduced the notion of Algonquian family hunting territories into the anthropological canon as a formalized system of Aboriginal territoriality, and an adaptative strategy employed by Aboriginal peoples in northeastern Canada to help conserve beaver stocks. Published concurrently with "The Family Hunting Band as the Basis of Algonquian Social Organization" in *American Anthropologist* (Speck 1915c), Speck's preliminary data emphasised that, contrary to the accepted theoretical representations of Aboriginal peoples within anthropology, Aboriginal social organization in eastern Canada was based on a unique family-village type that did not correspond to the basic characteristics of either the matrilineal clan or the patrilineal gens. In particular, Speck (1915b: 289-290) pointed out that this form of social organization maintained an

exclusive form of property relation that characterized actual ownership of territory “owned from time immemorial by the same family and handed down from generation to generation.”

The initial response of the anthropological community to Speck’s preliminary data (Goldenweiser 1916; Mechling 1916a; 1916b; Hartland 1917) noted that, although these data were vague and fragmentary, Speck’s theoretical contributions to the study of Aboriginal social organization provided further support for the existence of John Swanton’s (1905) argument that the individual family unit existed as a third form of Aboriginal social organization distinct from the clan or the gens. Speck’s work was the first set of substantial field data to strengthen the growing challenge to the validity of the clan-gens theory and the applicability of unilineal methods in anthropology. In 1917 Speck responded to the criticisms of his work in an article published in the *American Sociological Society Publications*. In “The Social Structure of the Northern Algonkian,”<sup>13</sup> Speck (1917) compiled all of his field-research data collected intermittently over the five-year period he spent in eastern Canada. These data supported the emerging anthropological theory of the independent development and diffusion of culture and further challenged the applicability of evolutionary models as legitimate anthropological representations of Aboriginal peoples.

Between 1917 and 1950, Speck published numerous additional papers to support his representation of Aboriginal territoriality as specific ownership of land (1923; 1927a; 1927b), including three co-authored papers on the subject, two with his graduate student Loren Eiseley (1939; 1942) and one with Wendell Hadlock (1946). While Eiseley and Speck’s 1939 paper, “Significance of Hunting

Territory Systems of the Algonkian in Social Theory” (1939), represented a significant shift from the theoretical and ethnological debates regarding the clans-gens theory to one of territoriality, this shift in fact had occurred much earlier.

In 1912, Speck began to subtly shift his focus from theoretical models of social organization to representations of Aboriginal territoriality that addressed ongoing struggles between First Nations and the federal and provincial governments in Canada over Aboriginal land and resource use. This shift was influenced in large part by the directed efforts of Aboriginal peoples to have their traditional land use practices recognized and respected by mainstream non-Aboriginal society. In Chapters Four and Five of this dissertation, I examine this relationship more fully.

Speck and Eiseley’s 1939 paper, however, marked an important official turning point. As the earlier debates on Speck’s work focused primarily on issues of descent, this paper placed an increasing emphasis on the development of models of economic determinism, cultural ecology and the correlation between property relations and social organization. In Chapter Two of this dissertation I provide a detailed analysis of the origins and resulting paradigm shift associated with this debate, with a particular focus on the period between 1880 and 1950.

An analysis of Speck’s special research fund grant applications to the University of Pennsylvania’s Faculty Research Committee for the period between 1930 and 1940 illustrates that, during this time Speck shifted his focus on issues of social organization and territoriality to a specific interest in Aboriginal music, religion and ceremonialism.<sup>14</sup> During this time period, he completed his field

research in Labrador among the Innu and worked extensively with remnant groups of Aboriginal peoples in the southeastern United States as well as with the Iroquois in the northeastern United States and southern Ontario. One of his most well-known monographs, *Naskapi, the Savage Hunters of the Labrador Peninsula* (1935), reflected this shift. The monograph combined the research data Speck had compiled during his brief visits to northeastern Labrador over the period between 1914 and 1922. In emphasizing that hunting was a “holy occupation,” *Naskapi* ultimately set the stage for Speck’s future work on prevailing traditions of Aboriginal ritual and ceremonialism (1935; 1937; 1937a; 1939; 1942a; 1945; 1949).

During the 1940s, Speck also contributed to the American war effort by compiling ethnological information regarding Aboriginal medicinal practices in the southeastern United States. An article published in the *Philadelphia Bulletin* on 27 December 1943 emphasized that since Japanese and German forces had cut the United States off from its much relied upon source of medical supplies imported from Europe, the American government began to focus more on learning about the specific application of indigenous North American herbal medicines. In response, Speck established a specific research unit based out of the University of Pennsylvania, to study the medicinal-botanical lore of Aboriginal peoples in Virginia, the Carolinas and Louisiana. Speck characterized this work as “applied ethnology” and stressed that the Aboriginal peoples always cooperated with him in contributing their knowledge. He noted: “Indeed they are somewhat flattered to know that their cures, handed down through the ages, are

now worth the interest of their white brethren and not considered just hocus-pocus.”<sup>15</sup>

As Harold Hickerson (1967) has pointed out, Speck's work ultimately provided the cornerstone to the general theory of the social and economic particularity of the nuclear or limited extended family amongst Algonquian groups. According to Hickerson (1967: 318), Speck's work had broad implications for social theory, including the rejection of Morgan's accepted notion that communism was the first stage in the development of forms of property ownership. Speck's close friend and colleague, A. Irving Hallowell (1951: 68), characterized Speck's work as ethnohistory, noting that he made considerable use of documentary evidence in connection with first hand accounts from his Indian colleagues in the field. He pointed out that Speck consistently evaluated his data against a masterly knowledge of relevant linguistic, ethnographic and historic fact. With regard to the question of Theory, Hallowell (1951: 68-69) pointed out that Speck was not disinterested in theory, and that he often expressed admiration for the work of Swanton. According to Hallowell, Speck was free of the obsessive dogma and petty intellectual prejudice that was often associated with the more “pure-theocratical” streams of Anthropology.

At the end of January 1950, Speck and his wife, Florence, traveled to Red House New York to join the Seneca in their mid-winter rites at the Coldspring Longhouse. A few days before the rites began Speck fell ill and returned to Philadelphia. He was immediately admitted to the University Hospital and, on 6 February 1950 he died of a severe heart attack. He was 68 years old. On 7

February 1950 two of Speck's prize students, George Snyderman and Loren C. Eisley informed Speck's good friend and colleague, William Fenton, that Speck had passed on. Snyderman noted to Fenton: "We can all say he ended all this the way he wanted among the Indians. If there is a hereafter he is probably taking field notes there."<sup>16</sup>

### **Continuing debates regarding Speck's family hunting territory system**

For almost a century, the nuances of Speck's anthropological practices and contributions to the anthropological canon have been eclipsed by academic debates regarding the validity of the family hunting territory complex (see Feit 2004 for the latest installment). Speck's colleague, the Director of the Anthropology Division at the Victoria Memorial Museum in Ottawa, and successor to Edward Sapir in 1925, Diamond Jenness, initially contested Speck's characterization of family hunting territories in the 1920s, and Jenness' arguments were further strengthened by Eleanor Leacock (1958) in the 1950s. In her PhD thesis and, later in her seminal article, "The Montagnais 'Hunting Territory' and the Fur Trade" (1958), Leacock provided ethnographic material from the north shore of the St Lawrence that supported Jenness' critique of Speck's work. She argued that family hunting territories were not Aboriginal but a product of the European fur trade. Leacock contended that the economic system introduced by the European fur trade established a dependent relationship between Aboriginal peoples and the fur companies. This in turn contributed to the transformation of Aboriginal peoples' traditional communalistic modes of

production into individualistic systems of land holdings to support increased pressures and competition for resources. Leacock's representation of family hunting territories ultimately suggested that, as producers in the market-dominated fur trade, Aboriginal peoples had become assimilated to a specific European class system within a wider capitalistic mode of production (Feit 2004: 6).

In support of Speck, and counter to Leacock's argument, Edward S. Rogers (1963) argued, however, that, while family hunting territories were most likely connected to the fur trade, the basic social organization of Aboriginal peoples into family hunting groups was a unique Aboriginal institution. This debate between Leacock and Rogers provided the specific context for the development of the largely polarized family hunting territory debates during the 1970s and 1980s. Anthropologists, such as Adrian Tanner (1973; 1979) and Rolf Knight (1965; 1968; 1978), for example, suggested that family hunting territories were expressions and means of reproducing Aboriginal social relations, symbolic meanings and environmental linkages (Feit 2004: 6).

In his studies of the Mistassini Cree, Tanner (1973; 1979) argued that, as social and ideological expressions, family hunting territories were neither solely Aboriginal nor a product of practices and ideologies drawn from the capitalist economy of the fur trade, fur traders or the conditions of the trade (Feit 2004: 6-7). In particular, Tanner (1979: 67) argued that the Cree subordinated capitalist production to subsistence and that the system of family hunting territories reinforced this by ensuring that all hunters maintained adequate access to

resources to support their families and maintain their spiritual connections to the land and animals.

Alternatively, Rolf Knight (1965; 1968; 1978), suggested that a rigid system of family hunting territories could not support the resource demands of Aboriginal peoples. According to Knight, sole access to territories, combined with rigid boundaries, made it difficult for Aboriginal peoples to conserve ecological variability within their territories. Lack of resources within a territory necessitated that Aboriginal peoples hunt, trap or gather outside their family tract. Knight ultimately argued that the viability of family hunting territories as a productive territorial model was only possible when governments provided Aboriginal peoples with alternative sources of subsistence or when Aboriginal peoples engaged in wage labour.

Throughout the years of scholarly debate on Speck's work, the many diverse and divisive positions regarding the question of the Aboriginality of family hunting territories failed to examine the specific context in which Speck formulated and distributed the theory of family hunting territories. While Feit (1991) hints at the connection between advocacy and anthropology implicit in Speck's representation of family hunting territories, he does not sufficiently contextualize or theorize the relationship between Speck's ethnological work and his role as a advocate of Aboriginal land and resource rights. Nor does he adequately illustrate the meaningful contributions of Aboriginal peoples to Speck's work.

Building on Feit's (1991) work, this dissertation further details the analysis of Speck's representations of Aboriginal territoriality within the context of the

colonial situation of land ownership issues in eastern Canada during the late 19th and early 20th centuries. This includes a thorough examination of the development of government policies and ideologies in that period and the links between the development of American ethnography and wider social science advocacy as it relates to Speck's work. One particular area I feel Feit (1991) did not fully address in his work was the contributions Aboriginal peoples made to Speck's work. This dissertation therefore emphasizes how the complex colonial situation of land ownership issues effected Aboriginal peoples and their attempts to maintain their political and economic autonomy in eastern Canada. I particularly focus on how this struggle for survival provided a window of opportunity for the further development of Speck's anthropological work.

This dissertation, however, does not focus solely on the question of advocacy as it related to Speck's work. Analysing the complex relationships between the scientific and socio-political aspects of Speck's work necessitates examining the broader context of debates within anthropology regarding Aboriginal social organization, and reading these debates against the grain of the jurisdictional issues over Aboriginal land use practices in eastern Canada.

I therefore situate Speck's work with the larger intellectual network of American anthropologists whose work stressed the collection and representation of overlapping records of the various characteristics and complexities of different Aboriginal cultural groups in North America. After a detailed review of the available literature regarding the significant debates within 19th century and early 20th century anthropology, this dissertation suggests that Speck worked together with Aboriginal peoples to provide specific

representations of their geographical knowledge. Superimposed on official government series maps which excluded the Aboriginal presences, these representations of Aboriginal territoriality asserted a living Aboriginal presence and history in Canada.

### **Methodology**

The main sources relied upon for this dissertation consist of archival materials from the Canadian Museum of Civilization (CMC) in Gatineau, Quebec; the Frank Speck papers from the American Philosophical Society (APS) in Philadelphia; and the Indian Affairs Record Group (RG 10) from the National Archives of Canada (NAC) in Ottawa.

Approximately 200 documents at the CMC were consulted. This includes the extensive correspondence between Speck and Edward Sapir, Franz Boas, Diamond Jenness, Marius Barbeau, Harlan I. Smith and Frederic Waugh. Also examined were the personal papers and unpublished manuscripts of Edward S. Rogers. These are particularly important as they provide context to the early debates between Speck and Jenness regarding the aboriginality of family hunting territories. While the CMC also holds fairly substantial collections—or archives— of Aboriginal material culture collected by Speck, these were not consulted for this dissertation as I do not specifically address Speck's role as a collector.

The Frank Speck papers located at the APS contain more than 7,000 documents, including 3,000 pages of text material, including correspondence,

writings, drawings and photographs, maps, and film. The collection also contains 5,000 pictures and drawings, including 68 maps. Correspondence in the collection includes letters from Charles Marius Barbeau, Franz Boas, Fay-Cooper Cole, Loren Eiseley, Alfred V. Kidder, Alfred L. Kroeber, Eli Lilly, Edward Sapir, Carl Voegelin, Clark Wissler, Paul A. W. Wallace, Leslie A. White and Conway Zirkle. The bulk of this material examined for this dissertation includes Speck's extensive professional and personal correspondence, his field-notes, as well as draft and unpublished manuscripts.

I also examined and incorporated approximately 500 documents from the NAC's RG 10 series regarding the administration of Aboriginal hunting, trapping and fishing across Canada and issues revolving around the allocation of lands in eastern Canada. These documents provide an important context for discussions relating to jurisdictional issues regarding Aboriginal land and resource use in northeastern Canada during the 19<sup>th</sup> and 20<sup>th</sup> centuries.

My heavy reliance on archival sources necessitated an organized and systematic approach to evaluating, coding and analyzing primary source materials. The process of finding, defining and assessing documentary data required the specific analysis of particular primary data sets to forward broad generalizations of Aboriginal ethnogeography in eastern Canada, Speck's representations of territoriality and the strict management and regulation of Aboriginal land and resource practices by the federal and provincial governments. It was crucial to be able to assess these documents critically in order to provide a wider context for understanding and analyzing the connection between the intellectual and socio-political construction and reproduction of

Speck's representations of Aboriginal territoriality. This necessitated an ongoing assessment of these documentary data, based on the specific sets of overlapping questions outlined earlier in this chapter. This type of assessment helped me to evaluate whether or not particular documents merited use as primary source materials. Mostly I used a "wide-net" approach to collecting material. Many days I found myself at the archives engrossed in various bits of information that, when read in isolation, did not necessarily form a cohesive and coherent picture of Speck's representations of Aboriginal territoriality, the active role of Aboriginal peoples in asserting sovereignty over their traditional territories or the role of the Department of Indian Affairs (DIA) and the provincial governments in restricting and limiting the traditional land use practices of Aboriginal peoples. It was only when these materials were brought together, that it was possible to tease out the tensions in these documents and weave together their various overlapping issues.

Following Foucault's (1977a: 144; 1984: 86-87) genealogical approach as a way to problematise totalizing historical narratives, I explored these various archives to locate the conjunctures and disconjunctures associated with Speck's representations of Aboriginal territoriality. In particular, I worked to uncover the layers of historical knowledge associated with Speck's articulation of the family hunting territory as a direct response to scientific debates within 19<sup>th</sup> and early 20<sup>th</sup> century anthropology and the socio-political debates during this same period regarding Aboriginal land and resource use in eastern Canada. In bringing together these scientific debates within anthropology with the specific ideological tensions associated with Aboriginal land use practices, my analysis examines the

multiple domains of Aboriginal and non-Aboriginal contributions associated with Speck's work. A genealogical approach provides an opportunity to form a fragmented account of the development of Speck's representation of Aboriginal territoriality as an historically specific ensemble of knowledge connected to the larger history of Aboriginal-settler relations in Canada.

Mary Poovey (1998: 19), however, points out that a genealogical approach limits historical examinations to one domain, whereas questions of epistemology encourage the consideration of how domains of knowledge production overlap. The shortcoming of a genealogical approach is that it encourages, but does not necessarily force, the superimposition of the map of present disciplines onto the past. This makes it difficult to recover, analyze and problematize contemporary questions that past authors may have been addressing. Poovey (1998: 268) therefore suggests that texts be read retrospectively and proleptically. Instead of developing anticipatory histories that superimpose the theoretical debates, considerations and tensions of the present onto the past, this approach allows for detailed interpretations of texts— or archives—that reveal the tensions inherent in the historically specific context of their production and distribution.

Poovey (1998: XIV; 268) characterizes the resulting analysis as a “messy” historical narrative. This type of analysis hinges upon the desire to construct an historical order that supports meaningful generalizations and the sloppiness associated with the specific historical instances used to construct those generalizations. In terms of the organization of this dissertation, this approach is a circuitous one, in which the overlapping and ambivalent aspects of Speck's

representations of Aboriginal territoriality must be placed within their broader intellectual and socio-political contexts. At times, this necessitates a review and analysis of the connections and dis-connections between late 19<sup>th</sup> century natural history practices and the early 20<sup>th</sup> century debates in anthropology regarding Aboriginal social organization. It also requires examining the tensions between Aboriginal and non-Aboriginal geographies and the resulting jurisdictional debates over land use practices. While the links between these domains and Speck's work are not always seamless, they are not intended to be. Instead of trying to construct a single coherent logic to Speck's representations of Aboriginal territoriality, I am more interested in highlighting the complex relationships between the scientific and socio-political as they are represented in Speck's work.

By grounding the theoretical and applied aspects of Speck's representations of Aboriginal territoriality within the historic disputes over the regulation of traditional Aboriginal land use practices and the specific debates within anthropology during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, it is possible to understand Speck's work as an historically specific ensemble of knowledge that contributed to shifting scientific paradigms within anthropology and jurisdictional debates between Aboriginal peoples and the provincial and federal governments in Canada. I emphasize that Speck did not collect and represent information on Aboriginal territoriality by chance, but that his work emerged within an historical socio-political and intellectual context. This approach necessitates the examination of Speck's anthropological practices within the broader field of ethnographic activity that existed prior to and after the emergence of the

discipline and Speck's contributions to the discipline (Pels 1997: 165). This effort at contextualization also requires that the tensions of colonialism and Aboriginal-Settler relations inherent in these archives, texts and the networks of knowledge associated with this disciplinary history be examined in terms of the practical relations and encounters that contributed to their production (Pels 1997: 166).

In Chapter Two, I examine the connection between representations of Aboriginal people by anthropologists, such as Lewis Henry Morgan, Franz Boas and John R. Swanton, and the emergence of standardized systems of scientific classification during the 18th century. The aim of this chapter is to examine the intellectual network, during the period between 1880 and 1950, that maintained considerable influence on the theoretical aspects of Speck's intellectual development as an anthropologist. In particular, I stress that the subtle paradigm shift towards models of economic determinism during the early 1930's redirected the focus of Speck's notion of territoriality as a specific critique of Lewis Henry Morgan's models of unilineal social organization forward into a larger debate regarding the representation of Aboriginal territoriality.

Chapter Three focuses on grounding the theoretical framework associated with Speck's work within the space of Aboriginal ethnogeography. I theorize the relationships between colonialism, European mapping practices and Aboriginal geographical knowledge. In particular, I emphasize that while European mapping practices superimposed sovereignty and effective control upon Aboriginal traditional territories, Aboriginal assertions of sovereignty relied on longstanding aspects of geographical knowledge and associated land-use practices as a basis for their claims. Recent decisions of the Supreme Court of Canada, such as *R.*

*v. Van der Peet* (1996) *R. v. Côté* (1996), *Delgamukw v. the Queen* (1997), *R. v. Powley* (2003) and *R. v. Marshall and Benard* (2005) suggest that sovereignty is the appropriate date for determining Aboriginal title and effective control is the relevant time for determining Aboriginal rights other than title. Sovereignty is understood to mean the time in which the Crown established a legal basis for claiming jurisdiction over the land, and effective control is understood as referring to practical and/or political control of that region. In this chapter I examine how, as a subject of anthropological inquiry, Speck's representation of Aboriginal territoriality contributed to Aboriginal assertions of sovereignty by mapping Aboriginal territories within the official grid of Canadian space and the specific intellectual landscape of anthropology.

In Chapter Four, I analyze further the tensions inherent in the specific assertions of Aboriginal sovereignty and effective control discussed in Chapter Three. I explore specific historical instances of Aboriginal peoples in eastern Canada asserting sovereignty and effective control over their land and resource rights. This study provides a context for examining the practical aspects and collaborative nature of Speck's fieldwork. Instead of representing Aboriginal peoples as victims of colonialism, I emphasize the direct involvement of Aboriginal peoples in the positive and practical resolution of their struggles over land and resource rights. This is particularly important, as Speck's representations emerged not only from the specific theoretical debates of anthropology during the period but the socio-political debates over land and resource rights which are often overlooked.

In Chapter Five I analyze how the multiple domains of Speck's representations of Aboriginal territoriality overlap. I co-relate the historic socio-political assertions of Aboriginal sovereignty discussed in Chapter Four with the early theoretical development of Speck's work on Aboriginal territoriality examined in Chapter Two. I argue that Aboriginal people significantly contributed to the theoretical development of Speck's representations of Aboriginal territoriality. In this chapter, I also show how Speck's contributions to resolving the longstanding struggles of the Six Nations of Grand River and his involvement in countering the racial tensions associated with the enumeration of the Virginia Indians during the early 1900s, provides a more detailed context to the practical and applied nature of his work. This further strengthens the understanding of Speck as both an educator and advocate who worked to raise political and administrative awareness regarding Aboriginal land and resource rights, as well as the acceptance of Aboriginal cultures by mainstream non-Aboriginal society.

Chapter Six provides some concluding remarks regarding Speck's contributions to the struggles of Aboriginal peoples. I argue that Frank Speck's representations of Aboriginal territoriality in northeastern Canada grew out of the productive, respectful and mutually-beneficial dialogues he maintained with the Aboriginal peoples he worked with during the early 20<sup>th</sup> century. In this chapter I also reflect on questions that remain to be addressed and issues raised by the dissertation for existing literatures.

## Notes

1. For this dissertation I have been unable to locate Speck's birth records (if it is even possible). I have also not attempted to talk/interview anyone from the Speck family.
2. American Philosophical Society, Franz Boas correspondence, (APS-FBC), Boas to Speck, 10 October 1905.
3. Speck to Boas, 13 October 1905. APS-FBC, Speck to Boas, 1905.
4. American Philosophical Society Frank Speck Papers (APS-FSP), Box 25, file 572.97, Sp3, Reel 13.
5. Museum History file of principle client archivist Benoît Thériault of the Canadian Museum Civilization (CMC MHF).
6. Brock to Sapir, 3 June 1910. CMC-Edward Sapir Correspondence (ESC), Box 425 File 44,
7. Sapir to R. G. McConnell. CMC-ESC, Box 427 file 76.
8. Speck to Sapir, No date; Speck to Sapir, 14 February 1912; and Sapir to Speck, 29 February 1912. CMC Frank Speck Correspondence (CMC-FSC), Box 634F1,
9. Frank Speck, 1912 Abenaki collection. CMC collector File. The CMC still holds these objects in its collection.
10. At some later point I hope to further my understanding of Speck's work through a detailed analysis of his prolific role as a collector of Aboriginal material culture. Eventually, I hope to combine these various aspects of Speck's work into an intellectual biography.
11. J. Copper to Speck, 26 October 1946. APS, FSP, Box 20, File IV F3, Reel 11.
12. Smith to Speck, 3 January 1912. CMC-Harlan Smith Correspondence (HSC).
13. While this paper was published in 1917, I am utilizing the original manuscript version of the paper as a reference for this analysis. American Philosophical Society (APS) Frank Speck Papers (FSP), File 970.3, SP3P Reel 18.
14. APS, FSP, Box 26, Reel 14.
15. APS, FSP, Box 18, File IV EI, Reel 9.
16. APS, FSP, Box 26, Reel 14

## CHAPTER TWO

### **Science meets the “vanishing Indian”: the civilizing of ethnology and the standardization of 19<sup>th</sup> century anthropological practices**

*Science does not always appear, as on the present occasion, in holiday attire; nor does it confine itself to the lecture room or the library; but that it often toils severely and imposes on itself hard fare and self-sacrifice. It scales every mountain, gropes in every mine, toils through every wilderness, boils its camp kettle by all streams, pores over the minutest objects, anatomises the least agreeable creatures, stifles itself in laboratory fumes, breaks stones like a road maker, and carries loads like a porter. In short, when you see the scientific man in his working garb, you may well be pardoned for supposing, as a kind old lady once remarked of a Scottish geologist, that he looks like one “who has seen better days.”<sup>1</sup>*

In order to situate Speck’s work within the historic debates, questions and concerns that may have influenced his representations of Aboriginal territoriality, a broader context is needed to isolate the historically specific areas of inquiry related to these representations. In this chapter, I examine how Speck’s work was connected to the dynamic interactions associated with the discovery and consolidation of specific methods and practices developed to understand the various aspects of aboriginal cultures in North America. More specifically, I examine how Speck’s representations of Aboriginal territoriality contributed to the shifting anthropological representations of Aboriginal social organization during the early 20<sup>th</sup> century. This shifting paradigm provided the juncture in which Speck’s work as an applied anthropologist emerged from classical 19<sup>th</sup> century anthropological practices, challenging not only the intellectual

development but the practical application of anthropological representations of Aboriginal people.

This chapter generally explores how Speck's anthropological practices were derived from scientific concepts and theories which emerged during the 19<sup>th</sup> and early 20<sup>th</sup> centuries. Building upon the 18<sup>th</sup> century natural history movement, these emerging scientific models of anthropology rationalized that, as part of nature, "man" was also subject to the universal laws that ordered other aspects of the natural world, such as birds, plants, rocks, minerals etc. By the mid-1800s, specific anthropological models provided a lens from which the progressive history of humanity could be interpreted and represented via the diverse linguistic and cultural groups of Aboriginal peoples in North America. These classification systems relied on organized and systematic practices to mine, catalogue, study and store the mass of "new" knowledge generated by the observations and interactions of colonial government officials, colonists, scientists and amateur natural historians with Aboriginal peoples. Characterized by Bernard Cohn (1996: 5) as *investigative modalities*, these practices defined a body of information and the procedures by which appropriate knowledge was gathered, ordered and classified, and how these data were transformed into useable forms. Typically constructed in relation to institutions and administrative sites with fixed routines, such as monthly reporting, census gathering etc, certain modalities eventually emerged as "sciences," including history, biology and anthropology. The development of these sciences, however, also relied on

intellectual networks which provided the paradigms necessary for the shifting representational practices examined in this chapter.

In the first and second sections of this chapter I explore the connections between the early 19<sup>th</sup> century representations of Aboriginal peoples by anthropologists such as Lewis Henry Morgan with the emergence of standardized systems of scientific classification during the late 18<sup>th</sup> century. I analyse how these representations were tied to the premise of unilineal evolution, based on diachronic assumptions regarding the progressive nature of man that ranged from speculations about a general evolution of Aboriginal cultures, languages, and societies to attempts to address these speculations empirically. This analysis is important as it provides a necessary intellectual and scientific context for the examination of specific questions and concerns that may have influenced Speck's representations of Aboriginal territoriality. While the reader may feel that I linger unnecessarily on the contributions of Carl Linnaeus and Comte du Buffon, my discussion is meant to highlight how Speck's representations of Aboriginal territoriality were connected to these early representational practices. I do not intend this to be an exhaustive history, and, in many instances the threads of the discussion regarding 18<sup>th</sup> and early 19<sup>th</sup> century representational practices are left for future study.

In the last section of this chapter, I examine how the increasing promotion and acceptance of a multilineal evolutionary framework, during the early 20<sup>th</sup> century, was based on synchronic notions of historical particularism that shifted the emphasis of anthropological representations of Aboriginal peoples.

Maintained and developed largely by late 19<sup>th</sup> and early 20<sup>th</sup> century anthropologists, such as Horatio Hale, Franz Boas, John R. Swanton and Frank Speck, these representations of Aboriginal peoples countered the accepted and prevalent view of orthogenesis and stressed the collection of accurate and complex overlapping records of the various characteristics and complexities of different Aboriginal cultural groups. In this section I do not intend to over-emphasise the contributions of Boas' theoretical positions to the development of a multilineal anthropological perspective. Rather, the aim of contextualizing these contributions is to highlight the intellectual network and debates within anthropology that maintained considerable influence on the practical and theoretical aspects of Speck's intellectual development. In particular, I stress that the subtle paradigm shift towards models of economic determinism during the early 1930's redirected the focus of Speck's notion of territoriality as a specific critique of Lewis Henry Morgan's models of unilineal social organization forward into a larger debate regarding the representation of Aboriginal territoriality.

## **Standardizing anthropological practices: Linnaeus, Buffon and the progressive nature of Man**

While the natural history movement grew out of a general trend in classificatory practices and the accumulation of scientific knowledge in Europe during the 18<sup>th</sup> century, advancements in systems of classification and standardization provided scientists with tools for ordering and exploiting the natural world. These research techniques provided a rational and orderly way of producing general and universal knowledge about nature and the development of theories about society and wealth (Hacking 1990: 108; Poovey 1998: 96-7). The representation of scientific knowledge through the gathering of data during the 18<sup>th</sup> and 19<sup>th</sup> centuries provided a framework for representing a body of knowledge about the natural and physical world, as well as accepted methods for accumulating scientific knowledge. Under the general categories of natural history and natural philosophy, "science promoted empirical analyses of subjects that traditionally belonged to the more speculative realms of religion and philosophy" (Zeller 1996: 2).

With an increase in scientific exploration and empire building in Europe and the colonies during the 18<sup>th</sup> century, natural historians collected increasing amounts of new 'exotic' and local specimens. The large number of collections proved problematic, however, as new specimens could not be slotted into older classification systems (Farber 2000: 8). Prior to the introduction of a system for

standardizing natural history research, scientists typically ascribed different names to the same plant, mineral or animal, sometimes even failing to recognize the “male, female, and juvenile forms of the same animal [and classifying] them as three different animals” (Farber 2000: 8). According to L. Barber (1980: 49) this problematic classification system was aptly illustrated in Thomas Moufet’s *Theatre of Insects* (1634). Barber points out, that In his description of grasshoppers and locusts, Moufet recognized general variations in size, colour and behaviour, relying on arbitrary classification to represent this diversity.

During the 1730s, the Swedish natural historian Carolus Linnaeus suggested that a general, standardized system needed to be implemented in order for the natural historian to classify and understand the increasing diversity of natural specimens (Farber 2000: 8; Eiseley 1958). In 1735 Linnaeus (1735) published *Systema Naturae*, in which he widely promoted a binominal system of classification for plants, animals and minerals, which he expanded eighteen years later in *Species plantarum* (Linnaeus 1753). In his systematised version of binominal nomenclature, Linnaeus made it easy to identify unambiguously any given species of plant or animal. The system relied on a hierarchical series of groups. Each group at a given layer was composed of a set of groups from the layer directly below. Organisms were given two names, a single name common to all species in a genus, and another, specific name that distinguished the species from others in the genus. This system provided scientists and amateur natural historians with a simple, practical and accessible method for classifying natural objects. Knowledge of the two-part scientific name made it possible to

determine the other six layers of classification (Eiseley 1958: 20-21; Farber 2000: 9-11).

Approximately fifty years later, in 1781 the Royal Gardener to King Louis XV, George Louis Leclerc, Comte de Buffon (1781), published *Histoire naturelle*, a comprehensive encyclopaedia of natural history. Buffon supplied a new, secular conception of natural history, challenging natural theological assertions that the living world stood as a proof of God's existence and a reflection of his moral laws (Farber 2000: 18; Eiseley 1958 36-38). Following a trend in enlightenment philosophy, Buffon stressed that thorough and rigorous scientific investigation could uncover the world's natural laws. According to Buffon, nature was an end in itself and not a reflection of a higher reality or the intelligent design of a Creator. In many ways, Buffon touched on the same principles of evolution outlined almost one hundred years later by Darwin (1859) in his *Origin of the Species*. Buffon's notion of "degeneration" emphasised simple change among the variations of species found around the world, and he argued that a larger time scale was needed in order to fully understand this process of degeneration. With regard to connections between Old and New world plant and animal species, Buffon suggested that they were remotely related and that they shared something common in their formation (Eiseley 1958 36-38).

Unlike Linnaeus' stress on the value of naming and classifying, Buffon sought to uncover the general laws and broader outlines of order in nature. Both Linnaeus and Buffon, however, greatly contributed to the standardization of natural history research methods, establishing principles subsequently used "to

rationally name and classify the natural products of the entire globe” (Farber 2000: 6). While Linnaeus constructed an initial standardized framework for classifying, naming, cataloguing and ordering natural history specimens, Buffon emphasized a standardized philosophical approach to natural history that relied on secular enlightenment scientific practices of comparative research and generalization. Buffon’s encyclopaedic approach to uncover the natural order ultimately provided an accessible means for amateur and professional natural historians to contribute to an ever increasing body of scientific knowledge, by encouraging the collection and classification of everything found in nature. The principles outlined by these two different, yet complementary, approaches to classifying and ordering nature formed a new science of natural history in 18<sup>th</sup> century Europe, influencing a large network of natural historians and scientists around the globe. As Loren Eiseley (1958: 21-26), an early student of Frank Speck and an eminent anthropologist during the mid 1900s, pointed out, the type of naming and systems of classification associated with Linnaeus and Buffon lasted well into the mid 19<sup>th</sup> century, significantly contributing to the development of practices that emphasised the establishment of precise categories of classification. These new representational practices focused on replacing earlier vague characterizations of the objects of nature with exactness of definition.

As a general scientific discipline emerging in Europe during the late 18<sup>th</sup> and early 19<sup>th</sup> centuries, the natural history movement employed rational, systematic methods of analysis in an attempt to understand and bring order to

the overwhelming variation found in nature (Eiseley 1958: 325-324; Farber 2000: 2). This development of systematic approaches to scientific classification emerged during a period of increased colonial settlement and exploration in the “new world.” The success of the natural history movement relied heavily on the curiosity and diligence of the natural historian. In order to provide complete and accurate representations of nature, natural scientists and historians had to travel to the farthest reaches of the globe to inspect, collect and catalogue the myriad natural history specimens which best represented nature’s all-pervasive design. Natural historians and scientists systematically engaged in naming, classifying and describing natural objects, ultimately hoping to uncover and understand their essential place in the larger order of nature.

Well into the 19<sup>th</sup> century, Linnaeus’ students travelled around the globe, collecting and cataloguing natural history specimens, furthering Linnaeus’ project of constructing and representing a unified nature that could be known, ordered and accessed in a rational set of standardized norms. Of particular interest is Peter Kalm (1770) who travelled to North America in 1748 to study and catalogue the natural history of the French and English colonies. In 1770, the English translation of Kalm’s *Travels in North America* was published from the original Swedish version of 1753. Among his reports on the state of agriculture and the various native species of birds, Kalm provided reports on the tools, weapons, character, origin, food and language of Aboriginal peoples (Eiseley 1958: 17-18).

While the daunting task of compiling a complete history of the natural world satisfied deep intellectual and theological curiosities, the construction and proliferation of standardized practices of ordering and naming nature also proved important to the project of empire building. These standardized practices helped to facilitate the administration, organization and control of colonial and national interests, making it much easier for colonial and government officials to identify and cultivate materials of economic and cultural importance, including coffee beans, cocoa beans, rubber plants, tea plants, orchids and a wide variety of other natural materials (Cohn 1996: 4-5; Farber 2000: 2).

In Canada, early fur traders and missionaries were among the first to produce detailed reports containing scientific facts relating to different geological, astronomical, meteorological and ethnological aspects of the colonies (Zeller 1997: 195). Moravian missionaries living in Labrador, for example, regularly sent plant and mineral specimens, including the labradorite they discovered, to Europe, as well as reports on the language and manners of the Labrador Inuit (Zeller 1997: 197-198). David Thompson (1770-1857), an early fur trader and explorer, routinely included detailed scientific information in his general reports of mapping and exploring the northern boundaries of the Canadian colonies. Private interests also produced useful information pertaining to the natural history of the British North American colonies, supported in large part by government-initiated scientific explorations. One of the earliest of these expeditions was Titus Smith Jr's survey of the colony of Nova Scotia in 1801. Smith surveyed the colony with the practical goal of assessing the colony's

timber supplies and its potential for growing hemp. After several months deep in the bush, Smith produced a detailed report outlining the economic potential of the colony, with extensive appendices which included lists and drawings of plants and a map of the colony (Zeller 1997).

The effects of Ulysses S. Grant's post-Civil War Peace Policy, and the increased settlement of the western portions of Canada and the United States during the mid 19<sup>th</sup> century, brought more popular and scientific attention to the modes of life and material cultures of Aboriginal peoples.<sup>2</sup> Although the natural history movement mainly emphasised the collection and analysis of specimens in the fields of biology, zoology, geology and palaeontology, 19<sup>th</sup> century anthropological practices invoked the Linnaean tradition of natural history in an attempt to describe the place of the Aboriginal peoples within the general fabric of nature and the expanding time line of human history. This included the production of significant inventories and taxonomies of the diverse cultural and linguistic groups of Aboriginal peoples in North America. This practice is aptly illustrated in an address made by John Henry Lefroy (1852), director of the Toronto Magnetic and Meteorological Observatory, shortly before his arrival in Toronto in 1853. He stated:

We have, so to speak, side by side in this extensive country, the twelfth and nineteenth century. The rude beginnings of settlement, where man shares the soil with the wildest natives of the forest, and nothing has as yet occurred to affect the physical conditions of the state of nature; and the fully developed empire of his industry, where all the local changes likely to occur are already wrought out (1852: 24).

Lefroy's comment exemplifies the vantage point of the natural historian that Aboriginal peoples in British North America were living specimens of history to be studied and inventoried like other natural history specimens. Early anthropologists, such as Lewis Henry Morgan, ultimately built upon these notions, positing that Aboriginal people were real and constant units in nature who could be organized within a larger general system that represented a complete scale of human history.

The regional politics and jurisdictional issues associated with governing a confederated Canada during the later 19<sup>th</sup> century, however, significantly contributed to the shifting paradigms associated with understanding the traits and customs of Aboriginal peoples across the country. As tensions and political interactions between Aboriginal peoples, European settlers and the colonial governments in Canada increased, by the late 19<sup>th</sup> and early 20<sup>th</sup> centuries anthropologists, such as Franz Boas, James Teit, John R. Swanton and Frank Speck, developed more precise techniques for classifying the various aspects of Aboriginal cultures. These techniques increased the precision of ethnological classifications and the application of anthropological knowledge, providing more nuance to the specific accounts of the languages, customs and politics of Aboriginal peoples (Zeller 1999: 126). In Chapters Four and Five of this dissertation I provide more specific detail regarding the practical application of Speck's anthropological representations of Aboriginal people in eastern Canada. The next two sections of this chapter focus on examining further the shifting

representational practices of anthropology during the 19<sup>th</sup> and early 20<sup>th</sup> centuries.

### **William Robertson, Lewis Henry Morgan and the social organization of Aboriginal property relations**

By the mid-1800s, anthropology emerged as a specific investigative modality separate from natural history. Concerned with representing the historical essence of human culture, anthropologists sought to represent how this essence displayed itself through biology, language, art and technology (Gruber 1967: 6: 13-14). Encouraged by Charles Darwin's (1859) principles of biological change outlined in *On the Origins of Species* and Herbert Spencer's (1860) notion that evolution was a progressive system of change from simple to complex, the main component of early 19<sup>th</sup> century anthropological classifications was the belief in the progressive nature of man: while all mankind started in a variation of the primitive state, through one influence or another, only certain groups progressed to civilization (Nisbet 1998; Bieder 1975: 93).

Through careful collection, analysis and representation of ethnological data and material specimens, anthropologists systematically classified the variations in the stages of human progression, placing all known societies on a unilineal scale ranging from savagery to civilization. This concept embraced the Enlightenment ideal that history was progress and therefore what came earlier was necessarily inferior (Mulvaney 1994: 155-157). According to this system of

classification, civilization was gradually developed in the course of ages by “enlargement and increased precision of knowledge, invention and improvement of arts, and the progression of social and political habits and institutions toward general well-being” (Wilson & Taylor 1885: 29). These early anthropologists believed that the study and classification of the variations in human language, biology, technology and modes of life would ultimately help to establish a general understanding of humanity, providing a glimpse into how “all the great processes of mental and social development” worked (Wilson & Taylor 1885: 28-29).

One of the best known and most prolific unilinealists was Lewis Henry Morgan. A lawyer by training, during the 1840s Morgan helped the Seneca present a case to the American Congress to fight the encroachment of the Ogden Land Company onto Seneca land. After unsuccessfully arguing their case, in 1846, Morgan refrained from further helping the Seneca save their reservation (Tooker 1992: 359). Subsequently, with the help of Seneca scholar Ely Parker, Morgan pursued ethnological research on both the Tonawanda Reserve near Akron, New York and the Six Nations Reserve near Toronto. The joint effort resulted in *The League of the Iroquois* (1851), the first full-length ethnological account of Aboriginal people in Canada. The success of the book encouraged Morgan to pursue additional research and, in 1871, he published *Systems of Consanguinity and Affinity of the Human Family* (1871). In his analysis of kinship, Morgan sought to illustrate a common Aboriginal origin in North America.

Morgan's work, however, grew out of the earlier work of 18<sup>th</sup> century historian-anthropologist William Robertson (1812a,1812b). In 1777, Robertson published the first European edition of his two volume *History of America*, and in 1812, the tenth edition of this widely circulated English edition was published in North America. Robertson's work is notable as it was one of the first comprehensive texts to outline a general anthropology of Aboriginal peoples in North America (Hoebel 1960). Typical of this time period, Robertson stressed the progressive nature of human history, and argued that any studies of human history and culture needed to focus on differentiating between the three different, ascending, stages of human society: savagery, barbarism and civilization.

(1812a: 262). He noted:

In tracing the line by which nations proceed towards civilization, the discovery of the useful metals, and the acquisition of dominion over the animal creation, have been marked as steps of capital importance in their progress. In our continent [Europe], long after men had attained both, society continued in that state which is denominated barbarous. Even with all that command over nature which these confer, many ages elapse, before industry becomes so regular as to render subsistence secure, before the arts which supply the wants and furnish the accommodations of life are brought to any considerable degree of perfection, and before any idea is conceived of various institutions requisite in a well-ordered society (1812b:176).

In his analysis, Robertson placed Aboriginal peoples in northeastern North American in the category of savagery, arguing that they lacked the complex social structures and activities, such as writing and agriculture, characteristic of the more advanced Aboriginal groups in Mexico and Peru (1812b: 176-177).

Building on the type of progressivist framework used by Robertson, Morgan (1877) furthered his own earlier analysis of kinship, suggesting that human history followed a common sequence of seven stages of progress. In *Ancient Society, or Researches in Life Lines of Human Progress from Savagery, through Barbarism, to Civilization*, Morgan proposed that social evolution could be tracked through a comparison of developments in technology, political organization and kinship systems. Following Spencer's notion that social progress developed from simple to complex, Morgan suggested that all societies evolved through similar stages, progressing towards civilization. His representation of Spencer's concept of social progress furthered the axiom that all human societies develop from simple to complex along similar lines. Morgan relied on the assumption that detailed studies and inventories of the customs and cultural material of Aboriginal peoples were sufficient to ascertain the path of Aboriginal migration to the New World and to discover earlier forms of the human condition (Dyck 2001: 28; Nisbet 1998: 262-264).

Such a project, however, could not be accomplished solely through the study and classification of particular groups of people. Morgan's *Ancient Society* provided the blueprint for the construction of a system of classification that "sought to elucidate the nature of the species *in toto*" and the social, economic and technological relations that bound the various sub-groups of the species to one another (Gruber 1967: 12-13). By systematically organizing ethnological data and material specimens collected in Europe with specimens collected in the "living past" of North America, early anthropologists believed that they could

recover the long “obliterated past of European Civilization” (Cole 1973: 34). This narrative was teleological in its assumption that Aboriginal peoples were purposefully developing towards the ideal of human society—civilization. This notion was connected to other developmental narratives. These included the changes a human undergoes from child-to-adolescent-to-adult and the increasing complexity that occurs with biological speciation from unicellular organisms to the higher primates. Nineteenth century museum exhibits highlighted these taxonomic models of evolutionary biology and grouped objects together in displays on the basis of apparent similarity of function or degree of technological sophistication. This categorization of Aboriginal cultural material reflected the evolutionary notion that human societies progressed through common stages of development, knowable by the complexity of the technical invention required to create each object (Hegemen 1998: 460).

Connected to his notion of social progress, Morgan argued that the idea of property, or objects of ownership, naturally increased in pace with the progress of technologies, discoveries and improvements in the social institutions connected with the several stages of human progress. While one of the major distinctions between Morgan’s stage of savagery and the subsequent stages of barbarism and civilization was the transition from food gathering to food production (Leacock 1975: 13), Morgan also characterized these advancements in relation to property relations. In particular, he suggested that the customs associated with the notion of property rights were determined and modified by the condition and progress of a group’s social organization (1877: 535).

Accordingly, Morgan tied social organization into means of production—hunting, fishing and agriculture—as well as the base unit of relation connected to the specific stage of progress. In the stage of savagery, for example, Morgan (1877: 536-537) suggested that humans advanced from the simple “consanguine horde” or scattered family groups who relied on simple fresh food gathering in restricted areas, into tribes organized first by matriarchal clans. According to Morgan (1877: 537), and later echoed by Frederick Engels (1884), the direct and equal distribution of the products of hunting and fishing within the clans, as well as their common property holdings, characterized these communal groups. Morgan subsequently correlated the progression from simple savagery, through barbarism, to the complexities of civilization with specific advancements in social organization reflected in family structure and property relations. As the complexity and organization of family structures developed towards monogamy, property relations advanced towards individual land holdings and concise notions of private property.

Morgan’s characterization of property rights and social organization as mutually dependent, largely influenced the notion that many Aboriginal peoples in North America maintained no distinct concept or practice of property ownership (See Powell 1880; Bourke 1890; Grinnell 1907). In fact, as Regna Darnell (2000: 89) has pointed out, John Wesley Powell—a strong supporter of Morgan’s work and director of the Bureau of American Ethnology (BAE)—encouraged his staff, including anthropologists Daniel Brinton, Otis T. Mason and

Frank Cushing, to read and utilize *Ancient Society* in the field as a guide to understanding and classifying Aboriginal peoples.

The connection between social progress and property interests outlined by Morgan in *Ancient Society*, however, was embedded in an older European legal tradition substantiated by John Locke's 17<sup>th</sup> century publication *The Two Treatises on Government* (1690). Lock argued that the establishment and maintenance of enclosures, permanent dwellings and gardens were legitimate means of asserting sovereignty over land. Private property was considered a natural extension of these assertions of sovereignty (Locke 1690: 337; Seed 1995: 20-21; Usher 1992: 45). The characterization of Aboriginal peoples as "savage" or "uncivilized" inhabitants of a colony reinforced the notion that they did not maintain specific rights relating to land ownership under British law (Henderson 1985: 191; Williams 1986). Morgan's representation of Aboriginal social organization supported this notion. His representations of Aboriginal people acknowledged that individuals in hunting societies did not maintain "property" and that, only with the rise of agriculture, and the investment of individual labor in land that it entailed, that individual rights to land developed.

The construction of specific ideas and regimes for ordering, managing and conceptualizing property in the European legal tradition were crucial to the establishment of colonial governments and the building of nations. In Canada, however, there continues to be a specific tension between the Nation-to-Nation relationship between First Nations and the Crown, as exemplified by the Royal Proclamation of 1763, and the practical application and development of colonial

land acquisition practices in Canada during the 19<sup>th</sup> century. Historic assertions of sovereignty and effective control by the British and French Crowns in Canada revolved around the Nation-to-Nation relationships they maintained with Aboriginal peoples. The integration of these principles in relation to Crown-Aboriginal associations set the foundation of a specific framework of Aboriginal rights. By recognizing First Nations as autonomous political units, the Crown realized that Aboriginal peoples were of a legal capacity to enter into treaties as independent peoples and were entitled to their territories until they ceded them to the Crown (Slatterly 1993: 13-14).

Early Aboriginal title litigation in Canada during the 19<sup>th</sup> century, however, relied upon the unilineal notion that “savage” or “uncivilized” inhabitants of a colony did not maintain specific rights relating to land ownership because they did not invest labour in the land. This notion was entrenched in the Judicial Committee of the Privy Council’s (JCPC) 1888 decision in *St. Catherine’s Milling and Lumber Co. v. the Queen*. This was a very high-profile case between the federal Crown and the government of Ontario over the ownership of 55,000 square miles of land northwest of Lake Superior. The decision built upon earlier legal decisions made by the Supreme Court of the United States during the early 19<sup>th</sup> century. In two separate cases regarding the question of Aboriginal title—*Fletcher v. Peck* (1810) and *Johnson v. M’Intosh* (1823)—United States Chief Justice Marshall characterized Aboriginal people and their territories as uncivilized and therefore lacking the rights to claim title to lands (Jennings 1975: 62). In its *St Catherine’s Milling* decision, the JCPC supported Marshall’s

characterization of Aboriginal peoples and found that, while Aboriginal peoples maintained some form of title, they did not own the land outright because they never "improved" the land through farming, enclosure or the establishment of permanent dwellings. The resulting, and longstanding,<sup>3</sup> legal representation of Aboriginal territoriality was that Aboriginal title to land was a personal and usufructuary right dependant on the good will of the Sovereign (Kulchyski 1994: 22).

While Morgan's *Ancient Society* was an attempt to build a broad scheme of ethnological classification, his representation of the social evolution of Aboriginal property relations emerged from the earlier teleological classification of Aboriginal peoples by William Robertson (1812) and were most likely influenced from his training in 19<sup>th</sup> century law. These representations of Aboriginal social organization built upon the same legal framework used by the Canadian government in 1888 to justify the alienation of Aboriginal peoples from their traditional territories. Speck's representations of Aboriginal territoriality ultimately challenged the application of these types of principles to the resolution of outstanding Aboriginal title claims in Canada (Nadasdy 2002: 249-250). In Chapter Four, I further discuss how Speck's work grew out of Aboriginal peoples' struggle with the federal and provincial governments' strict regulation of Aboriginal traditional land and resource practices in Canada. I suggest that, while a doctrine of Aboriginal title provided a means of bridging the gulf between Aboriginal systems of land tenure and European property systems, tensions revolved around the specific application of measures to reinforce Crown

jurisdiction to assert practical and political control over the traditional territories of Aboriginal peoples.

In Chapter Five, I discuss how Speck's representations of Aboriginal territoriality emerged partially out of these struggles and how his work helped to pioneer the application of anthropological knowledge to counter oppressive legal frameworks that refused to respect and acknowledge Aboriginal title as something more than an usufructuary right dependant on the good will of the Sovereign.

Before I discuss this aspect of Speck's work any further, however, it is important to provide the further intellectual context which facilitated Speck's initial fieldwork and provided the early legitimating framework for his representations of Aboriginal territoriality. This context is directly related to the counter-arguments levelled at Morgan's school of orthogenesis during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, supported in large part by Speck's PhD supervisor, Franz Boas.

### **Problematizing Orthogenesis: Franz Boas, Frank Speck and the debate with Morgan's ghost**

Inspired by the perceived effects of a policy of aggressive civilization (see D.G. Smith 2001: 257) and new theories in evolutionary science, independent academics, such as Horatio Hale and Franz Boas, increased their efforts to develop systematic inventories of Aboriginal peoples to counter prevailing unilineal representations (see Zeller 1996: 17).<sup>4</sup> The emergence of specialized ethnological practices during the late 19<sup>th</sup> century shifted the reliance on older

unilineal models of classification and inquiry, to a dependence on multilineal models that sought to isolate, examine and compare the specific complexities and particularities of the cultural lives and histories of Aboriginal peoples. This shift in anthropological representation emphasised the careful collection and analysis of field-data. Franz Boas (1896), in particular, stressed that the widespread models of classification pioneered by unilinealists, such as Spencer and Morgan, relied too heavily on generalizations regarding convergent and parallel social evolution. As an alternative method of inquiry, Boas stressed that divergent groups maintained similar characteristics for a variety of reasons, including diffusion and trade. He argued that, as unique entities, the customs of distinct groups of people could not be understood through comparison but through detailed linguistic, social and archaeological studies of their environmental conditions, psychological factors and historical circumstances (McGee and Warms 1996: 128-129).

Another significant challenge to the unilinealist paradigm was the introduction of a general culture group classification system. During the early 20<sup>th</sup> century Clark Wissler (1914; 1917; 1923; 1926) developed a distinct culture group area classification for North America, which Alfred L. Kroeber (1939) expanded upon in his *Cultural and natural areas of native North America* ( see also Gabarino 1983: 51). Diamond Jenness' (1932) *Indians of Canada* was, most likely, a response to Wissler's American-centric group area classifications.

One of the earliest anthropologists to problematize the unilinealist representation of Aboriginal peoples was Horatio Hale. Educated at Harvard

during the mid-nineteenth century, Hale was the first anthropologist to employ linguistic analysis in the reconstruction of historical events (Fenton 1963: xviii). Emphasising the study of non-biological human systems, Hale believed that oral traditions and narratives were the most significant source of ethnographic study. In conceptualizing language as one of the most distinctive aspects of man, and less variable and subject to influences of the environment than physical traits, Hale stressed that language was the only natural method of classifying humans and, therefore, the only true basis of ethnology (Gruber 1967: 17). He considered the tales and traditions of Aboriginal peoples as records of their behaviour and history, “whose interpretation would provide the data of a past which a continuing history had destroyed” (Gruber 1967: 16).

Hale’s recognition of the need for fieldwork and the collection of data from Aboriginal informants was largely influenced by his early work as a member of the scientific corps of the 1836 Wilkes Exploring Expedition. Authorized and funded by the United States Congress, Hale collected field data relating to the ethnology and philology of the South Pacific. In his Expedition Report he incorporated a philological analysis of the Polynesian vocabularies to trace the migration patterns of the Aboriginal inhabitants of various islands in the South Pacific (Gruber 1967: 10). As part of the work for the Expedition, he also spent several months in the Oregon Territory collecting data on the varied languages and customs of the Aboriginal peoples of the northwest. The results of his work in the Oregon Territory (Hale 1846) contained information relating to the geography, physical characteristics, religion, social arrangements and linguistic

variations of the Aboriginal peoples living in the Oregon Territory (Gruber 1967: 11).

In his first major publication after the 1842 Wilkes Expedition, *The Iroquois Book of Rites* (1883), Hale reconstructed the social history of the Iroquois by recording, in Mohawk, the proceedings and rituals of the Iroquois Condolence Council. Through a close analysis of this historical record, Hale believed that “the annals of this portion of the continent need no longer begin with the landing of the colonists, but can go back, like those of Mexico, Yucatan and Peru, to a storied past of singular interest” (Hale 1883: 5). He also considered the *Book of Rites* as an ethnological record, casting “light on the political and social life, as well as on the character and capacity of the people to whom it belongs” (Hale 1883: 5). He noted:

The work in which these feelings are expressed is a genuine composition of the Indians themselves, framed long before they were affected by any influences from abroad, and repeated among them for centuries with the entire assent of the hearers. It affords unquestionable evidence of the true character both of those who composed it and those who received it (1883: 81-82).

By extracting a historical and ethnological reading from the early 19<sup>th</sup> century record of the proceedings and rituals of the Iroquois Condolence Council, Hale was able to create a representation of a human past and social order that was unique to North America, and which represented the Iroquois as a people with a rich, unique and complex social history. Hale also stressed a clear distinction between biological race and language, arguing against Morgan’s progressive

social evolution and the ongoing work of J.W. Powell and the members of the BAE (Gruber 1967: 18). In the 1882 *Proceedings of the American Association for the Advancement of Science*, Hale (1882: 341) indicated his dislike for the unilinealist research agenda. He noted:

. . . we can hope for no complete and satisfying science of man and of human speech until our minds are disabused of those other delusions of self-esteem which would persuade us that superior culture implies superior capacity, and that the particular race and language which we happen to claim as our own are the best of all races and languages.

Perhaps the most influential critique of the unilinealist framework grew from the work of Franz Boas during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. By challenging the predominant social evolutionary paradigm of the late 19<sup>th</sup> century, Boas enabled a representational paradigm in which human groups were understood to differ from one another in relation to the various aspects associated with their unique, but comparable cultures (Hegeman 1998: 459). In 1883, the German Polar Commission sponsored Boas—who was initially trained as a geographer—to conduct geographical research of the Polar Regions of North America. With his servant, Wilhelm Weikie, he set sail for Cumberland Sound, Baffin Island, on the Schooner *Germania* on 20 June 1883. In August of 1883, the *Germania* anchored at a whaling station midway up Cumberland Sound in Kikkerton Harbour. For twelve months, Boas and Weikie journeyed by foot, boat and dog sled up and down the shores of Cumberland Sound and Davis Strait. While Boas' primary task was to conduct geographic and cartographic surveys of the region, during the winter of 1883 and spring and

summer of 1884 he began compiling detailed notes on the language and traditions of the various groups of Inuit he met and lived with (Boas 1888.) While Boas' central interests were geographical, the resulting publication, *The Central Eskimo* (1888), combined both ethnological and geographical material. Originally published as part of the *Sixth Annual Report of the Bureau of Ethnology*, Smithsonian Institute, Washington, Boas' pioneering work combined extracts from travellers' reports on their journeys to the Arctic, with his own observations of Inuit cultural activities and knowledge. This comprehensive ethnology analysed, in detail, the geographic distribution, material technology, social life, traditions, science and art of the Inuit located on Baffin Land, the Western Shores of Hudson's Bay, Smith Sound and the Boothia, Felix and Back Rivers. In his notes on the geographical distribution of the tribe, Boas represented the complex social, material and technological world of the Inuit. In the first fifty pages of *The Central Eskimo*, Boas outlined the various geographic territories of the tribes, detailing the exact boundaries of each tribe through the description of specific natural features. Boas' detailed analysis on trade and intercourse among different groups incorporated a sense of fluidity into their geographic distribution, representing the Inuit as maintaining a complex system of social relations (1888: 54).

Boas also detailed the various technologies and techniques of Inuit modes of life, traditions, science and arts. In particular, Boas represented the Inuit as maintaining a thorough knowledge of geography and navigation and retaining a rich tradition of poetry and music. With respect to their knowledge of geography

and navigation, Boas noted that the Inuit used “the positions of the sun, of the dawn or the moon and stars for steering, and find their way pretty well, as they know the direction of their point of destination exactly. If the weather is thick they steer by the wind, or, if it is calm, they do not travel at all” (1888: 235).

Boas also indicated that the Inuit distinguished “quite a number of constellations” and “as their knowledge in all directions is very detailed and they are skillful draftsman they can draw very good charts” (1888: 235). In order to further this point, he included numerous Inuit drawn maps, detailing specific areas around Cumberland Sound, Frobisher Bay and Qivtung Peninsula (1888: 236-239).

Boas’ comprehensive representation of the Inuit as a people with a rich musical and storied culture, who maintained and applied specific detailed, almost scientific, geographic knowledge, countered the common representation of the Inuit as a savage and uncultured group who occupied a low slot on humanity’s progress towards civilization. Boas’ combination of written and illustrative material ultimately represented the Inuit as a complex people with well-established technologies, traditions and cultural institutions based within a permanent and well defined geographical area.

Boas’ early work documenting specific aspects of Inuit ethnogeography, in particular, provided the specific model from which Speck’s own work on Aboriginal territoriality emerged. This included the heavy reliance on documenting Aboriginal land use practices and geographical places names and representing these through European mapping practices. In the second part of

Chapter Three, I further examine this relationship together with an analysis of European and Aboriginal mapping practices and the role of ethnogeography in early 20<sup>th</sup> century anthropological practices.

During the same period in which Boas began to develop his ethnogeographic and ethnological representations of Aboriginal people in Canada, he also began establishing a formal critique of 19<sup>th</sup> century museum science. As part of anthropology's general investigative modality, ethnological museums, including the Smithsonian and New York's American Museum of Natural History, as well as the museum of the Geological Survey of Canada (GSC), possessed significant collections of Aboriginal cultural materials (see I. Dyck: 2001). Gathered by a variety of collectors, these collections included historical and archaeological artifacts, the objects of ritual and daily life of living populations and extensive collections of human remains. As noted earlier in this chapter, the foremost function of the display of objects in museums of the period was the representation of earlier stages of human development through which the "advanced" races of Europe passed on their way to "civilization." Museum displays charted the progress of humanity from savagery to civilization through the concept of "invention," or the successful manipulation of the environment, which were represented largely through the displays of Aboriginal material culture (Hegeman 1998: 460).

In *The Occurrence of Similar Inventions in Areas Wide Apart* and *Museums of Ethnology and their Classifications*, Boas (1887b) problematized the orthogenetic notion—that evolution was governed by intrinsic factors and

occurred in predictable directions—represented in these museum displays. In particular, he questioned the accepted notion that all of human history followed one pattern of definable stages on a common evolutionary trajectory toward civilization. He recommended that, instead of grouping objects together based on the Linnaean model of classification, which relied upon the hierarchical classification of families, genera and species, different types of objects should be displayed in relation to their sites of origin (Boas 1887: 485). Boas noted:

By regarding a single implement outside of its surroundings, outside of other inventions of the people to whom it belongs, and outside of other phenomena affecting that people and its production, we cannot understand its meaning. The only fact that a collection of implements used for the same purpose or made of the same material teaches, is, that man in different parts of the earth has made similar inventions, while, on the other hand, a collection representing the life of one tribe enables us to understand the single specimen far better (1887: 485-486).

Boas ultimately stressed that unilineal classifications failed to recognize the importance of the unique historical contexts associated with cultural material. By shifting the emphasis of anthropological practices from the representation of humanity's common primitive past, to recognizing the unique alterity embedded in specific culture groups, Boas emphasised that individuals were not only creatures of culture but also directly responsible for bringing about cultural changes. This notion was in direct conflict with the evolutionists, who believed that history, society, and culture maintained their own laws independent of the individuals who carried those cultures (Lewis 2001: 390; Hegemen 1998: 461).

In his 1896 paper *The Limitations of the Comparative Method of Anthropology*, Boas furthered this point and argued against the widely held

ethnological generalization that “the sameness of ethnological phenomena found in diverse regions [was] proof that the human mind obeys the same laws everywhere” (1896: 901). While unilinealists in the United States, such as Morgan (1877), Powell (1880; 1901), Mason (1883) and Brinton (1891), and those in Australia, such as Howitt (1889;1891) and Barnard (1890), argued that ethnological phenomena developed the same everywhere under similar circumstances, Boas suggested that similar ethnological phenomena developed in a multitude of ways under different circumstances. He critiqued the notion that features of culture were universal, or that there was one grand system in which humans developed everywhere, that all the occurring variations were no more than minor details in a grand uniform evolution (Boas 1896: 904). As an example, and in direct reference to Morgan, Boas problematised the evolutionary understanding of the family as a specific unit of social organization. He argued:

It can be proved that paternal families have often developed from maternal ones. Therefore, it is said, all paternal families have developed from maternal ones. If we do not make the assumption that the same phenomena have everywhere developed from the same causes, then we may just as well conclude that paternal families have in some cases arisen from maternal institutions; in other cases in other ways (1896: 904).

This quote is particularly important as it foreshadows the debate within the American anthropological community during the early 1900s regarding the clangens theory. It was this debate that provided the specific theoretical context from which Frank Speck developed his notion of family hunting territories.

As an alternative to the comparative-evolutionist model he so disliked, Boas (1896: 905) recommended a practice that involved the detailed study of

ethnological phenomena that considered the total culture of the group practising them, in connection with investigations of the geographical distribution of these customs among neighbouring groups. According to Boas (1896: 905), such a practice provided the means for determining, with considerable accuracy, “the historical causes that led to the formation of the customs in question and to the psychological processes that were at work in their development.” For Boas (1896: 905), the results of inquiries conducted by this method were three-fold: they revealed the environmental conditions which created or modified cultural elements; they highlighted psychological factors which contributed to the formation of the culture; and they revealed how historical connections contributed to the growth of the culture. The first step in initiating Boas’ new practice was the application of inductive methods to solve historical questions related to the culture concept. This involved the detailed study of Aboriginal groups within definite areas, using archaeology, linguistics, geographical and ethnographic methods, as well as comparing the cultures and histories of groups within these areas (Boas 1899: see Lewis 2001: 390).

The corpus of Speck’s work in eastern Canada and the northeastern United States certainly reflects this approach to anthropological research. His detailed contributions to Algonquian ethnology, as well as his contributions to Iroquoian studies, includes a diverse collection of ethnogeographic, linguistic, ethnological and even archeological (1931) papers and monographs. While Speck’s early work focused more specifically on linguistics (1903; 1904a; 1904b), the bulk of his anthropological writings fused ethnogeographic data from

the northeast culture area with specific theoretical debates within anthropology regarding Aboriginal social organization in North America (1912; 1913a; 1913b; 1915; 1915a; 1915b; 1915c; 1923; 1926a; 1926b; 1927; 1927a; 1928a; 1929) . In his later years, Speck moved largely away from ethnogeography and focused more on issues related to Aboriginal music, religion and ceremonialism. During this time period, he completed his field research in Labrador among the Innu and worked extensively with remnant groups of Aboriginal peoples in the southeastern United States as well as with the Iroquois in the northeastern United States and southern Ontario. One of his most well-known monographs, *Naskapi, the Savage Hunters of the Labrador Peninsula* (1935), combined the research Speck had compiled during his brief visits to the northeastern Labrador over the period between 1914 and 1922 and set the stage for Speck's future work on prevailing traditions of Aboriginal ritual and ceremonialism (1935; 1937; 1937a; 1939; 1942a; 1945; 1949).

The change in representational practice within anthropology during the late 19<sup>th</sup> and early 20<sup>th</sup> century is certainly evident in the shifting organization of the GSC's collection of Aboriginal cultural material. By the late nineteenth century the GSC began arranging all of their collections into specific cultural areas, based on geographic location. Objects were first organized into a culture area: West Coast; Plateau; Plains; and Eastern Woodlands. Each cultural area was given an alphabetic classification based on cultural area and each group was then subdivided into fifteen separate sections: food; shelter; transportation; dress; baskets; weapons; ceremonial; games; smoking; tools; music; raw

materials; children's articles; and miscellaneous. Objects were classified into the requisite category depending on their specified use and/or purpose.<sup>5</sup> The basics of this scheme still apply to the collections at the Canadian Museum of Civilization (CMC), the ultimate successor to the GSC's collections scheme.

The organization of the GSC's collections through the culture group classification system reflected the growing standardization and increasing complexity of ethnological practices during the 1890's. This increasing complexity and general standardization of ethnological collections paralleled the increasingly complex textual representations of Aboriginal peoples by anthropologists at the end of the 19<sup>th</sup> century. Culture group representations and multilineal evolutionary models were replacing unilineal representations of Aboriginal peoples. These shifting representational practices also altered the emphasis of anthropological representations of Aboriginal peoples. Unlike the narrow focus of the unilineal evolutionary framework, the use of the culture group categories provided anthropologists with a wider analytical framework. Instead of focussing on the binary classifications of simple to complex and savagery to civilization, anthropologists focused, through textual and non-textual representations, on representing the multiple networks of characteristics associated with different groups of Aboriginal peoples. This included an examination of the spatial as well as the temporal networks of culture.

Concurrently, by the early 1900's, a formal critique of the unilinealist traditions in anthropology began to emerge. In 1905 John R. Swanton, Harvard-educated anthropologist, member of the Jesup North Pacific Expedition

and student of Boas, published the first theoretical model in *American Anthropologist* to challenge Morgan's unilineal model of social organization largely employed by anthropologists since the mid 19<sup>th</sup> century in the study of Aboriginal peoples. While Boas' earlier critical review of the evolutionary models used in ethnological classifications and comparative analysis provided the practical guidelines needed to reassess anthropological methods, Swanton's (1905) re-examination of anthropological notions of social organization questioned the theoretical generalizations associated with unilinealist anthropology. The clan-gens theory, a cornerstone of the evolutionary comparative method and notions of social organization, suggested that in the earliest period of development, Aboriginal groups, or Bands,<sup>6</sup> consisted of certain divisions, or clans, which maintained the function of the family and whose descent was maintained through the matriline. A primary function of the clan was to oversee group marriage and to ensure that the offspring of such a marriage belonged to the clan of the mother. If data did not conform to these specific aspects they were judged to be from a later and more advanced developmental phase.

Swanton (1905: 668-672) analysed the ever-increasing ethnographic literature being generated north of the Mexican border, including his own primary data generated from fieldwork in the Northwest Coast with the Haida, a matrilineal people with a society characterized by division into moieties, each having component lineages. His extensive survey of the ethnographic literature of North America questioned the notion that matrilineal clans represented an

inferior stage of human cultural development. He argued that, in certain instances, clans formed independently as part of a complex social organization that instead of being primitive, as Morgan suggested, were evolved and specific to certain environmental circumstances (1905: 670-671). More relevant to Speck's work, however, was Swanton's analysis of ethnographic literature relating to the social organization of the Mandan, Hidatsa and Crow. He argued that a less definite form of social organization existed among these Aboriginal groups that could not be classified as either clan (matrilineal) or gens (patrilineal) (1905: 666-669). While Swanton did not provide a specific definition of the "family" as a third distinct form of social organization, he characterized it as one from which the state and property were derived, and in which authority and inheritance passed from father to son. He pointed out, however, that these families lacked exogamic tribal subdivisions and totemic associations and were no more advanced than the matriarchal clans (1905: 669; see Kuper 1982: 75). According to Swanton (1905: 669-670), this form of social organization existed among a large and varied group of Aboriginal groups. He stated:

In this category may be placed the Shoshonean, Salishan and eastern Athabascan peoples, the Kutenai, the Nootka, the rest of the people of Washington, Oregon and California excepting the Yuman tribes already referred to, the Arapaho, Kiowa, Crows, Cheyenne, and the tribes of the Caddoan stock, outside of the Caddo confederacy. To these may be added the Eskimo and Aleut, and probably the Cree, the Algonquian bands east of Hudson bay [sic], the Khontana of the lower Yukon and the Pima tribes.

Swanton's notion of the family as a third distinct form of social organization directly problematised the unilinealist notion that the maternal clan, as the

foundation of early society, always developed in one direction along more complex lines into a paternal gens system. More importantly, however, the introduction of the family as a third form of social organization broadened the scope of anthropological research by suggesting that occurring variations in social organization were not minor details in a grand uniform evolution but that they were viable patterns of culture that warranted detailed ethnographic analysis. The introduction of a third distinct form of social organization questioned the foundation of unilineal thinking that all human societies developed from simple to complex, along similar lines within a rigid clan-gens system and provided the general theoretical context from which Speck would initially pursue his own fieldwork.

Swanton's theory gained increasing support from the emerging group of university-trained, professional anthropologists in the United States. In a series of lectures sponsored by the Anthropology Department at the American Museum of Natural History during 1914 and later published in the *American Journal of Sociology*, Robert Lowie (1914), a student of Boas and a colleague of Swanton, further contributed to the growing debate within anthropology over the validity of clans-gens theory. Lowie (1914: 68) characterized the theory as "scientific folklore" and argued that classification of Aboriginal social organization necessitated more complex forms of analysis which recognized the relative profusion of variations of historical processes within culture groups. These differences included: the distinction between property and group descent; the variable psychological nature of kinship groups; the complex relations

maintained between phratries and clans or gens; and the questionable connection between kinship groups and the regulation of marriage (Lowie 1914; 93-97; see also Kuper 1982).

One year later, in 1915, Alexander Goldenweiser, another student of Boas and later professor of Anthropology at Columbia University, further supported this third form of social organization. Drawing on the theoretical work of Swanton (1905) and Lowie (1914), Goldenweiser's (1915) *The Social Organization of the Indians of North America* provided a detailed analysis of the growing corpus of ethnographic material relating to various geographic regions in Canada and the United States. He emphasised the complexity associated with the various aspects of Aboriginal social organization. While maintaining the importance of the family-village type as a distinct form of social organization, Goldenweiser (1915: 377-378) stressed that social systems could not be understood in isolation from other aspects of a culture, as social systems provided the avenue for the formation of conceptual and psychological associations between the different aspects of culture.

In the same year that Goldenweiser published his critique of the clan-gens theory, Frank Speck published the preliminary results of his 1914 fieldwork in eastern Canada, *Family Hunting Territories and Social Life of Various Algonkin Bands of the Ottawa Valley* (1915b) and *The Family Hunting Band as the Basis of Algonquian Social Organization* (1915c). Contributing to the debate over the legitimacy of the clan-gens theory, Speck located Swanton's family-village type among the Algonquian, Innu and Mi'kmaq of eastern Canada. Speck (1915b:

290) loosely defined this form of social organization as the Family Hunting Group, “a kinship group composed of folks united by blood or marriage, having the right to hunt, trap and fish in a certain inherited district bounded by some rivers, lakes or other natural landmarks.” While other articulations of the family-village type focused more specifically on patterns of descent, Speck’s analysis problematised the notions of property associated with the clan-gens theory. As noted earlier in this chapter, Morgan stressed that as the complexity and organization of family structures developed from exogamic clans based on matrilineal descent, to gens based on exogamic patrilineal descent, towards monogamy, property relations also advanced from communal land holdings towards individual land holdings and concise notions of private property. Speck’s preliminary data suggested that, contrary to Morgan’s theory that Aboriginal peoples within the basic primitive stage of social organization maintained no interest in claims or boundaries to the land they inhabited, the family hunting group characterized actual ownership of territory “owned from time immemorial by the same family and handed down from generation to generation” (1915b: 289-290).

Speck’s characterization of the family-village type as the basis of Algonquian social organization was significant in two ways. Firstly, it built upon the challenge levelled at the evolutionists by Swanton by providing new field data that supported the notion that, contrary to the clan-gens theory, in many instances in North America matrilineal societies were more “advanced” than patrilineal societies. Secondly, and more specifically, Speck’s data filled in a

large gap within the ethnological literature. As Marius Barbeau (1913: 124) indicated, during the early 20<sup>th</sup> century Anthropologists had not focused their studies on understanding the social organization of Aboriginal peoples in eastern Canada. Speck's data therefore played a significant role in unravelling the complex ethnological landscape of eastern Canada. His professional colleagues, however, provided a varied response to this preliminary data. While Goldenweiser (1916: 278) noted that Speck's theoretical contributions to the study of Aboriginal social organization in eastern Canada were "epoch-making," he stressed that Speck's data were too vague and fragmentary to draw any solid conclusions. In particular, Goldenweiser highlighted the importance of Speck's work in further problematising the clan-gens theory as it substantiated the prevalence of the paternal family unit as the "social unit *par excellence* whereas the gens, while regulating exogamy, is of relatively slight importance" (1916: 279-280). While Goldenweiser did not comment on Speck's representation of Aboriginal territoriality, or the connection Speck made between social organization and property relations, he suggested that Speck's notions of the conservation of game by Aboriginal peoples needed a more thorough analysis. In particular, he argued that Teme-Auguma Anishnabae Chief Alec Paul exaggerated the extent of his people's conservation techniques. According to Goldenweiser, it was impossible to maintain an approximate knowledge of the numbers of a particular animal over such a large territory. Nevertheless, he indicated that Speck's preliminary data regarding "aboriginal gaming rules" constituted a "fascinating chapter in the Indian's book of knowledge" (1916: 280).

That same year, William Mechling (1916a; 1916b) also reviewed Speck's two published accounts of the Family Hunting Complex. Unlike Goldenweiser's cautious acceptance of Speck's preliminary data, Mechling openly criticised Speck's *The Family Hunting Band as the Basis of Algonquian Social Organization*. Mechling's review of Speck's work reflected the strong professional and personal rivalry that existed between them. Mechling was pursuing his doctorate in anthropology at the University of Pennsylvania and also worked on a piecemeal basis for Edward Sapir at the Victoria Memorial Museum in Ottawa. He competed directly with Speck's ethnological and museum work in eastern Canada, both financially and professionally. While Speck consistently stressed to Mechling a spirit of cooperation, Mechling believed that he could surpass Speck both intellectually and financially. On 3 January 1911, for example, Mechling informed Speck that he intended to go to Richibucto, New Brunswick, to collect some museum specimens. Apparently Simon Paul, a Mi'kmaq from New Brunswick, had noted to Mechling that there were "lots of old things there" so he was going to go there to "clean the place out of specimens."<sup>7</sup> Speck, however, predicted that Mechling's review of his work would be overly critical. On 12 December 1915, he noted to his friend, and Director of the Victoria Memorial Museum's Anthropology Division in Ottawa, Edward Sapir, that Mechling had become very aggressive and abusive towards him due to politics at the University of Pennsylvania regarding the completion of his doctorate. He indicated:

[Mechling] very complacently compares his own work to mine and reminds me, with the idea of showing me how small I am, that you, Dixon, Boas and others were eminently satisfied with his work. . . . I presume his denunciations of me will be even more bitter than those against Gordon, so have pity on me!<sup>8</sup>

Speck ultimately understood that Mechling's ambitions conflicted with his own professional development.

In his review of Speck's preliminary findings, Mechling criticised Speck for the lack of a strong methodological framework. He suggested that Speck's failure to consult published accounts and his strong reliance on personal opinion indicated that Speck made "his facts fit his fancy or else he has a very comfortable method indeed which allows him to use his facts in either way he wishes" (1916a: 300-301). In direct contradiction to Goldenweiser's comment that Speck's work was "epoch-making," Mechling argued that Speck's preliminary data did not provide any new contributions to anthropology and, in fact, supported Morgan's earlier representation of the social organization of the Aboriginal people along the northeastern coast (1916: 301). According to Mechling, Speck's data suggested that the loosely-based social organization of the eastern Algonquian groups emerged from an earlier exogamous clan system. He noted: "I think most people will agree that it is the more probable explanation; at least it agrees with Morgan's statement which after all cannot be disregarded, especially when it is in line with the facts" (1916a: 301).

E Sidney Hartland's publication, *Matrilineal Kinship and the Question of its Priority* (1917), further supported Mechling's view. Hartland (1917: 27-28) maintained that matrilineally organized groups of Aboriginal peoples represented

a primitive or earlier human condition from which other groups emerged by changing their laws of descent. In particular, he argued that there were no data to support the notion that groups with a loosely-based social organization emerged from any form other than an exogamous clan system and suggested that “when the attempt to prove it is made, it will be time enough to consider the hypothesis.”

In response to Mechling and Hartland’s claims, in 1917 Speck published an article in the *American Sociological Society Publications* entitled “The Social Structure of the Northern Algonquian.”<sup>9</sup> Citing his own data collected in the field among the Algonquian, Innu and Mi’kmaq of eastern Canada, Speck specifically criticized the applicability of Morgan’s clan-gens theory in the northeast. He built upon Swanton’s (1905) earlier supposition that the non-totemic, non-exogamic family-village type was the predominant form of social organization among the Cree and Algonquian east of Hudson Bay. According to Speck, his data not only contributed to the growing theoretical debate over the applicability of evolutionary anthropological practices, they also provided the first new set of field-data from the northeast to support the emerging anthropological theory of the independent development and diffusion of culture.

Speck (1923; 1927a; 1927b) published numerous additional papers to support his representation of Aboriginal territoriality in eastern Canada, including three coauthored papers on the subject, two with his graduate student Loren Eiseley (1939; 1942) and one with Wendell Hadlock (1946). Eiseley and Speck’s 1939 paper, *Significance of Hunting Territory Systems of the Algonkian in Social*

*Theory* (1939), ultimately shifted the theoretical and ethnological debate from one regarding the clans-gens theory to one of territoriality. While the earlier debates on Speck's work focused primarily on issues of descent, the later debates, as outlined in Chapter One of this dissertation, represented an increasing emphasis on the development of models of economic and ecological determinism and the correlation between property relations and social organization.

Speck and Eiseley's paper largely opposed Diamond Jenness's (1932; 1935) critique of Speck's representation of Aboriginal territoriality. Jenness (1935: 269-270) argued that the prevalence of the family hunting territory system among Algonkian speaking Aboriginal peoples was not a specific Aboriginal practice but a direct result of the Canadian fur trade. While the debate between Jenness and Speck did not officially begin until 1935, the two maintained a long history of conflicting views regarding Speck's representation of Aboriginal territoriality.

During the late 1920s, after Jenness had comfortably assumed Sapir's old position as Director of the Anthropology Division at the Victoria Memorial Museum in Ottawa, he questioned Speck on the aboriginality of the family hunting territory system. In a letter to Speck dated 20 February 1928, Jenness provided an excerpt from the *Jesuit Relations*<sup>10</sup> which suggested that the system did not predate the settlement of Europeans to North America. He noted:

. . . this seems to run counter to your theory of family hunting grounds predating European settlement among the Montagnais at least. Can you supply me with references that would indicate the contrary. I am not

holding a brief for or against your theory, but I am interested in the question.<sup>11</sup>

A few weeks later, on 1 March 1928, Speck replied to Jenness and indicated that the excerpt from the *Jesuit Relations*, in fact, supported Speck's argument that family hunting territories were based within a distinct form of Aboriginal social organization and land tenure. He stated:

Your reference to the Jesuit Relations vol VIII is a nice one. Being dated 1634-36 it seems to corroborate the hunting territory system as being in active existence before the establishment of the HBC (1672), and I made out the reference so far as I am able to discuss it now, as denoting some more made by their converts with a religion where adjustment had to be made to the long established practice of hunting without trespassing.<sup>12</sup>

Jenness, however, was not the only one to question Speck's characterization of family hunting territories.

On 7 July 1930, C. Daryl Forde from the Department of Geography and Anthropology, University College of Wales, Aberystwyth England wrote to Speck regarding the origins of family hunting territories. Forde questioned Speck's emphasis on the dispersal of family groups during the winter to hunting grounds followed by a congregation in the spring at coastal centers for fishing, trading, and socializing. He noted that the increased marketing of pelts by Aboriginal peoples at Hudson's Bay Company (HBC) posts was a major incentive to gather and that these coastal congregations seemed to coincide with the trading at the posts. He pointed out:

It would of course be expected that the Hudson Bay Company would place its posts at traditional gathering points if they existed, but the posts might a priori equally well have created the institution. Although the latter is less likely I would be glad to know whether you have, and indeed

perhaps cite somewhere, definite evidence as to the Pre-European existence of their annual summer meets at traditionally fixed centers.<sup>13</sup>

While Speck had already addressed the question of the origin of the family hunting territories in the preliminary results of his Labrador fieldwork in “Mistassini Hunting Territories of the Labrador Peninsula” published in *American Anthropologist* (1923), he took the opportunity afforded by Forde’s comments to further address this issue.

In direct response to Forde’s comments, Speck (1931) published an article in *American Anthropologist* further outlining his work with the Innu in Labrador. In *Montagnais-Naskapi Bands and Early Eskimo Distribution in the Labrador Peninsula*, Speck (1931: 575) directly opposed the suggestion that family hunting territories were a direct result of the Canadian fur trade. In particular, he argued that, prior to the establishment of fur trade posts, Aboriginal peoples maintained specific forms of social organization that relied on the fixed locations of ancestral territories associated with different rivers and lakes. This directly opposed the critique of Speck’s representation of Aboriginal territoriality which emphasized that the fixed locations of fur trade posts influenced the once nomadic and roaming bands of Aboriginal peoples to settle around the posts.

By the early 1930s, debates within the anthropological community over Speck’s representation of Aboriginal territoriality continued to gain precedence. On 27 September 1932, Speck’s friend, colleague and supporter, John M. Cooper informed Speck that he stopped off in Ottawa for a few days on his way home from his summer fieldwork among the Cree in James Bay. While in

Ottawa, Cooper had the opportunity to visit and chat “at some length” with Jenness regarding the question of the aboriginality of family hunting territories. According to Cooper, they both agreed that in order to “clear up the situation” Cooper could write an article for the *American Anthropologist* summing up the facts of the distribution of family hunting territories in the North and comment on the pros and cons of the institution. Speck and Jenness could then provide separate discussions on the content of the article. Cooper pointed out that he also suggested the idea to Lowie, who agreed it would be worthwhile.<sup>14</sup>

It is unclear whether Speck ever agreed with Cooper and Jenness’ plan, but three years later, in 1935, Jenness initiated the public debate over Speck’s work on the family hunting territory complex. In the *Ojibwa of Parry Island* (1935), Jenness argued that family hunting territories were not Aboriginal, but a product of European property systems established as a result of the Canadian fur trade. Based on fieldwork conducted over a few months in the southern-Ontario Aboriginal community of Parry Island, and substantiated by excerpts from the Jesuit Relations, Jenness strongly contended that the “family hunting territories” arose no later than the seventeenth century (1935: 4-5). He argued that the establishment of the system of land holding was due to the influence of white trappers, “who were accustomed to individual land tenure and more stationary than the Indians”(1935: 5). According to Jenness, his field data from Parry Island indicated that there was no formal delineation or territorial agreement between families regarding hunting grounds. Rather, Jenness pointed out that “each year the family merely traveled about within the territory of the

band until it found a promising hunting-ground that had not already been occupied, where it 'squatted' for the winter" (1935: 4).

While Jenness suggested that his field data, in conjunction with historical sources, substantiated his claim that "the entire band owned all the hunting territory, and likewise all the fishing places and maple groves; for the land was not subdivided, except temporarily, among the different families" (1935: 4), an examination of the framework of facts associated with Jenness' primary field-data indicates that, during the early 1930s, the Ojibwa of Parry Island were primarily a sedentary, farming community, that only engaged in hunting on a nominal basis. A comparison of documentary material collected by Edward Rogers in 1963 for the *Parry Island Project*<sup>15</sup> with Jenness' published material in *The Ojibwa of Parry Island*, illustrates specific discrepancies concerning the primary role of hunting and fishing in this Aboriginal community. Over a twenty-year period, Rogers collected data for the *Parry Island Project* in order to secure information relating to the economic activities and infrastructure of the Parry Island Ojibwa. Rogers conducted structured and unstructured interviews with community members of Parry Island and in 1970 he compiled the data into an unpublished paper titled *Indian Farmers—Rural Victorians: 1820-1930*.<sup>16</sup>

In his preliminary report in 1963, Rogers indicated that "during the period under consideration (1875-1910), the economy of the Parry Island Indians was based primarily on farming."<sup>17</sup> With regards to farming at Parry Island, he pointed out:

gardening was practiced and livestock kept and raised. Livestock consisted of oxen, although later in this period replaced by horses, cattle, pigs, sheep, chickens, turkeys, geese and ducks. These provided meat, the poultry also eggs and the cows, milk and butter. The latter was stored in crocks for winter use. Besides farming, the gathering of maple sap and the production of sugar was important. Fishing was engaged in and apparently some families at least secured large numbers. Hunting does not seem to have been too important.<sup>18</sup>

Rogers further pointed out that aboriginal farming practices in southern and northern Ontario were quite extensive during the mid-nineteenth century. This included the farming of wheat, oats, peas, Indian corn, potatoes and other vegetables, as well as growing hay, raising livestock and tending to small orchards.<sup>19</sup> With regard to Parry Island, Rogers' data indicated that each Aboriginal family maintained a five to six-acre garden, in which corn and beans were the principal crops.<sup>20</sup> Parry Island farmers, however, also grew "carrots, cucumbers, rhubarb, turnips, potatoes, peas, wheat and timothy hay for the cattle and oats for the horses. In addition the people had orchards consisting principally of apple trees. From the apples they made cider."<sup>21</sup> The Parry Island Ojibwa also raised livestock, consisting of oxen, horses, cattle, pigs, sheep, chickens, turkeys, geese and ducks. The livestock provided meat, eggs, milk and butter. Rogers pointed out that hunting was not an important economic or subsistence activity but that members of the community did not have to purchase meat. This suggests that in addition to domestic forms of meat, wild animals supplemented the diet to a certain extent.<sup>22</sup>

In his critical review of Speck's notion of family hunting territories, Jenness failed to mention any of the factors relating to the farming economy of the Ojibwa

of Parry Island. He stated, in fact, that unlike the Ottawa, “who planted their corn, beans and squashes,” the non-agricultural Ojibwa “whose descendants occupy Parry Island today moved away from the maple groves to fish and hunt” (1935:14). The closest Jenness comes to mentioning farming is the traditional practice at Parry Island of gathering wild rice and maple syrup (1935: 13-14). Rogers pointed out that during the 1930s, when Jenness conducted field research at Parry Island, the community was forced to return to living off of the land. He noted:

A fair amount of data were secured on life during the 1930's. These were depression years and the Indian was hard-pressed to make a living. Relief measures were exceedingly scanty and he therefore was forced to turn back to the land; to hunting and fishing in order to survive. It is interesting that during this period there seems to have been a revival of the old way of life. A number of interesting points emerge . . . . First, communal hunting of deer was developed with as many as 32 men cooperating. Territories were assigned to segments of the total group, composed of approximately three or four men. A leader was elected for the entire group and then each segment would have its own leader. These segments moved to their allotted territories where dogs were released.<sup>23</sup>

Although there was a “return” to the land at Parry Island during the 1930s, it is highly unlikely that a well integrated and supported farming infrastructure could completely vanish.

Julian Steward’s 1936 publication, *The Economic and Social Basis of Primitive Bands*, however, further supported Jenness’ critique of Speck and significantly altered the debate surrounding Speck’s representation of Aboriginal territoriality. Steward’s approach emphasized that Aboriginal cultures and histories needed to be analyzed as specific environmental adaptations. His cultural ecological approach stressed that the core of a culture was the

combination of features that connected humans with their environment.

According to Steward (1936: 337-338), these features were vital for subsistence and a basic economy and included political systems, subsistence practices, and technology. He argued that an analysis of the dynamic relationship between the environment and the “culture core” could explain the specific evolution of a society. With regard to Speck’s representation of Aboriginal territoriality, Steward (1936: 339) emphasized that the existence of family hunting territories could be explained as a direct result of the intensified economic activities associated with the fur trade. In particular, he suggested that bands subdivided their territories in order to accommodate the increased pressures on their territorial resources. The subdivision of territories assured a greater range of and access to important resources and ensured that particular bands would be able to compete directly for resources with non-Aboriginal peoples within the context of a market economy.

By 1939, the debate over Speck’s representations of Aboriginal territoriality in eastern Canada began in earnest when Cooper (1939) published an article in *American Anthropologist* cautiously supporting the pre-Columbian origins of family hunting territories and their relation to larger questions of land ownership and resource use. Cooper supported Speck’s notion that family hunting territories represented a form of Aboriginal territoriality and presumption of Aboriginal sovereignty (1939: 65-70). He ultimately concluded that, although the family hunting territories were distinctly Aboriginal, the Canadian fur trade “tightened and pointed up the assumedly pre-Columbian Algonquian land tenure

in severality" (1939: 89). That same year, Speck and Eiseley (1939) officially countered Jenness' (1935) and Steward's (1936) critical assessment of the aboriginality of family hunting territories in eastern Canada. Jenness and Steward's critiques, however, were later championed by Eleanor Leacock. Largely influenced by Steward, who was a member of her doctoral committee, Leacock's (1958) *The Montagnais "Hunting Territory" and the Fur Trade* set off the largely polarized family hunting territory debate that continues to this day.

The contemporary debate over Speck's work has focused on representing family hunting territories as expressions and means of reproducing Aboriginal social relations, symbolic meanings and environmental linkages (Feit 2004; Knight 1978; 1968; 1965; Tanner 1979; 1973) 1979). Tanner (1979: 67) has argued, for example, that the Cree subordinated capitalist production to subsistence and that the system of family hunting territories reinforced this by ensuring that all hunters maintained adequate access to resources to support their families and maintain their spiritual connections to the land and animals, while Knight (1965; 1968; 1978) has suggested that a rigid system of family hunting territories could not support the resource demands of Aboriginal peoples.

The years of scholarly debate over Speck's work, however, have consistently failed to examine the specific context in which Speck formulated and distributed the theory of family hunting territories. While Harvey Feit (1991) hinted at the connection between advocacy and anthropology implicit in Speck's representations of Aboriginal territoriality, he did not sufficiently contextualize or theorize the relationship between Speck's ethnological work and his role as a

advocate of Aboriginal land and resource rights. Feit also did not adequately illustrate the meaningful contributions of Aboriginal peoples to Speck's work.

A retrospective analysis of the broader epistemological contexts associated with Speck's contributions to early 20<sup>th</sup> century anthropological representations of Aboriginal peoples helps to isolate the specific tensions and dynamic interactions associated with the representation of Aboriginal territoriality as a continuing subject of anthropological inquiry. While the threads of discussion in this chapter have, in some instances, been left open for future analysis, this circuitous analysis is important as it provides a necessary intellectual and scientific context for the examination of specific questions and concerns that may have influenced Speck's representations of Aboriginal territoriality. Some may argue that I linger unnecessarily on 18<sup>th</sup> and early 19<sup>th</sup> century representational practices, yet this discussion helps to situate Speck within the shifting practices and paradigms of an emerging anthropology that was largely influenced by these standardized systems of scientific classification. These classification systems, and their resulting representations of Aboriginal peoples, were based on specific diachronic assumptions of the history of human culture, which included the various aspects of biology, language, art and technology. These representations not only supported Darwin's (1859) principles of biological change but reinforced Herbert Spencer's (1860) notion that evolution was a progressive system of change from simple to complex (see Eiseley 1958).

By carefully collecting, analysing and representing ethnological data and material specimens, anthropologists systematically fixed Aboriginal peoples within a scale of human progression. In placing all known societies on a unilineal scale, which ranged from savagism to civilization, anthropologists, historians and other social scientists furthered the Enlightenment ideal that history was progress and what came earlier was inferior. According to this system of classification, civilization was gradually developed in the course of ages through the enlargement and increased precision of knowledge, invention and improvement of arts, as well as the advancement of social and political habits and institutions. Within this framework, Aboriginal peoples represented a living history and the subsequent study and documentation of this history would unfold the mysteries associated with all aspects of human development from simple to complex.

By the early 20<sup>th</sup> century, however, the increasing promotion of synchronic notions of historical particularism by anthropologists such as Horatio Hale (1883), Franz Boas (1887; 1896; 1899); and John R. Swanton (1905), dramatically shifted the paradigm of anthropological representations of Aboriginal peoples. These representations countered the accepted and prevalent view of orthogenesis and stressed that features of culture were not universal, or part of one grand system that could be applied to humans everywhere. This emerging group of early 20<sup>th</sup> century anthropologists focused on representing the multiple networks of characteristics associated with different groups of Aboriginal peoples, which included the spatial and the temporal networks of culture.

Part of the paradigm shift included a formal challenged of the unilineal models of social organization. While earlier critical analyses of the evolutionary models of ethnological classifications and comparative analysis provided the practical guidelines needed to reassess anthropological methods, these critiques questioned the theoretical generalizations associated with unilinealist anthropology. The focus on debunking the clan-gens theory preoccupied itself with representing that, in specific instances in North America and contrary to the unilineal model, matrilineal clans were considered more culturally complex than patrilineal gens. These shifting representational classifications invariably lead to the recognition of a unique form of Aboriginal social organization that was neither clan (matrilineal) or gens (patrilineal) but from which both clan and gens developed. This “new” form of social organization was the non-exogamic family, from which the state and property were derived, and where authority and inheritance descended from father to son.

Speck’s early fieldwork focused primarily on substantiating the existence of this non-exogamic form of Aboriginal social organization. His development of the notion of family hunting territories provided the first substantial field-data to support the prevalence of the family social unit within eastern Canada. By the late 1920s, however, this focus on patterns of descent shifted to an increased emphasis on the development of models of economic determinism and the correlation between property relations and social organization.

Lost in these continuing debates, however, is the connection between Aboriginal geographic knowledge and anthropology advocacy that formed the

practical cornerstone of Speck's intellectual development. While this chapter focused on examining the specific theoretical and disciplinary domains of knowledge production associated with Speck's representations of Aboriginal territoriality, the following chapters focus on revealing the more ambivalent practical and applied domains of knowledge production related to these representations.

In Chapter Three I examine how Speck grounded his intellectual and theoretical representations of Aboriginal territoriality in mapping practices. While these mapping practices grew out of a specific ethnogeographic tradition within anthropology during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, I argue that Speck's mapping practices were also part of a jurisdictional debate within Canada regarding Aboriginal land and resource use. In particular, I analyze the tensions between European mapping practices as an extension of nation building in Canada and representations of Aboriginal geographic knowledge as assertions of Aboriginal sovereignty. I suggest that Speck's mapping practices helped to negotiate the tensions associated with these distinct ways in which the land was viewed, approached and sovereignty to it expressed. Speck's work helped to provide a transition between non-Aboriginal and Aboriginal geographies that ultimately worked to counter non-Aboriginal assumptions and representations that Aboriginal people did not maintain their own notions, representations and connections to the land which could be defined as a "territoriality."

In Chapters Four and Five, I examine specific instances of how Aboriginal peoples asserted sovereignty over their traditional territories. While Chapter Four

has little discussion of Speck, it provides a context to further the detailed examination of the specific historical contributions to Speck's representations of Aboriginal territoriality. In this chapter I highlight how Aboriginal peoples' struggles with the federal and provincial governments in eastern Canada provided a need for the types of anthropological knowledge associated with Speck's representations of Aboriginal territoriality. In Chapter Five I correlate these assertions of Aboriginal sovereignty to practical aspects of Speck's representations of Aboriginal territoriality. I argue that these representations were the result of collaborative efforts between Speck and the Aboriginal peoples who maintained a significant interest in the positive and practical resolution of their claims. Chapters Four and Five ultimately show that Speck's work did not emerge out of a socio-political vacuum, but filled an important and much needed gap in the practical debates regarding Aboriginal land use practices during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries in Canada.

### Notes

1. Address by J. M. Dawson to the Natural History Society of Montreal in the *28th Annual Report of the Natural History Society of Montreal, 1856*. Montreal: Henry Rose.
2. The Aboriginal peoples in Canada, of course, were not the only ones subjected to this increased interest in their cultural expressions by non-Aboriginal settlers. Natural historians and anthropologists also focused on developing museum collections and representations of Aboriginal peoples in Australia (Mulvaney 1994; Reynolds 1992), Africa (Shumaker 1996) and South America (Penny 2003).
3. The idea that Aboriginal people were "savage" and "uncivilized" and therefore maintained no distinct form of property ownership is reflected in the controversial

provincial court decision in *Delgamuukw v. The Queen*. In his decision, British Columbia's Chief Justice McEachren argued that, before contact, Aboriginal people were ". . . barbarous, primitive and unequal to any nation of Europeans" and thus had no basis for an assertion of Aboriginal rights (Mills 1994:15-17).

4. As a follow-up to his *Origins of Species* (1859), Charles Darwin (1871) published the *Descent of Man* in 1871. In it he argued that evolutionary theory could provide useful tools for the scientific study of man as a biological and cultural phenomenon (Avrith-Wakean 1994: 189).

5. Canadian Museum of Civilization (CMC), MS: I-A-53M.1, Box 205.

6. In Canada groups of Aboriginal people, or First Nations, are commonly referred to as Bands. In the United States, the common lexical usage is "Tribe." While these two terms are interchangeable and both have shortcomings, for the sake of this analysis I will use the Canadian term Band.

7. Mechling to Speck, 3 January 1911. American Philosophical Society (APS), Frank Speck Papers (FSP), Box 25, File 572.977, Sp3, Reel 13.

8. Speck to Sapir, 2 December 1915. CMC, Frank Speck Correspondence (FCS), Box 634-F1.

9. While this paper was published in 1917, I am utilizing the original manuscript version of the paper as a reference for this analysis. APS, FSP, File 970.3, SP3P Reel 18.

10. "Here is a little quotation from the Jesuit Relations, vol. VIII, page 57, 1634-36: Now it will be so arranged that, in the course of time, each family of our Montagnais, if they become located, will take its own territory for hunting, without following in the tracks of its neighbors." CMC Diamond Jenness Correspondence (DJC) , Box: 658, f. 18.

11. Jenness to Speck, 20 February 1928. CMC DJC, Box: 658, f. 18.

12. Speck to Jenness, 2 March 1928. CMC, DJC, Box: 658, f. 18.

13. Daryl Forde to Speck, 7 July 1930. APS, FSC, Box 3, II, B2a, Reel 2.

14. John M. Cooper to Speck, 27 September 1932. APS, FSC, Box 3, II, 2Ba, Reel 2.

15. Parry Island Project - Preliminary Report - No. 1 (August/September 1963) CMC E.S. Rogers Papers (ESRP.) Box 69 Folder 3, 1178.1 B69 F3 111- G - 49M.

16. Unpublished Manuscript. CMC, ESRP Box 70 Folder 1, 1178.10a B70 F1 III-L-13M Part 1.
17. Parry Island Project - Preliminary Report - No. 1 (August/September 1963), Page 10. CMC, ESRP, Box 69 Folder 3, 1178.1 B69 F3 111- G - 49M.
18. Parry Island Project - Preliminary Report - No. 1 (August/September 1963), Page 11. CMC, ESRP, Box 69 Folder 3, 1178.1 B69 F3 111- G - 49M.
19. *Indian Farmers—Rural Victorians: 1820-1930*. Page 19. Unpublished Manuscript. CMC ESRP Box 70 Folder 1, 1178.10a B70 F1 III-L-13M Part 1.
20. *Indian Farmers—Rural Victorians: 1820-1930*. Page 63. Unpublished Manuscript. CMC ESRP Box 70 Folder 1, 1178.10a B70 F1 III-L-13M Part 1.
21. *Indian Farmers—Rural Victorians: 1820-1930*. Page 63. Unpublished Manuscript. CMC ESRP Box 70 Folder 1, 1178.10a B70 F1 III-L-13M Part 1.
22. *Indian Farmers—Rural Victorians: 1820-1930*. Page 65-69. Unpublished Manuscript. CMC ESRP Box 70 Folder 1, 1178.10a B70 F1 III-L-13M Part 1.
23. Parry Island Project: Preliminary Report, No. 2: October 1964. Page 1. CMC ESRP., Box 69, Folder 4, 1178 B69 F4 III - G- 50m.

## CHAPTER THREE

### **From exotic objects of desire to subjects of Imperial control?: European mapping practices, anthropology and the representation of Aboriginal traditional territories**

This chapter examines tensions between mapping as a practice of nation building in Canada and representations of ethnogeography as expressions of Aboriginal territoriality. In situating mapping practices within the complex of activities related to the history of colonialism, a better context is gained for understanding how maps transformed colonial space into comprehensible territories. Following Gerald Vizenor's (1998) notion of Aboriginal "transmotion," this chapter questions the assumption that mapping practices were used solely as a colonial strategy to alienate Aboriginal peoples from their traditional territories. While I examine how maps may be considered texts of state dominance, transforming Aboriginal peoples and their lands from objects of colonial dominance to subjects of constitutional control, I also highlight how Frank Speck's mapping practices connected an Aboriginal presence on the land with specific assertions of Aboriginal sovereignty. In particular, I examine how Speck grounded his intellectual and theoretical representations of Aboriginal territoriality in mapping practices. While these mapping practices grew out of a specific ethnogeographic tradition within anthropology during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, I argue that Speck's mapping practices were also part of a jurisdictional debate within Canada regarding Aboriginal land and resource use.

Speck's representations of Aboriginal territoriality developed practical European-style maps that represented a strong Aboriginal presence within the geographic space of Canada. This mapping process was instrumental in Speck's role as an advocate of Aboriginal land and resource rights.

As a participant in a larger struggle that included the active engagement of Aboriginal peoples, provincial and federal government officials, Speck applied his anthropological knowledge to help Aboriginal peoples gain respect and recognition for their claims. This required the development of representations of Aboriginal territoriality that could be applied to counter the claims and land-use practices of mainstream non-Aboriginal society. During the early 20<sup>th</sup> century these practices continued to impact the traditional land use practices of Aboriginal peoples.

The tensions between European mapping practices as an extension of nation building in Canada and representations of Aboriginal geographic knowledge as assertions of Aboriginal sovereignty provide a crucial link between the scientific and socio-political aspects of Speck's representations of Aboriginal territoriality. Speck's mapping practices helped to negotiate the tensions associated with these distinct ways in which the land was viewed, approached and sovereignty to it expressed. His representations of Aboriginal territoriality provided a transition between non-Aboriginal and Aboriginal geographies, countering non-Aboriginal assumptions and representations that Aboriginal

people did not maintain their own notions, representations and meaningful connections to the land.

The abstract, textual and distancing characteristics of European mapping practices are largely contrasted with the oral, practical and proximate nature of Aboriginal geographical knowledge (Thomas 2003: 7-8). Aboriginal conceptualizations of space incorporate more than the base lines and cardinal directions associated with European mapping practices. Aboriginal knowledge networks sequence local or specific events, both temporally and geographically, correlating the remembered past with the immediate present and visible future. These sequences rely on an intimate understanding of the local surroundings and the specific social, spiritual and geologic histories of a place. Geographic place names commonly include the descriptive form or appearance of a location. This geographic knowledge, and the resulting assertions of sovereignty over territories, is continuously reinforced by Aboriginal peoples' direct and immediate relationships with the land through the experiential context of hunting, fishing, gathering and the continual movements of nature and spirits. Aboriginal cartographic expressions therefore rely on the movements and visions of hunters, for example, whose intimate awareness of the land provides a continual mapping of the landscape while simultaneously asserting sovereignty over their traditional territories (see Helen Rountree 1993).

Unlike Aboriginal peoples' emphasis on proximate and local cartographic expressions, European mapping practices seek to represent the whole known

world together with all of its phenomena. These cartographic projections rely on an abstract mathematical scale to provide an accurate visual representation of any particular point on Earth. Using specific intersecting coordinates of longitude and latitude, European mapping practices represent the known world as a grid, communicating and representing geographical knowledge into a rigidly coherent and knowable space. In 1763, for example, after the French had formally surrendered its Canadian colonies and King George the III had issued his Royal Proclamation, Captain James Cook was appointed surveyor of northeastern Canada. Between 1763 and 1768, Cook worked around the southeastern coast of Newfoundland, across the Strait of Belle Isle, along the southern coast to the western-most reaches of the island. The lands, shores and waters that he surveyed were disputed not only between the European states but also between the Beothuk and other Aboriginal peoples in the area. Cook's mapping practices, however, were part of the mathematical and uncommunicative geography of Europe, in which techniques and instruments were trusted over the word of a ship-mate, close friend or family member (Thomas 2003: 6-7).

The first section of this chapter provides a loose genealogy of European mapping practices. I theorize the relationship between European mapping practices and the formation of an "ensemble of knowledge" needed to maintain, contain and sustain the relations of ruling connected to processes of nation building in Canada. An examination of the works of Brealey (1995 and 1998), Edney (1997), Livingstone (1993), Piper (2002) and Ryan (1999), suggests that

European mapping practices were predominantly relied upon by government officials to transform colonial space into comprehensible territories. According to Brealey (1998) and King (1996), this transformation occurred through the reification of pre-confederate and post-confederate Canada as a limitless, unpopulated wilderness devoid of an active Aboriginal presence.

As a form of cultural currency, European mapping practices reorganized traditional Aboriginal territories within the Canadian landscape and, by the early 1900s, vast areas of traditional Aboriginal territories throughout Canada were reduced to fit within the Canadian landscape. These large tracts of Aboriginal homelands were reorganized and renamed—Nova Scotia, Ontario, Manitoba, British Columbia, for example—and the areas of land provided to Aboriginal peoples by the federal government reclassified as “Indian Reserves” (IR). While many of these tracts of land encompassed very small portions of traditional territories, they formed a part of the new geography of Canada, named, numbered and incorporated into a sequential numerical record, allowing for the addition and deletion of reserves if needed (Brealey 1998: 231-232; King 1996: 139). These spaces were then visually fixed onto the official maps of Canada, transforming the land and its occupants into official subjects to be managed and controlled by a rational and fixed observer—the Department of Indian Affairs (DIA)—and used by a general population.

While non-Aboriginal mapping practices, for the most part, excluded Aboriginal geographical knowledge, they did not eradicate the use and existence

of this knowledge by Aboriginal peoples. The second section of this chapter analyses the variations in which Aboriginal peoples organized and conceptualized their space and territories, suggesting that Aboriginal mapping practices were(are) vital to the perpetuation of Aboriginal cultural histories and economies.

### **Colonialism's Grid: European mapping practices and the regulation of Aboriginal traditional territories**

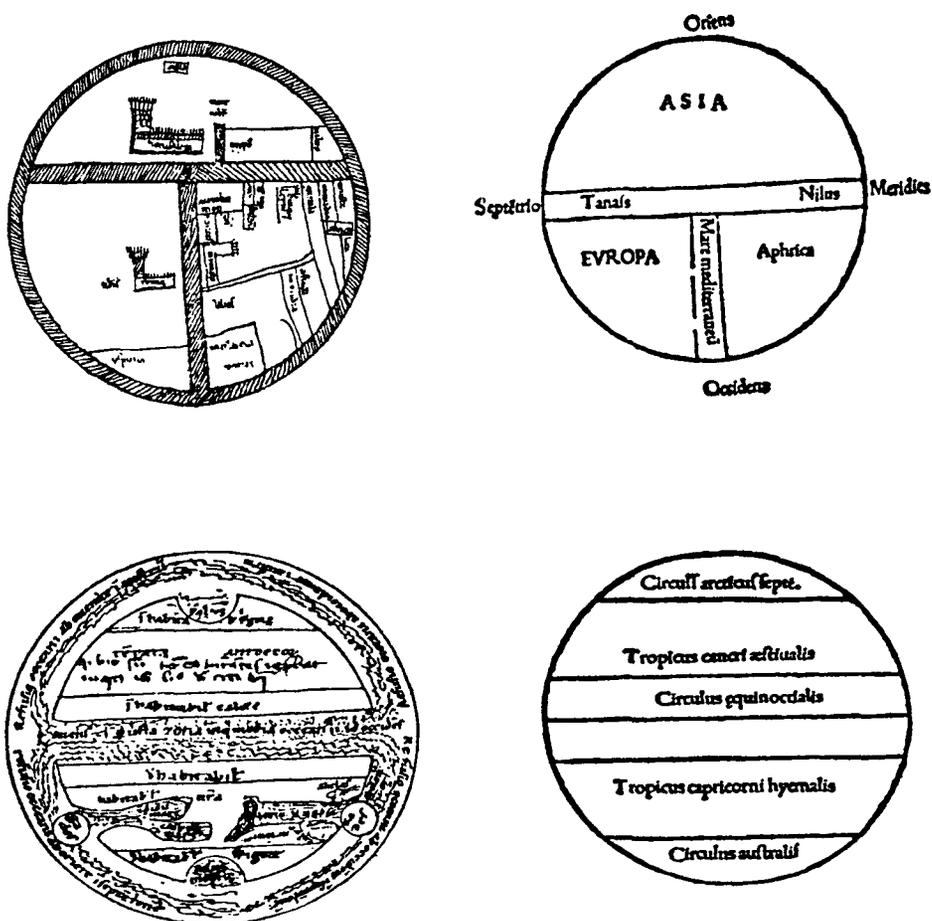
In loosely tracing the genealogy of the application of European mapping practices to colonial nation building in Canada, and juxtaposing this to Aboriginal geographic expressions, it is possible to gain a better understanding of how Speck's representations of Aboriginal territoriality relied on European mapping practices to counter 19<sup>th</sup> and early 20<sup>th</sup> century assumptions and scholarly representations of Aboriginal property relations. This genealogy is intended more as a mis-reading of European mapping practices. My aim is not to provide a chronological account of European cartography, but to set up the specific context from which Speck generally inverted the dominating ideologies connected to the federal governments continuing assertions of sovereignty and effective control over Aboriginal traditional land use practices in eastern Canada. While Speck relied on European mapping practices as a base layer approach to

represent Aboriginal territoriality, he expanded these maps to include Aboriginal geographic knowledge. By expanding these maps, he connected the Aboriginal presence on the land with specific assertions of Aboriginal sovereignty over traditional territories. Less reliant on descriptive geography than the work of his colleagues, such as Kroeber (1916) and Waterman (1920; 1922), these mapping practices provided a powerful link between the intellectual and applied domains of knowledge production associated with Speck's representations of Aboriginal territoriality.

### **Longitude, Latitude and Ptolemy's Geographia**

The intellectual process of creating, communicating and accepting geographical conceptions at both the individual and socio-cultural level is often referred to as mapping. Viewed as true representations of the terms of reference they seek to transmit, maps can also be viewed as texts in which concepts of space and territory are inscribed, rhetoricized and memorized. As "textual surfaces," maps shape and manipulate conceptualisations of geographic space, contributing to the conceptual currency needed to translate colonial spaces and places into knowable territories that can be governed (see D.E. Smith 1990: 14).

European mapping practices can be traced back to early Babylonian, Egyptian, Greek and Roman civilizations. For example, Babylonian maps, which

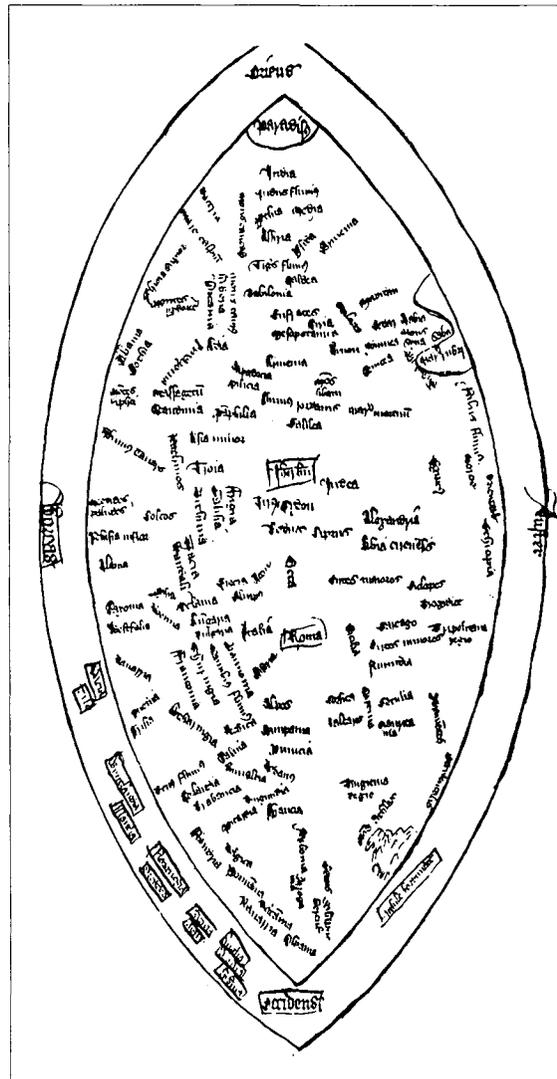


**Figure 2:** (upper left) T-O Map from 12<sup>th</sup> century Sallust manuscript and (upper right) T-O map from 15<sup>th</sup> century edition of Zacarias' *Orbis breviarium* (lower left) Zonal Map from 13<sup>th</sup> century Macrobius manuscript and (lower right) Zonal map from 15<sup>th</sup> century edition of Zacarias' *Orbis breviarium* (Skelton 1964: 44).

were plans of cities and properties on small clay tablets, combined diagrammatic representations of the universe with Babylon in the middle. Dating from as early as 3800 B.C., these maps portrayed Babylon as the centre of the universe, with specific geographical features such as the present day Euphrates River, Armenian Mountains and the Persian Gulf clearly marked. One clay tablet dating to the Age of Sargon of Akkad (2300 B.C.) indicates that the Babylonian maps also provided key data for the purpose of taxation (Brown 1949: 33; Skelton 1964: 31).

Greek cartographic practices date to the early 4<sup>th</sup> century B.C. A student of Aristotle, Dicaearchus, suggested that world maps needed an orienting line running west to east through Gibraltar and Rhodes, as far east as Persia (Skelton 1964: 31). Building upon Dicaearchus' theory, two centuries later Eratosthenes (276-195 B.C.) suggested that more of these lines be drawn in parallel. Working in Alexandria, Eratosthenes eventually surveyed the distance between Syene and Alexandria and used these figures to calculate the size of the earth under the assumption that it was a perfect sphere (Brown 1949: 28-30; Skelton 1964: 33; Wilford 1981: 18).

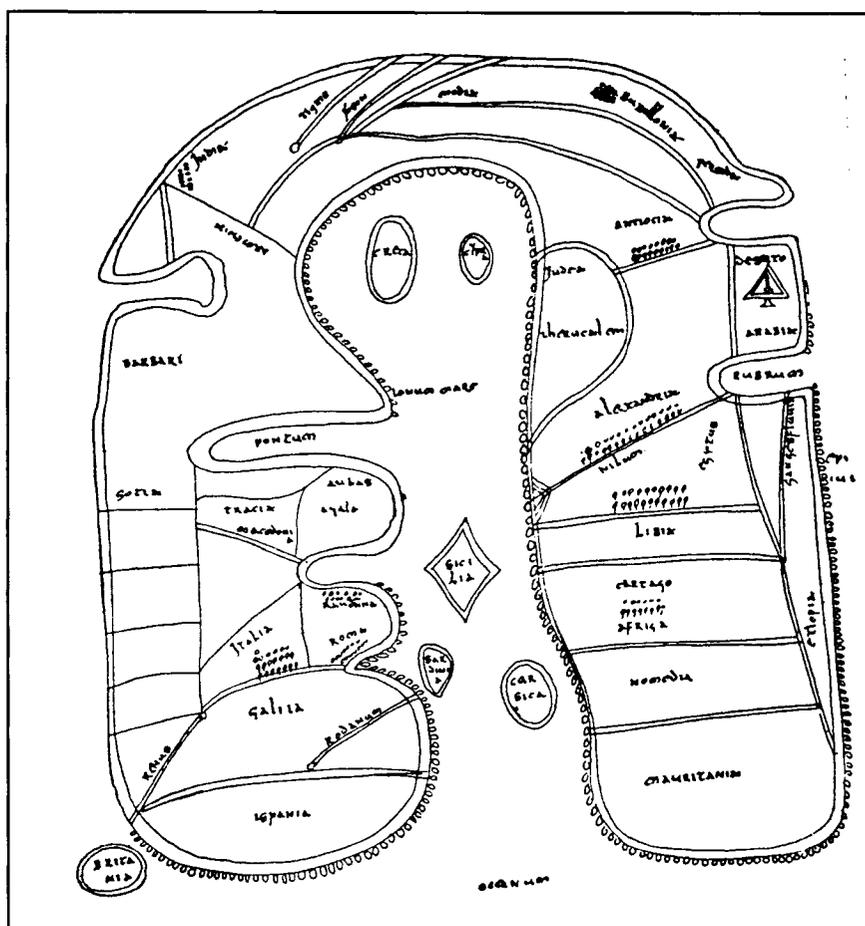
During the 1<sup>st</sup> Century A.D., Greek astronomer Klaudios Ptolemaios (A.D. 87-150) further shifted the paradigm of Greek mapping practices. Fuelled by a strong critique of Marinus of Tyre's theory that the earth could be mathematically constructed by the use of a network of meridians and parallels, Ptolemy (1966)



**Figure 3:** 14<sup>th</sup> century world map by Ranulf Higden published in his manuscript *Polychronicon* (Skelton 1964: 47).

argued that it was virtually impossible to make a map based on Marino's theory (Skelton 1964: 33-34). Subsequently, he formulated his own theory of cartography in *Geographia* (Ptolomey 1966), positing that geography encompassed a representation in pictures of the whole known world together with all of its phenomena. He suggested that through basic cartographic projections based on scale, and the use of latitude and longitude as principal points, a map could provide an accurate visual representation of any particular point on Earth (Brown 1949: 61-62; Skelton 1964: 34; Wilfred 1981: 26).

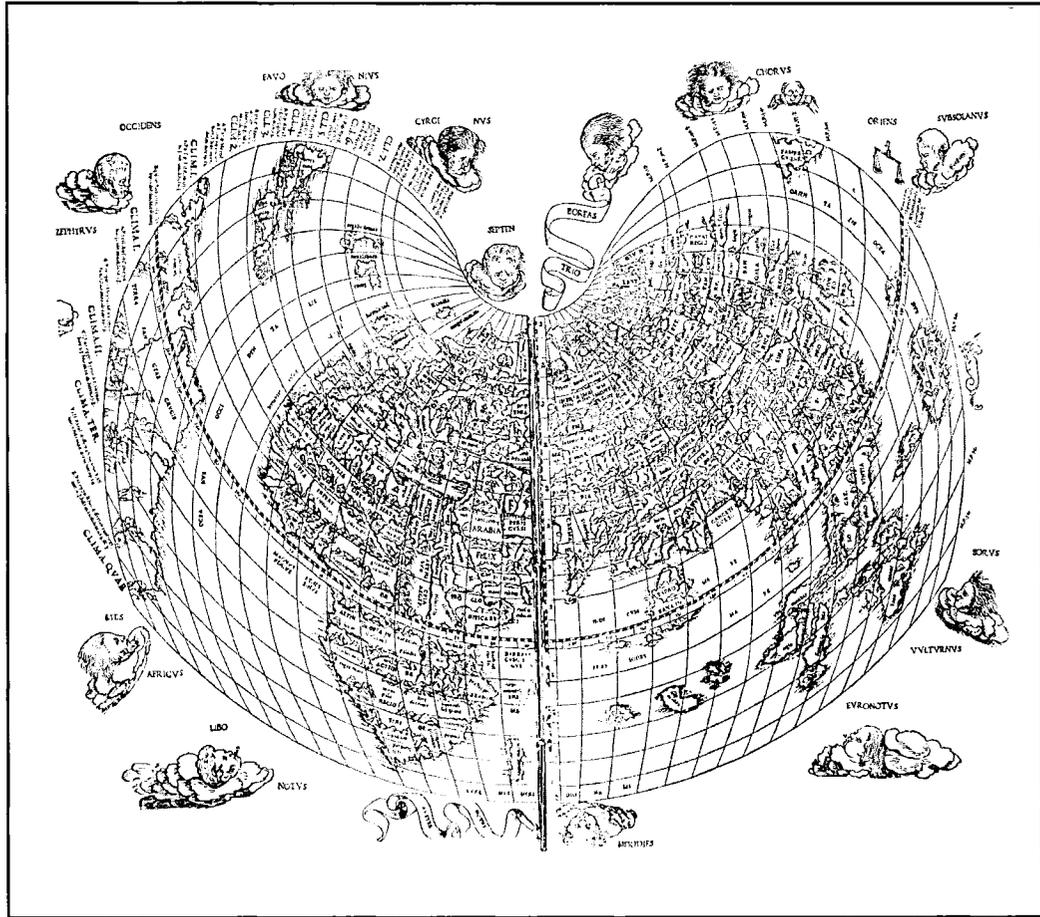
Many years later, during the Christian middle ages, theological scholars rejected the notion that the Earth was a sphere in favour of the representation of the earth as a flat disc surrounded by water. Maps from this time period are typically divided into three types. The first type, the Roman maps, are circular discs divided into three quadrants, with Asia in the upper half and Europe and Africa in the lower two. A horizontal line separated Asia from the other two quadrants, representing the Sea of Azov, the Black sea, the Sea of Marmora, the Aegean and the Nile. The Mediterranean is represented as a vertical line separating Europe from Africa. The overall effect is a map that looks like a "T" and, hence, these maps are often referred to as T-O or wheel maps. The second type, the Crates map, divided the world into zones, usually oriented east-west but sometimes north-south (see figure 2). A sub-class of these maps were the climate maps, dividing the habitable world into different



**Figure 4:** 8<sup>th</sup> century world map of Albi, showing a schematic representation of the Mediterranean world with east at the top (from Skelton 1964: 46).

climates. The third type, the Beatus maps, were different in shape, size, appearance and content (see figure 3 and 4). Oriented east-west, these maps were usually divided into four parts and were not standardized (Edson 1997: 3-9; Skelton 1964: 43-44).

With the advent of the printing press and the shift to the visual<sup>1</sup> during the 15<sup>th</sup> century, maps were no longer hand drawn using copies or verbal directions. Maps were printed using wood-blocks or copper plates (Earl 1999: 11-12; Skelton 1964: 77). The discovery and subsequent reproduction and distribution of Ptolemy's *Geographia* in the 1400s largely contributed to the development of the European science of cartography during this period. The incorporation of Ptolemaic mapping practices resulted in the construction of a new world image, in which places were located in relation to one another by means of an abstract geographic grid (see figure 5). Ptolemaic maps rationally reduced the complexity of the world to an ordered mathematical abstraction. In 1637, the Ptolemaic map was further advanced by René Descartes' rectangular coordinate system outlined in his *Discourse on Method, Optics, Geometry, and Meteorology* (1637). Descartes suggested that, by using two intersecting axes as measuring guides, the position of a point or object could be precisely located on a two-dimensional surface. Using specific intersecting coordinates of longitude and latitude, Cartesian maps greatly contributed to precision in navigation and further reified the mathematical abstraction of space as the only true representation of the known world (Brotton 1997: 35-41; Earl 1999: 68; Edney 1997: 293; Livingstone 1993: 49-51; see Wolf 1994 and Vann 1992).



**Figure 5:** Ptolemaic map of the world, reproduced in the 1513 Strasburg edition of Ptolemy's *Geographia* (Thomson 1966).

Jerry Brotton (1997: 41-42) suggests, however, that while Ptolemaic world maps significantly contributed to the advancement of cartographic science, the publication and distribution of portolan charts provided the necessary tools for the advancement of European exploration, discovery and conquest. Used as nautical aids, these charts depicted key ports and specific features of coastlines, providing key navigational data to assist the seaborne trade throughout the Mediterranean and Black Seas. According to Brotton (1997: 41), portolan charts were used in conjunction with topographical maps and plans of developing urban centres (see Smail 1999), to help solve “highly particular and local problems such as disputations over land, military surveillance, movement of commercial goods and the maintenance of efficient techniques of irrigation and water supply.”

The abstract and distancing characteristics of European mapping practices emphasise proximate and local cartographic expressions. As precise exercises that seek to represent the whole known world together with all of its phenomena, these cartographic projections rely on abstract mathematical grids to communicate and represent geographical knowledge into a rigidly coherent and knowable space. The specific application of these practices served to create territorial control by colonial authorities, inscribing and transmitting the terms of Crown sovereignty over the land (Piper 2002).

The ethnogeographic tradition within anthropology during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries also relied on the abstract grid of European mapping

practices to help represent the varied and largely oral geographical knowledge of Aboriginal peoples. Similar to the European cartographers goal to represent the whole known world together with all of its phenomena, anthropologists believed that descriptive geographies of Aboriginal peoples could help to reflect their physical and social environments (Sapir 1912), as well as identify their various cultural sites, migrations and land use patterns (Kroeber 1916). The resulting maps also had practical applications. Just as European states utilized maps to assert sovereignty over territories, the maps produced by anthropologists in collaboration with Aboriginal peoples were also political texts. These texts asserted Aboriginal sovereignty and effective control over specific regions across Canada. Speck's representations of Aboriginal territoriality in eastern Canada, for example, relied on practical European-style maps that represented a strong Aboriginal presence within the geographic space of this region.

In the following section I further theorize the relationship between European mapping practices and the processes of nation building in Canada. Later in this chapter, I juxtapose this relationship to Aboriginal geographic expressions and the process of ethnogeography in anthropology.

### **Mapping Terra Nullius: The abstract grid of colonialism**

As a new form of power distinct from those based on violence or law, disciplinary power emerged out of Europe during the 17<sup>th</sup> and 18<sup>th</sup> centuries. This new form of power was rooted in visibility and surveillance and involved the micro-regulation and normalization of individual behaviour through impartial

observation and standardized, calculated punishment or correction of abnormal behaviour. The cycle of disciplinary power involved in empire building was highly reliant on the visual and the knowledge accumulated through these relations of vision helped to decide whether disciplinary action was considered necessary. The design and operationalization of conventions of observation, reporting, and recording helped to isolate relevant aspects of transient and mobile social relations and to freeze/fix them. Accumulated knowledge acquired through these relations of vision could ultimately be compiled into distinct archives of knowledge and used for various reasons and in different contexts. Imperial powers constructed objects of knowledge through these discursive practices, creating means to render them mobile, so that they could be accumulated at some central point to be ordered, scaled, compared, rearranged and administered from a distance (Curtis 2001: 31; Hannah 2000: 24-28)

A basic tenet of nation building involved the making of decisions in distant centres which affected the local conditions of life for citizens and subjects (Hannah 2000: 114-120). Maps provided a geographical framework on which to define and precisely locate important resources, such as coal, gold, timber, as well as a means to assert effective control over these resources. This rule at a distance was also made easier and more efficient if government agents had quick access to colonial subjects. Reference grids provided epistemological control of a territory in the abstract, symbolic sense of enabling the government to survey the realm and facilitate physical access by government knowledge workers. To examine and, subsequently, exert sovereignty and effective control

over their territory, government agents need to be able to move meaningfully through a geographic space to gain access to the stationary objects of their observation (Hannah 2000: 118-120). This territorial gaze embodied both the physical power—military, political and gendered—of the observer over the land and a moral power that defined, created, and normalized colonial space (Edney 1997: 53-54; D. G. Smith 1993).

As noted earlier in this chapter, European mapping practices relied on the abstract grid of Cartesian space, reducing vast areas of land into a measurable mathematical web. As part of a process of colonisation, maps not only expressed the will towards, but actually served to create real territorial control, inscribing and transmitting the terms of reference in which concepts of space, territory and the cultures within them were “formulated, evaluated, rhetoricized and memorized for subsequent generations” (Brealey 1995: 141). Governments justified clearing Aboriginal traditional territories for settlement through the supposition that Aboriginal peoples were underutilising universal space.<sup>2</sup> This was further justified by representing colonial territories as a vast, unpopulated wilderness where “civilised” humans had yet to assert sovereignty over the land through agricultural techniques, urban development and political control. European mapping practices provided a textual tangibility for this landscape, where the historical ambiguity of Aboriginal sovereignty could be replaced by a European spatial order (Ryan 1996: 103-105; see also Carib 2000: 11; Edney 1997; Livingstone 1993; Piper 2002;).

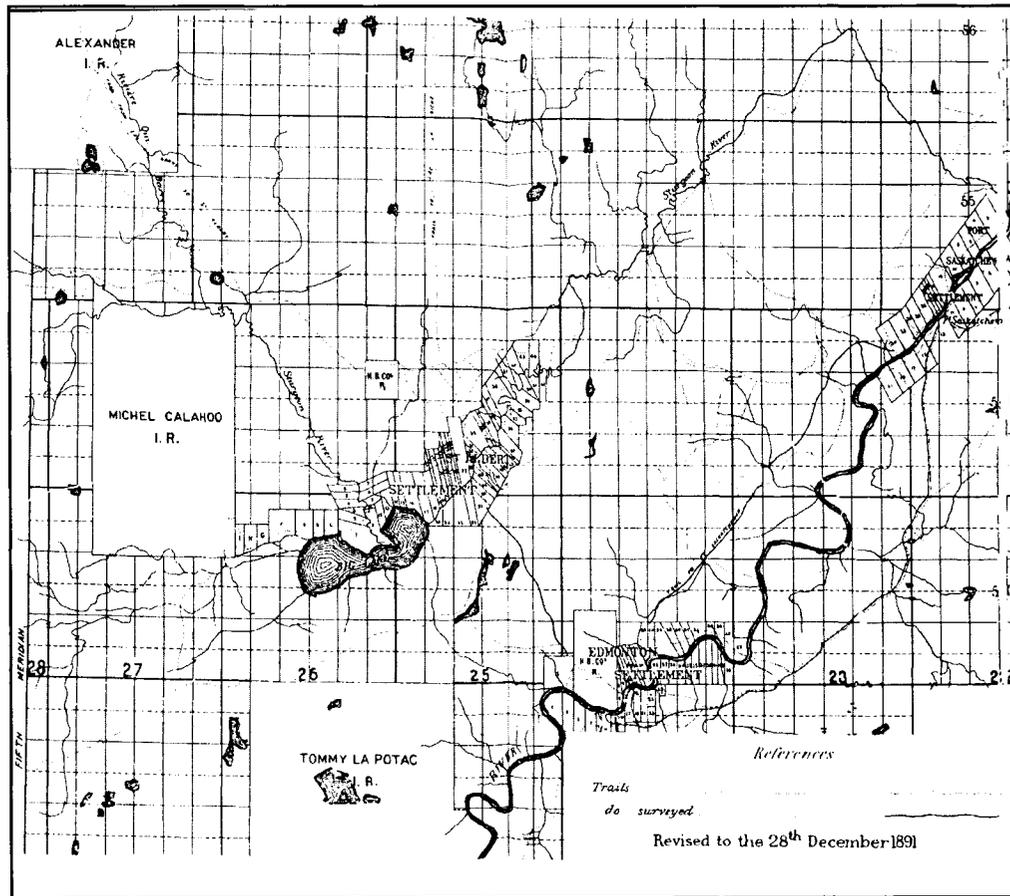
Maps provided governments with the information needed to understand the physical space they occupied, while allowing them to overcome issues of distance by facilitating the establishment of regular contact with people and their territories. By visually defining and fixing the scope of a territory, maps provided a single and totalizing view of the area under control. Maps that hung on the walls of council chambers and the offices of colonial administrators, for example, formed potent symbols of the European creation of a single political entity. Each time British administrators viewed a map, for example, they mentally encompassed the territory it represented, “bringing an entire country into a single view and providing the basic message: this is British territory, if it is not, then it could be British territory; this is an imperial space to be governed by us” (Edney 1997: 325).

Geographic knowledge provided strategic and bureaucratic information as well as satisfying “nationalistic demands for civic information and the emblematic needs of an imperial civilization” (Livingstone 1993: 216-217; see Godlewska and Smith 1994; Mundy 1996). Under Napoleon, for example, the need for geodetic accuracy and human resource inventory generated a corps of *ingénieurs-géographes*, trained in the skills of the regional surveyor. These military geographers produced—yearly—“maps by the thousands, memoirs by the hundred, and atlases by the dozen” (Livingstone 1993: 217). Likewise, during the 17<sup>th</sup> century in China, Manchu rulers of the Qing Dynasty recognized the need for better records of land use for taxation and ordered a cadastral survey of the whole empire in 1646. European Jesuits ended up doing much of

the legwork—in 1707, they surveyed and mapped the environs of Peking (Hostetler 2001: 70-71). By the end of the 1640s the Jesuits had also mapped the Huron country in Upper Canada. These maps led to the first map of Lake Superior by Fathers Allouez and Dablon in 1672<sup>3</sup> as well as maps of the Iroquois country by Father Raffeix in 1688 (Heidenreich and Dahl 1982).

Maps presented a single and coherent view of a colonial territory. At one uniform scale, all portions of this colonial space became directly comparable and normalised. Knowledge of this space became homogenized as towns and districts were identified and assigned their own particular location within the fixed and immobile mesh of meridians and parallels. In Canada, British powers recreated their empire through maps, “subsuming all individuals and places within the map’s totalizing image” (Edney 1997: 24). The space of the map was not bounded and limited but “was as extensible and as potentially all-encompassing as British power and knowledge could make it” (Edney 1997: 25).

The British Empire facilitated mapmaking projects through the construction of archives of information. These archives contained data collected through enumerations of populations and the measurements of the dimensions, surfaces and capacities of territories. The data stored in these archives were then visually translated onto maps, enabling colonial officials to fix the scope and character of a territory, defining the empire and providing it with territorial integrity (Edney 1997: 16). Maps enabled British officials to organize, survey and administer their territories from a distance by a fixed and central observer. The



**Figure 6:** Portion of the 1891 map of the Edmonton Area in Alberta. This is the first sheet issued from Canada's Sectional Map Series and reflects the abstract grid that typically characterizes non-Aboriginal mapping practices. Notice that the Indian Reserves (IR) were not surveyed in this fashion (Thomson 1969).

resulting organization of this space as a panorama presupposed a “visual logic in which space is stratified, layered and then fragmented and compartmentalized so that there is a place for everything and everything is in its proper place” (Ryan 1996: 4-5). This in turn, helped to facilitate and celebrate the further advances of British explorers and display the empire’s worldwide territorial possessions (Brealey 1998: 183).

The translation of colonial space, and Aboriginal territories into official British space relied heavily on the mapping practices of explorers, who measured rivers, coastlines and mountain ranges and transferred these objects of knowledge onto the coordinates of Cartesian space (Brealey 1995; Rundstrom 1991; Ryan 1996). An excellent example is the maps of the Hudson’s Bay Company (HBC). As R. Ruggles (1991: 3-9) points out, from as early as 1670, the HBC considered mapping an indispensable part of the fur trade. The company relied on maps to make important decisions about trading strategies, transportation routes and the movement of goods. Without maps, the HBC could not have developed the inland trading system that was crucial to its success. When more efficient trade routes were sought, maps enabled HBC officials to:

...see the configuration of the river and lake networks, their crucial crossing points, their relationships with major terrain features, the difficulties posed by waterfalls and rapids, the numbers, locations and the potential risks of portages. Larger scale maps were used to compile smaller-scale regional maps that made the intricacies and interconnections of these waterway trading patterns more apparent (Ruggles 1991: 3).



**Figure 7:** 1902 map illustrating the proposed boundaries of Treaty No. 10. Maps provided an important visual reference point for Treaty Commissioners when they envisioned the specific administrative boundaries of a treaty. NAC, RG 10, Vol. 4006, File 241,209-1, Reel C-10171.

When the Northwest Company and the HBC merged in 1821, the Company ordered a census of the Aboriginal population across Canada. The census was to help the HBC take stock of its newly expanded territory. Instructions were provided to traders to establish general reports of the Aboriginal populations within their jurisdiction. This included providing specifications regarding the distribution of 'Bands, Chiefs, Heads of Families and followers,' and the district of the country in which these different groups hunted. While the results of this enumeration were not specifically used for the administration of Indian Affairs these data provided a coherent means of mapping the various Aboriginal groups across the country (Ruggles 1991).

These initial mapping efforts of early explorers, however, provided the templates necessary for the imposition of more rigid mapping practices aimed at gaining tighter control and accessibility to British territories. Through the use of mapping aids, such as meridian stones and the collection of various data sets relating to agriculture, climate, geology and ethnology, surveying practices worked to produce extremely detailed maps (Edney 1997: 24; see Thomson 1966; White 1983). In Canada, for example, soon after Rupert's Land and the North-Western Territories officially became part of the Dominion in 1870, there was an increasing demand for easy to read, reliable maps to aid in railway building, land settlement, irrigation and reclamation, road construction, power development, boundary delineation and national defence. To meet this demand, Dominion Land Surveyors produced detailed and accurate topographical maps, "drawn to a uniform scale, properly oriented and embellished by readily

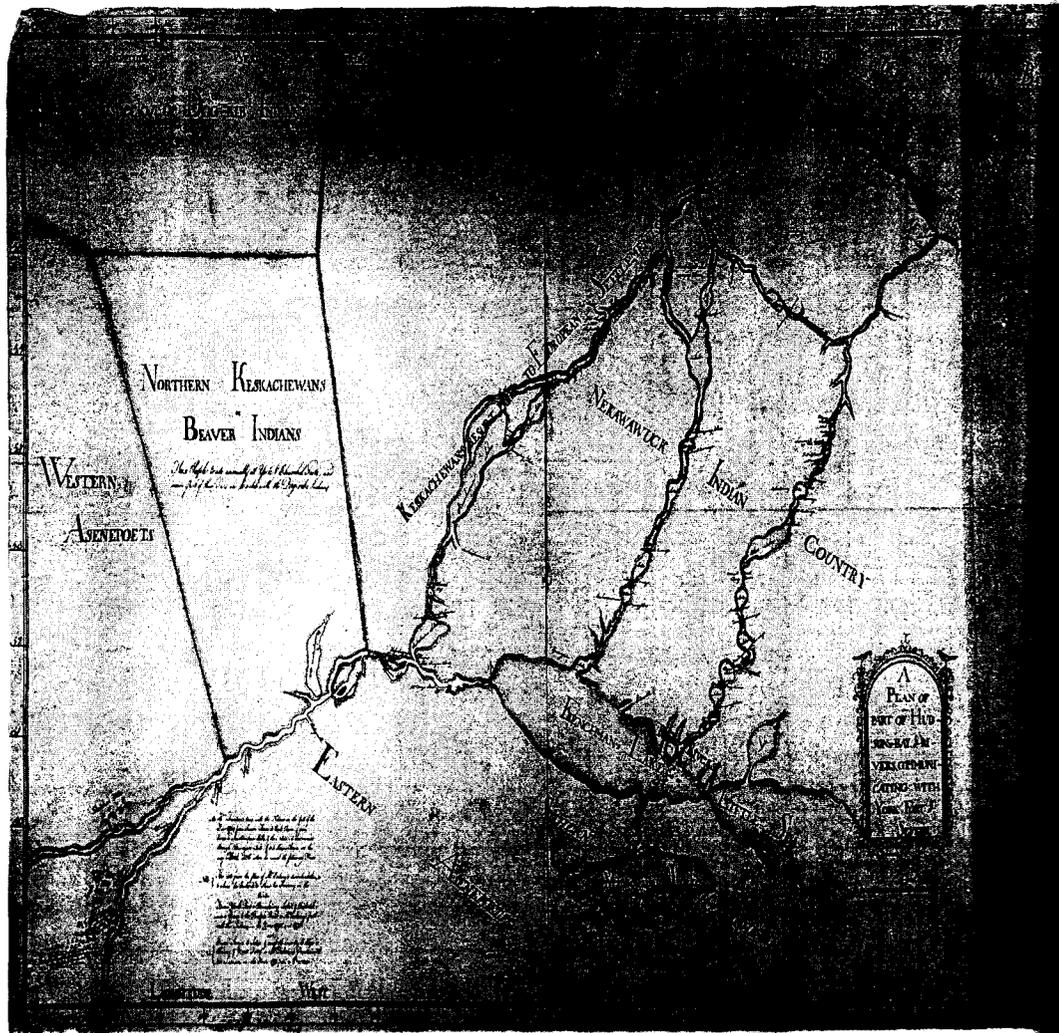
understandable legends, including symbols identifying drainage, cultivation, communities, elevations and ground cover” (Thomson 1969: 112-113). By the early-1890s, the Canadian government began circulating its first standardized maps from the Sectional Map Series (SMS). Issued in 1891, the first sheet from this series was a map of the Edmonton area with a scale of three miles to the inch (see figure 6). Printed under the authority of the Federal Department of the Interior,<sup>4</sup> the SMS maps incorporated data from surveys undertaken by the Dominion land survey system. These maps, however, had several flaws. They did not cover a uniform size; they were not organized using a progressive numbering system; they relied too heavily on the three-mile-to-the-inch scale; and they were limited to areas in Canada west of Manitoba (Thomson 1969: 121).<sup>5</sup>

Standardized maps enabled government officials to transpose unceded traditional Aboriginal territories into organized and labelled Canadian spaces occupied by Aboriginal peoples. As westward colonial settlement in Canada encroached upon Aboriginal lands throughout the latter part of the 19<sup>th</sup> century, the government of Canada entered into treaties with groups of Aboriginal peoples throughout present day Manitoba, Saskatchewan and Alberta. Maps were crucial for this process, both as visual aids and in the delineation of lines used by Treaty Commissioners to enter Aboriginal territories into treaty districts and to fix these districts within the known limits of official Canadian space (see figure 7). This process had a direct and very significant impact on the lives of the Aboriginal peoples, since these treaties formed the basis of the recognition and

protection of their Aboriginal rights. The division of Aboriginal traditional territories into treaty districts made the regulation and administration of these rights by the Department of Indian Affairs (DIA) more efficient and productive.

The establishment of the Indian Reserve system in Canada illustrates how Aboriginal traditional territories were fixed into the grid of Canadian space in order to be managed by a central observer, the DIA.<sup>6</sup> In British Columbia, for example, the 1876-1878 Joint Indian Reserve Commission, the 1878 Federal-Provincial Sproat Reserve Commission, and the work of Provincial Indian Reserve Commissioner Peter O'Reilly from 1881 to 1898, set out to mitigate the increasing tensions surrounding land allocations of unceded Aboriginal traditional territories in the province to settlers. While in many instances the colonial government in British Columbia had set aside small areas of land for Aboriginal people as their reserves prior to the province's entry into confederation in 1871, in most cases the average six acres per family allocated by the province was considered too small by the federal government's standard sixty acres per family (Laforet 1998: 170-180; see Harris 2002).

The main purpose of these commissions was to reassess the allocation of land for Indian Reserves (IRs) in the province. Once the reassessments were completed, each IR was named and incorporated into a sequential numerical record so that new reserves could be added later if need be. Excepting those reserves defined by fixed waterways, the boundaries of each reserve were



**Figure 8:** 1774 map by Andrew Graham showing Aboriginal territories adjacent to southwestern Hudson Bay and rivers leading to York Fort and Severn House. This map provides an interesting juxtaposition to the map of the proposed boundaries of Treaty 10 (Ruggles 1991). Not only are Aboriginal toponyms still used, the land is represented as traditional territories and not administrative districts.

officially measured and recognized through Order in Council. Reserve allocations were then sketched by a draughtsman or apprentice surveyor, hand coloured—red for old reserves, green for additions and yellow for preemptions—and annotated with standardized symbols to indicate the general topography (Harris 2002).

According to Brealey (1998: 198-199) and King (1996: 139), the various maps produced by these 19<sup>th</sup> century Indian Reserve Commissions served to further fix and segment the Aboriginal population in British Columbia. The commissions established effective control over the province through claims of sovereignty, enforcing regulations for colonial settlement and remapping Aboriginal people within an official Canadian geography. Maps played a similar role in the colonial administration of north-central Nigeria by the British during the early part of the 20<sup>th</sup> century (Sharpe 1986: 38) and colonial administration of Ovamboland, German South-West Africa during this same period (Noyes 1994: 214). While maps ensured that local administration of territories was more regular and homogenous, governments disregarded the fact that Aboriginal peoples occupied their own space, defined and constructed their own spatial order (Sharpe 1986: 41). In order to incorporate these Aboriginal territories into a rational and governable grid, they were charted onto European maps, described using European languages, categorized in terms of European disciplines and incorporated into the extended European national states as they existed at the time (Noyes 1994: 249).

Aboriginal people, however, dwelt and moved about relatively freely in these spaces and continued to maintain their own independent symbolic systems for assigning meaning to their spatial order. In Canada, however, jurisdictional disputes between the federal and provincial governments over traditional Aboriginal land use practices made it increasingly difficult for Aboriginal people to maintain these traditional activities. The Canadian governments' strict regulation of Aboriginal traditional territories and resource use invariably revolved around the application of measures to reinforce Crown jurisdiction and the assertion of practical and political control over the traditional territories of Aboriginal peoples. The resulting tensions associated with this imposition of Crown sovereignty are highlighted in the active engagement of Aboriginal peoples in the political struggles over territory and resource use in Canada. Part of this engagement is reflected in the collaborative efforts of Aboriginal peoples and anthropologists, such as Frank Speck, to map out Aboriginal land use practices. Speck's attempt to bridge the gap between Aboriginal and Canadian land use practices relied on the recognition that Aboriginal peoples maintained their own practices and applications of organizing and giving meaning to space. In the following section I explore this notion more thoroughly. I suggest that mapping be viewed as a process which extends beyond, and in certain instances contradicts, the exclusive practice of the dominant and powerful elite to inscribe and reinforce ideological norms and assumptions.

### **Thinking outside the grid: Aboriginal geographic knowledge and Frank Speck's representations of Aboriginal territoriality**

When viewed through a framework of nation building, maps and mapping practices are regarded as disciplinary mechanisms, technologies of vision and control, integral to the authority of empire. As fur traders and explorers began to return more and more of their own toponymic and topographic data to cartographers during the mid-1800s, cartographers considered it no longer necessary or even desirable to go to the Aboriginal peoples to collect geographic knowledge (Brealey 1995: 144). This cartographic dynamic is illustrated in a map produced in 1774 by Andrew Graham, Chief Factor of the Hudson's Bay Company post at Fort Severn in present-day northern Ontario (see figure 8). The map shows the extent of the cartographic knowledge of the central part of present-day Manitoba and Saskatchewan maintained by early explorers and colonial officials in Canada during the late 18<sup>th</sup> century. Of particular interest is the mix of both English and Aboriginal toponyms and the vast areas of the map noted only as the territories of various Aboriginal groups. In just over one hundred years, however, this area was the subject of rigorous European mapping practices and, by the early 1900s, the majority of the area was surveyed and subdivided by Dominion Land Surveyors, facilitating colonial settlement and increased resource extraction.

While these types of standardized mapping practices provided a conduit for the imposition of economic and spatial order in a new territory, "either erasing

the pre-colonial indigenous settlement or confining it to particular areas” (Brealey 1995: 151), these practices were also exercises in negotiation, mediation and contestation. Colonies and their governing organizations were never coherent, efficient and singular political entities but were characterized by numerous internal divisions, suffering from a lack of skilled personnel and money (Edney 1997: 25-26). Although the complexes of knowledge represented through maps sought to bring order and coherence to colonial landscapes, they were fractured and nuanced representations of the power inherent in the act of empire building, usually interwoven with dissenting “counter-conducts” (Edney 1997: 41; Foucault 1991: 5).

While government surveyors sought to impose a mathematical order and coherence onto Aboriginal traditional territories, the mapping of this space was not usually accomplished through unilateral acts of colonial governments. Depending on the district and the arrangements outlined through treaty, Aboriginal representatives routinely engaged in the mapping of their reserves, questioning the allotments and subdivisions of their territories by government surveyors.<sup>7</sup> When government officials proposed to subdivide IRs within the Treaty No. 4 District of southern Saskatchewan, for example, Aboriginal peoples questioned the motives behind further alienating them from their traditional territories. Under the assumption that the subdivision of IRs would help to destroy the “tribal or communist system” of Aboriginal peoples by implanting a “spirit of individual responsibility,” in 1889 the DIA decided to divide every Township Section within IRs into forty acre plots. The DIA’s rationale for

selecting forty acre plots was that they afforded compact settlement and enabled “each Indian to select a certain quantity of the choicest farming land on the reserve.”<sup>8</sup> This practice, however, was not generally recognized by Aboriginal peoples as beneficial. On 2 September 1889, Dominion Land Surveyor John C. Nelson met with several Cree Chiefs from Treaty No. 4 to “discuss the subdivision of these reserves, a subject on which the Indians were desirous of hearing full explanation.” While Nelson later indicated to the DIA that some Chiefs agreed to the subdivision, most felt threatened by government attempts to subdivide their reserves. This pronounced Aboriginal opposition was “grounded on the idea that in some way or other it was a preliminary step of depriving [Aboriginal peoples] of their lands.”<sup>9</sup>

The view of mapping as an exclusive practice of the dominant and powerful elite, which inscribes and reinforces ideological norms and assumptions, however, is limited in its analytical scope. Regarded less as end-products and more as artifacts of a process still in motion, certain mapping practices occurred within the context of intracultural and intercultural dialogue. While maps may be considered as artifacts of nation building, transforming Aboriginal peoples and their lands from objects of colonial desire to subjects of Imperial control, mapping practices also represent an active, living process, which Vizenor (1998: 16) subtly defines as “transmotion,” or those deliberate acts of noncompliance and self-affirmation expressed freely and for the sake of freedom and egalitarian knowledge exchange. According to Vizenor (1998: 176-178), these forms of expression include the personal, totemic and reciprocal

assertions of sovereignty that connect Aboriginal peoples to their traditional territories which he defines as “the stories of trickster creation, the birch bark documents of the *midewiwin*, songs, pictures, beaded patterns, winter counts, painted hides, ledger art and other creases of motion.” These other expressions include the official documents of sovereignty, such as treaties, which were both concessionary and complementary, as they acknowledged traces of an Aboriginal presence and the intrinsic sovereignty associated with this presence (Vizenor 1998: 16). Articulations of Aboriginal transmotion are also present in Frank Speck’s representations of Aboriginal territoriality. These representations relied on aspects of Aboriginal geographic knowledge to connect the Aboriginal presence on the land to the continued survival of Aboriginal traditional territories and cultural histories. In Chapters Four and Five, I further explore how Speck’s mapping practices provided the crucial link between the intellectual and practical domains of knowledge production associated with his representations of Aboriginal territoriality. Also, how he contributed to the practical jurisdictional debates between Aboriginal peoples and government officials over traditional land use practices.

Karen Piper (2002: 7), points out that as early as the 18<sup>th</sup> century, international law defined sovereignty as “the control of a well-defined territory,” where territory tautologically meant “the land under the jurisdiction of a sovereign.” A recognized way to establish sovereignty, under international law, was to mark a boundary or make a map. Maps fixed the limits of sovereignty, even in regions such as the interior of scarcely explored continents where such

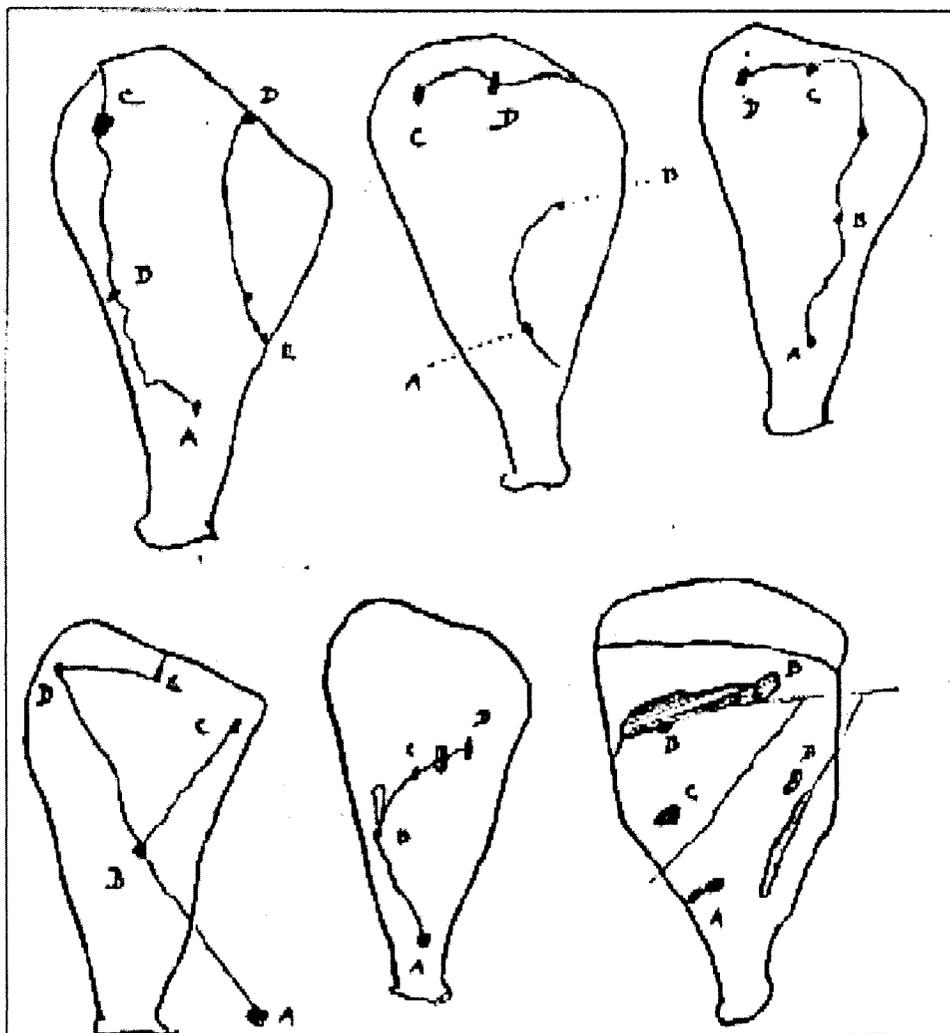
assertions of sovereignty prevented others from claiming this specific territory (Piper 2002: 8). Speck's representations of Aboriginal territoriality worked within this same principle. By fixing the specific family hunting territories of Aboriginal peoples onto maps, Speck could illustrate the specific elements of Aboriginal spatial and social organization, while simultaneously strengthening his advocacy work. By providing visual representations of an Aboriginal presence on the land, Speck helped to counter Canadian claims of sovereignty by reclaiming those visual representations used to alienate Aboriginal peoples from their traditional territories.

Central to Speck's representations of Aboriginal territoriality is the recognition that Aboriginal peoples maintain(ed) their own practices and applications of organizing and giving meaning to space. The abstract, textual and distancing characteristics of European mapping practices are largely contrasted with the oral, practical and proximate nature of Aboriginal geographic knowledge. Aboriginal knowledge of the land encompasses more than the base lines and cardinal directions of territory. Moreover, Aboriginal conceptualizations of space relate to sequences of local or specific events which are connected to particular aspects of the remembered past, immediate present or visible future. This suggests that Aboriginal geographic knowledge is tightly imbricated within the general fabric of the cultural expressions and everyday realities of Aboriginal peoples (Vizenor 1998: 173).

"Connections" with the land play a comprehensive holistic role for Aboriginal peoples, and are considered intrinsic for the survival and income of

Aboriginal communities (Elias 1995: 9). The land not only contributes to the sustenance and well-being of an Aboriginal community's economy but provides the basis and foundation for the construction of social realities and relationships, on a spiritual as well as a physical level (Roback 1992: 9; Washburn 1971: 143; Bishop 1996: 13; Usher 1992: 46-47). According to Dodson (1997: 41), this relationship with the land forms the "foundation and map for [Aboriginal] spiritual and physical survival, memory and development." As an extension of the self, the land forms an integral part of a constructed identity that manifests itself in relation to inherent and meaningful traditional activities, such as hunting and fishing. The construction of community relations and social realities also hinges upon the recognition of territorial resources and the flexibility of traditional land boundaries. This includes the assertion of effective control over hunting, fishing and gathering areas (Mills 1994: 71-95; St. John McDonald 1970: 9). These connections with the land not only help to forge human and animal centred relationships, but confer vital spiritual links between Aboriginal peoples and their Creator (Little Bear 1982: 103).

Representations of Aboriginal geographic knowledge emerge from these direct and immediate relationships with the land and are contingent on the experiential context of hunting, fishing, gathering and the continual movements of nature and spirits (Samson 2003: 58; Brody 1981: 31). These cartographic expressions are expressed through the dream-mapping of herds of game or, in the case of the Innu, the scapula bone-maps (See figure 9) relied on to guide



**Figure 9:** Caribou Scapula Bone Maps. These maps provided hunters with the location of where to find game. Cracks and features on the bones were interpreted by hunters as specific geographical features (Speck 1935: 62).

hunters through their territories (Samson 2003: 76-77; Brody 1988: 44-48; Speck 1935: 135). These cartographic expressions are inherent in the movements and visions of hunters, for example, whose intimate awareness of the land provides a continual mapping of the landscape while simultaneously asserting sovereignty over their traditional territories.

Samson (2003: 74) illustrates the power of these mapping practices in an account of his journey by snowmobile across northern Labrador with Innu Chief of Utshimassits, Simeon Tshakapesh. He recalled:

For hours Simeon controlled the snowmobile, over twisted frozen brooks, out in the open of lakes where the wind whipped up the ice, through the forests, and up on the beautiful luminescent barrens. His eyes... were constantly alert to the terrain and the animals. As we stopped for smokes, he pointed out features of the landscape, places where Innu had camped 20 years ago, the side of a lake my friend George Rich used to go with his family, signs of animal life: a partridge imprint here, a red fox there, caribou tracks heading for the George River. Six hours in to Border Beacon, where we visited a camp, warmed ourselves by the fires and accepted a supply of caribou meat. Six hours out, along the same route, stopping for smokes, jokes, and relieving ourselves as darkness gathered. The headlamps on the faint snowmobile tracks and the moonlight outlines of the forest, brooks, lakes and the hills were his maps (Samson 2003: 74).

To Samson the landscape was a featureless and uniform landscape of white, comprised of a complex web of ice, snow, trees and rocks. To Tshakapesh, however, the bays, brooks, lakes and forests formed a distinct territory, which are continuously mapped through a process of naming and the historical presence of his people.

Unlike the “imaginary” reference points of the European compass used to establish and orient the grid of Cartesian space, the Kwakiutl of North Vancouver

Island in British Columbia, organize and conceptualize their space in relation to local and very specific contexts. Similar to the Innu's intimate knowledge of the landscape, Kwakiutl geographic knowledge relies on an intimate understanding of their local surroundings. Kwakiutl place names, therefore, commonly include the descriptive form or appearance of a location. This intimate understanding of the local environment is so integrated into Kwakiutl geographic terminology, "that from the topographical features the names might often be guessed, unless it so happens that specific interests attached to the place interfere with the descriptive nomenclature" (Boas 1934: 10).

Kwakiutl geographic knowledge articulates the various aspects of a seafaring culture, including the demands of navigation, the existence of different coastal winds, tides, water depth, shelter from the wind, campsites frequented by canoe travel and the locations where sea monsters dwell (Boas 1934: 9-14). As a reference point, Boas compared the Kwakiutl form of directional orientation to the European cardinal points of the compass:

Down river and down along the coast (in the sense of northward or westward); up river and up the coast (in the sense of southward or eastward); inland, away from the sea or river; and seaward away from the land; are the principal directions which appear commonly in geographical terms. . . . According to this terminology the extreme north is also "at the mouth of the river" (Boas 1969: 9).

Specific geographical locations are therefore defined in relation to the principal directions of the coast or river, such as *gwane'giws*—"down river corner beach"—and *ne'lgemlis*—"beach facing up river".

Connected to this aspect of Kwakwaka'wakw ethnogeography is the sense of space and time implied through its terminology. Some locations, for example, refer to points where a prominent place, or the goal of a journey may be sighted, whereas other places are named in reference to persons or events recounted by oral histories (Boas 1934: 10, 14). Space is conceptualized as a temporal unit, unbound by fixed reference grids and manifested in relation to specific and local contexts. These local contexts are most often associated with movement, travel and cultural history. A sandy beach, for example, is not a point in reference to a fixed locality or part of a larger grid of stationary reference points; rather, the beach is conceptualized in relation to a sequence of local or specific spatial events or to particular aspects of Kwakwaka'wakw cultural history.

Kwakwaka'wakw geographic terminology also organizes space materially. This includes names that describe material characteristics or peculiar appearances of a place—for example, *de'na'de*—“having sandstone”—or *L!Oq!wa*—“bare rock.” This material organization of space also includes names that designate places where useful objects may be found, particularly food and useful trees. This includes *Ha'nwade*—“having humpback salmon”—or *negwa'de*—“having salal berries” (Boas 1934: 12-13). Fishing grounds, hunting territories and garden plots are all spaces that are organized in relation to their material characteristics. These types of designations play an important role in the territorial distribution of space, forming both local and regional boundaries connected to those specific assertions of Kwakwaka'wakw sovereignty.

For the Gitksan of the Stikine and Nass Watershed in British Columbia, the naming of mountains, rivers, lakes and other geographical features plays an intrinsic role in their territorial and cultural integrity. This geographic knowledge finds its expression through the complex articulations of Gitksan cartography, including the narratives of their principal oral histories or addaw̓k, and the feasting, naming, singing and totemic representations connected to these addaw̓k (Sterrit et al. 1998: 11-13; See Cove 1997).

On a general level, the formal oral histories of the Gitksan, or addaw̓k, describe the migrations of the various phratries and the establishment of the chiefly houses associated with each phratry. More specifically, the narratives contain detailed geographical knowledge and provide accounts of the acquisition and defence of the chiefly territories and the major events of the houses associated with the territories, including natural disasters, epidemics, war, the arrival of new people, the establishment of trade alliances and shifts in power (Sterrit et al. 1998: 12).

The addaw̓k form the basis in which the inalienable and exclusive title of the chiefly houses are validated and passed on from generation to generation, containing the specific information needed to formalize rights of access and resource use in a territory. The recitation of the addaw̓k at feasts and the acknowledgment of the narratives by guests further solidify the connection between members of a chiefly house and their territory. This relationship is also expressed through the totemic representation of the addaw̓k on ceremonial regalia and poles, which represent and validate the history and territorial integrity

of the chiefly houses (Sterritt et al. 1998: 11-12). The power of the poles as an expression of territoriality is illustrated in the *addawk* account of the establishment of the Gitskan village of Gitanyow, or Kitwanga, on the Skeena River in northern British Columbia. Gitksan elder Walter Derrick stated:

The chiefs established themselves at Gitanyow and raised their poles. The poles gave them their power or coat of arms and gave them the right of ownership of all the lands, mountains, lakes and streams they had passed through or over and camped or built villages in. The power of these poles goes into the lands they had discovered and taken as their own. The power from the house of this chief and his council goes as far as Gixsits'uuts'xwt, the place of the seagull hunter, and includes Xsigigyeenit, the "upper fishing station." The power of the pole still goes on and belongs to Sindihl (quoted in Sterritt et al. 1998: 23).

Other visual expressions of Aboriginal geographic knowledge include the pictographic scrolls of the Midewiwin and the message maps left on canoe routes. While the Midewiwin scrolls are spiritual and moral cartographic expressions, the message maps inscribed on sheets of birchbark and blazed on trees provided direct representations of an Aboriginal presence on the land (Lewis 1997: 11; Vizenor 1998: 170-174). An example of such a message map is one found in 1841 by Captain Bainbridge, a Royal Engineer working on the "ridge" between the Ottawa River and Lake Huron (Lewis 1997: 12). The birchbark map illustrates that thirty-two people had travelled by canoe down a river to a lake, and had camped just opposite a point and across from a large island. The map also indicated that the group travelled down the lake. Although the oral history of the mapmaker's journey is unknown, the map probably illustrates the journey of a group of Algonquin from Montreal, down the Ottawa

River to Lake Huron, via the Mattawa and French Rivers and Lake Nipissing. This area was of particular interest to the Royal Engineers during the mid-19<sup>th</sup> century, because they were surveying the area with the aim of constructing a canal from Montreal to Lake Huron to provide a faster alternative to the slow southern shipping route to Lake Huron via Lake Ontario (Warhus 1997: 11).

### **Concessionary and complementary representations of space: the territory of anthropology**

While, in certain instances, non-Aboriginal mapping practices worked to disenfranchise Aboriginal peoples from their traditional territories, Aboriginal peoples have historically shared their geographical knowledge with anthropologists, working together to produce representations of this knowledge. This has resulted not only in the production of unique maps, but the construction of Aboriginal territoriality as a specific subject of inquiry that connected the Aboriginal presence on the land to the continued assertions of their sovereignty and cultural histories. Frank Speck's representations of Aboriginal territoriality were connected to a larger practice of ethnogeography, influenced in large part by Franz Boas' (1887a; 1901; 1934) emphasis on recording Aboriginal geographic place names as one of the best ways to understanding the relationship between culture and the environment.

Boas' training as a geographer, in particular, seems to have greatly influenced Speck's reliance on mapping as a means to ground his theoretical framework of family hunting territories. Boas believed that the study of

geography included the detailed analysis of the phenomena caused by the distribution of land and water, by the vertical forms of the earth's surface and by the mutual influence of the earth and its inhabitants upon each other (Boas 1887: 141). Accordingly, he recognized the study of geography as part of a larger "cosmography" that incorporated geographical research and ethnological data (Boas 1887: 141).

Boas further developed this connection between ethnology and geography in his 1888 publication *The Central Eskimo*. As noted in Chapter Two of this dissertation, *The Central Eskimo* correlated the geographic knowledge of the Inuit of Baffin Island with their material technology, social life, traditions, science and art. In his notes on geographical distribution, Boas outlined the various geographic territories and detailed the exact boundaries of each Inuit group through a description of the specific natural features of each territory. His analysis represented the Inuit as maintaining a complex territoriality based on fluid trade and intercourse among the various groups. Subsequent publications by Boas, including *The Eskimo of Baffin Land and Hudson Bay* (1901) and *Geographical Names of the Kwakiutl Indians* (1934), further highlighted the relationship between Aboriginal territoriality and the line of development belonging to each cultural area. This included the variations in which space is organized and conceptualized within specific cultural frames of knowledge and how this comprehensive and detailed geographic knowledge was vital to perpetuating Aboriginal histories and economies. In drawing a connection between geographic terminology and Kwakiutl territoriality, for example, Boas

provided a concise dictionary-like compilation of this geographic knowledge in text form and represented the same on official Canadian maps. He transposed the proximate and oral characteristics of this knowledge to fit within the abstract grid of Canadian space. As unique representations of Kwakiutl territoriality, these maps transformed the colonized space of coastal British Columbia back into the traditional territories of the Kwakiutl.

Early 20<sup>th</sup> century anthropologists, some of whom were Speck's close colleagues, such as Edward Sapir (1912), and Alfred Kroeber (1916), also contributed to the development of an ethnogeographic tradition within anthropology. Sapir (1912: 227), in his important paper *Language and the Environment*, for example, argued that there was a distinct connection between language and the environment, and suggested that by collecting and studying geographic place names a stronger linguistic relativity could be formed to reflect the physical and social environment of a people. Unlike Sapir's theoretical considerations of Aboriginal place names, Kroeber, emphasised a more practical application to ethnogeographic studies. In his *California Place Names of Indian Origin*, Kroeber (1916) helped to identify the various cultural sites, migrations and land use patterns of the more than seventeen distinct First Nations in California (see Thornton 1997: 212).

Kroeber's descriptive geography provided a template for Thomas Waterman's later, and more detailed, work *Yurok Geography* (1920). Waterman's extensive ethnogeographic text outlined over one thousand Yurok place names, which he carefully represented in maps, diagrams and detailed

lists. This extensive compilation of Yurok ethnogeography reflected Waterman's measured practice of mapping Aboriginal place names. In *The Geographic Names used by the Indians of the Pacific Coast*, Waterman (1922: 175) emphasised the importance he placed on securing ethnogeographic information. He noted: "Whenever sojourning among a tribe, I have endeavoured to get every geographical name they knew, the 'meaning' of it and the exact spot on the map to which it referred." (1922: 175) While Waterman's work relied mostly on descriptive geography, *Yurok Geography*, for example, provided some discussion on the relationship between naming and territoriality. In particular, he suggested that some Yurok place names corresponded to specific forms of individual and family property holdings (1920: 218-226). In his discussion of Yurok fishing-places, acorn-fields and snaring-places, Waterman noted that the fluid distribution and holdings of these individual and family property rights resulted in scattered and overlapping boundaries. Waterman indicated that in some instances, for example, three different families may own stakes in a fishing station, or a snaring-place could be located outside of the distinct boundaries of a family village (1920: 225-226). In his analysis of these property relations, however, Waterman failed to illustrate how the act of place naming was specifically connected to a complex territoriality from which sovereignty and effective control over land and resources was expressed.

This failure should not be solely attributed to Waterman, whose detailed contributions to ethnogeography are much underrated (see Thornton 1997). His reliance on developing descriptive Aboriginal geographies was a reflection of the

larger tradition found also in the works Samuel Barrett (1909), John Harrington (1916), Alfred Kroeber (1916), Franz Boas (1934), Melville Jacobs (1934) and Cora Du Bois (1935). While Speck's representations of Aboriginal territoriality in eastern Canada fell broadly into this general tradition, his specific representations of Aboriginal land use practices were based less on descriptive geography, or place naming. Speck focused his work more specifically on developing complex models of territoriality that incorporated aspects of ethnogeography and social organization within a larger framework of applied ethnology. Unlike the descriptive ethnogeographies, such as *Yurok Geography* (Waterman 1920), Speck relied more on developing collaborative representations of Aboriginal territoriality that transposed a presumed absence of Aboriginal peoples on the land into an active presence of Aboriginal territories and cultural histories.

Examined within the context of the non-Aboriginal practice of mapping as a means of asserting sovereignty over a particular space (see Piper 2002), Speck's maps provided concise visual representations of the claims or boundaries of Aboriginal peoples' traditional territories. These maps also supported his argument that the family hunting groups, represented on his maps, maintained actual ownership of their territories. According to Speck (1915b: 289-290) these territories were owned from time immemorial by the same family and handed down from generation to generation through the patriline.

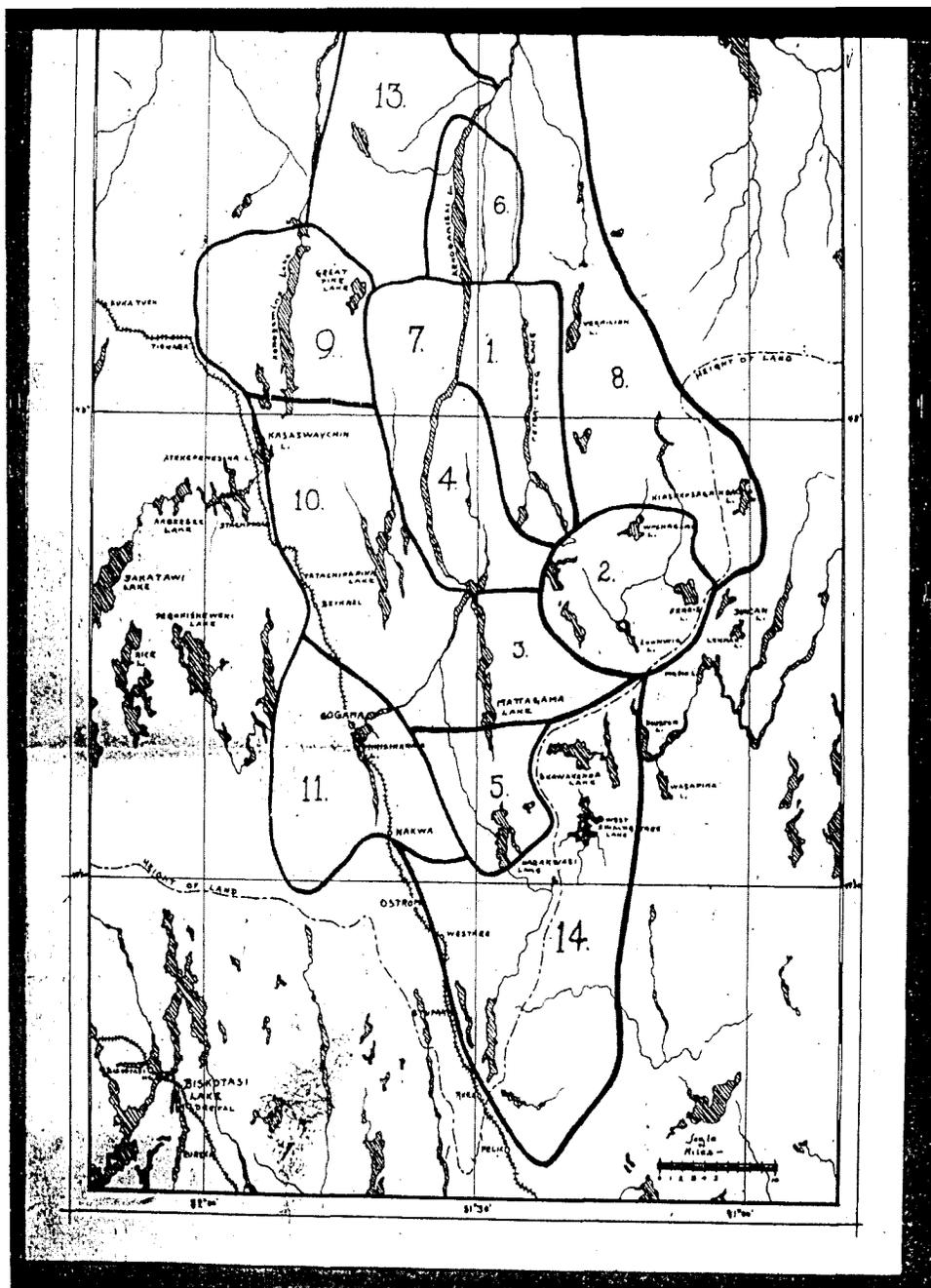
As socio-political artifacts, Speck's maps connected the Aboriginal presence on the land to their continued assertions of sovereignty and effective

control over their traditional territories. It is important to note that the development of Speck's maps coincided with a period in which Aboriginal peoples in eastern Canada were quickly losing their lands to the accelerated pace of resource development and non-Aboriginal settlement. The socio-political tensions surrounding Aboriginal land and resource issues in this region provided fertile ground for the development of Speck's representations of Aboriginal land and resource use. While Feit (1991) has suggested that Speck's representations of Aboriginal territoriality were a mere reflection of this colonial situation, I argue that the historical tensions surrounding Aboriginal land and resource use must be read as a distinct domain of knowledge associated with Speck's contributions to the larger theoretical debates within early 20<sup>th</sup> century anthropology. His representations of Aboriginal territoriality were not only fueled by intellectual and scientific classification systems, but grounded in a socio-political context. Specific and collaborative representations of Aboriginal territoriality, such as those found in Speck's work, have historically provided an important means of bridging the gulf between Aboriginal systems of land tenure and European property systems. While the ethnogeographic work of Speck's colleagues produced a descriptive corpus of material, Speck ultimately pioneered the application of this anthropological knowledge in helping to bridge the gap between European and Aboriginal land use practices.

Following the general ethnogeographic practice of representing Aboriginal territoriality through the use European style maps, Speck used official Canadian government maps as the base for his representations of Aboriginal

territoriality (1915, 1915a, 1923, 1927, 1927a, 1928, 1929, 1942) . He acquired these maps, for free, from Edward Sapir, his friend and Director of the Canadian Anthropology Division at Victoria Memorial Museum in Ottawa. These maps were part of the Department of the Interior's mineral district series and covered an extensive area of eastern Canada, including Nipissing, Temiscaming, Temagami, Abitibi and areas further south near the Ottawa River.<sup>10</sup> He used similar maps when documenting the territories of the Mik'maq in Nova Scotia and Newfoundland and relied on hand-drawn maps when working in Labrador. In order to map specific family hunting territories, Speck first acquired or established a list of the male members of a particular band. It is unclear why he only collected the names of male members. He probably collected this information from local Indian Agents or Band lists. The DIA's official procedure was to organize band lists and recognize Indian status based on the patriline. The gender bias associated with this administration was eventually addressed in 1985 when the federal government passed Bill C-31. This legislation amended the *Indian Act* to include new gender neutral eligibility rules for the application of Indian status (see Lawrence 2004).

Once Speck obtained a list of the male members of each band, he then consulted with each member to ascertain the location of the family's hunting district and have them clearly mark the area on a map.<sup>11</sup> An article published by the *Philadelphia Public Ledger* on 23 November 1913 outlined Speck's mapping practice. It stated:



**Figure 10:** This is a typical example of the sort of map Speck produced to represent family hunting territories. Using the official government series map of an area, in collaboration with Aboriginal people Speck (or his associate) hand drew in the various boundaries of hunting districts. The numbers refer to these specific districts, which he outlines in detail in the accompanying text. This particular unpublished map is of the Matagami First Nation, 2 October 1928. APS, FSC, Box 2, II, F.3, Film 1429, Reel 1.

To get this accurate map [Speck] carried with him through his trips a large Government section map on which the Indians he visited drew with their own hands the boundaries of their lands. The map would be spread on the floor of the tent and a family council would be held to insure the accuracy of the drawing. Sometimes the head of the family whose lands abutted would be summoned, and a minute question of line would be settled. When the limits of their land were completely outlined, Doctor Speck would continue his journey with his guides to the home of the next family, where a similar process would be gone through with.<sup>12</sup>

This practice provided Speck with the opportunity to work closely with Aboriginal peoples and also insured that the Aboriginal peoples directly contributed to the specific representations of their territories.

In some instances, Speck characterized his mapping of Aboriginal territoriality as part of a larger official project spear-headed by the Canadian government to document the territorial claims of Aboriginal peoples across the country.<sup>13</sup> While the official provincial-federal McKenna-McBride Commission was busy mapping reserve allocations for Aboriginal people in British Columbia during this period. There is no indication, however, that Speck was working for the Canadian government in the same capacity as these commissioners. His comments, however, provide some insights into the underlying rationale of his representations of Aboriginal territoriality and, one could argue that Speck believed that his work, like McKenna and McBride's, would ultimately aid the settlement of the outstanding issue of Aboriginal title in eastern Canada.

Speck, however, did not *always* work closely with Aboriginal people to document their territories. In some instances he relied on the post managers and



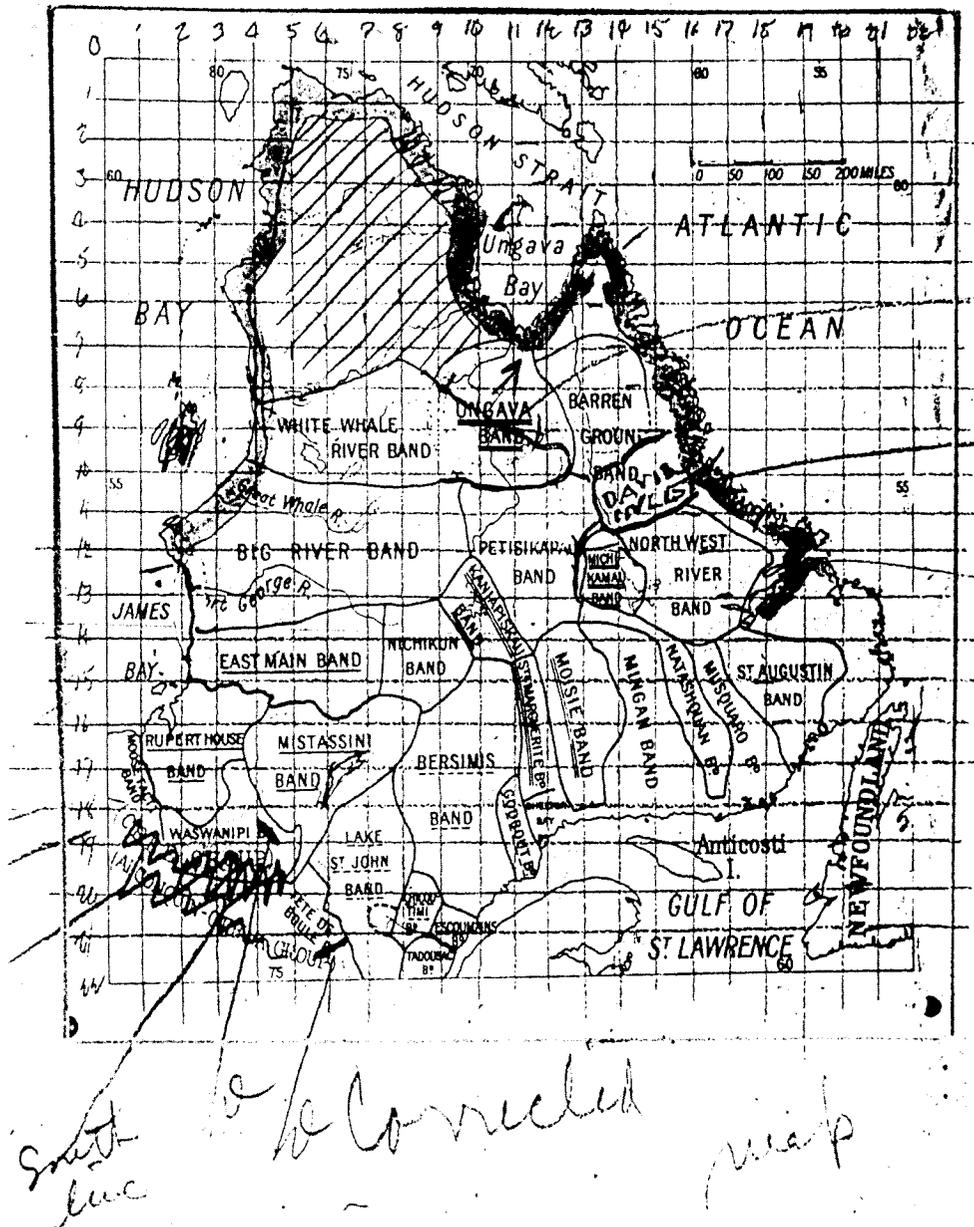
**Figure 11:** Extract of Clark Wissler's (1914: 477) culture group map showing the extent of the classification of Aboriginal peoples in eastern Canada in 1914.

employees of the HBC to gather this information. In mapping the family hunting territories of the Matagami First Nation, for example, Speck queried the HBC post at Gogama Ontario, just south of Timmins, whether HBC employees could ascertain and mark on a map the various family hunting territories of the Matagami. In reply to his request, on 2 October 1928, HBC employee D.H. Learmonth informed Speck that it was very difficult to obtain the required information because the Chief was reluctant to provide it. According to Learmonth, the Chief refused to provide the information because “he thought it some scheme of the ‘Americans.’ To steal their lands finally from the Indians.” Learmonth was able to provide Speck with some “scrappy” information, however, including a map that outlined the various family hunting territories (figure 10) and a list of names to accompany the map. He pointed out to Speck, however, that the only way to really map the territories was to spend a month or two going through these territories by canoe with an Aboriginal guide.<sup>14</sup>

It is curious to note that Speck never mapped the adjoining territories of the Temiscaming, Dokis and Wanapitei First Nations. These three First Nations have historically been connected to both the Temagami and Matagami First Nations, both through marriage and culture (see Hodgins and Benidickson 1989). The most probably explanation for this gap in his research, and also his reliance on the HBC post manager at Gogama to secure information for him, was lack of research funds and his priority for completing research among the Algonquin and Montagnais of northwestern Quebec and the Innu (Naskapi) of Labrador during this time period. As Marius Barbeau (1913: 124) noted in 1913,

there was virtually no anthropological knowledge associated with these specific areas—especially northwestern Quebec and Labrador (see figure 11).

Part of Speck's application of his extensive anthropological knowledge of Aboriginal peoples of eastern Canada was the production of general area maps illustrating the distribution of Aboriginal peoples in this area. As one of the only anthropologists during the early 20<sup>th</sup> century working in eastern Canada, Speck's knowledge of, and familiarity with, the distribution of Aboriginal territories in this area provided him with the opportunity to ensure that the specific boundaries, and distinctions between these boundaries, were recognized by other anthropologists and federal and provincial government officials. When the dispute over the Labrador boundary between Newfoundland and Quebec emerged during the 1920s, for example, the Canadian Department of Justice sought Speck's advice regarding the various territories of Aboriginal peoples in Labrador. On 16 February 1924, Associate Ethnologist of the Victoria Memorial Museum Frederick Waugh informed Speck that an official from the Department of Justice, James White, had visited the museum to inquire about the specific boundaries of the different family bands of the Montagnais, Naskapi and Cree in Labrador. In particular, White requested Waugh to ask Speck to indicate on a map the locations and names of the various First Nations in Labrador with which he was acquainted.<sup>15</sup> The result was a very detailed hand drawn map representing twenty-three distinct Aboriginal groups occupying the Labrador territory east of James and Hudson Bay (see figure 12).



**Figure 12:** Map, hand drawn by Speck, of the different bands of Naskapi, Cree and Montagnais living in Labrador, 1924. This map was later included in Speck's monograph *Nasakapi* (1935). APS, FSC, Fil 970.3, SP3P, Reel 18.

While Speck preoccupied himself with mapping the Aboriginal presence on the land, he was also mapped onto the landscape. On 8 October 1948, Quebec's Director of Public Works, J. Rousseau, informed Speck that, in honour of his contributions as an ethnologist to the understanding of Aboriginal issues in Quebec, the province decided to name a point of land in Lake Mistassini "Speck Point." In choosing the spot, Rousseau stressed that the Quebec government wanted to ensure that the area was well-known by the Cree and Naskapi who maintained their traditional territories in that space. He noted:

Indians often camp around [Speck Point] before crossing the lake, awaiting better weather conditions.... I could have dedicated perhaps a larger place to your name but as many of these are pretty near never visited by Indians, I have chosen preferably a spot that was better known by the Mistassini Indians.<sup>16</sup>

As strategic and practical applications of Aboriginal geographic knowledge, Speck's representations of Aboriginal territoriality in eastern Canada challenged the transformation of Aboriginal peoples and their lands from objects of colonial desire to subjects of Imperial control. While the Crown continued to assert sovereignty and effective control over the traditional territories of Aboriginal peoples, through surveying, colonial settlement and economic development, Aboriginal peoples continued to map these territories through their own geographic knowledge. This knowledge was (is) tightly imbricated within the general fabric of Mi'kmaq, Maliseet, Passamaquoddy, Montagnais, Naskapi, Cree and Ojibwa cultural expressions, and the everyday realities of a life close to land from which these expressions were manifested. It was this knowledge and

its practical and political application that Speck incorporated into his representations of Aboriginal territoriality. His mapping practices, in particular, provided the important connection between his theoretical representation of Aboriginal social organization and the conceptualization of territory as a subject of anthropological inquiry. He provided a transition between the distinct geographies of Aboriginal and non-Aboriginal peoples in eastern Canada by emphasising the distinct ways in which Aboriginal peoples viewed, approached and expressed sovereignty to their territories.

In order to achieve this, Speck relied on the translation of Aboriginal geographic knowledge into the practical language of European style maps. While Aboriginal geographic knowledge was largely inaccessible to mainstream society, Speck's maps could be understood by government officials, non-Aboriginal academics and the mainstream public. These types of hybrid texts were essential to Speck's life-long enterprise to counter racism by educating the public to accept Aboriginal cultures and arouse public awareness regarding Aboriginal land and resource rights. Homi Bhabha (1995:34-35) suggested that through a process of "hybridization" or "mimicry," texts can disturb the presence of ambivalent colonial objects and authority. In the case of Speck's mapping practices, by combining Aboriginal geographic knowledge with traditional European mapping practices, Speck turned the gaze of discrimination back upon the federal and provincial governments in Canada. By employing the same practices used to assert Crown sovereignty and effective control over Aboriginal traditional territories, Speck's representations of Aboriginal territoriality worked

within the ambivalent space in which articulations of traditional Aboriginal land use practices directly opposed those assertions of sovereignty and effective control by the Canadian government.

In Chapter Four, I further examine the tensions inherent in the specific assertions of Aboriginal sovereignty discussed in this chapter. I explore historical instances of how Aboriginal peoples in eastern Canada asserted their sovereignty and challenged the effective control of the federal and provincial governments with regard to their land and resource rights. This analysis provides a context for the examination of the practical aspects and collaborative nature associated with the early development of Speck's representations of Aboriginal territoriality discussed in Chapter Five. Instead of representing Aboriginal peoples as victims of colonialism, in Chapter Four I emphasize the direct involvement of Aboriginal peoples in the positive and practical resolution of their struggles over land and resource rights. While there will be little discussion or specific analysis of Speck's work in the following chapter, it is meant to underline the practical conditions and the working assumptions embedded within the production, accumulation and distribution of his notion of family hunting territories.

### **Notes**

1. This shift included the transformation of time into measurable pieces. These measurable time-pieces were visually perceivable and comprehended through a specific image of time. This included the installation of clocks in public places and the introduction of the geometrical-perspective in art (Earl 1999: 11-12).

2. In Australia, the legal and popular fiction of *Terra nullius* held until 1992 when the Supreme Court of Australia ruled against it in *Mabo & Others v. The State of Queensland* (1992) Also see Reynolds (1996, 1992, 1982) discussion of the disturbing history of the settlement of Australia.

3. *Lac Superieur by the Jesuits Claude Dablon and Claude Allouez, 1672*. NAC, Map Collection, File NMCO06407.

4. The Federal Department of the Interior was established in 1870 to administer the land and resources of the newly established prairie region. In 1930, Canada signed three separate Natural Resources Transfer Agreements with Alberta, Saskatchewan and Manitoba and in 1936, the Federal Department of the Interior was abolished.

5. In an attempt to address some of the cartographic limits of the SMS maps, in 1903 the Federal government introduced a new standardized mapping series, the Chief Geographer's Series. Three additional map series, the Geographical Section, General Staff Series and the National Topographic System, were issued during the latter part of the 1900s (Thomson 1969: 121-123).

6. An example of the federal government's policy of settling Aboriginal peoples during the late 19<sup>th</sup> century is the report of Indian Agent Allan McDonald to the Superintendent General of Indian Affairs Sir John A. MacDonald dated 12 September 1880. In his report, the Indian Agent stated that he had invited the Chiefs and Headmen gathered at the Qu'Appelle Lakes (Treaty No. 4) together to discuss the benefits of immediately settling on their Indian reserves. The agent stressed to the Chiefs that unless they settled on their Indian reserves he could "not assist them in their work, nor could their old people be as well cared for." A. McDonald to the Superintendent General of Indian Affairs, Sir John A. MacDonald, September 18, 1880. Canada, *Annual Report of the Department of the Interior*, 1880, pp. 104-105.

7. The close relationship between Dominion land surveyors and Aboriginal people is illustrated in the official report of Dominion Land Surveyor, W. Robertson, regarding the survey of Indian reserves in the Treaty No. 10 district. In his report to the Department of Indian Affairs, Robertson indicated the high level of involvement Aboriginal people maintained in the selection and surveying of their reserves. NAC, RG 10, Vol. 4065, File 412786-1, reel C-10182.

8. In the United States this came under the guise of the 1887 *General Allotment Act* which reduced Aboriginal territorial holdings from 140 million to 50 million acres. Under the act, each Aboriginal person received 80 acres of farm land or 160 acres of grazing land.

9. Canada, *Annual Report of the Department of Indian Affairs*, Ottawa: 1889, pp. 158-173 and 301-308; Canada, *Annual Report of the Department of Indian*

*Affairs*, 1890, pp. 120-112 and 132-140.

10. Speck to Sapir, 1913. CMC, FSC, Box 634F1.

11. 1930 Moisie River Field Notes, APS, FSC, Box 4, II, B7a, Reel 2;

12. "Pen Professor's Discovery Confounds Indian 'History'—Doctor Speck Establishes that the American Redskin Hunts on his Own Family Ground, is a Protector of Game, and is no Mere Rover." M.R. Lovell. APS, FSC, Box 1-Box 2, File II, F.3, Film 1429, Reel 1.

13. "Trying to Reconstruct Micmac Family Divisions." *Sydney Herald*. APS, FSP, BOX 13, III D3a, Reel 7.

14. D.H. Learmonth to Speck, 2 October 1928. APS, FSC, Box 2, II, F.3, Film 1429, Reel 1.

15. F. Waugh to Speck, 19 January 1924. APS, FSC, Box 4, II, B11a, Reel 2.

16. J. Rousseau to Speck, 8 October 1948. APS, FSC, Box 4, II, B9b, Reel 2.

## CHAPTER FOUR

### **Conflict and contestations: Aboriginal territoriality and jurisdictional disputes over Aboriginal resource and land use in eastern Canada**

Instead of trying to superimpose the present disciplinary map of anthropology onto Speck's work, this chapter seeks to understand the anthropological configuration of Speck's work on territoriality as an historically specific ensemble of knowledge, reconfigured and reordered through the dynamic interactions surrounding issues of Aboriginal land and resource use in eastern Canada during the 19<sup>th</sup> and early 20<sup>th</sup> centuries. In order to achieve this, I situate the development of Speck's representations of Aboriginal territoriality within the context of Canada's strict regulation of Aboriginal traditional territories and resource use. In particular, I focus on the active engagement of Aboriginal peoples in asserting their rights and seeking recognition from both the provincial and federal governments for the continuation of their traditional land use practices. While there will be little discussion or specific analysis of Speck's work in this chapter, I underline those practical conditions and working assumptions embedded within the production, accumulation and distribution of his notion of family hunting territories. In Chapter Five, I bring this discussion further into the context of the application of Speck's ideas regarding Aboriginal territoriality. I argue that the historical tensions surrounding Aboriginal land and resource use must be read as a distinct domain of knowledge associated with Speck's

theoretical contributions to the debate on the clan-gens theory within anthropology; Speck's representations of Aboriginal territoriality were not only fueled by intellectual and scientific representational practices but grounded in a specific socio-political context that included the practical application of anthropological knowledge.

The Canadian governments' strict regulation of Aboriginal traditional territories and resource use has invariably revolved around the application of measures which reinforce Crown jurisdiction to assert practical and political control over the traditional territories of Aboriginal peoples. The resulting tensions associated with this imposition of Crown sovereignty upon traditional Aboriginal land use practices are well represented in the legal legacy associated with the doctrine of Aboriginal title. While historic and present day legislative mechanisms have attempted to facilitate and acknowledge the importance of Aboriginal peoples' relationships with their territories, the courts have consistently failed to reconcile issues of Aboriginal title with Crown sovereignty. The first section of this chapter provides a brief discussion on these tensions, focusing on examining the notion of Aboriginal title as a means of bridging the gulf between Aboriginal systems of land tenure and European property systems. In Chapter Five, I discuss how Frank Speck pioneered the application of anthropological knowledge in helping to bridge this gap.

The second section of this chapter grounds the discussion of Aboriginal title in the historic disputes between Aboriginal peoples and the Canadian governments over the regulation of traditional Aboriginal land use practices. I

make an effort to provide a broad context regarding this issue, with particular attention paid to examining the specific tensions regarding access, use and regulation of Aboriginal territories in eastern Canada. My analysis includes examining specific incidents of disputes regarding the uses and regulation of game resources and traditional Aboriginal harvesting and subsistence patterns among the Hudson's Bay Company (HBC), the Department of Indian Affairs (DIA), provincial governments in Ontario, Quebec, Nova Scotia, New Brunswick, Newfoundland and Aboriginal peoples. This section highlights the active engagement of Aboriginal peoples in the political struggles over territory and resource use in Canada, and exemplifies tensions inherent in those attempts to bridge the gap between Aboriginal and Canadian land use practices.

### **Understanding Aboriginal title**

The analysis and recognition of colonial processes involved in the historical dispossession of Aboriginal peoples from their traditional territories provides greater insight into the relations of ruling and stories of resistance associated with the reconciliation of Crown sovereignty and Aboriginal title. In certain instances, the pervasive discipline imparted by Crown sovereignty in Canada, including the differential allocation of land in the provinces, backed up by laws, courts and jails, directly opposed the mobile fishing, hunting and gathering activities that helped to define the livelihoods and lifeways of Aboriginal peoples. As noted in Chapter Three, the imposition of Crown sovereignty on Aboriginal peoples historically imparted a land-system that attempted to define where

Aboriginal peoples could and could not go, while neglecting the articulation of Aboriginal peoples' geographic knowledge and land use practices. These relations of ruling, in turn, worked to construct Aboriginal peoples as trespassers within their own traditional territories (Harris 2002: 271; Slattery 1987: 735).

While historic and present day legislative and judicial mechanisms have attempted to facilitate and acknowledge that Aboriginal peoples' relationships with the land are particularly worthy of understanding and respect, the courts have consistently failed to address the question of Aboriginal jurisdictional sovereignty (Slattery 1987: 783). This failure presents a significant impediment to reconciling issues of Aboriginal title with Crown sovereignty, as Aboriginal title forms the basis or foundation of all other Aboriginal rights (Kulchyski 1994: 10). The historic assertions of sovereignty and effective control by the British and French Crowns in Canada revolved around the Nation-to-Nation relationships they maintained with Aboriginal peoples.

Throughout the early 1700s, France and Britain maintained a fragile peace introduced by the Treaty of Utrecht in 1713. Their ongoing struggle for control of the New World colonies throughout the mid-1700s, however, resulted in a series of wars, supported in large part by their colonial and Aboriginal allies. Relations between the British and French Imperial Governments and First Nations during this time period were carried out on a Nation-to-Nation basis (see Dickason 2002). These mutual dealings between Aboriginal peoples and the British Crown integrated and made explicit two very fundamental principles: the recognition of First Nations as autonomous political units and the affirmation by

the British Imperial Government of First Nations' title to lands (Slatterly 1993: 13-14). The integration of these principles in relation to Crown-Aboriginal associations set the foundation of a specific framework of Aboriginal rights. By recognizing First Nations as autonomous political units, the Crown realized that Aboriginal peoples were of a legal capacity to enter into treaties as independent peoples and were entitled to their territories until they ceded them to the Crown (Slatterly 1993: 13-14). A tension exists, however, between this Nation-to-Nation relationship and the practical application and development of colonial land acquisition practices made possible by the Royal Proclamation of 1763.

The "Seven Years War" culminated in 1759 when British General James Wolfe defeated the French forces of General Louis-Joseph de Montcalm at the Battle of the Plains of Abraham in the French colony of New France. The British conquest was completed the following year when British forces were able to maintain their hold on the town of Quebec and capture Montreal and the surrounding area. As a result of this conquest, the French monarchy surrendered New France to Great Britain and, on 10 February 1763, France and Great Britain signed the Treaty of Paris (See Nish 1965: 103-104 and 142-144).

In order to establish jurisdiction in the newly-conquered Canadian colonies, on 7 October 1763, King George III and the British Imperial Government issued a Royal Proclamation outlining the specific management of its British colonies, including the consolidation of its imperial position relating to the unceded Aboriginal territories. The Royal Proclamation of 1763 structured a formal, constitutional relationship between First Nations and the Crown,

reserving a large tract of territory east of the Mississippi River as “hunting grounds” for Aboriginal peoples (McNeil 1992: 3; Milloy 1983: 56; Stag 1981: 373-376). Part of this formal relationship was the establishment of specific principles relating to the status of these reserved territories, including the transfer of Aboriginal title to the Crown. The proclamation stipulated that only the Crown could purchase Aboriginal lands and that such purchases had to be unanimously approved by a council of Aboriginal people who were associated with the specific territory. The proclamation stated:

We do, with the Advice of our Privy Council strictly enjoin and require, that no private Person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where, We have thought proper to allow Settlement; but that, if at any Time any of the Said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or commander in Chief of our Colony respectively within which they shall lie.<sup>1</sup>

As a specific legal mechanism, the Royal Proclamation of 1763 provided a framework for the transfer of Aboriginal title to the Crown while simultaneously ascribing a structural boundary for the recognition of Aboriginal rights within the frame of colonial law (Kulchyski, 1994: 8; Roback, 1992: 12; Williams, 1990: 228). This formalized process of addressing Aboriginal territorial rights recognized an already existing political understanding forged between First Nations and the British Imperial Government regarding the status of Aboriginal peoples living under the protection of the Crown and the position of their territories, customary laws, and political institutions (Slatterly, 1987: 737). As

Cumming and Mickenberg (1972: 30) point out, the Royal Proclamation to this day has the force of a statute in Canada and has yet to be repealed.

Early Aboriginal title litigation in Canada during the 19<sup>th</sup> century, however, relied upon the unilineal notion that “savage” or “uncivilized” inhabitants of a colony did not maintain specific rights relating to land ownership (Henderson 1985: 191; Williams 1986). The Judicial Committee of the Privy Council’s (JCPC) 1888 decision in *St. Catherine’s Milling and Lumber Co. v. the Queen*, for example, represented Aboriginal peoples as primitive communalists, and represented Aboriginal title as a personal and usufructuary right dependant on the good will of the Sovereign (Kulchyski 1994: 22). Justice Patterson’s 1929 decision in the Nova Scotia case of *The Queen. v. Syliboy* illustrates how this 19<sup>th</sup> century ideology survived well into the 20<sup>th</sup> century. Patterson noted:

A civilized nation first discovering a country of uncivilized people or savages held such a country as its own until such time as by treaty it was transferred to some other civilized nations. The savages’ rights of sovereignty even of ownership were never recognized. Nova Scotia had passed to Great Britain not by gift or purchase from or even by conquest of the Indians but by treaty with France, which had acquired it by priority of discovery and ancient possession; and the Indians passed with it (1929: 313).

Patterson’s decision ultimately reinforced the notion that Aboriginal peoples did not maintain title to their territories prior to European assertions of sovereignty.

Over the last thirty years, the Supreme Court of Canada has struggled with redefining the 19<sup>th</sup> century legal legacy associated with this representation of Aboriginal title. High profile cases such as *Calder v. The Attorney General of British Columbia* (1973), *R.v. Sparrow* (1990) and *Delgamukw v. The Queen*

(1997) have all contributed to redefining the nature, scope and application of the doctrine of Aboriginal title in Canada. During the 1970s, the *Calder* decision opened up the possibilities of the modern land claims process. For the first time in Canada, Aboriginal title was recognized as a legal right rooted in Aboriginal peoples' historic occupation, possession and use of their traditional territories. The Supreme Court of Canada argued that Aboriginal title existed at the time of first contact with Europeans, whether or not it was recognized by the Crown during this period (Calder 1973).

In 1982, Aboriginal and treaty rights were enshrined in Canada's constitution and, during the 1990s, the Supreme Court of Canada furthered the legal and practical interpretation and application of these rights. While the *Sparrow* case in 1990 did not specifically address the issue of Aboriginal title, it helped to clarify that the existing Aboriginal and treaty rights recognized and affirmed by Section 35 of the 1982 *Constitution Act* were flexible and evolved over time. The significance of the decision was its acknowledgement that the federal government maintained a fiduciary responsibility towards Aboriginal peoples to negotiate issues in good faith, and that while Canada and the provinces could regulate existing Aboriginal rights in the name of conservation and management of natural resources, after these conservation goals were met, Aboriginal peoples' land use practices were to be given priority for subsistence, social and ceremonial purposes (Sparrow 1990).

While *Calder* and *Sparrow* set the stage for redefining the 19<sup>th</sup> century legal representations of Aboriginal title, the Supreme Court of Canada's 1997

decision in *Delgamuukw v. British Columbia* helped to further clarify the content and applicability of the doctrine of Aboriginal title. After a lengthy and controversial journey through the Supreme Court of British Columbia and the federal court of appeal, in 1997 the Supreme Court of Canada overturned provincial Chief Justice McEachren's ruling that the Gitksan and Wesuwet'en of northern British Columbia did not maintain title to their traditional territories. The Supreme Court of Canada's ruling centered upon a revolving set of interrelated questions surrounding the nature, content and origin of Aboriginal title in British Columbia. Generally, the decision recognized that Aboriginal title was a right to land and, as such, was more than an usufructuary right, or the right to engage in specific activities (Delgamukw 1997).

In accordance with its ruling in *R. v. Van der Peet* (1996), in *Delgamukw* (1997) the Supreme Court ruled that Aboriginal title conferred the right to use land for a variety of activities, not all of which needed to be specific aspects of practices, customs and traditions integral to the distinctive cultures of Aboriginal peoples. The degree of the connection Aboriginal people maintained with the land, however, is pivotal in determining the scope of their Aboriginal title. The Court also argued that, while Aboriginal title conferred the right to the land itself, there was an inherent limit on that right which confined use of the land to the nature of the Aboriginal attachment to the land put forward to the court (*Delgamuukw* 1997: 117, 125).

While the Supreme Court of Canada's *Delgamuukw* ruling further clarified the scope and applicability of the doctrine of Aboriginal title, it also helped to

strengthen the position of First Nations in negotiating land claims agreements in Canada. The recognition of Aboriginal title as encompassing the right to exclusive use and occupation of land for a variety of reasons allows First Nations to engage the federal and provincial governments in a system of negotiations to acknowledge Aboriginal title rights to unextinguished lands (Culhane, 1998:364). This recognition of Aboriginal title was further entrenched in the British Columbia Court of Appeal's two decisions in 2002: *Haida Nation v. British Columbia (Minister of Forests)*, (2002)<sup>2</sup> and *Taku River Tlingit First Nation v. Tulsequah Chief Mine Project* (2002). In both these cases, the court cited *Delgamukw* and ruled that the federal and provincial governments, as well as industry, had a "duty to consult" Aboriginal peoples prior to the infringement of their Aboriginal title through activities related to resource development. In 2004, the Supreme Court of Canada (2004) upheld both the B.C. Court of Appeal's decision in *Haida Nation* and *Taku River*. The decisions both stressed, however, that only the Crown, and not industry, had an obligation to consult and seek accommodation with Aboriginal peoples prior to the infringement of their Aboriginal title. On 24 November 2005, the Supreme Court further entrenched this notion of the governments' duty to consult in its ruling on the case of *Mikisew Cree Nation v. Canada (Minister of Canadian Heritage)* (2005).

The pattern of all these recent decisions reflects the Supreme Court of Canada's continued encouragement for the development of lasting and meaningful negotiations between First Nations and the provincial and federal governments to facilitate Aboriginal people's claims to Aboriginal title outside the

context of litigation. In order for these sorts of negotiations to be effective and meaningful, however, Aboriginal relations to the land and the history of dispossession incurred through colonial processes of settlement and effective control, need to be acknowledged. Ideally, working partnerships between First Nations and the Crown would provide a framework for the development of a lasting political relationship based on equality and a commitment to address outstanding Aboriginal title issues, including the question of Aboriginal sovereignty and self-government (Asch and Zlotkin 1997: 225-229; Culhane, 1998:356; Borrows 1999).

This is particularly important for those First Nations still struggling with Canada for recognition of their decades old land claims. The Supreme Court of Canada's recent decision in *R. v. Bernard* (2005) and *R. v. Marshall* (2005) highlights this issue. In these two cases, the SCC rejected the Mi'kmaq's assertion of Aboriginal title, arguing that the Mi'kmaq had not sufficiently proven exclusive occupation and effective control of their traditional territories. According to the SCC, the Mi'kmaq failed to illustrate that they enjoyed sufficient physical possession of their territories and a continuity of traditional land use practices. It is now up to the Mi'kmaq to challenge the SCC's decision by establishing a continuity of physical occupation and use of their traditional territories. This, however, is not a new challenge for the Mi'kmaq, or the various other groups of Aboriginal people in eastern Canada, but a continuing struggle that has been ongoing for hundreds of years. In the following section, I highlight how these struggles during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries provided a demand for the

type of anthropological knowledge produced through Speck's representations of Aboriginal territoriality.

**Resisting regulation: Conservation, control and controversy over  
Aboriginal land and resource rights in eastern Canada, 1880-1930**

After Confederation in 1867, Canada became responsible, under Section 91(24) of the *British North America (BNA) Act*, for "Indians and lands reserved for Indians." Treaties between the federal government and First Nations in Canada became one of the official and principal means of addressing the question of Aboriginal title and provided the means to open up land for colonial settlement. The *Indian Act* became the legislative means by which the federal government maintained jurisdiction over Aboriginal peoples and their lands. Treaties routinely reserved large tracts of land and recognized the rights of Aboriginal people to continue their traditional activities. Among other things, treaties guaranteed that Aboriginal peoples would retain the full and free privilege to hunt over the territories not ceded to the Crown and to fish in the waters as they were accustomed to doing, except in those portions sold to private individuals or set aside by the government for specific uses (Dickason 1992: 254: see Morris 1991).

As a result of the JCPC's 1885 decision in *R. v. Robertson*, however, the provinces gained responsibility for the administration and regulation of fish and

game resources. The JCPC decided that since some game was not migratory and did not intersect other areas of federal control, such as the inland and coastal fisheries, provincial authorities maintained the right of exclusive control.<sup>3</sup> While the decision in *R. v. Robertson* spelled out the jurisdictional parameters between the federal and provincial governments, it did not adequately address the regulation of Aboriginal treaty rights, and more specifically, those Aboriginal hunting or fishing rights in British Columbia and eastern Canada not recognized by treaties (Pulla 2003: 138-140).

*R v. Robertson* permitted the provincial governments to pass legislation to regulate hunting and trapping, including Aboriginal hunting and trapping activities. Provincial game laws typically emphasized sport hunting rather than hunting for food; and government regulations permitted the taking of limited numbers of animals in short seasons. Furthermore, provincial authorities required that Aboriginal peoples, like white settlers, pay for the privilege of hunting. In response to this new jurisdictional relationship, the Department of Indian Affairs (DIA) stressed to the provinces that Canada's treaty obligations to Aboriginal peoples needed to be recognized and that the provinces needed to guarantee Aboriginal peoples' access to game for their livelihood.

The enforcement of the Manitoba game laws against Aboriginal peoples during the late 1880s, for example, brought an immediate response from the DIA. While the DIA requested that Manitoba allow Aboriginal people certain rights to kill game out of season, the province refused to make any special exceptions in favour of Aboriginal peoples. On 19 March 1890, Manitoba

Minister of Agriculture T. Greenway remarked to Deputy Superintendent General of Indian Affairs L. Vankoughnet, that the province introduced its game laws in direct response to concerns from settlers and government guardians regarding the wanton slaughter of wildlife by Aboriginal peoples. Greenway noted that, while the province did not intend to disregard treaty hunting rights, it could regulate these rights in the spirit of conservation.<sup>4</sup>

In response to this situation, Vankoughnet assured the Superintendent General of Indian Affairs, Sir John A. MacDonald, that the policy of the Manitoba Government was exceptional and “in every other Province all Indians [were] allowed to kill game at any season of the year and anywhere for sustenance, but they are not permitted to kill game in the close seasons for market.” He further stressed that if Manitoba strictly enforced its position, a very serious situation could develop.<sup>5</sup> As noted earlier in this chapter, during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, the treaties formed the basis of the administrative relationship between Aboriginal peoples and the two levels of government in Canada. Through the treaties and the legislative framework of the *Indian Act*, Canada exercised its constitutional obligation to and jurisdiction over “Indians and lands reserved for Indians,” including hunting and fishing rights. This jurisdictional framework ensured that provincial authorities did not overstep their bounds and responsibilities. As a result of *R v. Robertson*, however, the Provinces continued to test the scope and application of Canada’s jurisdictional control over Aboriginal peoples.

Manitoba, however, was not the only province in which provincial game laws prevented Aboriginal peoples from continuing to pursue their traditional harvesting activities. In sections of eastern Canada and British Columbia, where provincial and federal authorities did not recognize treaties, the situation was much more difficult. On 10 April 1896, the Indian Superintendent at Victoria, British Columbia, A.W. Vowell, informed the Deputy Superintendent General of Indian Affairs, Hayter Reed, that the provincial authorities had imprisoned an Aboriginal man for killing ducks to feed his family. In response to the charge, Reed suggested to Vowell that the punishment was "an exceedingly harsh measure" and he approved of Vowell's attempts to secure the man's release.<sup>6</sup> Later that month, Reed informed the Controller of Inland Revenue E.G. Prior that the provincial authorities in British Columbia were exacting extreme measures in response to Aboriginal hunting and fishing activities. Reed stressed, however, that the DIA was doing everything it could to work with provincial officials to secure exemptions for Aboriginal peoples to pursue their traditional subsistence activities.<sup>7</sup> Vowell eventually informed Reed that the case of the Aboriginal man killing the ducks had been thrown out of court because the ducks were not considered marketable under the provincial *Game Act*. He also noted that there had been other similar cases, but that the public were "all with the Indians whom they think are being unnecessarily persecuted by the Police and Game Society's Constables." He added that the *Game Act* should be amended to allow Indians to hunt and fish for their own food.<sup>8</sup> That summer, British Columbia amended its

*Game Act*, inserting Section 5(7) which permitted Aboriginal people to hunt game for subsistence but not for trade.

British Columbia borrowed this section directly from Ontario's 1892 *Game and Fisheries Act*. The legislation, the result of a two year inquiry by a provincially appointed Game and Fish Commission, provided for the protection and conservation of all game, fish and non-migratory birds in Ontario. The legislation and the comprehensive report that accompanied it contained numerous provisions to preserve Ontario's wild life. These included quotas to govern the number of animals allowed each season, open and closed seasons to regulate and conserve fish and game stocks, and a framework for the application of complete bans on the hunting or trapping of certain animals (Calverley 1999: 2). Unique to this legislation was the inclusion of a clause recognizing Aboriginal rights to hunt and fish for subsistence. It stated:

The provisions of the game laws of this Act shall not apply to Indians or to settlers in the unorganized districts of this Province in regard to any game killed for their own immediate use for food only, and for the reasonable necessities of the person killing the same and his family, and not for the purpose of sale or traffic. And nothing herein contained shall be construed to affect any rights specially reserved to or conferred upon Indians by any treaty or regulation in their behalf made by the government of the Dominion of Canada.<sup>9</sup>

The inclusion of this clause was a direct result of the findings of a report prepared by E.B. Boron for the Ontario government's Game Commission. The Commission sent Boron north to investigate the traditional harvesting and subsistence patterns of the Aboriginal peoples living around Hudson's Bay. His

report stressed that the Aboriginal peoples in the area lived principally on fishing, hunting and trapping, noting that rabbits, ducks and other fowl were important food sources. According to Boron, families tried to secure hunting territories that possessed large populations of this small game in order to ensure an adequate food supply. He informed the Commission that the Aboriginal peoples would “. . . eat almost anything, from a bear to a skunk, a fact of which I have had ocular and other demonstrations.”<sup>10</sup> He also noted that the beaver were of particular importance to the Aboriginal people. While it provided fur for trading, an adult beaver, weighing forty pounds, also provided “as much as twenty-five pounds of actual food” (Calverley 1999: 132-133). Since hunting, fishing and trapping were the only source of food and income for Aboriginal peoples, Boron recommended that the Ontario government protect their harvesting rights, stressing that non-Aboriginal people entering into the region would trap and hunt with no interest in maintaining a sustainable supply of animals because it was not in their immediate interest (Calverley 1999: 134). Boron’s report ultimately emphasised that since Aboriginal peoples in Ontario concerned themselves with the conservation of game and fish resources, the provincial government did not have to impose strict regulations on their harvesting practices.

While British Columbia emulated Ontario’s legislative acceptance of Aboriginal subsistence activities, unlike Ontario, the province did not base its game legislation on the recognition of Aboriginal rights to hunt and fish. British Columbia did not recognize any treaties with the Aboriginal peoples in that province. In fact, the “Indian land question,” and the resulting jurisdictional

disputes over territory in British Columbia generated much debate and acrimony among provincial and federal officials. In 1876, for example, Governor-General Lord Dufferin stressed to provincial authorities in British Columbia the importance of acquiring Aboriginal title to lands through formal treaties. British Columbia, however, refused to recognize the need for such treaties. Instead, in light of the decrease in the Aboriginal population, the provincial government stressed its entitlement, or reversionary right, to abandoned Indian reserves, or to the excess traditional Aboriginal territories in the province (Drucker 1958: 89; see Fisher 1977).

Canada's acceptance of British Columbia's reversionary right as a condition for entry into Confederation proved problematic for the Aboriginal peoples of the province. In 1887 a delegation of Chiefs from the Nass River and Port Simpson petitioned the provincial government for the return of their lands and a formal treaty recognizing their exclusive rights to those lands (Drucker 1958: 89). While a Joint Commission on Indian Reserves continued to study the land needs of Aboriginal peoples in British Columbia, it did not provide a substantial resolution to the "Indian land question." In response, in 1890 the Nishga'a established the "Nishga Land Committee" to promote their own interests in solving the land question. The committee raised funds to send delegations to Victoria and Ottawa to present their claims, to hire a lawyer to advise and represent them and to draw up documents and petitions (Drucker 1958: 91). Similarly, in 1906, the Squamish sent a delegation to England to present their grievances directly to the Crown. In their petition they claimed that

their Aboriginal title had never been properly extinguished and as a result non-Aboriginal peoples continued to settle on their lands. They stressed that Canada refused to acknowledge their claims and did not consult with them on issues affecting their title (Drucker 1958: 92).

In response to increasing tensions regarding the land issue, in 1912 British Columbia approved the establishment of a joint federal-provincial Royal Commission on Indian Affairs, the McKenna-McBride Commission, in the province and agreed to be bound by its findings. Over a period of three years, this Commission visited every Indian Reserve in British Columbia, hearing representations from Aboriginal peoples regarding their Aboriginal title. Empowered to recommend that specific tracts of land requested by Aboriginal delegations be set aside as reserves, the Commission also sought the advice of anthropologists regarding the issues of territory. On 18 July 1912, for example, James Teit informed Harlan Smith, head of the Archeological Division at the Victoria Memorial Museum in Ottawa, that he was heading off to the Okanagan Valley to help settle the issue of the Canadian Pacific Railroad's right of way through the interior of British Columbia. He indicated to Smith that it was going to "be a big convention of interior Indians . . . chiefly to discuss the land question. The McKenna special commissioner from Ottawa is to be there. He has been sent out to try and make a settlement between the Indians, and the B.C. Government."<sup>11</sup> It is important to note that this was the same period in which Speck began his work mapping Aboriginal territoriality in eastern Canada.

Aboriginal delegations to the McKenna-McBride Commission continuously stressed to the commissioners an understanding of their Aboriginal title in connection to their relationship with the land, something Speck's representations of Aboriginal territoriality also addressed. Chief Amos Gosnell from the community of Aiyansh on the Nass River, for example, indicated to the Commission in 1915 that his people had maintained a continued connection to their territories over the years through their traditional activities. He stated:

Amongst these trees and all around this land we have worked all our lives getting our food—we were practically born amongst these trees around here. We are not asking for anything we don't know about—as we were born here and this we consider is ours down to a creek known by the name of Ks-gamal—all this land we consider belonging to us and we use this for a working ground both to support our children and also our old men.<sup>12</sup>

Aboriginal delegations also pointed out to the commissioners that provincial game regulations severely limited their traditional activities and compromised their access to their traditional territories. In 1913 Cowichan Chief Joe Kukahalt informed the commissioners that his people found it extremely difficult to pursue their traditional activities on the land without being arrested by provincial officials. He noted:

The white men are making laws which are getting our people into trouble. The way they are now, our people cannot do anything without violating some law. They cannot get their grub anywhere without being subject to some law. No matter what they try to take for food they get into trouble about it.<sup>13</sup>

The Aboriginal peoples in eastern Canada faced similar issues regarding access to their traditional territories. The governments of Quebec, Nova Scotia, New Brunswick and Newfoundland did not recognize Aboriginal peoples' title to their traditional territories. Unlike British Columbia, however, these provinces did not include special provisions in their legislation that recognized Aboriginal traditional harvesting practices. Nor did they establish joint provincial-federal commissions to investigate and settle Aboriginal title claims. In 1896, for example, Quebec amended its *Game Act*, making it mandatory for every hunter to purchase a licence. The legislation also restricted the hunting of moose, deer and caribou out of season. Section 2 of the act had the most impact, however, as it restricted the trapping of beaver and muskrat for four years and established a closed season, between April and November, to limit the harvest.<sup>14</sup> Unique to Quebec during this time period, Section 10-1417a of the legislation provided for the recognition and establishment of "hunting territories" by provincial Order in Council (OIC). It stated:

From and out of the public lands remote from settlement it shall be lawful for the Lieutenant General in Council upon the recommendation of the Commissioner [of Crown Lands] to erect hunting territories which shall in no case exceed four hundred square miles and provided such lands are not subdivided into lots or are unfit for cultivation.

The Commissioner may lease, either by auctioneer or by private agreement any such hunting territory to one or more persons for a period not exceeding ten years for an annual sum of not less than one dollar per square mile agreed up between him and the lessee.<sup>15</sup>

There was no specific indication, however, that these hunting territories recognized Aboriginal title to a specific area or that Quebec recognized

Aboriginal peoples' rights to continue the traditional activities associated with their livelihood and cultures. In fact, in February 1896 the Mohawks at St. Regis requested that Reed interfere in Quebec's new game laws. They indicated that the legislation's prohibitions on hunting and trapping "out of season" and the establishment of a closed season on beaver until 1900 severely affected their livelihood. In reply to the situation, on 8 March 1896 the Deputy Superintendent General of Indian Affairs, Hayter Reed, informed the Indian Agent at St. Regis that he could not interfere with the provincial game laws.

Three months later, on 12 June 1896, the Commissioner of the Hudson's Bay Company (HBC), G.C. Chipman, suggested to Reed that Quebec's new game laws greatly affected the Aboriginal peoples in both the "organized and unorganized portions" of the province. While Chipman inquired whether the provisions of the act could, in fact, be enforced, he never let on that the HBC was directly affected by the restrictions on Aboriginal hunting and trapping activities.<sup>16</sup> That same month, on 20 June 1896, Reed forwarded Chipman's request to the Assistant Provincial Secretary, requesting clarification regarding the extent of the application of Quebec's game laws to the Aboriginal peoples.<sup>17</sup> That same day, Reed wrote to the Assistant Commissioner of Crown Lands in Quebec, A. Taché, regarding the application of the provincial game laws to Aboriginal peoples. He stressed to Taché that "the Indians of the province of Quebec who depend upon the chase for support, derive their livelihood mainly from the trapping of beaver and if they be prohibited from taking Beaver until 1900 great destitution will be entailed."<sup>18</sup>

By the end of 1896, Taché informed Reed that the provincial government intended to enforce the hunting and trapping regulations against Aboriginal peoples. He noted, however, the possibility of establishing special accommodations for Aboriginal peoples. This included issuing a special permit “to any Indian whose poverty would be well established and who would require hunting the beaver as means of subsistence for himself and family.”<sup>19</sup> While Taché pitched this idea to Reed, Chipman pressed for an official opinion from the Minister of Justice regarding the validity of the legislation. He stressed that the regulations were “*ultra-vires*,” as the provincial government did not maintain the legal power or authority to regulate Aboriginal rights.<sup>20</sup>

Quebec, however, was not the only province in eastern Canada to enforce its game regulations. As early as 1894 in Nova Scotia, the provincial government arrested Aboriginal peoples for contravening its game laws. On 15 April 1894, Abraham Toney, a Mi’kmaq from Bear River informed the DIA that the provincial government arrested him for killing a moose out of season, giving him the choice of two months in jail or a fine of \$80.50. Toney’s request for assistance, however, was ignored and the DIA informed Toney’s Indian Agent, F.A. McDormand, that “Indians [were] liable under the game act like white men.”<sup>21</sup> Similarly, in New Brunswick, on 3 March 1896, John R. Dominic, a Mi’kmaq from Red Bank complained to the DIA that provincial game wardens were confiscating moose killed by his people. Dominic requested the DIA to clarify whether the Mi’kmaq were subject to provincial game laws. In reply, McLean informed

Dominic's Indian Agent, W.D. Carter, that the Mi'kmaq were subject to game laws, stressing the importance of conservation for the Indians.<sup>22</sup>

The ad-hoc nature of the distribution and eligibility of the proposed special permits by Quebec further reflected the increasing divide between federal and provincial jurisdiction over issues relating to Aboriginal peoples. The problematic nature of poverty as the main eligibility criterion certainly did not take into consideration the poor living-standards many Aboriginal peoples faced on a day-to-day basis. Starvation, in particular, was an increasing reality for many Aboriginal peoples on the north shore of the St Lawrence River (see Pulla 2003). While it is unlikely that Taché intended to provide special permits to all Aboriginal peoples in the area, the question still remained who would, or could, distinguish a poor Indian from a relatively self-supporting one, and what criterion would be used in the selection process.

The DIA, however, maintained its position that Aboriginal peoples were subject to provincial hunting and fishing regulations. Reed subsequently informed all the Indian Agents within Quebec that they needed to ensure that Aboriginal peoples understood and followed the provincial regulations. He also suggested to the Indian Agents that they help all Aboriginal peoples obtain permits if they qualified. Similarly, Reed requested that Chipman provide him with a list of all the names of Aboriginal peoples in Quebec that he believed should receive special permits from the provincial government.<sup>23</sup> While Chipman eventually forwarded a detailed list of names to Reed, he stressed that the prospect of issuing permits to Aboriginal peoples for subsistence was ludicrous. According to Chipman, the

Aboriginal peoples in Quebec believed that their rights to hunt could not be taken away from them and that they would trap beaver regardless of whether they required it for subsistence.<sup>24</sup>

As part of the provincial government's efforts at conserving game resources, Quebec established various reserves or "Parcs Nationaux" throughout the province. The provincial government limited access to the parks and required hunters and fishermen to purchase permits and licenses. Catch limits and quotas were strictly enforced. Any contravention of these regulations was punishable under provincial legislation. One such park was established around the southeast side of Lac St. Jean on the north shore of the St. Lawrence River. The park encompassed 300 square miles of forest and included portions of the traditional territories used by the Aboriginal peoples in the area. On 4 January 1897, the Indian Agent at Pointe Blue, P.L. Marcotte, informed Reed that Quebec's new park proved very detrimental to the Aboriginal people of the area. According to Marcotte, government game guardians confiscated numerous traps and chased the Montagnais off their hunting grounds, which were now within the confines of the park.<sup>25</sup> In response, Reed requested Taché to issue special permits to the Aboriginal peoples around Lac St. Jean. Taché, however, insisted that, although amendments to the *Game Act* provided for the issuing of permits to Indians "whose poverty has been established to his satisfaction of the Game Commissioner," Quebec would not permit Aboriginal, or non-Aboriginal, trapping activities inside a park.<sup>26</sup>

Later that same month, Reed informed both Marcotte and Chipman that Quebec intended to enforce its regulations strictly against trapping inside park boundaries.<sup>27</sup> In response to Reed, on 4 March 1897, Chipman stated that the HBC considered the state of affairs unbelievable and would “not rest until the Indians are granted their rights to trapping for a livelihood.”<sup>28</sup> While Reed attempted to obtain further clarification from Taché regarding the issuance of special permits, Taché reiterated that Quebec considered the trade of beaver skins completely forbidden and stressed that the government had not issued beaver permits to anybody. Chipman, however, was not impressed with the lack of results by the DIA on this issue. On 23 March 1897 he accused Reed and the DIA of not doing enough for the Aboriginal peoples, suggesting that they should work harder to secure their rights. In response to Chipman’s accusations, on 13 April 1897, the DIA’s acting secretary indicated that the department considered it was doing all it could for the Indians.<sup>29</sup>

Apparently, however, the DIA was not entirely convinced that it had sufficiently exhausted all measures and avenues regarding this issue. A general memo prepared by the DIA to the Minister of the Interior regarding Quebec’s game laws highlighted the fact that the Aboriginal peoples in the province relied on beaver, both as a source of food, and as a trade commodity for clothing, ammunition and other necessities. The memo stressed that Quebec’s strict application of its game laws severely limited the livelihood of Aboriginal peoples. The memo also critiqued the special permit system introduced by Quebec. The DIA considered the system inadequate as it did not address the acute loss of life

brought on by starvation and concluded that the enforcement of the game laws ultimately would not provide the desired ends. The memo noted: “as experience has indicated in the more civilized parts of the country, the real cause of the extinction of the beaver has been indiscriminate trapping and hunting by others than the Indians—in areas where the Indians are alone there is little if any domination.”<sup>30</sup>

During the spring of 1897, this issue found its way into parliament. Canada debated whether Quebec’s game laws applied to the Aboriginal peoples in the province who still maintained a mobile hunting and fishing lifestyle. A confidential brief, prepared for the Minister of the Interior in response to this inquiry, highlighted sections from the 1847 Gesner Report on Indian Affairs regarding the treaty status of Aboriginal peoples in Lower Canada. In his report, Gesner indicated that Aboriginal title in Lower Canada had become circumscribed within defined limits and, in many instances, was held by patents under the French Crown or individual seigniories. Of these reserves, Gesner pointed out that several groups still retained possession of their Aboriginal title, “namely on the Ottawa which the Indians have not been dispossessed of their ancient hunting grounds without compensation.” The brief to the Minister of the Interior concluded that since reserves were set aside for the Indians, they were therefore subject to provincial game laws.<sup>31</sup>

A general memo prepared by the DIA reaffirmed the federal government’s official position on the status of Aboriginal peoples in Quebec. The DIA confirmed that they were not considered treaty Indians as there was never any formal

extinguishment of Aboriginal title in Quebec. Since reserves were set aside for them by the Government of Canada, they were still subject to the provincial game laws. The memo reiterated, however, that beaver and other fur bearing animals were the principal means of subsistence for Aboriginal peoples and the DIA feared starvation if the provincial game laws were enforced. The DIA therefore urged that Quebec grant Aboriginal peoples a general exemption from the Game Laws.<sup>32</sup>

On 2 June 1897, the DIA requested the Privy Council to issue an official exemption and, on 14 June 1897 Order-in-Council (OiC) P.C. 18788 ordered that “the Indians should be exempt from the game acts so that their means of livelihood and subsistence are not removed.”<sup>33</sup> The provincial government, however, did not appreciate the federal government interfering with its jurisdiction over game resources. On 16 July 1897, the Lieutenant Governor of Quebec passed OiC 189248 reaffirming provincial control over game resources. The OiC stated that Quebec considered its game regulations “justly provident and made in the general interests of the Province and that the Indians themselves will be the first to benefit therefrom.”<sup>34</sup>

By the turn of the century, Aboriginal peoples in Quebec, as well as in Nova Scotia and New Brunswick, became increasingly vocal to the DIA regarding the effect of the provinces’ strict enforcement of game laws on their Aboriginal rights. In one letter to Prime Minister Sir Wilfrid Laurier on 7 October 1898, two Abenaki hunters stressed that non-Aboriginal peoples continued to encroach on their hunting territories and that the closed seasons on beaver and caribou

severely limited their livelihoods.<sup>35</sup> Similarly, on 18 July 1899, Aboriginal hunters at Bersimis petitioned the DIA for permission to hunt and trap on their hunting grounds.<sup>36</sup> E. Moureau, a member of the Escoumaine band, requested the DIA to set aside a piece of land for him which he had always occupied as his hunting territory. He stated that the territory had always been his and that it was where he had raised his family and hunted for a living. Contrary to claims by the provincial government, Moureau stressed that he had always protected the beaver and prevented other hunters from killing them. He stated:

I myself have never removed traps and suspended them in the trees with the beasts caught therein—I think it would be just that I should have this piece of hunting land and that no one else should be allowed to hunt thereon - lately Canadian hunters have been there to hunt and I do not know what will happen in the future and I wish that they would cease hunting in this direction, this is not their manner of making a living.<sup>37</sup>

On 9 February 1897, the Mi'kmaq at Bear River adopted a resolution regarding the strict enforcement of provincial game laws. The resolution confirmed that the Mi'kmaq had always depended on hunting as a means of support, and that the game laws were unjust as they restricted the Mi'kmaq from maintaining their livelihood. The resolution stated that the laws forced the Mi'kmaq either to break the laws or starve and called upon the DIA to secure their exclusion from the regulations.<sup>38</sup> There is no indication that the DIA addressed the appeals from the Mi'kmaq. On 26 February 1902, Elizabeth Paul informed the DIA that provincial officials in New Brunswick arrested her husband, William Paul, for killing a moose out of season. Paul expressed her frustration to the DIA,

stressing that the Mi'kmaq looked to Canada for recognition and protection of their rights. She stressed:

Now we Indians always consider ourselves wards of Canada and are allowed to kill a few animals for our own use and not strictly under provincial game laws. We Indians think that the said William Paul is unjustly imprisoned and yet are unable to do anything on account of our poverty and obscurity.<sup>39</sup>

In response to Paul's claim, the DIA asserted that, as in Quebec, no treaty or Canadian statute law reserved the Mi'kmaq any special hunting or fishing rights, and therefore Aboriginal peoples were subject to provincial game laws. The DIA, however, requested the Attorney General of New Brunswick to release Paul on the grounds that he was unaware that the provincial game laws applied to Aboriginal peoples.<sup>40</sup>

Contrary to the DIA's supposition that no treaty between the Mi'kmaq and the Crown existed, and that the Mi'kmaq were ignorant of their Aboriginal rights, in March 1906 Chief Paul and Chief Burnett from King's Cove informed the DIA that a treaty with the British Imperial Government in 1726 recognized and affirmed their Aboriginal rights. Subsequently, Paul and Burnett requested the DIA to clarify its understanding of their treaty rights. They indicated that Mi'kmaq understood the treaty as recognizing their rights "to cut what wood they want[ed] to use when they [could] and also to fish and hunt in and out of season."<sup>41</sup> The treaty Paul and Burnett referred to was the 1725 Treaty of Annapolis Royal, ratified in 1726 by seventy-seven Mi'kmaq from nine separate villages on mainland Mi'kma'ki, Unimaki and the east coast of New Brunswick as well as

John Doucette, Lt. Gov of Annapolis Royal and William Sherif, secretary of the Nova Scotia Council. The treaty contained numerous clauses, including the recognition of the Mi'kmaq's hunting and fishing rights (see Wicken 2002). With regard to hunting and fishing rights the treaty stated:

Saving unto the Penobscot, Naridgwalk and other Tribes within His Majesty's province aforesaid and their natural Descendants respectively all their lands, Liberties and properties not by them convey'd or sold to or possessed by any of the English Subjects as aforesaid. As also the privilege of fishing, hunting, and fowling as formerly.<sup>42</sup>

On 16 March 1906 the DIA informed the Indian Agent at King's Cove, C.R. Berkwit, that the department was unaware of any treaty between the Mi'kmaq and the Crown conferring the right to cut wood. McLean stressed that if the Mi'kmaq attempted to exercise their treaty rights, they did so at the risk of prosecution and punishment for trespass. With regard to hunting and fishing, McLean stated that the DIA did not support their claims and allegations, and suggested that the only exemption from the laws must be contained in the laws, which, he emphasised, are "as beneficial to the Indians as to any other class of the community." He concluded that any disregard of the laws would be at the Mi'kmaq's own risk as the DIA was powerless to protect them.<sup>43</sup>

Since the DIA failed officially to recognize the Mi'kmaq's Aboriginal rights outlined in the 1726 treaty with the British Imperial Government, some Mi'kmaq wrote directly to the King in England, requesting official recognition. On 14 September 1907, for example, J. Fossie from the New Germany Indian Reserve in Nova Scotia forwarded a letter to the King inquiring whether the rights granted

to the Mi'kmaq by the Queen in 1726 had been repealed. Fossie pointed out that the Government of Canada revoked their rights to hunt and fish and also stressed that Mi'kmaq traditional territories were being sold, against their will, to non-Aboriginal settlers.<sup>44</sup> In response to Fossie, the British government stressed that the King could not interfere in the matter, but noted that "any representations which he may make to the department of Native Affairs will, no doubt, receive due consideration."<sup>45</sup> While there is some indication that the British government recognized the seriousness of the issue, the Mi'kmaq continued to press the DIA to recognize their Aboriginal rights. The federal government, however, repeatedly affirmed its official position that Mi'kmaq were subject to provincial game laws. It even suggested that the provinces dealt very generously with them, refraining from prosecuting Mi'kmaq hunters for killing game to relieve "immediate and pressing necessities," stressing that this occurred as "manner of grace and not as a right of the Indians." Mi'kmaq in Nova Scotia and New Brunswick, however, continued to be prosecuted for violating provincial game regulations. On 2 February 1910, for example, the Nova Scotia game society caused the arrest of two Mi'kmaq for hunting moose contrary to provincial game regulations.<sup>46</sup>

During the early 1900s, the intensification of non-Aboriginal settlement and industry within Mi'kmaq traditional territories proved increasingly problematic. The tightening of provincial game regulations during the early 1900s led the Mi'kmaq to pursue alternative means of support. This included smoking and drying fish for sale, making baskets, woodworking, guiding and manufacturing porpoise oil (Chute 1999: 507). Continued access to these resources, however, became

increasingly difficult as the Government of Canada leased portions of Mi'kmaq traditional territories to non-Aboriginal peoples. There was also some confusion relating to the status of Mi'kmaq reserve lands and whether the Province of Nova Scotia transferred title to these lands to the federal government in 1867 or if the Aboriginal title was ever extinguished.<sup>47</sup>

On 11 March 1909 Mi'kmaq Grand Chief John Denny, for example, questioned the Department of Indian Affairs (DIA) desire to lease the Fairy Island Reserve to the Kedgemakooge Rod and Gun Club of Nova Scotia. Denny expressed concern to the Minister of the Interior that the club intended to cut the prime stands of timber for their own use, stressing that "to dispose of such lands for such purposes would result in great injustice to the Indians of the Province of Nova Scotia because much of those lands now occupied by those tribes are without timber." According to Denny, timber provided a valuable resource for the Mi'kmaq to earn a livelihood, "we make pick-handles and shafts for our mines in large quantities, We make butter tubs, axe handles, baskets and various other small articles which help to secure for us the means for providing us our living expenses." While the market for these items was expanding, Mi'kmaq access to good timber was decreasing, making it difficult for the Aboriginal peoples to continue their industry.<sup>48</sup> While the Deputy Superintendent-General of Indian Affairs assured Denny that the lease in question did not provide the club with timber rights, Chiefs from various other communities around Nova Scotia, including Solomon Morris, John Steaven and Captain Simon Paul, further petitioned the DIA regarding the proposed lease.<sup>49</sup> These concerns were justified.

In 1912, the proprietor of the Kedgemakooge Rod and Gun Club established an illegal sawmill on the leased property and illegally removed over a thousand feet of timber (Chute 1999: 515). While some may consider this a trivial amount of timber, it was still good wood that the Mi'kmaq could have used for their own industry.

The failure of the DIA to acknowledge Mi'kmaq title made it possible for the continued encroachment of non-Aboriginal peoples onto Mi'kmaq traditional territories. The intensification of non-Aboriginal claims to lands within these territories made it difficult for the Mi'kmaq to maintain access to resources needed for traditional activities, and their growing woodworking industry, as it relied upon a secure land base. The situation during the early 1900s at Sheet Harbour, a Mi'kmaq community in northeastern Nova Scotia visited by Speck during the summer of 1914, illustrates these increasing tensions related to government efforts to reconcile Aboriginal title and land use practices with the demands of non-Aboriginal industrial development.

On 24 August 1908, the local Indian Agent for Sheet Harbour, Daniel Chisholm, informed the DIA that, while in 1904 he and William Tupper secured from the province a twenty year lease for 6,800 acres of timber land at Sheet Harbour, the Mi'kmaq continued to live on and use the land. Chisholm expressed surprise "to find a large amount of cutting and damage done by the Indians, peeling birch trees for torching purposes, cutting spruce for making oars (an industry getting to be), timber for boats, houses, axe handles etc (not counting fire wood)." According to Chisholm, six "practically self-supporting" families resided on

his land, which provided “good hunting grounds, fishing, trapping, also easy access to market, wood, timber and bark for the various purposes.” Chisholm informed the DIA that he would only allow the Mi’kmaq to stay at Sheet Harbour in exchange for exclusive title to harvest the 500 acres of timber reserved for the Mi’kmaq at Ship Harbour.<sup>50</sup>

In response, the DIA informed Chisholm that he could not evict the Mi’kmaq and that “the provincial authorities should have been advised of [their presence] in order to conserve their rights, whatever they may be.”<sup>51</sup> As an afterthought, the DIA also contacted provincial officials regarding the status of the land at Sheet Harbour and requested the province to set aside a reasonable quantity of wooded land there for the Mi’kmaq.<sup>52</sup> Apparently, however, in 1773 the province granted the land in question to Henry Newton, a United Empire Loyalist, and Chisholm and Tupper acquired a lease from the province to a portion of this land in 1904.<sup>53</sup> On 20 October 1908, Chisholm reiterated his offer to the DIA, further stressing the beneficial aspects of the land for the Mi’kmaq, noting the extent to which they already utilized and “damaged” the resources, including the 270 cords of firewood already cut. According to Chisholm, the fire-wood was

a mere trifle as compared to other damages such as peeling birch trees for torches, spruce for oars, boat timber, houses, axe handles etc. The excellent situation-hunting of all kinds of game including moose, splendid inland fisheries as well as bordering on the harbour and deep sea fishing has made it famous for the Indians, hence few calls on the department for support.

The context of Chisholm’s offer to the DIA, however, rested on the assumption that the Mi’kmaq maintained no title to the land and therefore no specific rights to

use the available resources. This situation reflected the increasing lack of clarity regarding Mi'kmaq title to lands in Nova Scotia. When Nova Scotia transferred responsibility for "Indians and lands reserved for Indians" to Canada in 1867, the province did not provide all the particular details relating to the specific tracts of land set aside for the Mi'kmaq by the colonial government prior to confederation. The DIA therefore struggled with identifying the location and size of the specific land tracts. Specific information was also necessary regarding which families occupied certain traditional territories. Sheet Harbour and Ship Harbour, in particular, fell into this ambiguous category.

In considering his offer, the DIA recognized that the *Indian Act* made no provisions for the type of land transfer suggested by Chisholm. This type of transfer required that the Aboriginal peoples receive some form of compensation through an official land surrender. Due to the lack of clarity regarding Mi'kmaq title in Nova Scotia, however, the DIA doubted the success of such a surrender. In particular, the DIA was concerned that such a surrender required obtaining the full consent of the Mi'kmaq Grand Council.<sup>54</sup> While the DIA informed Chisholm of its decision, Chisholm pressed the issue and expressed doubt that the Mi'kmaq would "fuss over the issue of the 500 acres." He warned the DIA that if the federal government could not satisfy his wishes, the DIA would have to pay for the "damages" to his land and make arrangements for the Mi'kmaq families to remain.<sup>55</sup>

Chisholm continued to press the DIA over the question of the land transfer and the federal government continued to deliberate over the nature and extent of

Mi'kmaq title in Nova Scotia. Department officials noted that at no time during the fifty years since the provincial government of Nova Scotia signed the British North America Act, were any objections raised relating to the granting of land patents to non-Aboriginal settlers by the federal government. According to DIA officials, it appeared that the provincial government recognized the rights of the Dominion to grant these titles which suggested that Aboriginal title to the lands had been already extinguished. The DIA believed that the lack of prior objection by the province justified the transfer of the title of the Ship Harbour Indian Reserve to Chisholm without an official surrender by the Mi'kmaq because the Aboriginal title had already been extinguished. Under the pretense that the transfer would be in the best interest of the Mi'kmaq at Ship Harbour, DIA officials further suggested that the 500 acre wood lot was of no use to the Mi'kmaq because they lacked the means to harvest the resource.<sup>56</sup> A. Boyd, the local inspector of Indian Reserves in the area, stated:

while of considerable value, [the timber] is of no earthly use to the Indians at Sheet Harbour or at any other point in Nova Scotia on account of inaccessibility under ordinary circumstances. Only people of means who can afford to engage in lumber operations in Winter and to stream-drive the logs in spring to saw-mills can ever reap any benefit from the wood on this reserve. Therefore by the proposed exchange the Indians would be acquiring a desirable property for a consideration which otherwise would never be of any value to them.<sup>57</sup>

This statement, however, totally contradicted the position expressed to the Minister of the Interior by Mi'kmaq Grand Chief Denny in 1909. As noted earlier in this chapter, in 1909 Denny petitioned Canada regarding the proposed lease of

the Fairy Island Reserve, stressing that access to timber resources played an integral role in the Mi'kmaq economy.

By 1911, the lack of any direct action by the DIA regarding the Ship Harbour lease began to frustrate Chisholm. On 20 May 1911, Chisholm informed the DIA that, from a financial standpoint, he and Tupper wanted the Mi'kmaq off their land. Chisholm stressed that he and Tupper were claiming trespass over the last eight years and that they would not allow any more planting or clearing of land by the Mi'kmaq at Sheet Harbour. These threats motivated the DIA to find a solution to the issue and, by the end of 1913, it secured \$800 to purchase the lands in question from Chisholm and Tupper.<sup>58</sup> The Mi'kmaq at Sheet Harbour, however, notified the DIA that they did not want to move onto Chisholm and Tupper's land. On 2 February 1914, George McLeod, a Mi'kmaq from Sheet Harbour, requested the DIA to set aside a reserve for the four Mi'kmaq families but indicated that the "tucker land" was too exposed and no good for farming, "it is all rocks," and suggested a parcel further south.<sup>59</sup>

In Newfoundland, the Mi'kmaq faced similar difficulties. The greatest threat to their traditional harvesting practices and encroachment on their traditional territories came with the opening of the railway and the accessibility it provided for non-Aboriginal hunters, settlers, sportsman and industry. Towns, pulp mills and mines quickly grew along the railway lines and, during the first decade of the 1900s, non-Aboriginal mining and logging activities as well as sport hunting and fishing increased substantially. In 1905, for example, the Anglo-Newfoundland Development Company (ANDC) received a ninety-nine-year timber and mineral

lease to lands drained by the Exploits River. By 1908 the ANDC had built dams and reservoirs, as well as a pulp and paper mill at Grand Falls on the Exploits River (Anger 1983: 73).

While the Newfoundland Government surveyed a reserve for the Mi'kmaq at Conne River in 1870, the reserve was not officially established by Canada until 25 June 1987. In 1908 Governor William MacGregor visited the settlement at Conne River and commented on the effects of increasing non-Aboriginal settlement on the Mi'kmaq. He stated:

It is not possible to regard the present condition of this settlement of Indians as being bright. Game, their principal food, is manifestly becoming more difficult to procure; their trapping lands are being encroached upon by Europeans; they are not seamen; and they do not understand agriculture. In the middle of their reservation a saw-mill has been in operation some years, apparently on the allotment of Bernard John, but without his sanction or permission, and it seems, in spite of the protests of the community... the saw-mill is an eyesore to them as it is on what they regard as their land and in defiance of them (MacGregor 1908: 5).

MacGregor recommended that Newfoundland officially establish a reserve for the Mi'kmaq at Conne River, and encouraged them to continue hunting and trapping, as well as farming. With regard to trapping, he noted that "each man regards his rights to his trapping area as unimpeachable. They are recognized at present among themselves, but they have no official sanction for their trapping lands either as a community or as individuals" (1908: 6). MacGregor stressed the danger of not recognizing the Mi'kmaq's title, stating that "[the situation] clearly require[ed] attention and treatment at the hands of the administration, for the Reservation families have claims on Newfoundland by light of a century of

Micmac occupation, and by virtue of the European blood that probably each one of them has inherited” (1908: 6-7).

On the north shore of the St. Lawrence and the Saguenay District of Quebec, the issue of Aboriginal hunting rights was compounded by increasing pressure from non-Aboriginal settlers to open up reserve lands for farming and the development of the James Bay and Eastern Railway. In 1908, for example, non-Aboriginal farmers petitioned the DIA for ten lots on the Pointe Blue Indian Reserve, stressing that they lacked good farming land close to their families and that the Aboriginal peoples underutilized their reserve land. The farmers stated:

We are all sons of farmers unable to set up for ourselves near our parents and obliged to go far away to earn our living in a new place while we have at our doors the finest lands of Lac St. Jean which are in the possession of these poor Indians having no taste for agriculture and not willing to apply themselves to the clearing on these lands which they have held for 10 years without making the least improvement.<sup>60</sup>

Aboriginal peoples, however, expressed extreme opposition to the idea and informed the DIA that they were going to put a delegation together to voice their concerns to Governor General, Sir Wilfrid Laurier, to ask that they be able to retain their lands. Some Aboriginal peoples even went as far as to notify the DIA that they would buy the land if necessary. J. Launiere, for example, requested the DIA first to recognize his rights to the land, noting that he would “buy it and pay [the DIA] for it on the same conditions as the white people.”<sup>61</sup> Subsequently, the local superintendent of Indian Reserves, P.L. Marcoux, emphasized to the DIA that the Aboriginal peoples “[had] a great fear that the department will take the reserve from them to give it to the white men in spite of them.” In light of these

growing tensions, the DIA requested Marcoux assure the Aboriginal people that the DIA would not take their lands without a due surrender as per the terms of the *Indian Act*.<sup>62</sup>

At other areas within northeastern Quebec, the DIA struggled with similar issues regarding the settlement of Aboriginal peoples and the administration of their lands. In 1910, for example, the Parish Priest of St. Anne de Chicoutimi, J. Lemieux, complained to the DIA that, for the last twelve years, fifteen Montagnais families settled at St Anne during the summer, after the hunting season was over, causing great distress to the non-Aboriginal residents. According to Lemieux, "the presence of these Indians is a plague and a scandal. Most of them daily give themselves up to excess of drunkenness and consequently to fights and scandalous conduct." He further expressed his frustration with the situation, pointing out that there was neither a "priest knowing their language to teach them nor agent authorized by the Government to watch over them and punish them if need be, as on the reserve."<sup>63</sup> The DIA acknowledged Lemieux's frustrations and agreed with him that it would be beneficial to make the "Indians live where they would be under proper surveillance and restraint." The department noted, however, that there currently was no legislation to confine Indians to their reserves and suggested instead that Lemieux determine who the owners of the land were and take steps to eject them as trespassers. The DIA went so far as to suggest the possibility of classifying the Aboriginal peoples as vagrants under the vagrancy clause of the *Criminal Code* and employing a police detective to determine the extent of their behaviors.<sup>64</sup>

While it is unclear whether Lemieux was successful in expelling the Aboriginal families from St Anne de Chicoutimi back to their reserve at Lac St. Jean, the James Bay and Eastern Railway Company requested portions of the reserve to extend its line north to Mistassini. According to the local Indian Agent, A. Tessier, the Montagnais did not object to the surrender because they profited from the construction of the railway. The new line provided cheaper transportation to “portage a l’Ours where four-fifths of the Indians leave to hunt—renting cars to get there.” On 26 May 1911, the Innu officially surrendered a portion of their reserve to the DIA and construction of the railway commenced during the summer of 1912. Being a responsible Indian Agent, Tessier appointed himself constable to ensure that “the Indians and the outsiders—Bulgarians, Poles, Italians and Findlanders—[did] not mingle.”<sup>65</sup> These restrictions, however, were not extended to anthropologists. During the summer of 1912 Speck began his fieldwork in earnest at Lac St. Jean. Between 1912 and 1923, Speck collected data from the Montagnais at Lac St. Jean and surrounding areas to further support his position on Family Hunting territories. I examine this in further detail in Chapter Five.

In parts of central Quebec, the situation was very similar. On 8 March 1909, “Huron Warrior” Alfred Sioui, requested the DIA provide him with an original copy of the 1830 Treaty between Governor Aylmer and the Huron Nation. Sioui stated that provincial game officials arrested one of his brothers and one of his nephews for hunting and he wished to defend them.<sup>66</sup> Three days later, on 11 March 1909, a lawyer hired by the Hurons of Lorette indicated to the local IA, O.P. Bastses, that the Hurons charged for hunting in the Quebec National Park

wanted to make a claim for their hunting rights based on the 1830 treaty made by Governor Aylmer. According to the Lawyer, the treaty permitted the Huron to hunt at all times on the lands between the St. Maurice and the Saguenay rivers.

Between 1829 and 1831, the Aboriginal peoples of Three Rivers, St. Francis and Lorette petitioned the colonial government in Lower Canada to allow them to hunt on certain lands north of the St. Lawrence. The petition stressed that the Algonquians of Lake of Two Mountains claimed exclusive access. A council held between the Six Nations in 1830 at Caughnawaga in Lower Canada determined that the hunting privileges north of the St. Lawrence did not belong exclusively to the Algonquian. The limits of the hunting grounds, however, were never determined by the council and, in 1831, the Lorette Band submitted to Governor Lord Aylmer the necessity of regulating among the Indians the limits of these hunting grounds. Alymer assured the Hurons that their hunting grounds were the Crown's domain and that the provincial legislature could not limit their boundaries.<sup>67</sup>

Over seventy years later, on 15 March 1909, the Chief of the Hurons of Lorette, Stanislaw Sioui, wrote to the King of England, Edward the VIII, requesting a formal investigation into the Government of Canada's failure to recognize the Hurons' claims. Sioui suggested that the government manufactured an "Indian Industry," taking away their rights to earn a living and enforcing strict regulations against them. He stated:

What are we going to do? Allow ourselves to die of hunger or fly from our native country so very dear to our hearts. Our lands have been robbed from us by the whites, our industries have also passed into the hands of

the whites. Hunting is forbidden to us. Once more what are we going to do? It seems to us that the Treaty of Paris of the 10th February 1763 did not reduce us to this point. A strict inquiry ordered by your Majesty is much desired by the Indians of this locality, by doing so you will much oblige your very devoted subjects.<sup>68</sup>

The DIA, however, refused to recognize the validity of the Hurons' claim and informed the provincial government of Quebec that it would not take on the responsibility of defending Aboriginal people who violated provincial game laws. That spring, however, on 6 May 1909, the Deputy Superintendent-General of Indian Affairs, Francis Pedley, informed the Minister of the Interior, F. Oliver, that the DIA endeavoured "to work out a solution with Quebec to allow the Indians some leniency with regard to the application of the game laws."<sup>69</sup>

While the DIA indicated that it was working to secure an agreement with the provincial government regarding Aboriginal rights to hunt for subsistence, two years later the situation had not changed. On 2 November 1911, for example, the law firm of Meredith, MacPherson, Hague and Holden, representing the HBC, contacted the DIA regarding the application of provincial game laws to Aboriginal peoples in Quebec. In particular, the lawyers questioned whether the Aboriginal peoples in Quebec, as in Ontario, maintained specific treaty rights to hunt.<sup>70</sup> In reply, the DIA informed the lawyers that Aboriginal peoples in Quebec did not enjoy any specific treaty rights and stressed that, in Ontario, Aboriginal peoples could only exercise their treaty rights on their reserves, hunting grounds or territories specifically set apart for them (see Calverley 1999: 212-220).<sup>71</sup>

In parts of Quebec, the situation regarding Aboriginal access to hunting territories continued to deteriorate. On 9 Dec 1912, the District Magistrate for Escoumins informed the local Indian Agent that a French Canadian destroyed the hunting road and a beaver lodge within the hunting territory of Leon Dominique, a Montagnais from the Escoumins band. The situation was so tense that the Magistrate warned “the two persons will come to violence if some one does not intervene and this may have serious results.”<sup>72</sup> The DIA, however, reiterated that it maintained no jurisdiction over provincial hunting regulations and indicated that it therefore could not substantiate Dominique’s claim for exclusive access to his hunting territory.<sup>73</sup>

A few weeks later, on 20 December 1913, the Indian Agent for the Lac St. Jean region, A. Tessier, published an article in *L’Action Sociale* regarding the provincial government’s amendment to its game regulations. The new regulation instituted a four-year moratorium on beaver trapping and Tessier questioned whether the government’s conservation measures justified depriving the Aboriginal peoples of their right to eat. In defence of Aboriginal peoples, he stressed that there was no evidence that Aboriginal harvesting practices and traditional activities caused the decline in beaver stocks.<sup>74</sup> A few days later, on 6 January 1914, Tessier informed the DIA that he circulated petitions around Chicoutimi and Lac St. Jean asking the provincial government to comply with the requests of Aboriginal peoples to pursue their traditional activities within their hunting territories. He noted that over three thousand people signed the petition

and expressed hopes that he did not overstep his bounds as Indian Agent.

Tessier stated:

No person in any parish has refused to sign these petitions which are rapidly being covered by names. I have good reason to believe that between now and a fortnight hence I shall be able to send to the government concerned petitions signed by about three thousand persons, including members of the clergy, the mayors and councillors of various localities as well as the names of all the principal citizens. I am assured of the support of the members for Chicoutimi and Lake St John.<sup>75</sup>

The DIA fully supported Tessier's actions and, on 10 July 1914, Tessier indicated to the DIA that he had come to an agreement with the province to allow the Aboriginal peoples to sell the beaver they trapped in order to pay for the provisions advanced to them by the HBC.<sup>76</sup> Further south, however, Aboriginal peoples continued to solicit the DIA for clarification regarding the application of provincial game laws. During the summer of 1914, Chief Mitchell Commanda from Maniwaki and Chief Francis Mingiki from Oka, questioned whether Aboriginal peoples were restricted to hunt in parks and territories leased by non-Aboriginal game-clubs. Commanda clarified that, "We just want to get enough to eat we don't expect riches from these parks." In response, however, the DIA maintained its position with regard to jurisdiction over provincial hunting regulations, informing Commanda that when the province issued a license to a club to hunt, the club maintained exclusive access to the park.<sup>77</sup>

By 1916, the application of provincial regulations on beaver trapping in Quebec took a dramatic twist. As in an earlier case in North Bay, Ontario (See Calverley 1999), in February 1916 provincial game officials arrested and charged

Sutherland Walker, assistant manager of the HBC's Montreal warehouse, for having beaver skins in his possession. In response to these charges, the HBC claimed they maintained an exclusive right to trade for the furs under the Royal Charter of 1670. More importantly, however, the HBC claimed that since the furs were caught on an Indian reserve and that the federal government maintained sole jurisdiction over Indians under Section 91(24) of the *BNA Act*, the provincial regulations were *ultra-vires*. The lawyers for the HBC argued that Aboriginal peoples maintained an inherent right to hunt and that the animals and their skins became their absolute property. Their lawyers argued:

If the skins in question were taken from animals caught in the close seasons— which is not admitted—the same were hunted and killed by Indians in the wilds of Canada in all of which the Indians have an inherent right to hunt and kill such animals and retain or deal with them as their own absolute property.<sup>78</sup>

In response to the HBC's legal action, on 5 February 1916, Special Commissioner to British Columbia, J.M. McKenna, suggested to the Superintendent-General of Indian Affairs, Duncan Campbell Scott, that Canada co-operate with the Aboriginal peoples with regard to the issue of hunting in Quebec. He indicated that if the HBC's action was successful in Quebec, the federal government would have to determine the extent to which the decision applied to other provinces. In particular, McKenna stressed that since Quebec was not covered by Indian treaties, the situation could have a very large impact on the Aboriginal peoples and the overall "land question" in British Columbia

because there were no numbered treaties in BC at that time, and the land issue was not resolved.<sup>79</sup>

While the final decision of the unreported cases of *Plante v. Walker and Walker v. St. Cyr et. al* is unclear, by 1917 Aboriginal peoples were still subject to provincial game regulations in eastern Canada. In fact, on 17 April 1917, Scott circulated instructions to Indian Agents and missionaries in Quebec asking them to help enforce game regulations by stressing to the Aboriginal peoples the importance of conservation.<sup>80</sup> With respect to the rest of Canada, the DIA maintained that even treaties did not protect Aboriginal peoples from provincial game regulations. In a letter to the Minister of the Interior, A. Meighan, dated 21 November 1918, Scott indicated that while the DIA endeavoured to obtain lenient treatment for Aboriginal peoples, the treaties did not render them immune to provincial regulations or provide them with exclusive rights to hunting and fishing in the “surrendered districts.” Scott believed that the federal government should use its power to assist the provinces in enforcing game regulations and by obtaining legislative exclusion for Aboriginal peoples to continue their traditional land use activities.<sup>81</sup>

The Advisory Board for Wildlife Conservation’s 1918 *Report of the Commission of Conservation* further stressed cooperation between the federal and provincial governments in the regulation of game resources, recommending that both levels of government continue the strict enforcement of game regulations. The report (Hewitt 1918: 8) stated that the relaxation of provincial game laws was detrimental to the overall welfare of game mammals and birds

and completely contrary to the strenuous efforts of the federal and provincial governments to secure better protection of game resources.

While the DIA decided to encourage Aboriginal peoples to respect provincial game laws, Aboriginal peoples protested that such enforcement violated their Aboriginal rights, and continued to press the DIA for the recognition of their hunting rights. The Hurons of Lorette, for example, frustrated by the DIA's lack of effort in securing them a hunting territory, directed their request to Canada's official representative to the British government, Governor-General Lord Cavendish, the Duke of Devonshire. In their petition, they stressed that the enforcement of provincial game regulations had effectively deprived them of a hunting territory. They argued:

Today the Hurons of Lorette have no hunting or fishing grounds all their hunting roads having been closed to be leased to clubs. Moreover they cannot hunt without exposing themselves to the most severe penalties for infraction of those laws which are pitilessly pressed against them. For this reason and in these circumstances they ask thee to grant them a hunting and fishing ground where they can go without being disturbed in season and thus provide food for their families.<sup>82</sup>

On 2 November 1918, the DIA informed Albert Tschievenu, Chief of the Hurons of Lorette, that nothing could be done as Quebec controlled the application of hunting licenses.

One year later, at the 1919 National Conference on Conservation of Game, Fur-Bearing Animals and Other Wildlife, Scott further outlined the DIA's position regarding the application of provincial game regulations to Aboriginal peoples. In his address, *Relation of Indians to Wildlife Conservation*, Scott noted

that the DIA endeavoured to induce Aboriginal peoples to obey the provincial game laws. He stated:

so far as the Department of Indian Affairs is concerned, our fixed policy is to endeavour to induce the Indians to obey the laws passed by the Provincial authorities for the conservation of wild life and the preservation of game, and to endeavour also to mitigate the laws to meet any special conditions that surround the present mode of life of the natives (Scott 1919: 21).

Provincial authorities attending the conference, however, were not satisfied with the DIA's efforts. Saskatchewan Game Commissioner, F. Bradshaw, for example, indicated that while the provinces made all attempts to seek out the DIA's assistance in the application of game laws to the Aboriginal peoples, the conservation of game had not improved. He stated:

I may be wrong, but the attitude of the Indian Department seems to be, that, while they are extremely sorry that such things are happening—the poor Indian must be fed, and, presumably, in the cheapest possible manner. I venture to say, that the average Indian agent encourages, rather than discourages, the illegal killing of big game (Scott 1919: 27).

In order to address the growing tensions between the provinces and the DIA, in 1920, the Minister of the Interior outlined the DIA's official position regarding the application of provincial game regulations to Parliament. He pointed out that outside their reserves Aboriginal peoples were required to comply with provincial regulations regarding the preservation of game.<sup>83</sup>

Aboriginal peoples, however, were not content with the DIA's official position. On 31 October 1921, the Mi'kmaq Grand Council, for example, issued a formal request to King George for a hearing on their treaty rights as outlined in

the 1752 Peace and Friendship Treaty. The petition urged King George to ensure that the terms of the treaty were respected as "England never made a treaty to be broken don't let this one be broken, the one you gave us when we gave you our heart and hand and we would like to have that which we think is ours." The Mi'kmaq requested recognition of their Aboriginal rights outlined in the treaty, including "the right to get meat of the forest for our families at any time or fish in the streams, creeks or coves and the fowl of the air which we were always used to before taken away."<sup>84</sup>

In response to a similar issue, on 5 February 1922, Scott reiterated the DIA's position to Lt.-Governor Sir J. Aikins. He informed Aikins that while it was the DIA's duty to ensure that the Indians secured "the fullest enjoyment of privilege provided for [them] in the Treaties," the federal government also maintained the authority, under Section 91(24) of the Constitution Act, to regulate Aboriginal hunting, trapping and fishing activities. According to Scott, if the DIA established legislation, it would follow very closely the principles embodied in the game laws of the provinces. He stated:

that the interests of the Indians can be properly safeguarded by conforming to the Provincial Regulations, with such modifications as the Provincial Authorities may be disposed to make in favour of the Indian bands on representations which may be made by the Department of Indian Affairs from time to time.<sup>85</sup>

The position of the Department was further clarified four years later. On 26 April 1926, McLean circulated a letter to Indian Agents, stressing the importance that

Aboriginal hunters understand they were subject to provincial game laws. He stated:

At the recent conference of the Chief Federal and Provincial Game Officials held at Ottawa, attention was drawn to the fact that many of the Indians do not seem to understand that they are required to respect close seasons for hunting and trapping and other Provincial regulations for the protection of game and fish. Will you please explain to the Indians of your Agency that they must strictly comply with the Game Laws and that failing to do so they render themselves subject to the penalties provided therein.<sup>86</sup>

By 1930, both the DIA and provincial officials stressed that legalisation regulating game resources was in the best interest of the Aboriginal peoples. They believed that conservation would ensure that Aboriginal peoples maintained an adequate supply of fish and game resources far into the future.<sup>87</sup>

Over sixty years later, in 1990, the Supreme Court of Canada's decision in *R v. Sparrow* reaffirmed the DIA's position regarding the application of conservation principles to traditional Aboriginal land use practices. The Sparrow decision stressed that Canada and the provinces could regulate existing Aboriginal rights in the name of conservation and management of natural resources. The court stressed, however, that after governments met their conservation goals, Aboriginal peoples' land use practices must be given priority for subsistence, social and ceremonial purposes (see *R. V. Sparrow*, 1990).

While there is no real specific discussion of Speck's representations of Aboriginal territoriality in this chapter, the purpose of this chapter is to ground the early development of Speck's work within the context of the historic disputes between Aboriginal peoples and the Canadian governments over the regulation of traditional Aboriginal land use practices. I feel it is particularly important to

emphasize that Aboriginal peoples were actively engaged with both the federal and provincial governments in asserting their rights and seeking recognition for the continuation of their traditional land use practices. This approach helps to counter prevalent characterizations of Aboriginal peoples as passive victims of colonialism in Canada and not active subjects of sovereignty and survival. By highlighting the specific socio-political context from which Speck's work on territoriality emerged, it is possible to engage his work proleptically, recognizing that Speck did not collect and represent information on Aboriginal territoriality by chance. His work emerged within an historical socio-political context that, when examined in conjunction with the theoretical debates within anthropology at the time, provides a more nuanced understanding of the questions and tensions Speck addressed with his work. Instead of trying to superimpose the map of present day anthropology over Speck's work, the anthropological configuration of Speck's work on territoriality should be understood as an historically specific ensemble of knowledge, reconfigured and reordered through the dynamic interactions surrounding issues of Aboriginal land and resource use in eastern Canada. One cannot stress too much the significance of territoriality for Aboriginal peoples during this time period, as the land provided the practical, historical and spiritual basis of their distinct cultural practices. I develop the historical context of this chapter to show that there was a direct need for the type of knowledge associated with Speck's representations of Aboriginal territoriality. In the following chapter, I tie my retrospective discussion of these disputes surrounding Aboriginal title and land use practices within this socio-political context associated

with the configuration of Speck's anthropological representation of Aboriginal territoriality.

### Notes

1. National Archives of Canada (NAC), MG 19-F2, Royal Proclamation of 1763.
2. The B.C. Court of Appeal first ruled in *Haida Nation v. British Columbia and Weyerhaeuser* (2002) but Weyerhaeuser requested a re-hearing on the ground that their duty to consult the Haida Nation had not been in issue before the lower courts. In the re-hearing, however, the court still maintained that Weyerhaeuser had a duty to consult the Haida Nation.
3. In 1916 Canada and the United States signed the *Migratory Birds Convention*, and the following year the federal government passed its *Migratory Birds Convention Act* (Canada 1917). The legislation provided the federal government with the responsibility for the management of certain species of migratory birds.
4. T. Greenway to L. Vankoughnet, 19 March 1890. NAC, RG 10, vol. 3692, file 14069.
5. Deputy Minister of Justice to L. Vankoughnet, 18 April 1885. NAC, RG 10, vol. 3692, file 14069.
6. Hayter Reed to A.W. Vowell , 10 April 1896. NAC, RG 10, Vol. 6735 , File 420-3, Reel C-8096.
7. H. Reed to E.G. Prior, 29 April 1896. NAC, RG 10, Vol. 6735 , File 420-3, Reel C-8096.
8. A. Vowell to H. Reed, 28 March 1896. NAC, RG 10, Vol. 6735 , File 420-3, Reel C-8096.
9. Statutes of the Province of Ontario, "An Act to amend the Act for the Protection of Game and Fur-Bearing Animals." 56 Vic.
10. Borron, E.B. 1885. "Report of E.B. Borron, Stipendiary Magistrate, on that part of the Basin of Hudson's Bay belonging to the Province of Ontario," Ontario Session Papers, vol. 1: 76.
11. J. Teit to H. Smith, 18 July 1912. Canadian Museum of Civilization, File B1-f12.

12. Amos Gosnell to the McKenna-McBride Commission, 8 October 1915. NAC, RG 10, Vol. 11025, File AH8, Reel T-3964.
13. McKenna-McBride Commission meetings with the Cowichan, Comiaken Reserve, 27 May 1913. NAC, RG 10, Vol. 11024, File AH3, Reel T-3962.
14. *Quebec Game Act*, 1896. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
15. *Quebec Game Act*, 1896. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
16. G.C. Chipman to H. Reed, 12 June 1896. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
17. H. Reed to Provincial Secretary, Department of Crown Lands, Quebec, 20 June 1896. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
18. H. Reed to A.A. Taché, 20 June 1896. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
19. A.A. Taché to H. Reed, 5 December 1896. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
20. G.C. Chipman to H. Reed, 7 December 1896. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
21. A. Toney to DIA, 15 August 1894; F. McDormand to H. Reed, 15 August 1894; H. Reed to F. McDormand, 27 September 1894. NAC, RG10, Vol. 6743, File 420-7, Reel C-8101.
22. W.D. Carter to J.D. McLean, 3 March 1896; J.D. McLean to W.D. Carter, 12 March 1896. NAC, RG 10 , Vol 8862 , File 1/18-11-5, Reel C-9742.
23. H. Reed to G.C. Chipman, 15 December 1896; H.R. to Indian Agents in Quebec, 22 December 1896. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
24. G.C. Chipman to H. Reed, 7 January 1897. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
25. P.L. Marcotte to H. Reed, 4 January 1897. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
26. A.A. Taché to H. Reed, 11 January 1897. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
27. H. Reed to P.L. Marcotte, 14 January 1897; H. Reed to G.C. Chipman, 14 January 1897. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.

28. G.C. Chipman to H. Reed, 4 March 1897. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
29. A.A. Taché to H. Reed, 13 March 1897; G.C. Chipman to H. Reed 23 March 1897; H. Reed to A.A. Tache, 27 March 1897; Deputy Secretary DIA to G.C. Chipman, 13 April 1897. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
30. General Memo to the Minister of the Interior, No Date. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
31. Confidential Memo to the Minister of the Interior, May 1897. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
32. DIA General Memo, 19 May 1897. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
33. Deputy Superintendent of Indian Affairs to the Governor General in Council, 2 June 1897; OiC P.C. 18788, 14 June 1897. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
34. Province of Quebec, OiC P.C.189248, 16 July 1897. NAC, RG10, Vol. 6750, File 420-10, Reel C-8106.
35. Noel St. Aubin and Abanakis from Becancourt to Sir Wilfrid Laurier, 7 October 1898. NAC, RG10, Vol. 6750, File 420-10, Reel C8106.
36. Adolphe Giagnou to DIA, 18 July 1899. NAC, RG10, Vol. 6750, File 420-10, Reel C8106.
37. E. Moureau to the DIA 5 Nov 1905. NAC, RG10, Vol. 6750, File 420-10, Reel C8106.
38. Mi'kmaq of Bear River to DIA, 9 February 1897. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
39. E. Paul to DIA, 26 February 1902. NAC, RG 10 , Vol 8862 , File 1/18-11-5, Reel C-9742.
40. J.D. McLean to Attorney General of New Brunswick, 27 February 1902; Law Clerk to the DIA, 28 February 1902. NAC, RG 10 , Vol 8862 , File 1/18-11-5, Reel C-9742.
41. Chief Paul and Chief Burnett to DIA, March 1906; C.R. Berkwitt to DIA, 5 March 1906; NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
42. 1725 Treaty of Annapolis Royal, in Wicken (2002: 27).

43. J.D. McLean to C.R. Berkwitz, 16 March 1906. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
44. J. Fossie to His Majesty the King of England, 14 September 1907. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
45. Lord Elgin to Lord Grey, 19 September 1907. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
46. J.D. McLean to J. Fossie 5 October 1907; Chief Joseph Knockwood to DIA, March 1908; J.D. McLean to J. Knockwood, 20 March 1908; DIA General Memo, 2 February 1910. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
47. Timber Inspector to Deputy Minister, 6 April 1909. NAC, RG10, Vol. 3113, File 320,110-1, Reel C-11326.
48. J. Denny to the Minister of the Interior, 11 March 1909. NAC, RG10, Vol. 3113, File 320,110-1, Reel C-11326.
49. 19 March 1909. NAC, RG10, Vol. 3113, File 320,110-1, Reel C-11326.
50. D. Chisholm to DIA, 24 August 1908 and 1 September 1908. NAC, RG10, Vol. 7759, File 27052-4, Reel C-12049.
51. F. Pedley to D. Chisholm, 1 September 1908. NAC, RG10, Vol. 7759, File 27052-4, Reel C-12049.
52. F. Pedley to the Nova Scotia Commissioner of Crown Lands, 1 September 1908. NAC, RG10, Vol. 7759, File 27052-4, Reel C-12049.
53. J.D. McLean to D. Chisholm, 1 October 1908, D. Chisholm to DIA, 20 October 1908. NAC, RG10, Vol. 7759, File 27052-4, Reel C-12049.
54. J.D. McLean to D. Chisholm, 2 November 1908; G. Chitty to Deputy Minister of the Interior, 5 January 1909; G. Chitty to Deputy Minister of the Interior, 9 January 1909; J.D. McLean to A.J. Boyd, 12 January 1909. NAC, RG10, Vol. 7759, File 27052-4, Reel C-12049.
55. D. Chisholm to the DIA, 21 January 1909. NAC, RG10, Vol. 7759, File 27052-4, Reel C-12049.
56. J.D. McLean to D. Chisholm, 28 January 1909; DIA to Deputy Minister of the Interior, 20 December 1910. NAC, RG10, Vol. 7759, File 27052-4, Reel C-12049.
57. A. Boyd to J.D. McLean, 3 December 1910. NAC, RG10, Vol. 7759, File 27052-4, Reel C-12049.

58. D. Chisholm to DIA, 20 May 1911; D. Chisholm to DIA, 21 October 1911; DIA to Chisholm, 29 May 1912; J. Tupper to DIA, 17 June 1912; DIA to D. Chisholm, 11 November 1912. NAC, RG10, Vol. 7759, File 27052-4, Reel C-12049.
59. G. Mcleod to DIA, 2 February 1914; A. Boyd to W.R. Orr, 12 February 1914. NAC, RG10, Vol. 7759, File 27052-4, Reel C-12049.
60. 24 March 1908. NAC, RG10, Vol. 3117, File 325,666 Reel C-11327.
61. J. Launiere to the DIA, 14 April 1908. NAC, RG10, Vol. 3117, File 325,666 Reel C-11327.
62. P.L. Marcoux to DIA, 14 April 1908; J.D. McLean to P.L. Marcoux, 27 March 1908. NAC, RG10, Vol. 3117, File 325,666 Reel C-11327.
63. J. Lemeiux to F. Oliver, 31 January 1910. NAC, RG10, Vol. 2903, File 185,325, Reel C-11295.
64. J.D. McLean to J. Lemieux, 6 February 1910. NAC, RG10, Vol. 2903, File 185,325, Reel C-11295.
65. A. Tessier to DIA, 26 May 1912. NAC, RG10 , Volume 7663 , File 22021, Reel C-11608.
66. Alfred Sioui, Huron Warrior to DIA, 8 March 1909. NAC, RG10, Vol. 3124, File 337,660, Reel C-11328.
67. A. Corrireau to O.P. Bastses, 11 March 1909. NAC, RG10, Vol. 3124, File 337,660, Reel C-11328.
68. Chief Stanislaw Sioui to King Edward the VIII, 15 March 1909. NAC, RG10, Vol. 3124, File 337,660, Reel C-11328.
69. J.D. McLean to O.P. Batiste, 17 March 1909; S. Dufault to F. Pedley. 25 March 1909; F. Pedley to the Solicitor General of Canada, 5 April 1909; F. Pedley to S. Dufault, 6 April 1909; F. Pedley to F. Oliver, 6 April 1909. NAC, RG10, Vol. 3124, File 337,660, Reel C-11328.
70. Meridith, Macpherson, Hague and Holden to J.D. McLean, 2 November 1911. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
71. J.D. McLean to Meridith, Macpherson, Hague and Holden, 6 November 1911. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
72. District Magistrate Escoumains to J. Bosse, 9 December 1912. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.

73. DIA to J. Bosse, 3 January 1913. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
74. A. Tesier, "The Game Laws and the Indians." *L'Action Sociale*, 20 December 1912. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
75. A. Tessier to DIA, 6 January 1913. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
76. J.D. McLean to A. Tessier, 6 January 1914; A. Tessier to DIA, 10 July 1914. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
77. Chief Mitchell Comanda and Chief Francis Mingiki to the DIA, 9 July 1914; DIA to Mitchell Comanda, 14 July 1914. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
78. Meredith et. al to D.C. Scott, 26 February 1916. "Champions of the Indian's Right — Hudson Bay Company Says they are above Game Laws, Protest Prosecution Rights of fur-trading claimed to be inherent to Indians at all seasons." *Montreal Gazette*, 28 February 1916. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
79. J.M. McKenna to D.C. Scott, 5 February 1916. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
80. DIA Circular, 17 April 1917. NAC, RG 10, Vol. 6750, File 420-10, Reel C-8106.
81. D.C. Scott to A. Meighen, 21 November 1918. NAC, RG 10, vol. 6731, file 420-1, Reel C-8093.
82. Hurons of Lorette to the Governor General of Canada, Lord Cavendish the Duke of Devonshire, 9 October 1918. NAC, RG10, Vol. 3124, File 337,660, Reel C-11328.
83. Canada, *Debates in the House of Commons*, 1920, 3379.
84. The Mi'kmaq of Nova Scotia to King George, 31 October 1921. NAC, RG 10, Vol. 6743, File 420-7, Reel C-8101.
85. D.C. Scott to Sir J. Aikins, 5 February 1922. NAC, RG 10, vol. 6737, file 420-4 pt. 2, Reel C-8097.
86. J.D. McLean to Indian Agents, 26 April 1926. NAC, RG 10, vol. 6732, file 420-2B, Reel C-8094.

87. J. D. McLean to S. Wolf, 11 April 1914; J.D. McLean to T. Muchoow, G. Turner, and J. Badger, 7 May 1914; J.D. McLean to H. Twobears, 24 January 1916. NAC, RG 10, vol. 6756, file 420-11 pt. 1, Reel C-8109; J.D. McLean to Chief F. Alexis, 10 August 1918. NAC, RG 10, vol. 6732, file 420-2A, Reel C-8094.

## CHAPTER FIVE

### **“Friend of the Indians”: Frank Speck, anthropological advocacy, and the representation of Aboriginal territoriality**

It is important to recognize that Speck’s research into issues of Aboriginal territoriality occurred during a period of great change, struggle and tension for the Aboriginal peoples in eastern Canada. Aboriginal peoples continuously struggled with the application of measures which reinforced Crown jurisdiction to assert practical and political control over their traditional territories. There were also other specific incursions onto Aboriginal traditional territories, such as the activities of the Hudson’s Bay Company, sport hunters and fisherman, as well as private resource development, such as mining and lumbering. While I do not intend to over-value the role of the Crown and subsequently under-value the role of these other substantial presences, in this chapter I examine how Speck’s representations of Aboriginal territoriality grew partially out of the organized and directed efforts of Aboriginal peoples in eastern Canada for recognition of their land and resource rights from the Crown. As a participant in a much larger political struggle, that included the active engagement of Aboriginal peoples, Speck applied his anthropological knowledge to help Aboriginal peoples gain respect and recognition for their rights. Speck’s work as an advocate necessitated the development of representations of Aboriginal territoriality that could be applied to counter the claims and land-use practices of mainstream

non-Aboriginal society that negatively effected Aboriginal peoples. His work also involved ideological struggles against racism and specific government policies of assimilation directed towards Aboriginal peoples. In certain instances, this included direct confrontation with government officials and repeated attempts to educate the public about the rights of Aboriginal peoples and their cultural histories.

Characterizations of anthropological advocacy tend to over-emphasize the role of the anthropologist while underplaying the contributions of Aboriginal peoples to the specific representations of their cultural histories and practices. Following Bernard Cohn's (1987: 44) work on the history of Anthropology, as well as L. Field (1999: 193) and S. Cook's (2003) work on anthropological advocacy, I situate Speck's work on Aboriginal territoriality within the dialectic of the "colonial situation." Cohn (1987: 44) characterizes the colonial situation as the indissociable historical relationship between the anthropologist and the anthropological "other," in which both were constantly involved in representing to each other what they were doing. Similarly, Field (1999) stresses that anthropological advocacy hinges upon the collaborative efforts of anthropologists and Aboriginal peoples, while Cook (2003) argues that anthropologists can help to dismantle the socially constructed boundaries and policies that severely impact the lives, histories, and realities of Aboriginal peoples.

This chapter highlights the collaborative efforts between Speck and Aboriginal peoples which cumulated in the establishment of family hunting territories as a specific and legitimate subject of anthropological inquiry. I argue

that the specific engagements of Aboriginal peoples with the federal and provincial governments in Canada significantly influenced Speck's representations of Aboriginal territoriality. Speck's mapping practices provided the crucial link between his theoretical framework of social organization and the practical application of his anthropological knowledge. Counter to prevailing legal and theoretical assumptions that represented Aboriginal title and land use practices as subordinate to these assertions of Crown sovereignty, Speck emphasised the continuity of Aboriginal peoples' cultural and historical presence on the land in eastern Canada. In many instances, such as his work in Temagami, Nova Scotia and Newfoundland, this provided Aboriginal peoples with the much needed support of a recognized authority to bolster their claims.

In the first section of this chapter I analyse the relationship between Anthropology and advocacy. I discuss how anthropologists, like Speck, have historically been relied upon to assist in reconciling the assertion of Crown sovereignty with the existence of Aboriginal title. Continuing debates surrounding the question of anthropological advocacy and Aboriginal title, I argue, are largely influenced by Speck's own engagement with the colonial situation.

In the second section, I examine the contributions of Speck's increasing focus on issues of Aboriginal rights on his representations of Aboriginal territoriality. While most analyses focus on the intellectual domains of knowledge production associated with Speck's work, I argue that it is equally important to examine how his contributions to the clan-gens debate were also influenced and were part of a separate socio-political debate surrounding issue of Aboriginal

rights. The connection between these two domains was largely facilitated by Speck's reliance on Aboriginal ethnogeography as a means of grounding his theoretical concepts of territoriality. The resulting representations of Aboriginal territoriality directly addressed and contributed to the continuing efforts of Aboriginal peoples for recognition of their land and resource rights.

The last two sections correlate Speck's work on Aboriginal territoriality with his research and advocacy work in southern Ontario and the northeastern United States. This includes his contributions to Six Nations Hereditary Chief Deskaheh's "Basic Call to Consciousness" and his involvement in countering the racism associated with the question of the Virginia Indians.

By situating Speck's work as an anthropologist within this context, I provide a more complete understanding of his work as an advocate, highlighting Speck's life-long enterprise to counter racism by educating the public to accept Aboriginal cultures and to arouse public awareness regarding Aboriginal land and resource rights.

### **Advocacy and Anthropology: Decolonization through collaboration**

Over the last hundred years, some anthropologists have actively supported Aboriginal peoples' socio-political struggles against repressive regimes of power. In Canada, this includes Edward Sapir, Harlan Smith and Franz Boas' outspoken critiques of the federal government's anti-potlatch laws during the early 20<sup>th</sup> century (see Cole 1990), Harry Hawthorn's (1966; see also Weaver 1981 ) critical analysis of Canadian Indian policy and the involvement of anthropologists

during the 1990s in British Columbia's landmark Aboriginal title saga —*Delgamukw v. Canada* (See Culhane 1998). Some anthropologists have also worked consistently as advocates regarding the effects of technology on traditional life-ways and the moral and ethical responsibilities of the social scientist (see Erasmus 1954; Barnett 1956; Foster 1962; Berreman 1968; Gough 1968; and Gjessing 1968).

Robert Paine (1985: xiv) has suggested that the role of "concerned" advocacy in Anthropology is to provide specific clarification to information that has been left vague, while interpreting what has not been understood or even propagating what has not been heard before. Similarly, Georg Henriksen (1985: 121) argues that, as advocates, anthropologists can provide social-scientific arguments that support the people and societies that they work with. As David Maybury-Lewis (1985: 147) indicated, this requires the anthropologist to analyse national policies, development ideologies and the workings of bureaucracies to see beyond their "familiar obfuscation and self-deceptions." These sorts of analyses can influence the complex ideological processes that work to oppress Aboriginal peoples. Sally Weaver (1981) also recognized the influence anthropologists and their research have on policy-making processes. She suggested that an important aspect of anthropological advocacy was understanding the political and bureaucratic nature of governments and how the policy-making process operates within that context. James Waldram (1993: 305-308) cautions, however, that anthropologists working in this capacity need to ensure that they do not develop a dependency relationship with their "clients."

This necessitates the development of ethical and participatory research frameworks that recognize the primary role of the anthropologist as an advisor and not as a leader.

As “frontline” workers within Aboriginal communities, anthropologists in Canada, such as Frank Speck, Marius Barbeau and James Teit, as well as in other parts of the world, have historically worked to reconcile the tensions associated with Aboriginal-settler relations. In many instances, Anthropologists have become involved in these social issues due to the circumstances associated with their research and, in some cases, they have been asked to intervene on behalf of Aboriginal peoples and requested to present scientific arguments in support of their claims. While on a trip to Brazil in 1906 to collect ethnological specimens for German Museums, Czech ethnologist Alberto Vojtěch Frič, for example, discovered that German settlers were hiring paid killers to eradicate entire groups of Aboriginal peoples and permitting the sale and clandestine enslavement of their children. He also noted that the Brazilian government did little to stop these abuses from occurring. In response to these events, in 1908 Frič voiced his concerns at the Sixteenth International Congress of Americanists in Vienna, demanding that the Congress act jointly to put an end to the violence, working collectively to make slavery and “the hunting of humans” impossible in Brazil. The Congress refused to get involved, however, and chastised Frič for his “unscientific” approach to this issue (Penny 2003: 249).

Working as mediators between contending parties, anthropologists can influence the complex ideological processes that continue to work to oppress

Aboriginal peoples (Pulla 2003: 130-131). Arguing against the validity of advocacy within Anthropology, however, K. Hastrup and P. Elsass (1990: 302-303) suggested that advocacy is a “personal obligation in the local and social context.” They contest that, while no cause could be legitimized in anthropological terms, Anthropology could provide the context for engaging in advocacy outside the academy (1990: 301). Hastrup and Elsass’ position reflects earlier 20<sup>th</sup> century assumptions of the objectivity of scientific practices. In 1908, the International Congress of Americanists, for example, criticized Alberto Frič’s call for action in halting the atrocities in Brazil, denouncing him for mixing politics and science (Penny 2003: 250). That same year Max Weber recommended to a meeting of sociologists in Vienna to avoid all discussion of moral, political, and religious matters in order to liberate sociology “from interest groups, state scrutiny, or political intervention” (Penny 2003: 250).

In response to Hastrup and Elsass’ call for objectivity in Anthropology, M. Singer (1990: 548), argues that anthropological advocacy provides the means for putting knowledge to use for social change. In recognizing that knowledge generation and knowledge utilization are inseparable, Singer (1990: 549) points out that it is possible to acknowledge that the products and processes of socio-political experiences can deeply effect and implicate anthropologists and the work they produce. Similarly, Penny (2003: 252) argues that, in breaking out of the strictures of an apolitical and objective paradigm of science, anthropologists can effect change, and critically analyse specific dominant discourses associated with the history of colonialism and the dispossession of Aboriginal peoples. Cook

(2003: 193) also suggests that, as key defenders of Aboriginal claims to territory, ancestry, and identity, Anthropologists can help to dismantle the socially constructed boundaries and policies that severely impacted the lives, histories, and realities of Aboriginal peoples.

While Singer (1990), Penny (2003) and Cook (2003) all suggest that anthropological knowledge can provide the framework from which oppressive power relations can be dismantled, the question still remains as to whether the application of this knowledge can effect the ideological change needed to influence government policies and practices. Bennet (1996: S31) argues that the power of anthropologists to effect change stems from the informal and advisory relationships they establish and their abilities to act diplomatically as consultants.

One prominent area in which anthropologists have historically applied their knowledge and expertise is in relation to disputes over issues of Aboriginal title and its subtext of territoriality. In the present day, Aboriginal peoples, as well as the Crown and private corporations, call on anthropologists to present perspectives on Aboriginal cultures and histories in support of, or against, title claims. These relationships and their resulting criticisms, however, are not necessarily a singular product of the knowledge economy associated with today's modern-day Aboriginal litigation process.

As early as 1956 anthropologists deliberated over the role of the social scientist as an expert witness. The Lurie-Manners (1956) debate, for example, focused on the question of who anthropologists should work for, arguing that anthropologists were duty-bound to provide objective, unbiased testimony.

Working as an expert witness within the adversarial litigation process, however, ultimately involves political decisions which require anthropologists to choose a side of the debate to support (Thom 2001: 3-4).

Playing on M. Krousser's (1984) rhetorical question "Are Expert Witnesses Whores?," Edward Rogers (1986: 210) highlighted the dilemma faced by anthropologists working within the context of land claims litigation. Rogers (1986: 211) pointed out that while academics traditionally debated their views through the medium of scholarly journals and other academic publications, the high-stakes litigation process placed anthropological knowledge and practices under tight scrutiny, testing the validity and conclusions of anthropological arguments and pressuring anthropologists to work within the context of "telling the truth." It is this notion of telling the truth, Rogers (1986: 212) suggested, that not only contributes to the maintenance of narrowly-defined views of cultural difference, but supports the assumption that science can, in fact, provide a verifiable and objective representation of something as complex and multifaceted as Aboriginal territoriality.

Missing from most of this debate, however, is the recognition of the historic role Aboriginal peoples have played in the representation of their claims for Aboriginal title, and their influence on the production of anthropological knowledge. Current debates over the authenticity of anthropological notions of Aboriginal territoriality (see Feit 2004; and Scott 2004), as well as the current trend in Anthropology towards academic reflexivity (Bennet 1996; Field 1999), tend to reinforce the representation of Aboriginal peoples as victims of

colonialism, while specifically focusing on the achievements, or lack thereof, of western academic science. The Haley-Wilcoxon (1997) debate, for example, foregrounded Anthropology's role in the "invention of tradition," problematizing the creative representation of the Aboriginal past and its use as a weapon of domination, resistance, or exclusion. Haley and Wilcoxon (1997: 766) suggested that anthropologists and bodies of anthropological work function as arbiters of "authenticity" within specific frameworks established by governments. These dominant discourses treat Aboriginal peoples as a timeless part of the natural world, victimized but uncorrupted by Western civilization. According to Haley and Wilcoxon (1997: 764-777), the result is the representation of Aboriginal peoples by anthropologists in artificially positive terms, attributing any negative traits to outside influences. By creatively filling in the gaps of knowledge about the Aboriginal past with assumptions shaped by popular and scholarly images of an enduring traditional Indian, as well as the circumstances of the moment, Haley and Wilcoxon (1997: 764-77), ultimately suggest that anthropologists contribute to and maintain the "ethnographic fictions" of essentialized Aboriginal traditions and cultures.

Field (1999: 193) characterizes this trend within Anthropology, exemplified by Haley and Wilcoxon (1997), as the "postcolonial paralysis syndrome." He argues that many anthropologists are abandoning an Anthropology "so complicit with colonialism, the world of nation-states, and entrenched structures of race and gender hierarchy that to pursue it is to become a willing accomplice." In contrast to Haley and Wilcoxon's (1997: 776) notion that Aboriginal peoples

selectively appropriate, or re-appropriate, products of anthropological inquiry, Field (1999: 193) suggests that anthropological advocacy hinges on the historical collaborative efforts between Aboriginal peoples and anthropologists. He argues that the organized and directed efforts of Aboriginal peoples for recognition of their rights are substantiated by anthropological representations of their cultural and historical presence. This perspective recognizes that anthropologists are participants in a much larger political struggle that necessitates the active engagement of Aboriginal peoples. In 2002, the American Anthropological Association's El Dorado Task Force (2002) issued a report that endorsed and further clarified these types of collaborative approaches. The report stressed that collaborative research incorporated "side-by-side work" in a mutually beneficial approach to issues that involved more than reciprocity in the form of advocacy and attention to social needs. In collaborative research, the local community ultimately defined its needs, and actively involved anthropologists to develop research programs and action plans (2002: 46-47).

An examination of Frank Speck's work on Aboriginal territoriality in eastern Canada further clarifies Field's critique of the post-colonial paralysis syndrome within Anthropology. As one of the first anthropologists to engage critically in the colonial situation of eastern Canada during the 20<sup>th</sup> century, Speck worked collaboratively with Aboriginal peoples to substantiate their claims for title to their traditional territories and for recognition of their traditional land use practices. His representations of Aboriginal territoriality were built upon the premise that Aboriginal peoples maintained continuous ownership of their

territories since early contact with Europeans. This representation subsequently challenged the popular images and scholarly assumptions during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries of Aboriginal peoples as nomadic savages who did not maintain specific and distinct forms of land ownership. The active engagement of Aboriginal peoples in Speck's representation of their cultural and historical presence on the land grounded Speck's interest in theoretical aspects of social organization with the practical applications of Aboriginal geographical knowledge. The result was the enduring representation of Aboriginal territoriality not singularly as an anthropological construct but as a socio-political artifact representative of the continuing struggles of Aboriginal peoples for respect and recognition of their claims from the Canadian government and the mainstream Canadian public. Gaining the reputation as a "friend of the Indian," Speck's approach to Aboriginal issues during the early 20<sup>th</sup> century largely pioneered the common role of the anthropologist today as consultant and expert witness on issues connected to Aboriginal title and traditional land use practices.

**"Protector of the Red Man:" Frank Speck and the socio-political construct of the family hunting territory complex in eastern Canada**

As noted in Chapter Two of this dissertation, Speck's early fieldwork in eastern Canada sought to clarify John R. Swanton's (1905:669) supposition that, among certain Aboriginal groups, the non-exogamic family formed the basis from which

the state and property were derived, and where authority and inheritance descended from father to son. This notion directly problematised the unilinealist notion that the maternal clan, as the foundation of early society, always developed in one direction along more complex lines into a paternal gens system. It was this general theoretical framework which drove Speck's early work as a professional anthropologist within the academy.

In Chapters Three and Four, I illustrated how Aboriginal peoples continuously asserted sovereignty and effective control over their territories through their own conceptual paradigms and practices. These assertions were in direct opposition to Canada's own assertions of sovereignty and effective control over the same territories. The resulting jurisdictional disputes over traditional Aboriginal land use practices provided a prominent socio-political backdrop for Speck's ethnological and ethnographic studies of social organization. While Speck's intellectual contributions to the anthropological canon continue to be debated amongst academics (see Feit 2004 for the latest installment), the question of the nature and extent of the collaborative efforts involved in the development of Speck's representations of Aboriginal territoriality should not be underestimated or overshadowed by these debates. By placing Speck's work within the larger socio-political struggles that include the active engagement of Aboriginal peoples, it is possible to highlight the organized, directed and collaborative efforts involved in Speck's representations of the cultural, historical and territorial presence of Aboriginal peoples. This provides a more nuanced

understanding of the questions and tensions underlying Speck's representation of Aboriginal territoriality.

In 1912, Speck began to shift the focus and scope of his research and fieldwork. While he was still particularly driven to contribute his own research data relating to the social organization of the eastern Algonquian groups to bolster Swanton's theoretical supposition of the prevalence of the non-exogamic family group, during the summer of 1912 Speck began to formulate some divergent notions relating to the applied nature of anthropological representations of Aboriginal territoriality. These ideas were largely influenced by the struggles of the Innu at Moisie River, in the Saguenay district of Quebec, for recognition of their traditional fishing practices by the federal and provincial governments (see Pulla 2003). At the request of the Innu at Moisie River, Speck actively petitioned the provincial and federal governments to relinquish the strict enforcement of fisheries policies which were largely responsible for the increasing destitution of the Aboriginal peoples along the north shore of the St. Lawrence River. The experience had a profound effect on Speck. To his close friend and colleague, Edward Sapir, Speck characterized himself as a "political missionary"<sup>1</sup> and in a letter from Lake St. Jean dated 21 July 1912, Speck told Sapir that helping the Innu was "a very deserving piece of work, better than a whole lot of this institutional charity work." He also reflected on the apparent lack of "sympathy with the Indians and their welfare" exhibited by the Department of Indian Affairs (DIA), suggesting that "a conscientious, devoted agent, who has a real interest in the Indians themselves" would provide the support needed by the

Aboriginal peoples. With respect to the ongoing struggle of the Aboriginal peoples for recognition of their rights to pursue traditional activities, Speck commented that “it would be a good plan for the Superintendent [of Indian Affairs] to secure testimony from intelligent people or from the Indians themselves.”<sup>2</sup> While it is unclear whom Speck considered intelligent, it seems particularly evident that, as an anthropologist, Speck believed he could provide the information and analyses needed to help substantiate the Innu’s claim.

After his time with the Innu on the north shore, Speck visited Maine to collect ethnological specimens and to continue the studies he had begun in 1909 with the Penobscot. An analysis of his earlier field-notes for the period between 1909 and 1911 indicates that Speck’s primary focus during this time was the collection of linguistic materials, with some data relating to Penobscot material culture. An examination of his field-notes for 1912, however, indicates that after his time with the Innu Speck began to examine the specific relationship between social organization and territoriality. In his field-notes Speck defined the social group as a family living within a well-defined territory in which it pursued traditional activities. Furthermore, Speck defined the social group in specific relation to its territory, from which the social group derived and utilized its unique family appellation as a boundary marker to assert ownership over a particular area. In his field-notes he stated:

Bands, for the most part consisting of related families under the leadership of some elder or elders who inherited the right to hunt and trap in a certain, more or less well defined territory, which belonged, so to speak, to him and his family. These local bands were known by the name of some species of animal which was abundant in their hunting territory

and which furnished them with their main supply of flesh and fur. Likenesses of these animals were painted or carried on landmarks, such as trees or stones or represented by birch bark cut-out silhouettes posted here and there on the borders of the range.<sup>3</sup>

After his return to the University of Pennsylvania in the fall of 1912, a local newspaper published an account of Speck's "summer spent among Indians of the north," including the incident at Moisie River. Speck informed the newspaper that these Aboriginal peoples in Quebec suffered great hardships due to the policies of the Canadian governments. The newspaper reported:

The pathos of the situation so appealed to Dr. Speck that he reported conditions to the Canadian government. He states that he hardly expects much to be done to relieve their suffering, since the policy has been in practice for many years and a powerful opposition still remains to be fought down.<sup>4</sup>

Later that same year, Speck (1912) expanded his reflections on this issue in an article published in the *Southern Workman*, a publication of the Virginia Hampton Institute—one of the first mixed Colored-Aboriginal Colleges in the United States. Entitled "Conservation for the Indians," Speck noted that while Aboriginal peoples adopted certain aspects of non-Aboriginal life, he stressed the importance of Aboriginal people being allowed to continue their traditional activities. This included allowing Aboriginal peoples to continue living in their "ideal homes" which Speck characterized as vast tracts of pristine wilderness (1912: 328-330). This article synthesized Speck's experience with the conflicting relations surrounding Aboriginal land and resource use in Quebec with his emerging notions of territoriality. The family hunting territory complex provided a tangible and measurable system to represent Aboriginal title in specific contested

areas. It also provided ethnographic verification of Swanton's notion of the family as a specific unit of social organization, further contesting unilineal notions of property and the resulting characterizations of Aboriginal peoples as primitive communalists who did not maintain organized systems of property relations.

During the spring of 1913, Speck returned to Lac St. Jean and traveled north to Mistassini and then to Temiskaming and Temagami to collect additional data on family hunting territories and ethnological specimens for Sapir and the Victoria Memorial Museum in Ottawa. While he informed Sapir that he had some luck mapping the inherited hunting territories of the seventy family bands around Mistassini, Speck indicated that his efforts were proving better further south around Lake Temagami. In order to accommodate his ethnographic research, while at Bear Island Speck requested Sapir to supply him with the two official Canadian government maps published by the Department of the Interior covering the mineral district of Northern Ontario. He stressed:

I need this urgently as I am having good luck in this quarter getting the hunting bands and families of the Temiskaming Indians. The map I refer to has a detailed location of enormous territory which I can partly cover with family claims of the Nippising, Temiskaming, Temagami, Abitibi and another such tribe called "kiwégomaanicenabi" turn-back-lake people near the Ottawa river. I feel a bit flattered with the results of my social relations studies here. It opens up some good prospects.<sup>5</sup>

Speck's success at Bear Island was due, in large part, to the eagerness and openness of the Tem-Augama Anishnabae (TAA) for the resolution of their longstanding land dispute with the federal government, which was compounded by provincial jurisdictional issues relating to the restriction on hunting and fishing

in Ontario (Hodgins and Benidickson 1989: 136-141). Speck's keen interest in mapping traditional territories and his apparent government credentials, convinced the TAA that he had come to resolve their land claim. Former Chief of the TAA, Gary Potts, recounted:

Speck arrived under the auspices of the Canadian government, his research financed by the Geological Survey. Since the land claim had started, the only officials our people had ever met were local Indian Agents and provincial fire rangers. Suddenly, here was a government man who was interested in our past and present life, our land tenure system, our political organization, our myths and stories. This couldn't be a coincidence. The people must have assumed Speck had been sent to gather information to help settle our claim. They welcomed him and openly told him just about anything he wanted to know (Potts and Morrison 1988: 16).

Speck was never an official employee of Sapir's Anthropology Division. The early arrangements between Speck and the Geological Survey of Canada were informally arranged between Speck and Sapir via correspondence and verbal agreement.<sup>6</sup> In his later trips to eastern Canada, during 1915, however, Speck travelled with a letter from Sapir on official Department of Mines letterhead indicating that he was working directly for the Geological Survey of Canada collecting ethnological data and ethnological specimens for the Anthropology Division.<sup>7</sup> While in the case of the Temagami land claim, it is not entirely clear whether Speck presented himself as a 'government agent', misconstruing the real reasons for his presence; it is clear, however, that Speck was working for Sapir in some capacity and that it is unlikely that he intended to misrepresent himself for the sake of acquiring data.

In his correspondence to Sapir, Speck highlighted how welcoming the TAA were. On 30 June 1913 he noted to Sapir that he sponsored a feast at Bear Island and in return the TAA hosted a social in his honor:

Last night I gave this band a little feast and they gave us a dance in the bush. About 150 Indians came and we were the only white people permitted on hand, although there are a half dozen or so on the island. The ceremony opened with a round dance. . . they gave a bear dance "Maguacé". . . needless to say my speech was a little complimentary and they gave me a good "migwetc!" shout.<sup>8</sup>

Speck also informed Sapir that he started "mapping a number of family hunting territories hereabouts which now gives me a pretty wide area from L[ake] Abitibi south to the Ottawa River and west to Smoothwater River."<sup>9</sup> Perhaps the most striking information Speck obtained was from Chief Alec Paul, who requested Speck to represent the growing tensions regarding restrictions on Aboriginal harvesting practices within the TAA's traditional territories. An examination of Speck's field-notes indicates that Paul specifically contextualized the notion of the TAA's family hunting territory complex within the larger issue of land title and resource use. In an interview with Speck, Paul stressed that the Department of Indian Affairs (DIA) promised to recognize their Aboriginal title and rights, and that his people needed to have their rights to the land and game recognized and protected as much as non-Aboriginal settlers in the area.<sup>10</sup>

The TAA's struggle for recognition of their Aboriginal title and the effects of stringent provincial game regulations were strong contributing factors to Speck's representation of Aboriginal territoriality. Building on his experiences the year before on the north shore of the St. Lawrence, the situation in Temagami

further solidified the growing socio-political connections between advocacy and Anthropology embedded in Speck's work. This direction of his work is particularly represented in two short articles he published in the *Red Man* in 1913 after his summer in Temagami. Read together, "Conserving and Developing the Good in the Indian" (1913a) and "The Indians and Game Preservation" (1913b), combine Speck's general desire for directed efforts at recognizing Aboriginal claims, within a specific framework in which these rights could be recognized. He emphasized the need for "well-directed philanthropy" to provide opportunities for Aboriginal people to sustain their livelihoods, characterizing the situation as the beginning of "a sort of renaissance period," marked by the increased realizations by Aboriginal leaders of their own powers, and the "appreciation shown everywhere by intelligent people of the treasures of [their] art, music, literature, native philosophy, and talents in general" (1913a: 464-465). Speck's contributions to this Aboriginal renaissance centered on countering the strict opposition towards Aboriginal land and resource use in Quebec and Ontario. Evidently inspired by his interview with Chief Alec Paul, as well as by his experience with the Innu along the north shore the year before, Speck refuted the commonly held notion that Aboriginal peoples were largely responsible for the decline of game resources, and argued that they maintained a hunting territory complex which ensured the strict control and regulation of game resources (1913b: 21-22).

The specific socio-political application of Speck's representation of Aboriginal territoriality gained him the reputation of the "Protector of the Red Man." An article published by the *Philadelphia Public Ledger's* Magazine section

on 23 November 1913 emphasized Speck's emerging notion of the family hunting territory system in direct relationship to his role as a policy advocate. It emphasized:

[Speck] is known to the red men as their friend and protector. Many times he has interceded for them in Quebec and Ottawa, and the Indians know this and appreciate it and it was therefore to him that they have given the proof of their ownership of the forests not as tribes merely but as individuals thus upsetting all established data.<sup>11</sup>

Speck's attempts to gain recognition for Aboriginal land use practices directly conflicted with dominant representations of Aboriginal peoples as ruthless, savage and dirty, who indiscriminately killed animals in great numbers.

Articles from popular outdoors magazines during this time period, such as *Rod and Gun in Canada*, depicted Aboriginal peoples as backwards and dirty (see Lacey 1914; Miller 1914) and, in 1905, for example, the official report of Ontario's Fish and Game Commissioner (1905) compared Aboriginal peoples to wolves, which were depicted as cowardly brutes who, motivated by sheer bloodlust, hunted in packs to outnumber defenseless deer. The report noted: "Indians. . . bear a strong resemblance to wolves, they recognize no close seasons, age or sex. Cow or calf moose is always preferred when required for food, and killed accordingly, irrespective of season or condition (1905: 17). In representing Aboriginal peoples as uncivilized, game officials characterized their traditional harvesting activities as being motivated by a bloodlust that led them to kill not just to meet their needs but to satisfy a more primal urge (Calverley 2004: 99).

In January 1914, Speck (1914) further addressed the issue of Aboriginal land use in an article published by the *Southern Workman* titled “The Basis of Indian Ownership of Land and Game.” Speck (1914: 36) felt strongly that he needed to “make public to the white people encroachments upon Indian rights to the land” and openly criticized the notion that Aboriginal peoples in Canada and the United States did not maintain a distinct and recognizable form of territoriality. Using the example of the TAA, Speck argued that Aboriginal peoples in eastern Canada maintained a distinct form of territoriality that formed their “primary social institution” and noted the whole territory was claimed by each Aboriginal group and subdivided into tracts, “owned from time immemorial by the same families and handed down from generation to generation” (1914: 37-38). Speck ultimately claimed that misconceptions and ignorance regarding Aboriginal land and resource use were a grave injustice as they attacked Aboriginal peoples’ fundamental rights to their territories (1914: 35).

It is interesting that, instead of choosing to publish his preliminary results in scholarly journals such as *American Anthropologist*, Speck chose to publish these results in publications such as *The Southern Workman* and *The Red Men*. *The Southern Workman* was a monthly journal at the Hampton Institute in Virginia. Established in 1868, the Hampton Institute's mission was to " 'uplift' the Negro from his state of degradation; 'civilize' the savage and teach him how to work."<sup>12</sup> Members of both groups would be taught to dress, speak, work, and behave as Europeans—despite the fact that they were offered no guarantee that

they would ever be offered powers and privileges equivalent to those enjoyed by mainstream society.<sup>13</sup> The *Red Man* was published by the Carlisle Indian Industrial School, which was established in the late 1800s as the Aboriginal equivalent to the Hampton Institute. Both of these journals had a specific political audience and agenda, geared at the development of social policy initiatives. Speck's choice to publish his initial research results in these two journals reflected his desire to contribute to these socio-political discussions. These contributions tended to be critical of the attempts of policy makers to supplant the traditional lifeways of Aboriginal peoples with a "made-over white man's ideal" which, Speck argued, mainstream society could not achieve (1913a: 464). Even though Speck was not necessarily reaching out to a purely scientific audience with the preliminary results of his fieldwork, he received some support from his colleagues for his critical assessment of Indian policy initiatives. In response to Speck's article in the *Red Man*, "Conserving and Developing the Good in the Indian" (1913a), for example, Harlan I. Smith, head of the Archaeology Division at the Victoria Memorial Museum in Ottawa, noted to Speck that his contributions to these policy debates were substantial and worthy of being pushed. He also pointed out that it was "too bad there [was] not a man in every state of the United States and every province in Canada with such ideas who [would] fight for [the Indians]."<sup>14</sup>

During the summer of 1914, Speck returned to eastern Canada to extend his ethnographic work to encompass the Mi'kmaq in Nova Scotia, New Brunswick and Newfoundland. As I have pointed out in Chapter Four, Aboriginal

peoples in Quebec and Ontario, as well as the Mi'kmaq in Nova Scotia, New Brunswick and Newfoundland struggled against the provincial and federal governments regarding their traditional resource and land use practices. In Nova Scotia and New Brunswick, the DIA also struggled with the question of Aboriginal title and whether that title was extinguished by provincial governments prior to their entry into confederation in 1867. During the early 1900s, the DIA worked officially to set aside tracts of land for the Mi'kmaq as their reserves. This process, however, was complicated by the DIA's refusal to acknowledge early treaties between the Mi'kmaq and the British Imperial Government, which recognized Mi'kmaq title to their traditional territories and rights to continue their traditional activities within these lands (see Wicken 2002; Chute 1999).

When Speck visited the Mi'kmaq in Nova Scotia during 1914, including those at Sheet Harbour (see Chapter Four) the DIA had yet to set aside any specific land for the Mi'kmaq as Indian reserves. Furthermore, a few months prior to his arrival, the DIA tendered a proposal for title to cut the contested 500 acre soft-wood timber stand at Ship Harbour, granting it to A. Webber of Nova Scotia for \$5,500.<sup>15</sup> Building on his previous field-experience on the north shore of the St. Lawrence and Temagami, Speck worked directly with Mi'kmaq Grand Chief John Dennys to document the family hunting districts of the various groups of Mi'kmaq throughout Nova Scotia. In an interview with the *Sydney Herald* Speck characterized his work in the Maritimes as part of a larger official project spear-headed by the Canadian government to document the territorial claims of Aboriginal peoples across the country. In mapping Mi'kmaq territorial claims and

hunting grounds, Speck indicated that he was contributing to this project by “reconstruct[ing] the entire family divisions of Nova Scotia and Cape Breton.”<sup>16</sup> While Speck was, in fact, working for the Canadian government, as I noted earlier, he was not working in the same capacity as the McKenna-McBride Commission in British Columbia (see Harris: 2002). His comments, however, provide some insights into the underlying rationale of his representations of Mi’kmaq territoriality. He obviously believed that his work, like the McKenna-McBride Commission in British Columbia, could help settle the outstanding issue of Aboriginal title in the Canadian Maritimes. While the theoretical results of Speck’s representations of Mi’kmaq territoriality were limited, the practical aspects were not.

In his unpublished manuscript, *Nova Scotia Hunting Territories*,<sup>17</sup> Speck further developed his notion of the family hunting territory complex, generally suggesting that “like the rest of the northern and eastern Algonkians whose subsistence was gained by hunting and fishing,” the Mi’kmaq divided their territories into “more or less recognized districts in which certain proprietors or families had inherited privileges of hunting.” Speck struggled, however, with the apparent differences between Mi’kmaq territoriality and the earlier data he secured amongst the Ojibwa and Penobscot. While his earlier data suggested that territorial divisions reflected a distinct form of social organization which incorporated cultural elements, Speck’s data on Mi’kmaq land holdings suggested that territorial divisions were purely economic. He noted:



It is true of the Micmacs throughout, so far as I could learn, that the family groups and their hunting territories, whether held in common or by individuals, are found to be on a purely economic basis, with no sociological phenomenon other than kinship. This puts a very simplified aspect on the family institution, which appears in greater complexity among the Algonkians further west.<sup>18</sup>

While Speck tentatively suggested that the “simplicity” of the Mi’kmaq family hunting complex was due to a “degenerated culture in comparison with the other Algonkians,” he cautioned that his data were not complete and that he hoped to further his studies to include the entire eastern region.<sup>19</sup>

Practically, Speck’s *Nova Scotia Hunting Territories* provided specific clarification regarding Mi’kmaq land holdings in the province. With the help of Grand Chief Dennys, Speck documented forty-five different Mi’kmaq land holdings across Nova Scotia, including the area around the contested Fairy Lake Indian Reserve, as well as the land around Sheet and Ship Harbors (see Chapter Four).<sup>20</sup> Considering that the DIA continuously neglected to acknowledge the presence of Mi’kmaq title in relation to ongoing disputes relating to land and resource use in Nova Scotia, Speck’s data represented the extent to which the Mi’kmaq still recognized their Aboriginal title to lands within the province and provided specific representations of that title. In certain instances, Speck mapped the exact detail regarding the size and geographical placement of a territory. Figure 13, for example, is an extract from Speck’s Mi’kmaq field-notes and illustrates the hunting district of John McEwan from the Bear River First Nation. The map of McEwan’s district included the size of the territory, 15 miles by 10 miles, and the names of the lakes and rivers within the

territory. Speck also represented the specific areas traditionally used as campsites with an “X”. Speck then recorded this information on a larger map which he later published in 1922 in *Beothuck and Micmac* (Speck 1922).

As I have illustrated (see Chapter 3), Speck incorporated the geographical knowledge of Aboriginal peoples onto official government series maps, fixing Aboriginal traditional territories within the geography of Canada. These maps not only represented an Aboriginal presence on the land, but helped to assert Aboriginal sovereignty and effective control over territories and territorial resources. Speck’s mapping of Mi’kmaq territoriality in Nova Scotia, as was the case earlier in Temagami with the Teme-Auguma Anishnabae, incorporated the Mi’kmaq’s own extensive knowledge of their culture, rights, and claim issues. The resulting map-documents were not merely Speck’s own representations of Mi’kmaq territoriality. These maps also represented the historical legacy of Mi’kmaq interaction with British colonialism, including the historical treaties of peace and friendship and the continuing struggles of the Mi’kmaq for recognition of their hunting and fishing rights (Chute 1999: 494; see Wicken 2002).

This hybridity is further illustrated in Speck’s unpublished manuscript *Hunting Territories in Cape Breton Island*,<sup>21</sup> compiled on 29 September 1914 as a companion piece to *Nova Scotia Hunting Territories*. Unlike his notes on the *Nova Scotia Hunting Territories*, the Cape Breton manuscript provided a specific historical context regarding the colonization of Mi’kmaq territories. Speck noted

that fluctuations in the extent of Mi'kmaq territoriality coincided with the intensification of British occupation of Mi'kmaq territories following the Battle of Quebec in 1759. In particular, he indicated that Mi'kmaq families moved eastward in order to be further away "from possible vengeance from the English, who were settled in Nova Scotia."<sup>22</sup> Increasing settlement of British subjects at the end of the 18<sup>th</sup> century following the American War of Independence placed even more stress on Mi'kmaq territories in Nova Scotia, forcing the Mi'kmaq to strictly manage their land and resources against non-Aboriginal encroachment (Wicken 2002: 34).

When read together, *Nova Scotia Hunting Territories* and *Hunting Territories in Cape Breton Island*, illustrate a connection between Speck's attempts to theorize how Aboriginal social organization combined with the practical realities regarding land and resource use faced by the Mi'kmaq. While Speck sought particular data from the Mi'kmaq to further his notion regarding the prevalence of the family as a specific unit of social relations amongst the northeastern Algonquian, the Mi'kmaq instead provided him with information regarding the historical legacy of colonialism in the eastern Canada and the ongoing struggle by the Mi'kmaq for control of their lands and resources within their traditional territories. The active involvement of Mi'kmaq Grand Chief John Dennys, as one of Speck's closest informants, like Teme-Auguama Chief Alec Paul, had a considerable influence on the collection of this data. As Grand Chief of the Mi'kmaq Grand Council, Dennys was largely responsible for maintaining

the historical legacy of the Mi'kmaq in eastern Canada, a legacy steeped in the history of ongoing Mi'kmaq dispossession by the Canadian government.

Later during the summer of 1914, Speck journeyed to Newfoundland to complete his tour of Mi'kmaq territories in eastern Canada. As I noted in Chapter Four, the establishment of the trans-island railway in 1908 significantly increased the non-Aboriginal presence in areas of interior Newfoundland and intensified competition for fish and game resources. The railway had a particularly devastating effect on the caribou population, a staple of the local Mi'kmaq diet and economy. The railway cut across one of the caribou's main migration routes and provided hundreds of non-Aboriginal peoples direct access with minimal effort to the caribou (Pastore 1977: 173). The railway also impacted the distribution and organization of Mi'kmaq territories. In his unpublished manuscript *Hunting Territories of the Micmac-Montagnais of Newfoundland*, Speck noted that, as a result of the railway, young Mi'kmaq hunters pushed into the interior of the island to establish hunting districts. According to Speck, some of these districts were so recently occupied that they were not well known by the older hunters and there was some confusion as to their specific boundaries.<sup>23</sup> As a result, Speck emphasized that his representation of hunting territories should not be characterized as static but understood as changing and influenced by specific local events. He stated:

Under these circumstances the fact should be emphasized that the territorial surveys, as I present them on the map, represent a combination of old conditions with those prevailing at the time of my visit. Since matters of this sort are by no means strictly static, we must allow for changes. These remarks apply to all my studies and papers dealing with



this important and widespread topic. The local unclearness of boundaries illustrates conditions on a frontier, and the matter as a whole has, moreover, a certain significance in showing to what extent the frontier of an Indian habitat has expanded in, let us say, not more than 200 years of occupancy.<sup>24</sup>

While this statement has particular significance regarding the validity of Mi'kmaq occupancy in Newfoundland, it also illustrates Speck's understanding that Aboriginal territoriality was not fixed by the limits of his cartographic representations, but continuously expanding and contracting in relation to local conditions. These boundaries ultimately had a degree of flexibility.

The following spring, in 1915, Speck returned to Lake St. Jean and the north shore of the St. Lawrence to continue his ethnographic studies of the family hunting territory complex amongst the Aboriginal peoples of eastern Canada. Buoyed by the results of his previous years research amongst the Mi'kmaq in Canada's eastern Maritime provinces, in the spring of 1915 Speck worked closely with Innu chiefs to document the exact boundaries of their various hunting districts. On 8 April 1915, Speck informed Sapir that he was busy documenting the hunting territories and boundaries of the Aboriginal peoples around Lake St. Jean.<sup>25</sup> In 1913 Speck began the practice of representing Aboriginal territories on government issued maps and in 1914 he started documenting, in detail, specific hunting territories (Figure 14). Unlike his Temagami and Mi'kmaq field-notes which focused largely on issues of social

organization, including patterns of descent, Speck's 1915 notes focused more particularly on securing representations of family hunting districts and less on documenting the specific ethnographic details of social organization.

The maps Speck collected during this period included specific details regarding the use of territories as well as the non-Aboriginal presence on the land. Figure 14 is taken from Speck's 1915 field-notes and represents the hunting territory of Pakatágon. In contrast to the map of John McEwan's Hunting Territory in Nova Scotia (Figure 13), Speck documented the seasonal use of the territory, signifying a continued Aboriginal presence on the land. He noted, for instance, that in the spring, it took three days by dog team, or four days by foot, to traverse the territory, but in the summer it took upwards of one month to travel across the territory with provisions, hunting and fishing along the way. Speck also made particular note of the non-Aboriginal presence on the territory and marked on the map the various cabins frequented by non-Aboriginal peoples. The map also provided an indication of the ongoing tensions between Aboriginal and non-Aboriginal peoples regarding land use in the area. At the top of the map there is a notation indicating that some non-Aboriginal people stole 50 to 60 traps from Vern Porties' cabin. For Porties, the loss of these traps surely delivered a severe blow to his livelihood. For the non-Aboriginal people using the territory, however, this loss meant one less person to compete with.

After returning from the field in the Fall of 1915, Speck delivered a public lecture at the University of Pennsylvania's Houston Club titled "The Basis of American Indian Ownership of the Land," later published in the University's

weekly periodical *New Penn Review* (Speck 1915a). The lecture provided Speck with the opportunity to incorporate his data—collected over the previous three summers in eastern Canada—within the context of the discussion regarding Aboriginal land and resource use, established in his earlier articles published in *Red Man* and the *Southern Workman*. In his lecture, Speck specifically contested the notion that “in harmony with other primitive phenomena, the American Indians had little or no interest in the matter of claims and boundaries to the land which they inhabited.” In contrast, he argued that his data revealed that Aboriginal peoples in eastern Canada maintained claims to land which characterized “actual ownership of territory” and which formed the basis of their social organization.<sup>26</sup>

With regard to territoriality, Speck emphasized that the specific boundaries of the hunting districts were “so well established and definite” that he was able to map the “exact tract of country claimed by each family group.” Interestingly, he did not note the difficulties he experienced in mapping these territories in Newfoundland, nor the notion that the boundaries of these territories were flexible and responsive to local conditions. Rather, he represented the territories as fixed sections of land averaging “two and four hundred square miles to each family in the main habitat, while on the tribal frontiers they may average from two to four times as large.”<sup>27</sup>

While Speck concluded in his general lecture to the public at the University of Pennsylvania in 1915 that his data confirmed Swanton’s notion of the existence of the family as the basis of social organization among the

Algonquian in the northeast, an examination of the archival record of Speck's three years of fieldwork in eastern Canada suggests that this conclusion was premature. Even Speck himself noted in his manuscript on Mi'kmaq hunting territories in Nova Scotia, that the ethnographic results of his studies were limited and inconclusive.<sup>28</sup> The strength of Speck's fieldwork rested on his collaborative efforts with Aboriginal peoples to gather and map information regarding the specific limits, boundaries and uses of Aboriginal traditional territories. This project was particularly important because of the increasing intensification of non-Aboriginal settlement and resource use in eastern Canada, and the failure of the federal and provincial governments to acknowledge Aboriginal title and rights within these areas. Speck even noted that he hoped his work would "prove to have some value in the field of Indian administration should it ever be possible to reconstruct the boundaries of the Indian family claims in Ontario and Quebec" and suggested that the unresolved question of Aboriginal title in eastern Canada should not be laid to rest. He stressed:

It becomes apparent by means of our study how, through misunderstanding between the colonial authorities and the natives, large tracts of land were sold by chiefs or by individuals who, from the Indian standpoint, had absolutely no claim to their ownership nor rights of disposal.<sup>29</sup>

Speck's public lecture provided the basic blueprint for the transition of his representations of Aboriginal territoriality to a larger anthropological audience. In 1915, *American Anthropologist* and the Geological Survey of Canada published portions of Speck's lecture with emphasis placed on his contributions to the

notion of social organization. As I noted earlier in Chapter Two, “The Family Hunting Band as the Basis of Algonkian Social Organization” (Speck 1915c) and “The Family Hunting Territories and Social Life of Various Algonkin Bands of the Ottawa Valley” (1915b) officially introduced Speck’s notion of the family hunting territory complex into the larger theoretical debate regarding aspects of Aboriginal social organization in North America.

Well into the 1920s, however, Speck continued to contribute to policy discussions regarding the administration of Aboriginal lands and the recognition of Aboriginal land and resource rights. In 1926 he furthered his position on these issues in a paper presented at the Annual Meeting of the National Research Council’s Anthropology Division in Washington, and later at the 22<sup>nd</sup> meeting of the International Congress of Americanists in Rome (Speck 1926a). In “Land Ownership Among Hunting Peoples in Primitive American and the World’s Marginal Areas,”<sup>30</sup> Speck clearly desired to counter prevailing notions that Aboriginal peoples did not maintain “rights of land tenure.” He suggested that Aboriginal peoples maintained specific measurable forms of territoriality that characterized their “land claims as ‘legal’ holdings.” These forms of territoriality included: distinct, measurable boundaries; traceable patterns of inheritance; ongoing systems to enforce territorial rights and conserve resources; and well-represented geographical place names and artificial boundary markers.<sup>31</sup>

While his data supported the practical aspects needed to represent Aboriginal land claims, Speck also clearly desired his work to counter the dominant racist ideologies during this time period that influenced the official

administration of Aboriginal peoples and their lands in Canada and the United States. In order to counter these ideologies, Speck argued that his data on Aboriginal territoriality, and increasing anthropological data from around the world, challenged evolutionary theories of social organization which continued to represent Aboriginal peoples as primitive savages. While this could be characterized as simplistic rhetoric, in the conclusion of his paper, "Land Ownership Among Hunting Peoples in Primitive American and the World's Marginal Areas," he noted:

We are beginning to discover (often to the surprise of the evolutionary theorists but not to the observers who are abroad in the actual field) that not only do the quasi-Neanderthaloid Australians become good checker players in a short time, the Kalahari Bushman show ability to discern a newly appearing star, the Fuegians grasp the concept of a supreme deity, the Blackfeet manifest practical knowledge of human anatomy, the Congo negroes evince a knowledge of the Caesarian operation in their own science of anatomy, and practice jurisprudence, the Araucarians realize the social importance of systematic sex instruction for youths, the Trobriands believe in immaculate conception, the Naskapi not only insist upon the observation of game conservation and profess some recently expounded principles of new-thought, even telepathy, but they have enough intelligence to have devised an effective means for safe guarding of virginity among their maidens if desired; these being among the many ideals of modern civilized instruction—some of them even still imperfed.<sup>32</sup>

Associating his work with the increasing anthropological proliferation of relativistic representations of Aboriginal cultures not only strengthened his own attack on social-evolutionists, it also helped to transform the practical aspects and policy driven notion of Aboriginal territoriality into a more generalized theoretical construct. This simultaneously blurred the socio-political and intellectual domains of knowledge associated with Speck's representations of

Aboriginal territoriality, as well as his identity as both a policy advocate and anthropological theorist.

Speck's theorization of Aboriginal territoriality, however, was still largely an effort to challenge government policy regarding Aboriginal land and resource use. This is further illustrated in a subsequent article he published in 1926 in *The General Magazine and Historical Chronicle* entitled "Annihilating the Indian" (Speck 1926b). When read together with "Land Ownership Among Hunting Peoples in Primitive American and the World's Marginal Areas" (Speck 1926a), it is evident that Speck recognized the practical application of anthropological knowledge to challenge what he regarded as the ongoing misrepresentation of Aboriginal peoples by mainstream non-Aboriginal society. In "Annihilating the Indian" Speck directly confronted the notion that the administration of Indian Affairs in the United States worked beneficially towards the civilization and progress of Aboriginal peoples (1926b: 262). He challenged the paternalistic perception that Aboriginal people were "intellectually inferior in [their] power to grasp the problem of life" and suggested that bureaucrats working within Indian Affairs be required to study Sociology and Anthropology in order to gain a better understanding and appreciation for the unique cultures of Aboriginal peoples in North America. He noted:

administrators, educators, missionaries, and the like, could be expected to know as much in regard to the genius, the capacity, the ideals, in short the whole historical background of less civilized peoples, as the average sophomore and junior in many American colleges and universities is required to know before he receives a passing mark in courses leading to the Bachelor's degree (1926b: 270).

Speck's attack on the ignorance of Indian Affairs officials was in response to an earlier statement made by George Vaux, a lawyer who served as the Chairman of the U.S. Board of Indian Commissioners. According to Speck (1926b: 262-263), Vaux noted in an earlier publication of *The General Magazine and Historical Chronicle* that while "grafters and self-interested white men" were a handicap to the work of Indian Affairs, it was the weight of sentimentalists who "failed to grasp the many branches of activity which are touched by the Indian Bureau" that proved most problematic. While it is unclear whether Speck considered himself either a grafter or a self-interested white man, he stressed that ethnologists and "kindred 'scientists' were not always visionary sentimentalists" (1926b: 270). Speck ultimately believed, perhaps naïvely, that scientific perspectives could be incorporated into the administration of Indian Affairs in order to administer justice to and preserve the happiness of Aboriginal peoples, "whose pride in themselves is as great as that of Europeans" (1926b: 270). According to Speck, however, this could only be achieved through an appreciation and incorporation of the points of view and perspectives of Aboriginal peoples (1926b: 262).

In the following sections, I correlate Speck's work on Aboriginal territoriality with his research and advocacy work in southern Ontario and the northeastern United States. I argue that a more thorough analysis of Speck's collaborations with Aboriginal people on Aboriginal rights issues provides a better understanding of the importance Speck placed on countering racism by educating the public to accept Aboriginal cultures and to arouse awareness

regarding Aboriginal land and resource rights. Speck's representations on Aboriginal territoriality were ultimately part of this larger project.

**“Would you believe that Dr. Speck?”: The basic call to consciousness– the wampum affair and the treaty rights of the Six Nations Iroquois**

While at Bear Island in Temagami, Ontario, in 1913, Speck's ethnographic research into patterns of Aboriginal territoriality in eastern Canada and his subsequent collection of ethnological material for the Victoria Memorial Museum in Ottawa led him to become directly involved in the plight of the Haudenosaunee at Grand River, west of Toronto. On 10 July 1913, Speck wrote to his friend Edward Sapir, the head of the Anthropology Division at the Victoria Memorial Museum, that while at Oka, Quebec on his way to Temagami, he had purchased two wampum belts. He informed Sapir that the belts were very old and came from the Iroquois at the Oka Indian reserve, purchased by a “French man who had married an Indian woman.” Speck initially wanted to sell the two belts to Sapir for \$125 to cover his summer's field expenses. He noted:

of course if I get a little ahead on this Wampum deal it will pay up some of Flo's expenses in the field and help me out in some of my future work which is now all the more urgent to complete. . . .You might talk this wampum business over and let me know what you think. I won't be bull-headed! Of course we all know the intrinsic value of wampum (10 cents a bead).”<sup>33</sup>

Speck eventually received \$200 for the belts from Sapir.<sup>34</sup> Approximately one year later, in April 1914, he wrote to Chief Josiah Hill at Oka asking for help to

identify the two belts he purchased the previous summer. Hill informed Speck that a few years previous a number of belts were stolen from the reserve. With the consent of the Chiefs at Six Nations, Hill forwarded Speck a photo of the missing belts.<sup>35</sup>

In response, Speck forwarded the photo to Sapir in Ottawa and indicated that he recognized the belts as those which formed George Heye's private collection and were on display at the museum of the University of Pennsylvania.<sup>36</sup> In response, Sapir raised the issue with Deputy Superintendent General of Indian Affairs Duncan Campbell Scott, noting that Heye was well known within the anthropological community as not being "very scrupulous about the manner in which he gets and disposes of Indian material." Regarding the authenticity of the belts, Sapir agreed to provide the DIA with an affidavit based on the photo forwarded by Speck. He stressed, however, that Speck did not want to be too closely identified as the source of the complaint due to his connection with the University of Pennsylvania and Heye.<sup>37</sup> On 13 May 1914, Sapir informed Speck that he had contacted the DIA regarding "their wampum affair" and Scott had assured him that the department would deal with the matter.<sup>38</sup>

The DIA considered it a serious issue, and later that year, Scott wrote to Heye regarding the belts. While he requested Heye to provide specific information regarding the status of the belts, Heye refused, denying any connection to the belts. He informed Scott that the belts in question were not Canadian but were originally the property of Six Nations and that they now belonged to a collector in Oklahoma. Scott pressed Heye, however, stressing

that the belts were identical to the ones missing from Canada and requested Heye to return the belts to the “rightful owners at Six Nations.” Heye refused to acknowledge Scott’s request and asked him to clarify his statement that the belts were stolen and should be returned to their rightful owners. According to Heye, he was the rightful owner as he obtained the belts five years previously from a reliable source.<sup>39</sup>

On 11 November 1914 Sapir wrote to Speck regarding the status of the wampum affair. He noted that Scott briefed him on the DIA’s handling of the issue and that Heye was unwilling “to adopt a fair-minded attitude in the matter and meet Mr. Scott half way.” Sapir stressed that Heye systematically pretended ignorance regarding the status of the belts and noted that they might have to resort to legal measures to obtain the belts from Heye. He questioned Speck as to whether it would be possible to convince the Director of the University Museum to withdraw the belts from exhibition until the legal right to them could be definitely decided. He noted, “if necessary, you and I would of course be prepared to take affidavits in our having seen the belts in his collection.”<sup>40</sup> That same day, Sapir wrote to Scott and assured him that Heye had the belts. He also criticized the DIA for its lack of effort to follow up on the matter earlier.<sup>41</sup>

On 13 November 1914, Sapir informed Speck that, after consulting with Scott, he learned that the wampum belts in question had in fact been missing for over fourteen years. Apparently, on 13 March 1900, the Indian Agent at Six Nations, E.D. Cameron, informed the DIA that some wampum belts “mysteriously disappeared” from the reserve and that a collector in Chicago, Mr.

Roddy, was trying to sell them for \$2,000. Cameron requested Roddy to return the belts, stating that if he did not, he did so at his own risk. Roddy ignored the request and, by 1910, he still possessed the belts. The DIA, however, continued to request Roddy to return the belts to the rightful owners at Six Nations.<sup>42</sup>

By the end of 1914, Heye eventually confirmed to the DIA that he possessed the stolen belts. Even though Scott advised Heye that the DIA would aid him in recovering the expenses, Heye would not return the belts. He stressed that he bought the belts in good faith and did not realize that they were illegally removed from Six Nations.<sup>43</sup> Heye's refusal to cooperate with the DIA prompted Scott to seek the cooperation of the Chiefs at Six Nations in order to initiate legal action. On 15 January 1915, the Council of Six Nations passed a unanimous resolution agreeing that they would do all they could to assist the DIA in recovering the belts from Heye.<sup>44</sup> The DIA was ultimately unable to recover the belts and, by 1920, left the issue unresolved. These belts, or a portion of them, were eventually returned to Six Nations on 8 May 1988 (Fenton 1989; Tooker 1998).

While the story of these belts is not a new one (Fenton 1989; Tooker 1998), Speck's direct involvement in this wampum affair provides insight not only into his emerging role of an advocate but the type of influence anthropologists could exert over the administration of Indian affairs. Ironically, it was Speck's role as a collector of Aboriginal cultural material and his concern regarding the ethical treatment of the two wampum belts he had purchased that helped to unveil the whole affair.<sup>45</sup> As noted earlier in this chapter, by 1914 Speck's

tendency to become directly involved in promoting the Aboriginal perspective clearly gained him the reputation as “friend of the Indian.” In an era when Aboriginal peoples struggled to find acceptance for their cultural beliefs and recognition of their Aboriginal rights, Speck’s efforts gained him the trust and respect of the Aboriginal peoples he worked with. In this instance, his knowledge of the practical aspects of government administration and his connections to the key players, enabled him to effectively convince the DIA that they needed to intervene on behalf of Six Nations.

An important sub-text to Speck’s involvement in the wampum affair, and the application of his anthropological knowledge to issues of Aboriginal rights, was Speck’s awareness of the increasing tensions at Six Nations regarding land issues and treaty rights. In a letter to Speck in 1914, Tuscarora Chief Josiah Hill complained that a handful of non-Aboriginal people from Brantford were pressuring the DIA to sell off portions of the Six Nations Indian Reserve for land speculation. Hill pointed out that the present generation neglected to acknowledge that the reserve was provided to his people as compensation for aiding the British Government in their various wars against the Americans, including the War of 1812. He noted:

It seems to me that the present generation have entirely forgotten the great and enormous services rendered by the Six Nations for Great Britain during the early wars for supremacy in America, as well as the wars during the Revolution, from which Six Nations suffered the loss of their Country, and also in the wars of 1812 for assisting faithfully and fearlessly for Great Britain to retain the Great Country of the Province of Ontario which was known as Upper Canada, so much so that even the Government of Canada seems to be earnestly engaged to solve the problem of legalizing how to take Indian lands by law.<sup>46</sup>

The wampum affair also brought Speck into contact with Cayuga Hereditary Chief Deskaheh and the struggle of Six Nations to have their treaty rights recognized by the DIA. On 4 April 1914, Deskaheh wrote to Speck regarding Canada's consistent effort to ignore the tenants of the 1784 Haldimand Treaty. According to Deskaheh, the federal government refused to acknowledge the sovereignty of Six Nations, as outlined in the treaty, and aggressively worked to bring members of Six Nations under the control of the *Indian Act* for the purpose of conscripting them for military service to aid in the war effort and to compel the establishment of elected government at Six Nations. While by 1900 the DIA had overthrown the traditional Iroquois Councils at Tyendinaga, Kahnawake, and Akwesasne, the Council at Six Nations still appointed their leaders in the traditional manner and continued to assert its sovereign authority within its territory (Cousins 2004: 26). In his letter to Speck Deskaheh stated:

Notwithstanding all the assurances given to the Six Nations there is some misgiving as to what Canada may do to them and these doubts have tended to discourage them in their progress. As the avarice of civilized white-men seems to have no limit, the holdings of the Indians should be placed beyond the reach of a constituted guardian who must cater to the wishes of political leaders having ulterior motives.<sup>47</sup>

Deskaheh's apprehension was not misplaced and four years later, in 1919 the Council at Six Nations appointed a Status Committee headed by Deskaheh to defend what they perceived as an aggressive threat by Canada against their sovereignty and rights to self-governance. The committee petitioned the Supreme Court of Canada to recognize Six Nations as a self-governing nation

within Canada. The Supreme Court of Canada rejected the committee's petition, however, and the federal government issued an official Order in Council (OIC) declaring members of Six Nations to be British subjects (Cousins 2004: 28).

In response to the federal government's refusal to hear its claim, in 1921 Deskaheh travelled to England on behalf of the committee to request the British Crown to intervene on behalf of his people to settle their outstanding treaty issues with the federal government. While Deskaheh's request was not unique, the response of the DIA to his request was. As noted in Chapter Four of this thesis, during the early 1900s, many First Nation representatives actively sought out the British Crown to help settle outstanding treaty issues with the Canadian government. The English authorities, as in the case of Deskaheh, consistently refused these requests and referred the issues to the DIA (Cousins 2004: 28). In response to the ongoing concerns of the Six Nations' Council, however, the DIA decided to establish a tribunal to resolve any outstanding issues. The establishment of this tribunal included the selection and appointment of council members from Six Nations to work together with the Ontario Provincial Police on the question of liquor control. On 7 December 1922, however, the DIA sent a detachment of Royal Canadian Mounted Police (RCMP) into the reserve at Grand River to enforce the *Indian Act*. Armed with nineteen warrants for assault, theft and perjury dating back to 1918 and issued to them by the DIA, the RCMP arrested three members of the community. Deskaheh, who strongly opposed the DIA's interference in his nation's sovereignty, fled across the border to the United States. In response, Canada ordered a barracks built on the reserve to house

the RCMP and assert effective control over the territory and members of Six Nations (Cousins 2004: 28-29; Woo 2000).

The federal government's assertion of effective control took the form of an official Royal Commission, lead by Colonel Thompson, the head of the RCMP detachment housed on the reserve and responsible for investigating into the affairs of Six Nations. While members of Six Nations refused to participate in the findings of the Commission, its final report in 1924 claimed that the traditional governing body on the reserve mismanaged public affairs, and allowed for the continuation of "flagrant immoralities" throughout their territory. Buoyed by the findings of the Commission, during the fall of 1924 the federal government issued an official Order in Council (OIC) which systematically replaced the traditional governing structure of the Long-House at Six Nations with a Band Council elected under the terms of the *Indian Act*. On 7 October 1924 the RCMP forced their way into the Long-House at Six Nations and, by decree, officially dissolved the traditional government (Cousins 2004: 32).

In response to the federal government's actions, Deskaheh travelled to Geneva to raise the issue of Six Nations sovereignty before the newly appointed League of Nations. His submission to the League, "The Redman's Appeal for Justice: The Position of the Six Nations that they Constitute an Independent State" (Deskaheh 1924), outlined the affairs at Six Nations and the historical treaty relationship forged between Six Nations and the British Crown. Deskaheh stressed that the federal government refused to acknowledge Six Nations as

self-governing and characterized this refusal to acknowledge Six Nations sovereignty as an act of war and aggression upon his people. He noted:

To the manifest end of destroying the Six Nations Government, the Dominion Government did, without just or lawful cause, in or about December of the year 1922, commit an act of war upon the Six Nations by making an hostile invasion of the Six Nations domain, wherein the Dominion Government then established an armed force which it has since maintained therein, and the presence thereof has impeded and impedes the Six Nations Council in the carrying on of the duly constituted government of the Six Nations people, and is a menace to international peace (Deskaheh 1924: 11).

In order to protect and secure their sovereignty, Deskaheh requested the League to help Six Nations limit the actions of the Canadian government and provide the Council of Six Nations with the opportunity to counter the claims put forward by the Thompson Commission. Deskaheh also asked for the League to help ensure his freedom of transit across Canadian territory and the protection for the Six Nations in the event that the federal government continued its aggressive practices upon his people (Deskaheh 1924: 20).

Deskaheh's action certainly provoked the DIA, who considered him a criminal. In order to limit his actions in Europe, the DIA requested the Department of Justice to issue a warrant for his arrest and forward it to Scotland Yard. The DIA charged Deskaheh with stealing official Canadian relics. Reports from the Indian Agent at Six Nations indicated that he had travelled to Switzerland with an official copy of the Haldimand Treaty and the Six Nations' peace pipe. According to the DIA, since Deskaheh was no longer considered Chief he had no rights to these materials. The DIA also obtained the consent of the newly elected Band Council at Six Nations for Deskaheh's arrest.<sup>48</sup> While it is

unclear whether the DIA's warrant for arrest was ever issued and, if so, forwarded to Scotland Yard, Deskaheh's appeal to the League eventually fell flat and, at the end of 1924, he returned to the United States, exiled from his territory in Canada (Cousins 2004: 31-32).

During this time, Speck maintained close contact with various council members of Six Nations, including Deskaheh's brother Alexander General and Chief David S. Hill. At the end of 1924, Speck suggested that he could make arrangements for General and his brother to broadcast their grievances against the Canadian government over the radio.<sup>49</sup> On 13 January 1925, General informed Speck that he thought that the idea was good and that he would suggest it to his brother when he got home. General suggested to Speck that if Deskaheh could not make an appearance at the radio station, Speck could make arrangements with the Six Nations' Council "to speak about Six Nations questions."<sup>50</sup> Three days later, on 16 January 1925, Speck wrote to Chief David S. Hill at Six Nations regarding the possibility of the radio broadcast. He expressed his excitement to Hill:

Upon return home, I have thought things over and am more than ever anxious to have your case brought before the general public, and I think that this can be done best in a way I have suggested. I am trying to arrange for the broadcasting speech, but have heard nothing definite yet. Still there may be time to do it.<sup>51</sup>

Speck also advised Hill on the best way to approach the DIA for the return of a bag of loose wampum and strings seized and confiscated by the RCMP. He suggested that Hill stress to the DIA that the wampum constituted a form of currency and that in seizing the beads they had in fact taken money. Speck

emphasized this point to Hill and noted: "I do not think there is any provision in the Dominion laws to cover for taking of currency in any form from any individual by mere demand."<sup>52</sup>

Later that winter Hill informed Speck that he and the other traditional Chiefs at Six Nations deliberated over his recommendation for publicity. Instead of broadcasting a speech over the radio, however, they decided to send a delegation to Ottawa to interview private members of Parliament. The Chiefs also arranged to speak in Hamilton, Ontario on "the controversy between the Six Nations and the Canadian Indian Dept. at a meeting of a Society of which 52 are M.Ps." With regard to the seizure of wampum, Hill thanked Speck for his advice and noted that the appropriate action would be taken and that they would keep Speck apprised of any developments.<sup>53</sup>

While it is unclear what specific actions, if any, Hill and the other members of Six Nations took in order to retrieve the seized wampum, Speck continued to push the issue. By the 1920s, Speck's growing reputation as a professional anthropologist increased the scope and application of his advocacy against the administration of Indian Affairs in Canada and the United States. Speck continued to integrate his advocacy positions within his academic work, even admonishing those who failed to address the specific tensions between Aboriginal communities and government administrators. On 3 November 1925, for example, Speck wrote a polite letter to Dr. A.L. Hatzan regarding Hatzan's (1925) newly published *The True Story Of Hiawatha and the History of the Six Nation Indians*. At the request of Hatzan, Speck reviewed his book and

commended him on the chapter regarding the Hiawatha Band, noting that it was a “valuable and most instructive one.” He criticised Hatzan’s treatment of the Six Nations’ wampum records, however, indicating that the belts Hatzman examined were the same ones stolen from the reserve at the turn of the century. He stated:

I fear, moreover, that you did not do yourself justice by avoiding certain aspects of the Six Nations and Dominion dispute which would show to the unprejudiced mind some of the more flagrant audacities of the Department. I refer to the taking of their wampum last fall and to the emphasizing of the depositions of witnesses representing sentiments of the minority of the Indians, and the like.<sup>54</sup>

Later that same month, Alexander General informed Speck that Canadian representatives to the League of Nations continued to make disparaging remarks about the plight of Six Nations. According to General’s source in Geneva Switzerland, the Senate Liberal Leader, R. Dandurand, continued to promote the federal government’s official position that Aboriginal peoples, “received from Canada a territory and a capital in money. The Canadian government treats the Indians like children; they are not the pupils of the nation.” In specific reference to Deskaheh’s earlier attempts to gain support from the League, Dandurand stressed that he had fabricated the Haldimand Treaty by attaching a seal and ribbons. General expressed his surprise at these allegations and exclaimed: “Would you believe that [,] Dr. Speck?”<sup>55</sup>

In reply to General, on 19 December 1925, Speck outlined his detailed counter-attack against the Thompson Commission’s report, with specific emphasis placed on the issue of self-government and its relationship to the Long-House tradition at Six Nations. In substantiating the Long-House as a

primary place of worship, Speck hoped to counter the DIA's attacks against Six Nations' sovereignty as expressed within the framework of the traditional Long-House. While the DIA officially suspended the functions of the Long-House on the reserve, as recommended by the Thompson Commission, Speck suggested to General that the ethnological evidence indicated that the theory and beliefs of the Long-House were not "so unlike the basis of various modern Christian dogma."<sup>56</sup> As such, Speck argued that by shutting down the Long-House, the DIA effectively restricted entrance to an important place of worship. He noted: "it would be just as illegal in my opinion, in a commonwealth where religious liberty is tolerated, to think of closing your Long-House doors as to think of shutting the synagogue doors or those of the theosophists—even the Unitarian places of worship, as the latter do not indeed support the Divinity of Christ."<sup>57</sup> In the event that members of the Six Nations Long-House needed support from the scientific community, Speck offered to "sit as a referee on the question of religious determination" and substantiate his claims with "an abundance" of testimony from "learned authorities" in Canada and the United States regarding the "Christian influence shown in the Long-House religion if not actual Christian origin for most of its theology and ethics."<sup>58</sup>

With regard to the issue of self-government, Speck noted to his friend that, after thoroughly examining the Thompson Commission's report, it appeared that the topic of the "Election of Chiefs" was "a wretched excuse for treatment of a complicated historical and sociological subject."<sup>59</sup> He suggested that the findings of the Commission also misrepresented the acceptance of the traditional

government on the reserve. Instead of indicating that eighty percent of the members of the community participated in the traditional government, the report suggested that only “some people cling to this ancient form of government.” Speck argued that a similar statement could be made “with a disparaging purpose in mind, of the northern British, both in England and in the Dominion.”<sup>60</sup> Speck also criticised the Commission’s statement that the “better educated and more progressive” members of Six Nations were “keenly anxious for the same democratic form of government as is enjoyed by their white fellow-citizens.”<sup>61</sup> In Speck’s eyes, the Commission’s racism severely downplayed the intelligence of the members of Six Nations. He noted, rhetorically, to General, “one may wonder if anyone thinks the Indians are entirely ignorant of the political game in Canada as in the United States.”<sup>62</sup> Speck, apparently, did not.

In an unpublished paper entitled “Canadian Christian Indians Revert to Pagan Beliefs,” Speck organized his critiques of the Thompson Commission into a scholarly format. The paper highlighted Speck’s involvement in the issue and his perceived objectivity regarding the situation at Six Nations. While Speck’s involvement was anything but objective, he argued that the tense situation at Six Nations stemmed from the attempts of the conservative traditionalists to counter the strict enforcement of Christian social and religious values on the reserve.<sup>63</sup> According to Speck, this Christian “propaganda” tried to undermine the functioning of the Long-House by accusing the traditionalists “of immorality and crime which in many instances have been disproved to the satisfaction of those who are not committed to the contrary opinion through prejudice against the

Indians and their beliefs.”<sup>64</sup> Subsequently, he pointed out that the traditionalists’ “condemnation” of Christian religious and political officials in Canada earned them the reputation of “rebels—a term which they violently renounc[ed].”<sup>65</sup> While Speck suggested that the traditionalists self-identified as “native believers,” it is more likely that Speck ascribed the term in order to represent the traditionalists as a specific religious group based within Aboriginal traditions. This terminology echoed the sentiments in Speck’s earlier publications in *Redman* and the *Southern Workman*, in which he stressed how important it was that Aboriginal peoples be allowed to continue their traditional activities (Speck 1912; 1913a; 1913b). In this instance, he argued that the traditional teachings, morals and ethics of the “native believers” of Six Nations were more in “harmony with their nature than those of European origin and propagation.”<sup>66</sup>

Speck substantiated these statements by arguing that his conclusions were based on ethnological research and that his “observations” indicated that it was not “the most ignorant nor unprogressive” members of the band who were native believers, but the “more thrifty and educated.”<sup>67</sup> He ultimately characterized the traditionalist movement in relation to the European “intellectual revolution against the tyranny and commercialism of established institutions” and suggested that through modern education, travel and observations of other people, members of Six Nations had become acutely aware of the “perfidy of the government and the commercialism of the church.”<sup>68</sup> According to Speck, while the return to old beliefs satisfied a deeper connection to ancestral roots, it also greatly concerned the church as it provided an example as to the possibilities

available to other groups who were in a state of uncertainty regarding their religious convictions.<sup>69</sup> This paper exemplifies Speck's attempts to lend his status as an anthropologist to provide a practical defence on behalf of the traditionalists at Six Nations.

This was a risky business for Speck. His support of Deskaheh and the traditional Longhouse at Six Nations was in direct opposition to efforts of Duncan Campbell Scott, the Deputy Superintendent-General of Indian Affairs, to enforce the *Indian Act* at Six Nations. Scott, in fact, was the prime mover in the whole affair, working to implement a stricter, more coercive assimilation Indian policy in Canada (Nurse 2002: 456-457; see Titlely 1986). Speck's direct opposition to Scott's efforts could have resulted in Scott requesting the Department of Indian Affairs to black-list Speck from working with Aboriginal peoples in Canada. There is no indication, however, that this was the case or that Speck and Scott maintained a correspondence regarding this issue.

At the end of December 1925, General sent Speck a traditional Iroquois water-drum made specifically for him by a member of Six Nations. He noted that the drum was a present to reward Speck for the service he rendered to Six Nations in "framing the defence of our sacred beliefs that we may require to combat the hypocrites in the future."<sup>70</sup> General also provided Speck with a detailed account of the Condolence Ceremony for his brother and General's acceptance of the hereditary title of Cayuga Chief Deskaheh.<sup>71</sup>

The tensions surrounding the issue of Six Nations' sovereignty, however, continued to rise. During the spring of 1926, G.P. Decker, a lawyer hired by the

band, forwarded a letter he received from the American and British Claims Arbitration Office in Washington to Speck.<sup>72</sup> The letter requested clarification from Decker regarding the petition submitted by Deskaheh for recognition of Six Nations' right for self-government. According to F.K. Nielsen, the agent and lawyer associated with the American and British Claims Arbitration Office in Washington, a representative from the British government informed him that Deskaheh's petition was "the work of a drunken Indian who had escaped from the reservation."<sup>73</sup> While the extent of Speck's relationship to Decker is unclear, Decker noted to Speck that he informed Nielsen that those false comments were "the lying work of the Canadian Indian Office."<sup>74</sup>

While it is unclear whether Speck replied to Decker, Alexander General kept Speck up to date on the situation at Six Nations. On 21 February 1927, for example, General informed Speck that the DIA and some of the band council members deprived the traditional Chiefs of their right to manage activities and property.<sup>75</sup> They enforced this policy by stationing thirty RCMP officers on the reserve "with well supplied ammunition." General believed that the DIA wanted to increase the tension on the reserve to a point whereby it could justify sending "down a military force to surround [them] and conquer Six Nations."<sup>76</sup> He noted that the traditional chiefs were ready to test the authority of the DIA in court and indicated that they had tested this authority by breaking into the Six Nations Agricultural Society Office, which the DIA had padlocked and posted with a "No Trespassing" sign.<sup>77</sup> General stated that the traditional chiefs broke into the office and held their annual election of agricultural officers, effectively asserting Six

Nations' sovereignty and the right to control and manage the Six Nations' fair grounds.<sup>78</sup>

Speck's active political engagement on behalf of the traditional members of Six Nations gained him many lasting friendships and academic publications (Speck 1945a; 1945b; 1945c; 1949; Speck and General 1949). Members of the mainstream non-Aboriginal community, however, did not appreciate his ongoing critique of the effects of non-Aboriginal cultural influences on Aboriginal peoples. The Minister of the Memorial Church of the Holly Cross, Methodist Episcopal, Luther K. Kettles, for example, suggested to Speck that he should tone down his critique of the influences of Christianity on Aboriginal peoples in a paper Speck wanted to publish on missionary influences on Aboriginal cultural beliefs. Kettles stated:

Perhaps you could tone down the beginning of the letter to make it somewhat less denunciatory to the so-called Christian missions. Your personal attitude toward these missions shows itself rather plainly, and may not make your readers of the "national fellowship of Indian Workers" too friendly and receptive to your argument and appeal.<sup>79</sup>

While Speck's paper raised controversy among the non-Aboriginal community and was turned down initially for publication, Deskaheh endorsed it and in fact recommended it for publication.<sup>80</sup> In spite of facing criticism, misunderstanding and rejection by the mainstream non-Aboriginal community, Speck's close friendships with Aboriginal peoples, such as Alexander General, encouraged and greatly influenced the direction of his work.

While it is unclear whether Speck ever published the article in question, his reputation as a "friend of the Indians" prevailed. During the 1940s the

Akwesasne Mohawk Counselor Organization, for example, informed Speck that he was one of fifty names included on a list of the “real friends” of the Indians who had done “the greatest good for [their] future generation.”<sup>81</sup> The organization stressed the importance of recognizing the accomplishments of non-Aboriginal people who worked on behalf of First Nations so that the younger generations would know more about their various “friends” in the United States and Canada. The organization also felt it important to provide recognition and respect to those people “as great men and women who have worked untiringly for the welfare of their Indian brothers and sisters.”<sup>82</sup> As such, the Organization requested Speck to provide them with a large autographed picture to place in a prominent place in their school in recognition of his friendship to them and his good work among their people.<sup>83</sup>

### **“The Indian Lives”: Identity-politics and the status of the Virginia Indians**

While Speck applied his representations of Aboriginal territoriality to counter the increasing alienation of Aboriginal peoples from their traditional territories, he simultaneously built up his reputation as a “friend of the Indians” by countering the deeper ideological facets of racism underlying these implicit power relations. In this section I examine Speck’s engagement with these power relations. In particular, I explore the specific instance of Speck’s involvement in combatting the racism associated with debates over the status of Aboriginal peoples in Virginia during the 1920s.

By the early 1900s, Aboriginal people in the American state of Virginia struggled for visibility, recognition and acceptance as Aboriginal people within mainstream society. The general consensus amongst the non-Aboriginal scientific and government communities, however, was that, culturally and biologically, the existing populations of Aboriginal peoples in Virginia and along the eastern seaboard of the United States were largely products of extensive and long-term contact between African slaves, European colonizers and Aboriginal peoples (Gleach 2002: 501-502). By questioning the traditional Aboriginal identity of groups such as the Rappahanock, Powhatan, Chickahominy and Pamunkey, scientists and government officials effectively marginalised these Aboriginal peoples within a tangled web of segregation and documentary genocide (Cook 2003: 192).

In Virginia, for example, the binary white-black system of racial enumeration worked to maintain the myth that Aboriginal peoples were vanished and depleted by “Negro blood” (Cook: 2003: 193). This view was largely propagated by the state’s registrar and Director of Vital Statistics, Walter A. Plecker. During the period between 1912 and 1946, Plecker worked systematically to implement a regime of documentary genocide against the Aboriginal peoples of Virginia by representing Aboriginal peoples as “black,” and not “Indian.” The resulting representation of Aboriginal peoples as “mixed-race degenerates” severely limited their acceptance into American society and frequently manifested in refusals to allow them entrance into public schools,

hospitals and other public spaces (Cook 2003: 193). This accounts for why Aboriginal people resisted any identification to the African American population.

Plecker's attempts to codify racial segregation in Virginia achieved a small victory in 1924 when the state passed his *Virginia Racial Integrity Act* which implemented a formalized policy of racial segregation. The terms of the legislation required residents of Virginia to obtain a certificate of registration which indicated their "racial composition." The act stipulated that it was illegal to misrepresent "colour or race" and laid out the allowable forms of inter-marriages. While the act did not particularly target Aboriginal peoples, it reinforced the notion of racial denigration and the myth of the vanished Indian. Included as part of the legislation, was an appendix quoting the work of American anthropologist A.F. Chamberlain (1891) regarding the identity of the Aboriginal peoples in Virginia. In his study, Chamberlain indicated that the considerable intermixture between Negroes and Indians in Virginia accounted for the increasing number of "negroes who [were] writing to our Bureau demanding that the color on their birth certificates and marriage licenses be given as Indian."

Under the terms of the legislation, Aboriginal people who self-identified as having African American heritage were considered black, while non-Aboriginal peoples with a fraction of Aboriginal heritage were considered white: "persons who have one-sixteenth or less of the blood of the American Indian and have no other non-Caucasic blood shall be deemed to be white persons."<sup>84</sup>

It was in this context of racial segregation during the early 1920s that Speck further developed his reputation as an anthropologist concerned with

advocating Aboriginal rights. While he first began fieldwork amongst the Aboriginal peoples of Virginia for the Bureau of American Ethnology (BAE) in 1919, by 1921 Speck worked actively with leaders from the Pamunkey, Chickahominy, Rappahanock and Powhatan communities to help them gain recognition from the state and federal governments as legitimate Aboriginal communities.<sup>85</sup> In 1939, for example, Speck petitioned the Department of Indian Affairs in Washington D.C. to recognize the Chickahominy Indians of the Eastern Division of New Kent County in Virginia for official tribal recognition. Countering the widespread notion of racial-denigration promoted by state officials in Virginia such as Plecker, Speck argued that the members of the Chickahominy community maintained strict restrictions against intermarriage between Aboriginal and non-Aboriginal peoples. He noted: "The said tribe has defended the integrity of its blood by continuous tradition and internal social control since 1613, at which time they concluded peace and submission to King James in the terms of a treaty entered into with Governor Dale."<sup>86</sup>

Speck's active involvement with the Aboriginal communities in Virginia was in direct opposition to Plecker's attempts to officially classify the Aboriginal peoples in Virginia as extinct or "mixed-race interlopers attempting to defile the 'pure' White race" (Cook 2003: 194). Plecker responded to Speck's advocacy by attempting to have his (1928a) book on Powhatan ethnology banned in Virginia (Cook 2003: 194). While it is unclear whether Plecker was successful in his attempts, his actions further raised Speck's profile as a friend of the Indians who was determined to educate mainstream America on the history and continued

existence of the Virginia tribes. In 1940, for example, the Virginia Commission on Inter-racial Cooperation invited Speck to speak at their 40<sup>th</sup> annual meeting of social work in Roanoke Virginia. Under the category of "Race and Cultural Relations" Speck presented a paper on "Virginia Indian Culture Past and Present." In the paper, Speck suggested that the various groups of Aboriginal people in Virginia still maintained distinct and rich cultural traditions.<sup>87</sup>

Speck received tremendous support for his paper from the various groups of Aboriginal people in Virginia. On 1 May 1940, Tutelo Chief Ga-Gen-Twa-ga, Otto Corn Planter Johnson, wrote to Speck expressing regret for not being able to attend the conference. He noted, however, that he enjoyed reading Speck's paper and was happy to learn that John Powell, Plecker's "right-hand" man, had attended his lecture. According to Johnson, Powell "did every thing he could to throw [the Virginia Indians] away" and Speck's paper helped to further thwart Plecker and Powell's mission to complete the documentary genocide of the Aboriginal peoples in Virginia.<sup>88</sup> Johnson conveyed his gratitude to Speck for the work he had accomplished and indicated that if Speck ever required anything from him he would gladly repay the debt. He stated: "I thank you more than I am able to say for all you've done for us and if there is any thing I can do for you I am at your call."<sup>89</sup>

Similarly, on 17 May 1940, Otho S. Nelson, the Chief of the Rappahanock community at Indian Head Virginia, thanked Speck for his efforts at the conference hosted by the Virginia Commission on Inter-racial Cooperation, which helped clarify the question of the Virginia Indians. According to Nelson, while a

handful of people doubted Speck's integrity regarding the issue of Aboriginal identity and history in Virginia, he emphasised that the Rappahanock community believed Speck was "a worthy gentleman."<sup>90</sup> In a separate letter to Speck dated 23 August 1940, Nelson further emphasised his people's support and appreciation for Speck's efforts on their behalf. In particular, Nelson thanked Speck for the copies of his articles on the Virginia Indians: "It is of so much interest to us, it is so good that we just read and read. The Rappk's [sic] always knew and believed good in you. I hope you don't think we doubted the principles in which you stand."<sup>91</sup>

Later that fall, on 19 November 1940, Pamunkey Chief W.S. Bradby also extended the gratitude of his people towards Speck for his help in raising awareness of the Aboriginal presence in Virginia. Bradby confided in Speck that he had done a good deed for the Virginia Indians and approved of Speck's suggestion that a delegation of Chiefs from the various Aboriginal communities in Virginia should go to Washington to present their case to the Department of Indian Affairs.<sup>92</sup>

While Speck's efforts to organize a unified Aboriginal delegation for recognition of federal tribal status ultimately failed, he continued to fight for the recognition of Aboriginal peoples in Virginia. In 1942, for example, the American Selective Service established a policy that allowed individual states to determine the placement of draftees within either a black or white regiment. In Virginia, the state incorporated Plecker's notion of racial denigration and characterised most Aboriginal peoples as "Negroes." In fact, the Virginia Selective Service's

Memorandum No. 336, dated 7 January 1942, specifically indicated that there were only 170 Aboriginal people officially registered as “Indians” by the state of Virginia. Under Section 3(1) of the State’s procedure for classifying Aboriginal people for the selective service, registered Indians were classified as “White,” but only if the local board determined that they did not maintain familiar relations with “Negroes.” It stated:

Members of the Indian Race will be inducted as White trainees. It is for the Local Board to determine whether or not these Registrants are Indians, and it will, of course, take into consideration whether their associates are Negroes and whether they are treated as Whites in the social pattern of their community and State.<sup>93</sup>

In response to this policy of classification, Speck mounted a campaign in defence of those Aboriginal peoples represented by the state as “black”. He collected historical documents, engaged a lawyer and directly petitioned the Governor of Virginia (Cook 2003: 194). He also produced two articles, in conjunction with Royal B. Hassrick and Edmund S. Carpenter, on Rappahanock ethnology, which emphasized the continuation of traditions by Aboriginal people in Virginia. “Rappahanock Herbals, Folklore, and Science of Cures” (1942) emphasized the continuing tradition of herbal lore and Aboriginal traditional medicine practised by the Rappahanock. The other article, “Rappahanock Taking-Devices; Traps, Hunting and Fishing” (Speck, Hassrick and Carpenter 1946), while not officially published until 1946, was prepared in 1942 to complement the article on traditional medicinal practices.<sup>94</sup> In fact, when the two papers are read together, they form a comprehensive living ethnology of the Rappahanock that questioned the notion of a vanished culture.

Speck also enlisted the aid of his graduate students to write letters to influential people in Virginia arguing against the state's misrepresentation of Aboriginal peoples. On 28 February 1942, for example, Robert Reeves Solenberger, one of Speck's graduate students and the son of Quaker Peace Activist Edith Gertrude Reeves Solenberger, wrote to Virginia Judge J. Hoge Ricks regarding the representation of Aboriginal peoples as "Negroes" for the sake of the war-draft. Ricks was not only president of the Virginia State Conference of Social Work, and the National Probation Association; he was also an active member of the National Council of the Committee on Militarism in Education, the League for the Abolition of Capital Punishment, the Executive Committee of the Commission on Interracial Cooperation and the Richmond Interracial Committee.<sup>95</sup> In his letter to Ricks, Solenberger emphasised that under the direction of Speck, "one of the leading authorities on the Indians of eastern American," he had made several field trips to Virginia to collect data for his graduate work in Anthropology and learned of the state's attempt to place Aboriginal peoples into "negro regiments" as racial degenerates. According to Solenberg, the placement of Aboriginal peoples in these regiments was the direct result of Plecker's attempts to maintain the myth that there were no "authentic" Aboriginal peoples living in Virginia. He pointed out:

It seems that Dr. Plecker and others at times have been willing to have an Indian classed as white, especially where white blood is predominant, rather than admit that there are Indians in Virginia. This is, of course, not facing the issue so far as the majority of Indians are concerned, since many of them are more than half Indian. Under the present system, even if an Indian has managed to get recorded as such, Dr. Plecker has taken the liberty, without investigating the individual case, of inserting a warning

notice behind his certificate implying that he is really to be treated as a negro.<sup>96</sup>

In an effort to counter Plecker's further attempts of documentary genocide against the Virginia Indians, Solenberg requested Ricks' aid in alerting the authorities in the War Department of the "unfortunate position in which the Indians of the Powhatan tribes have been placed."<sup>97</sup>

Speck's initial campaign to alter the policy of the Virginia Selective Service failed and a handful of Aboriginal peoples were arrested for resisting the draft. Together with a delegation of Chiefs from the different Aboriginal communities in Virginia, however, Speck eventually convinced the Virginia Selective Service to establish an appeals process for Aboriginal peoples to contest their placement based on racial classification (Cook 2003: 194). Aboriginal peoples classified as black, however, were rarely able to reverse this classification through the appeals process. On 31 October, for example, Chief Nelson informed Speck that a member of his community, Oliver Fortune, had failed his appeal to the Selective Service. He pointed out that their lawyer, after consulting with state officials, including Plecker, advised Fortune that he accept the state's classification of him as a Negro or go to jail. While Nelson attempted to convince their lawyer that the state's documentary evidence did not justify the classification, the lawyer refused to hear their case. As a last resort to help Fortune, Nelson asked Speck to find them a lawyer, "a good counsel from Washington D.C. to take up the case." He noted that they would leave it up Speck to advise them on the situation as Fortune was determined "to go to the

pen. [sic] before he [would] take the negro status to go down in history as negro.”<sup>98</sup>

While it is unclear whether Speck ever found a lawyer to plead Fortune’s case before the Virginia Selective Service Appeal Board, it is evident from the direct appeal for Speck’s help that he had made a deep impression that went beyond his academic credentials and intellectual curiosity. Speck’s involvement with the Aboriginal people in Virginia reflected his drive to raise awareness and educate the mainstream non-Aboriginal community about Aboriginal issues. His involvement with the remnant Aboriginal groups in Virginia occupied a significant portion of his time as advocate. The twenty years he spent collecting information, writing letters and giving papers at academic conferences in support of the claims of the Rappahanock, Powhatan, Chickahominy and Pamunkey provided a substantial background for his continued efforts to represent the continued existence of Aboriginal peoples north of Virginia along the east coast of the United States. In 1943, for example, he published an article in the *Bulletin of the Massachusetts Archeological Society*, which argued against the common belief that the Aboriginal peoples in Massachusetts were, as in Virginia, extinct, their blood and their cultural life a thing of the past.<sup>99</sup>

In “Reflections upon the past and present of the Massachusetts Indians,”<sup>100</sup> Speck (1943) emphasised the struggle for survival Aboriginal peoples in the northeastern United States faced and the efforts of anthropologists to help them counter the prevalent representation of a race of “vanished Indians.” He stressed:

The blood of the Indian native peoples still continues to flow in the veins of a posterity bearing the names and conscious identities of the original nations. Their struggle, by which simple phrase we denote their cultural activities, likewise continues although the means and materials employed in its achievement have vastly altered in the three centuries of contact with Europeans. Facts and figures tell the story of survival in advance of the reports which will appear in due time from the pens of field-working ethnologists who know the living groups better than those who wrote their pre-mortem obituaries!<sup>101</sup>

As one of those field-working ethnologists, Speck believed that he held a particular responsibility to counter the circulation of “worthless” misinformation by historians and amateur social scientists about Aboriginal peoples. He argued that only trained ethnologists who spent time amongst the Aboriginal peoples could understand and accurately represent the various aspects of a group’s culture who possessed “scarcely even the vestiges of their original civilization.”<sup>102</sup>

According to Speck, working with these “remnant” groups to interpret the past through the present necessitated “an extra dose of the reserve attitude.”<sup>103</sup> Speck ultimately cautioned those people who regarded the Aboriginal peoples along the northeastern seaboard as “coloured people,” and challenged them to “look more closely” by spending time interacting with the Aboriginal peoples: “. . . find the way to enter the home of those dwelling back and away from the highroads and sojourn with them overnight, a week or, better, a month, as I have. He who does will know, as some others do, that the Indian people of New England still live, and that they still live in Massachusetts.”<sup>104</sup>

In response to Speck’s reflections, on 24 May 1943 President of the Archaeological Society of Delaware C. A. Weislager encouraged Speck to write a comprehensive ethnology on the survival of all the remnant Aboriginal peoples

along the east coast of the United States, including Virginia, the Carolinas, Delaware, Connecticut and Massachusetts. Weislager suggested that in order for the book to be more effective Speck should write it for “the layman,” emphasizing the point, through experience and observation, that the Aboriginal peoples were still living in the east. He wrote:

Man! What a job you could do. I urge—yes implore—that you begin this task without delay . . . it will be the greatest “lift” that has ever been given to these remnant groups. Call it “The Indian Lives” or something similar . . . let your self loose from the inelastic bonds of scientific precision. Write for the man on the street.<sup>105</sup>

While Speck never took Weislager up on his suggestion, he continued to work towards gaining federal recognition for the Aboriginal peoples in Virginia.

During the late 1940s, Plecker and the Virginia state government reinforced their representation of Aboriginal peoples as racial degenerates by refusing them treatment in hospitals. Speck’s established reputation as an anthropologist and his notoriety as a friend of the Virginia Indians ensured that he would be called upon to help challenge the government. On 2 December 1944, James R. Coats requested Speck’s help in countering Plecker’s insistence that the Pamunkey were not in fact authentic Aboriginal people and ineligible for treatment in hospitals. He suggested that, as “an authority on the American Indian” combined with his knowledge of the ancestry of the Pamunkey Indians, Speck would have a great deal of weight in gaining a “proper settlement of this question once and for all.” Coates requested a letter from Speck explaining his “convictions” to present before the state legislature and the Congress of the United States.<sup>106</sup>

A few days later, on 7 December, Speck replied to Coates and noted that he had been in contact with the Chiefs of the Chickahominy and Rappahanock regarding this issue. He cautioned Coates, however, on the “social and political friction” that existed between the different groups of Aboriginal peoples in Virginia which he characterized as “jealously toward rival Powhatan decedents.”<sup>107</sup> Speck stressed that over the years he had advised these different groups to unite in a “Virginia Indian Organization.” He argued, however, that their continued rejection of the idea to consolidate their actions through council meetings was ultimately going to be their downfall.<sup>108</sup> Although this perceived lack of political organization frustrated Speck, he still provided Coates with the requested statement.<sup>109</sup> Speck framed his *Testimonial for Indians of Virginia Approving their Claim for Indian Classification* within the broader context of his extensive knowledge on Aboriginal peoples from Labrador to east of the Mississippi. He noted that his thirty years experience and field-research, most of the time “spent among remnants of Indian tribes in Virginia,” which included “living with Indian bands on an intimate plane of association under varied conditions of native life,” afforded him with the direct authority to recognize the authenticity of these groups.<sup>110</sup> According to Speck, his estimate of the Virginia Indians was as “valid as those which guarantee the classification of Indian groups in other parts of the United States and Canada.”<sup>111</sup>

Pamunkey Chief Tecumseh Cook, however, directly refuted Speck’s assumption that a united Virginia Indian Organization would provide the basis for a settlement of the Virginia Indian Question. In a letter to Coates dated 18

December 1944, Cook stressed that his people would “never agree with Dr. Speck in formulating a Confederacy of all Indians in Va.” He indicated that over the years the Pamunkey continued to resist Speck’s efforts at consolidating the actions of the tribes because they did not want to be associated with those Aboriginal peoples who were not recognized as Indians by the state government. He stressed, therefore, that the Pamunkey wished to fight exclusively for their own rights and “let those other tribes fight for themselves.”<sup>112</sup>

Andrew Nurse (2002) has pointed out that by examining the specific ethnographic practices of anthropologists during the early 20<sup>th</sup> century, it is possible to link the history of Anthropology to a broader pattern of cultural politics associated with Aboriginal-settler relations in Canada. These social, cultural, and economic relations were complex and complicated by Aboriginal peoples long-standing and unresolved grievances against the federal and provincial governments. My purpose in highlighting the tensions, contradictions and specific overlapping domains of knowledge associated with Speck’s representations of Aboriginal territoriality is to contribute to the increasing dialogue amongst Aboriginal and non-Aboriginal scholars regarding those specific complexities of colonialism which are often overlooked (Haig-Brown 2005). This includes the neglect of many scholars to acknowledge the efforts of non-Aboriginal people, such as Frank Speck, who recognized colonial injustice and worked in a variety of ways to challenge the epistemic racism of the time. This included the practical application of his anthropological knowledge to assist in the socio-political struggles of Aboriginal peoples for recognition of their land

and resource rights. It also involved challenging and helping to shift the dominant intellectual and scientific representations of Aboriginal peoples which contributed to the continuing alienation of Aboriginal peoples from their traditional territories and land use practices.

In highlighting Speck's commitment to counter racism through education and by raising public awareness regarding Aboriginal land and resource rights, I have provided a more complete understanding of Speck's work as an advocate. The collaborative efforts between Speck and Aboriginal peoples, in particular, cumulated not only in the establishment of family hunting territories as a specific and legitimate subject of anthropological inquiry, but helped to bolster Aboriginal peoples' struggle against government policies of segregation and assimilation. Speck's work was both a response to the socio-political struggles of Aboriginal peoples and the intellectual frameworks of knowledge that continued to sustain the specific racist ideology which contributed to the increasing alienation of Aboriginal peoples from their traditional territories. In Canada, the specific engagements of Aboriginal peoples with the federal and provincial governments (see Chapter Four) provided the significant backdrop for the development of Speck's applied representations of Aboriginal territoriality. While Speck's mapping practices provided the crucial link between his theoretical framework of social organization and the application of his representations of Aboriginal people, the socio-political struggles of Aboriginal peoples for recognition of their land use practices provided the specific context for the practical application of this anthropological knowledge.

Speck 's work countered prevailing legal and theoretical assumptions regarding Aboriginal title and land use practices, emphasizing the continuity, not the disappearance, of Aboriginal peoples' cultural and historical presence on the land in eastern Canada. In many instances, this provided Aboriginal peoples with the much needed support of a recognized authority to bolster their claims. While Speck characterized much of his later work as "applied ethnology,"<sup>113</sup> it is evident that, as early as 1912, Speck applied his anthropological knowledge to help Aboriginal peoples gain respect and recognition for their rights. The resulting representations of Aboriginal territoriality directly addressed and contributed to the continuing efforts of Aboriginal peoples for recognition of their land and resource rights while simultaneously contributing to the scientific debates within Anthropology.

In Chapter Six I further highlight how Speck's representations of Aboriginal territoriality in eastern Canada grew out of the productive, respectful and mutually-beneficial dialogues he maintained with the Aboriginal peoples he worked with during the early 20th century. I also reflect on questions that remain to be addressed by my research and issues raised by the dissertation for existing literatures.

## Notes

1. Speck to Sapir, 7 July 1912, Canadian Museum of Civilization (CMC), Frank Speck Correspondence (FSC), Box 634F1.
2. Speck to Sapir, 21 July 1912. CMC, FSC, Box 634F1.
3. American Philosophical Society (APS), Frank Speck Papers (FSP), Box 11, III D 2b, Reel 5.
4. 2 September 1912. APS, FSP, Box 11, II D 2b, Reel 5.
5. Speck to Sapir, 1913. CMC, FSC, Box 634F1.
6. Sapir to Speck, 6 March 1912; Speck to Sapir, 28 March 1912; Speck to Sapir, 12 April 1912. CMC-FSC Box 634F1.
7. 18 February 1915. APS, FSC, Box 18, IV, 10E, Reel 19.
8. Speck to Sapir, 30 June 1913, CMC, BOX 634F1.
9. Speck to Sapir, 30 June 1913, CMC, BOX 634F1.
10. Speck Temagami Field-notes, APS, FSC, Box 1-Box 2, File II, F.3, Film 1429, Reel 1.
11. "Pen Professor's Discovery Confounds Indian 'History'—Doctor Speck Establishes that the American Redskin Hunts on his Own Family Ground, is a Protector of Game, and is no Mere Rover." M.R. Lovell. APS, FSC, Box 1-Box 2, File II, F.3, Film 1429, Reel 1.
12. "Divide and Conquer: The "Indian Experiment" at Hampton Institute."  
[http://xroads.virginia.edu/~CAP/POCA/POC\\_hamp.html](http://xroads.virginia.edu/~CAP/POCA/POC_hamp.html)
13. "Divide and Conquer: The "Indian Experiment" at Hampton Institute."  
[http://xroads.virginia.edu/~CAP/POCA/POC\\_hamp.html](http://xroads.virginia.edu/~CAP/POCA/POC_hamp.html)
14. 19 June 1913, Smith to Speck. Harlan Smith Correspondences, Canadian Museum of Civilization (CMC HSC),.
15. NAC, RG 10 Vol. 7833, File 30052-2, Reel C-12108.
16. "Trying to Reconstruct Micmac Family Divisions." *Sydney Herald*. APS, FSP, BOX 13, III D3a, Reel 7.

17. APS, FSP, File 970.3, Sp3p, Reel 17.
18. *Nova Scotia Hunting Territories*, p. 2, 29 September 1914. APS, FSP, File 970.3, Sp3p, Reel 17.
19. *Nova Scotia Hunting Territories*, p. 2, 29 September 1914. APS, FSP, File 970.3, Sp3p, Reel 17.
20. *Nova Scotia Hunting Territories*, p. 2, 29 September 1914. APS, FSP, File 970.3, Sp3p, Reel 17.
21. *Hunting Territories in Cape Breton Island*. 29 September 1914. APS, FSP, File 970.3, Sp3p, Reel 17.
22. *Hunting Territories in Cape Breton Island*, p. 2. 29 September 1914. APS, FSP, File 970.3, Sp3p, Reel 17.
23. *Hunting Territories of the Micmac-Montagnais of Newfoundland*, p. 7. 29 September 1914. APS, FSP, File 970.3, Sp3P, Reel 17.
24. *Hunting Territories of the Micmac-Montagnais of Newfoundland*, p. 7. 29 September 1914. APS, FSP, File 970.3, Sp3P, Reel 17.
25. Speck to Sapir, 8 April 1915. CMC, BOX 634F1.
26. *The Basis of American Indian Ownership of the Land*, p. 1. APS, FSP, File 970.3, Sp3P, Reel 17.
27. *The Basis of American Indian Ownership of the Land*, p. 2. APS, FSP, File 970.3, Sp3P, Reel 17.
28. *Nova Scotia Hunting Territories*, p. 2, 29 September 1914. APS, FSP, File 970.3, Sp3p, Reel 17.
29. *The Basis of American Indian Ownership of the Land*, p. 19-20. APS, FSP, File 970.3, Sp3P, Reel 17.
30. The Original title for this paper was *A New Aspect of Land Ownership in America*. APS, FSP, Box 3, II B2d, Reel 2.
31. *Land Ownership Among Hunting Peoples in Primitive America and the World's Marginal Areas*, p. 1. APS, FSP, Box 3, II B2d, Reel 2.
32. *Land Ownership Among Hunting Peoples in Primitive America and the World's Marginal Areas*, p. 15. APS, FSP, Box 3, II B2d, Reel 2.

33. Speck to Sapir, 10 and 21 July 1913, Canadian Museum of Civilization (CMC), Frank Speck Correspondence (FSC), Box 634F1.
34. Speck to Sapir, 24 July 1913. CMC, FSC, Box 634F1.
35. Josiah Hill to Speck, 27 April 1914. American Philosophical Society (APS), Frank Speck Collection (FSC), Box 6, III B1h, Reel 3.
36. Speck to Sapir, 4 May 1914. CMC, FSC, Box 634F1.
37. Throughout his career Speck relied on Heye's appetite for ethnological items to help finance his research trips. Heye even helped publish some of Speck's manuscripts, including *Beothuck and Micmac* (Speck 1922). Sapir to D.C. Scott, 10 May 1914. National Archives of Canada (NAC), RG 10, Vol. 3018, File 220, 155, Reel C-11,311.
38. Sapir to Speck, 13 May 1914. CMC, FSC, Box 634F1.
39. Scott to George Heye, 11 June 1914; Heye to Scott, 15 October 1914; Scott to Heye, 28 October 1914; Heye to Scott, 8 November 1914. NAC, RG 10, Vol. 3018, File 220, 155, Reel C-11,311.
40. Sapir to Speck, 11 November 1914. CMC, FSC, Box 634F1.
41. Sapir to Scott, 11 November 1914. NAC, RG 10, Vol. 3018, File 220, 155, Reel C-11,311.
42. E.D. Cameron to J.D. McLean, 13 March 1900; Cameron to Roddy, 20 March 1900. NAC, RG 10, Vol. 3018, File 220, 155, Reel C-11,311; McLean to Roddy, 31 December 1909; William Sunday to the Governor General, 11 January 1910. NAC, RG 10, Vol. 3018, File 220, 155, Reel C-11,311; Sapir to Speck, 13 November 1914. CMC, FSC, Box 634F1.
43. Heye to Scott, 30 November 1914; Scott to Heye 4 December 1914; Heye to Scott, 5 December 1914; Scott to Heye, 28 December 1914. NAC, RG 10, Vol. 3018, File 220, 155, Reel C-11,311.
44. Scott to G.J. Smith, 11 January 1915; Resolution of Six Nation's Council, 15 January 1915. NAC, RG 10, Vol. 3018, File 220, 155, Reel C-11,311.
45. The Canadian Museum of Civilization in Gatineau Quebec, Canada, still holds these two belts in its collections.
46. Hill to Speck, 1914. APS, FSC, Box 6, III B1h, Reel 3.
47. Deskaheh to Speck, 4 April 1914. APS, FSC, Box 6, III B1h, Reel 3.

48. E.C. Morgan to Scott, 9 October 1924; Six Nations Band Council Minutes, 6 November 1924; Scott to Minister of Justice, 8 November 1924. NAC, RG 10, Vol. 3018, File 220, 155, Reel C-11,311.
49. Speck to Alexander General, 28 December 1924, APS, FSC, Box 7, III, B3a, Reel 3.
50. Alexander General to Speck, 13 January 1925. APS, FSC, Box 7, III, B3a, Reel 3.
51. Speck to Chief David S. Hill, 16 January 1925. APS, FSC, Box 7, III, B3a, Reel 3.
52. Speck to Chief David S. Hill, 16 January 1925. APS, FSC, Box 7, III, B3a, Reel 3.
53. Hill to Speck, 15 February 1925. APS, FSC, Box 7, III, B3a, Reel 3.
54. Speck to A.L. Hatzan, 3 November 1925. APS, FSC, Box 7, III, B3a, Reel 3.
55. Alexander General to Speck, 24 November 1925. APS, FSC, Box 7, III, B3a, Reel 3.
56. Speck to Alexander General, 19 December 1925. APS, FSC, Box 7, III, B3g, Reel 3.
57. Speck to Alexander General, 19 December 1925. APS, FSC, Box 7, III, B3g, Reel 3.
58. Speck to Alexander General, 19 December 1925. APS, FSC, Box 7, III, B3g, Reel 3.
59. Speck to Alexander General, 19 December 1925. APS, FSC, Box 7, III, B3g, Reel 3.
60. Speck to Alexander General, 19 December 1925. APS, FSC, Box 7, III, B3g, Reel 3.
61. Speck to Alexander General, 19 December 1925. APS, FSC, Box 7, III, B3g, Reel 3.
62. Speck to Alexander General, 19 December 1925. APS, FSC, Box 7, III, B3g, Reel 3.
63. *Canadian Christian Indians Revert to Pagan Beliefs*, APS, FSC, Box 6, III, B1b, Reel 3.

64. *Canadian Christian Indians Revert to Pagan Beliefs*, APS, FSC, Box 6, III, B1b, Reel 3.
65. *Canadian Christian Indians Revert to Pagan Beliefs*, APS, FSC, Box 6, III, B1b, Reel 3.
66. *Canadian Christian Indians Revert to Pagan Beliefs*, APS, FSC, Box 6, III, B1b, Reel 3.
67. *Canadian Christian Indians Revert to Pagan Beliefs*, APS, FSC, Box 6, III, B1b, Reel 3.
68. *Canadian Christian Indians Revert to Pagan Beliefs*, APS, FSC, Box 6, III, B1b, Reel 3.
69. *Canadian Christian Indians Revert to Pagan Beliefs*, APS, FSC, Box 6, III, B1b, Reel 3.
70. Alexander General to Speck, 29 December 1925. APS, FSC, Box 7, III, B3g, Reel 3.
71. Alexander General to Speck, 29 December 1925. APS, FSC, Box 7, III, B3g, Reel 3.
72. F.K. Nielsen to G.P. Decker, 27 March 1927; G.P. Decker to Speck, 1926. APS, FSC, Box 6, III, B1h, Reel 3.
73. F.K. Nielsen to G.P. Decker, 27 March 1927; G.P. Decker to Speck, 1926. APS, FSC, Box 6, III, B1h, Reel 3.
74. F.K. Nielsen to G.P. Decker, 27 March 1927; G.P. Decker to Speck, 1926. APS, FSC, Box 6, III, B1h, Reel 3.
75. Alexander General to Speck, 21 February 1927. APS, FSC, Box 6, III, B3a, Reel 3.
76. Alexander General to Speck, 21 February 1927. APS, FSC, Box 6, III, B3a, Reel 3.
77. Alexander General to Speck, 21 February 1927. APS, FSC, Box 6, III, B3a, Reel 3.
78. Alexander General to Speck, 21 February 1927. APS, FSC, Box 6, III, B3a, Reel 3.
79. L. Kettles to Speck, 5 November 1939. APS, FSC, Box 6, III, 1P, Reel 3.

80. APS, FSC, Box 6, III, 1P, Reel 3.
81. Akwasasne Mohawk Counselor Organization to Speck, no date. APS, FSC, Box 6, III, B1m, Reel 3.
82. Akwasasne Mohawk Counselor Organization to Speck, no date. APS, FSC, Box 6, III, B1m, Reel 3.
83. Akwasasne Mohawk Counselor Organization to Speck, no date. APS, FSC, Box 6, III, B1m, Reel 3.
84. *An Act to Preserve Racial Integrity in the State of Virginia, 1924.* [www.vcdh.virginia.edu/lewisandclark/students/projects/monacans/Contemporary\\_Monacans/racial.html](http://www.vcdh.virginia.edu/lewisandclark/students/projects/monacans/Contemporary_Monacans/racial.html). Accessed on 13 May 2005.
85. Paul Mills to Speck, 10 September 1921, APS, FSC, Box 21, IV, F2s, Reel 12; Speck to Chief G. Nelson, APS, FSC, Box 20, IV F5b, Reel 11.
86. *Note Proposing some Agenda for Consideration for Department of Indian Affairs, Washington D.C. in relation to Indian Tribes of Virginia;* Chief E.P. Brady to F. Zimmerman, Department of Indian Affairs, 14 February 1940. APS, FSC, Box 20, IV, F3a, Reel 11.
87. *40<sup>th</sup> Annual Meeting: Virginia Conference of Social Work, April 16-20, 1940.* APS, FSC, Box 20, IV, F1d, Reel 10.
88. Ga-Gen-Twa-ga to Speck, 1 May 1940. APS, FSC, Box 20, IV, F1d, Reel 10.
89. Ga-Gen-Twa-ga to Speck, 1 May 1940. APS, FSC, Box 20, IV, F1d, Reel 10.
90. Otho S. Nelson to Speck, 14 May 1940. APS, FSC, Box 20, IV, F3a, Reel 11.
91. Nelson to Speck, 23 August 1940. APS, FSC, Box 20, IV, F3a, Reel 11.
92. W.S. Bradby to Speck, 14 November 1940. APS, FSC, Box 21, IV, F2r, Reel 12.
93. M.F. Neal, State Director of Selective Service, Memorandum No. 336, 7 January 1942. APS, FSC, Box 20, IV, F1f, Reel 10.
94. *Rappahanock Taking-Devices; Traps, Hunting and Fishing.* Frank G. Speck, Royal B. Hassrick and Edmund S. Carpenter. 1942. APS, FSC, Box 20, IV, F3d, Reel 11.
95. Robert E. Shepard. *The Juvenile Court Centennial Revisited-One State's Dreamers.* *American Bar Association.* [www.abanet.org/crimjust/juvjus/14-2cjm.html](http://www.abanet.org/crimjust/juvjus/14-2cjm.html). Accessed 23 May 2005.

96. Robert R. Solenberg to Judge J. Hoge Ricks. 28 February 1942. APS, FSC, Box 20, IV, F1f, Reel 10.
97. Robert R. Solenberg to Judge J. Hoge Ricks. 28 February 1942. APS, FSC, Box 20, IV, F1f, Reel 10.
98. Nelson to Speck, 31 October 1942. APS, FSC, Box 20, IV, F1f, Reel 10.
99. P. 2 . APS, FSC, Box 14, III, D3a, Reel 7.
100. The manuscript copy is part of the Speck collection at the APS: APS, FSC, Box 14, III, D3a, Reel 7.
101. P. 2 . APS, FSC, Box 14, III, D3a, Reel 7.
102. Pp. 19-20. APS, FSC, Box 14, III, D3a, Reel 7.
103. P. 11. APS, FSC, Box 14, III, D3a, Reel 7.
104. Pp. 19-20. APS, FSC, Box 14, III, D3a, Reel 7.
105. C. A. Weslager to Speck, 24 May 1943. APS, FSC, Box 14, III, D3a, Reel 7.
106. James R. Coates to Speck, 2 December 1944. APS, FSC, Box 20, IV, F1f, Reel 10.
107. Speck to Coates, 7 December 1944. APS, FSC, Box 20, IV, F1f, Reel 10.
108. Speck to Coates, 7 December 1944. APS, FSC, Box 20, IV, F1f, Reel 10.
109. Speck to Coates, 7 December 1944. APS, FSC, Box 20, IV, F1f, Reel 10.
110. *Testimonial for Indians of Virginia Approving their Claim for Indian Classification* APS, FSC, Box 20, IV, F1f, Reel 10.
111. *Testimonial for Indians of Virginia Approving their Claim for Indian Classification* APS, FSC, Box 20, IV, F1f, Reel 10.
112. Tecumseh Cook to Coates, 18 December 1944. APS, FSC, Box 20, IV, F1f, Reel 10. This division of the tribes continued until the early 1980s. In 1982, the General Assembly of the State of Virginia created a subcommittee of eleven members to conduct and report on the history of the relationship between the Commonwealth of Virginia and the Virginia Indian Tribes. The findings of their report helped to establish an advisory board to the Governor and the General Assembly of the Commonwealth of Virginia. The "Commission on Indians," later changed to the Virginia Council on Indians, study, research, analyse and provide recommendations on issues regarding Aboriginal issues in Virginia. The eight

Aboriginal groups from Virginia are all represented on the Council.  
[www.indians.vipnet.org/index.cfm](http://www.indians.vipnet.org/index.cfm). Accessed 28 May 2005.

113. APS, FSP, Box 18, File IV EI, Reel 9.

## CHAPTER SIX

### Conclusions

Frank Speck's representations of Aboriginal territoriality in eastern Canada grew out of the productive, respectful and mutually-beneficial dialogues he maintained with the Aboriginal peoples he worked with during the early 20<sup>th</sup> century. These included Teme-Auguma Anishnabae Chief Alec Paul, Mi'kmaq Grand Chief John Dennys, Six Nations' Hereditary Chief Alexander Deskaheh General, and the traditional hereditary chiefs from the Rappahonack, Powhatan, Pamunkey and Chickahominy First Nations in Virginia. As a key defender of Aboriginal claims to territory, ancestry, and identity, Speck worked to dismantle the socially constructed boundaries and policies that severely impacted the lives, histories, and realities of Aboriginal peoples.

Speck's representations of Aboriginal territoriality, in particular, supported the organized and directed efforts of Aboriginal peoples for recognition of their cultural and historical presence on the land. Speck's work was a directed response to these struggles. His pioneering approach of applied anthropology worked to sustain Aboriginal peoples' positions, while directly challenging the accepted intellectual and scientific paradigms of the period. Speck's conceptual repertoire was, therefore, both politically and scientifically driven. His patient and thorough approach to collecting field data, combined with his reliance on ethnohistorical materials, provided him with a broad range of knowledge to

support his theoretical claims. In some instances, however, it is apparent that Speck published his results prematurely, making claims he could not support with his data. This was most likely the result of the competitive and acrimonious nature of Speck's relationship with William Mechling. Mechling was a young anthropologist who also worked in the general culture area of the northeast. Not only was this geographic area more accessible for research, there was a large gap in the late 19<sup>th</sup> and 20<sup>th</sup> century anthropological canon regarding the detailed study of ethnological phenomena that considered the total culture of the northeast. This included investigations of the geographical distribution of the customs among neighboring groups, the environmental conditions which created or modified these cultural elements and the psychological factors which contributed to their formation. As I noted in Chapter Two, Speck's detailed study of Aboriginal groups within the northeast was in direct conflict with the work of Mechling. This conflict stemmed largely from Speck and Mechling's opposing views regarding the applicability of the clan-gens theory to the northeast culture area.

Speck's promotion of family hunting territories emerged from a classical dialogue between anthropologists, such as Lewis Henry Morgan, Franz Boas and John R. Swanton, that preoccupied itself with the construction of a totalizing representation of the relationship between human social history and the practical and symbolic aspects of which defined, and in some instances determined, that history. Swanton's critique of Morgan's model of social organization questioned the cornerstone of the unilinealist comparative method—the clan-gens theory. In

suggesting that a less definite form of social organization existed among Aboriginal groups that could not be classified as either the early clan or later gens, Swanton introduced the individual family group as a new object of inquiry.

Building upon Swanton's critique of Morgan, in 1915, Speck published the preliminary results of his two years of fieldwork in eastern Canada. The first substantial anthropological contributions to further Swanton's critique of Morgan, Speck's "The Family Hunting Band as the Basis of Algonquian Social Organization" (1915c ) and "Family Hunting Territories and Social Life of Various Algonkin Bands of the Ottawa Valley" (1915b ). Loosely defining this new form of social organization as Family Hunting Territories, Speck located Swanton's family-village type among the Ojibwa, Innu and Mi'kmaq of eastern Canada. Other articulations of this family-village type focused more specifically on patterns of descent (see Swanton 1905; Lowie 1914; Goldenweiser 1915), Speck's analysis specifically countered prevalent representations of Aboriginal property relations. The results of his preliminary fieldwork suggested that Aboriginal people's in eastern Canada maintained a specific form of land ownership that formed the basis of their social organization.

Speck's specific focus on issues of Aboriginal property relations was the result of his direct involvement in the highly charged socio-political tensions surrounding Aboriginal land use practices in eastern Canada. On a very practical level, Speck's work highlighted the continued historical tensions over the regulation of Aboriginal land and resource management. During the late 1800s and early 1900s, Aboriginal peoples across Canada expressed great

frustration with the failure of the Canadian government to uphold their historic treaty rights and to protect their traditional harvesting and resource rights. Aboriginal peoples provided significant contributions to these jurisdictional debates regarding land and resource use in eastern Canada. Subsequently, Aboriginal peoples engaged in meaningful discussions with Speck in the hopes of resolving those land and resource issues that directly impacted them. Dominant theoretical discourses that continue to represent Aboriginal peoples as victims of colonialism neglect to acknowledge these types of historical collaborative efforts. As a participant in a much larger political struggle, which included the active engagement of Aboriginal peoples, Speck worked directly with Aboriginal peoples to develop respectful and mutually-beneficial representations of Aboriginal geographic and cultural knowledge.

Even though he was only peripherally connected to the Canadian government, Speck envisioned his representations of Aboriginal territoriality as part of a larger official project spearheaded by the Canadian government to document the territorial claims of Aboriginal peoples across the country. While official government projects, such as the McKenna-McBride Royal Commission, were busy establishing reserve cut-offs and settling the title claims and of First Nations in British Columbia, Speck worked closely and independently with Aboriginal people in eastern Canada to map their territorial claims. In certain instances, however, it seems as though Speck presented himself to First Nation's communities as a 'government agent.' While it is clear that Speck traveled across Canada with an official letter indicating he was working for the

federal government's Anthropology Division, more specific research, however, is needed before this characterization of 'Inspector Speck' can be fully substantiated. In the circumstances examined in this dissertation where the real reasons for his presence could have been misconstrued by Aboriginal peoples, it seems rather unlikely that this was intentional or that it provided Speck with access to data by some level of misrepresentation. As I noted in Chapter Three, Speck also obtained data regarding Aboriginal territoriality through a third party. In these instances, Speck could not have deliberately misrepresented himself as a Canadian government agent in order to obtain his data.

Speck's attempts to theorize Aboriginal social organization with the practical realities regarding Aboriginal land and resource use resulted in documents that represented the historical legacy of the impact of colonialism on Aboriginal peoples in eastern Canada. This included Aboriginal perspectives on treaties and their continuing struggles for recognition of their hunting and fishing rights. The integration of Aboriginal geographic knowledge with official Canadian government series maps connected the intellectual and socio-political domains of Speck's representations of Aboriginal territoriality. These maps provided specific representations of Aboriginal sovereignty and effective control over distinct territories and also revealed specific articulations of Aboriginal social organization. Speck's accumulated anthropological knowledge regarding Aboriginal cultures, rights, and claims issues ultimately countered both the intellectual and socio-political ideologies that failed to recognize and respect a unique and strong Aboriginal presence on the land. By the early 1920's, Speck's

material from the Maritimes, Labrador, Newfoundland, and northeastern Ontario, largely supported the notion that Aboriginal peoples maintained claims to land which characterized actual ownership of territory. These representations directly opposed the racism of mainstream representations by government officials and some social scientists that Aboriginal peoples wandered aimlessly across the land, like wolves, killing game to satisfy a carnal bloodlust. In contrast, Speck argued that Aboriginal peoples maintained a deep concern for conservation, and that the specific boundaries of their hunting districts were so well established and definite that he could map the exact tract of country claimed by each family group. In areas where Canada and the provinces failed to recognize Aboriginal Treaties, and all the rights associated with this formal relationship, Speck's work provided key documentary evidence in support of Aboriginal claims.

Instead of further characterizing Aboriginal peoples as victims of dominance and tragedy, my analysis focuses on how Aboriginal peoples were active subjects of survival and sovereignty. In asserting their territorial presence, Aboriginal peoples shared their geographic and cultural knowledge with Speck. Working together with Speck they produced representations of this knowledge, which resulted not only in the production of unique maps, but the construction of Aboriginal territoriality as a specific subject of anthropological inquiry. As negotiated texts, Speck's visual and intellectual mapping of Aboriginal territoriality worked to mimic, and ultimately disturb, the efforts to subdue, and ultimately erase, the Aboriginal presence from the land (see Bhabha 1995: 34-

35). In many parts of Canada today, Speck's pioneering work in applied and collaborative anthropology continue.

Working within the land claims process in Canada, Anthropologists continue to work with First Nations to help connect the Aboriginal presence on the land with the continued assertions of Aboriginal sovereignty and cultural histories. In order to establish Aboriginal title to an area, the burden of proof is placed on First Nations to establish use and occupancy of their traditional territories prior to the assertion of sovereignty and effective control by the Crown in Canada. This requires that First Nations provide specific representations of their traditional territories and land use practices to both the federal and provincial governments. In many cases these representations are fixed on a map that clearly defines the boundaries of their traditional territories (Thom 2000: 1). Colin Samson (2003: 59) argues, however, that these forms of mapping practices do not provided adequate representations of Aboriginal territoriality. As simulations of aboriginal geographic knowledge for the "antagonist bureaucrats," Samson (2003: 58) argues that these maps celebrate science's invented Indian and the native absence promoted and maintained by 'agents of the state.' This characterization, however, does not recognize that Aboriginal peoples are active subjects of survival and sovereignty who make informed choices regarding the sharing of their indigenous knowledge.

Over the last ten years, collaborative mapping projects between Aboriginal peoples, anthropologists and cultural geographers have gained increased attention. These current trends (see Larsen 2003; Offen 2003; and Stocks 2003)

are largely influenced by Robert Rundstrom's (1991: 6) notion of "process cartography." This cartographic practice by-passes the analytical limits of the more common postmodern critique of mapping practices, by situating maps less as end-products and more as artifacts "indicative of a process still in motion—a dialogue among residents." This practice situates the map artifact within the mapmaking process and places the entire process within the context of intracultural and intercultural dialogues, that occur over a long period of time. Process cartography reduces the exclusivity of maps by recognizing mapping practices as open ended endeavours (Rundstrom 1991: 6-7). Some of these current mapping projects incorporate cutting-edge technologies, such as Geographic Information Systems (GIS) and Global Positioning Systems (GPS), with Aboriginal geographical knowledge, in efforts to re-assert Aboriginal sovereignty over traditional territories. The results are complex maps that represent the various aspects of traditional Aboriginal land use practices within a clearly marked territory or territories. Traditional spots used for berry picking, for example, are correlated to the various fishing stations and the habitats of different wildlife. The results are multi-dimensional maps that represent complex and imbricated land use practices.

These projects directly involve local people in the collection, interpretation and representation of data, documenting and addressing issues of Aboriginal land use, conservation and geographical knowledge (see D.A. Smith 2003; Larsen 2003; Offen 2003; and Stocks 2003; Wonders 1987). For example, the current negotiations between the Temagami First Nation (TFN), the Government

of Canada and the Government of Ontario for the resolution of the TFN's specific claim relies extensively on Speck's work. The allocation of new reserve lands for the TFN is based largely on Speck's work (see Hodgins 2005).

Counter to prevailing legal and theoretical assumptions regarding Aboriginal title and land use practices during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, Speck emphasized the continuity of Aboriginal peoples' cultural and historical presence on the land in eastern Canada. In many instances, this provided Aboriginal peoples with the much needed support of a recognized authority to bolster their claims. Speck's work was both a response to the socio-political struggles of Aboriginal peoples and the intellectual frameworks of knowledge that continued to sustain the specific racist ideology which contributed to the increasing alienation of Aboriginal peoples from their traditional territories.

I am not suggesting that Speck's representations of Aboriginal territoriality were only politically and not scientifically driven. Rather, I feel it is important to examine how his contributions to the clan-gens debate within anthropology were also influenced and part of a separate socio-political debate surrounding issue of Aboriginal rights. The connection between these two domains was largely facilitated by Speck's reliance on Aboriginal ethnogeography as a means of grounding his theoretical concepts of territoriality. While Speck characterized much of his later work as "applied ethnology," it is evident that during the early 1900s Speck began to apply his anthropological knowledge to help Aboriginal peoples gain respect and recognition for their rights. The resulting

representations of Aboriginal territoriality directly addressed and contributed to the continuing efforts of Aboriginal peoples for recognition of their land and resource rights while simultaneously contributing to the scientific debates within anthropology.

While my dissertation focuses on those specific aspects of Speck's work related to Aboriginal territoriality and ethnogeography, I hope to further my understanding of Speck's work through a detailed analysis of his prolific role as a collector of Aboriginal material culture. Eventually, I hope to combine these various aspects of Speck's work into an intellectual biography. As one of the last anthropologists during the 20th century connected to remnant 19th century anthropological practices, an understanding of Speck's contributions to the discipline can provide valuable insights into the shifting representational practices and relations between anthropologists and Aboriginal peoples during the early 20th century that have become the legacy of modern day Anthropology in North America. By examining the specific ethnographic practices of anthropologists during the early 20<sup>th</sup> century, it is possible to link the history of anthropology to a broader pattern of cultural politics associated with Aboriginal-settler relations in Canada. These social, cultural, and economic relations were complex and complicated by Aboriginal peoples long-standing and unresolved grievances against the federal and provincial governments.

My purpose in highlighting the tensions, contradictions and specific overlapping domains of knowledge associated with Speck's representations of Aboriginal territoriality is to contribute to the increasing dialogue amongst

Aboriginal and non-Aboriginal scholars regarding those specific complexities of colonialism which are often overlooked (Haig-Brown 2005). This includes the neglect of many scholars to acknowledge the efforts of non-Aboriginal people, such as Frank Speck, who recognized colonial injustice and worked in a variety of ways to challenge the epistemic racism of the time. This included the practical application of his anthropological knowledge to assist in the socio-political struggles of Aboriginal peoples for recognition of their land and resource rights. It also involved challenging and helping to shift the dominant intellectual and scientific representations of Aboriginal peoples which contributed to the continuing alienation of Aboriginal peoples from their traditional territories and land use practices.

The point of this dissertation is not to champion Frank Speck or the historical and present-day legacy of anthropological representation of Aboriginal people but to contribute to an increasing movement aimed at decolonising post-colonialism. While Grimshaw and Hart (1995: 46) suggest that the new generations of “aspiring anthropologists” are disappointed because their “teachers seem old and out of touch [and] the discipline’s models of inquiry and its canonical texts belong to a previous era,” I encourage those disappointed by their teachers to examine the exciting and informative theoretical and political networks associated with their disciplinary history. In particular, I feel it is important to stress that non-Aboriginal scholars and Aboriginal peoples continue to work closely together to develop respectful and productive ways to talk to each other, building on historic relationships exemplified by work Frank Speck, and

laying the foundations of a new relationships built on trust and understanding. As future generations of Aboriginal and non-Aboriginal peoples continue to work together, through the spirit of education, understanding and openness, it is possible to appreciate the unique contributions we continue to make through the ways in which we speak to each other.

These productive relationships and the collaborative knowledge that they produce contribute to ongoing dialogues between First Nations and governments in Canada regarding the reclamation and recognition of Aboriginal territorial integrity. In order for these collaborative relationships to be effective, however, the implicit power relations associated with the legacy of this knowledge production must first be addressed and the tendency to situate these relations within rigid binary oppositions overcome. Michael Doxtater (2004) and Leanne Simpson (2004) have provided some important Indigenous perspectives on the production, application and recognition of Indigenous knowledge within the academy and in policy circles. Doxtater (2004: 620-621) points out that articulations of Indigenous knowledge are exercise in self-determination, working against the representations of Aboriginal peoples as passive victims of colonization. This view is similar to Gerald Vizenor's (1998) notion of the "transmotion" of Indigenous knowledge. Vizenor (1998: 16) defines this as deliberate acts of noncompliance and self-affirmation that are expressed freely and for the sake of freedom and egalitarian knowledge exchange. These include the personal, totemic and reciprocal assertions of sovereignty that connect Aboriginal peoples to their traditional territories. Unlike Vizenor's attempt to

recognize the nuanced , concessionary and complementary exchange of Indigenous knowledge, Doxtater (2004: 620), relies too heavily on the supposition that a “Euro-Master Narrative” continues to work to undermine Indigenous knowledge systems. According to Doxtater (2004: 620) this master narrative continues to reinforce the representation of Aboriginal peoples as “peons and hapless victims of progress, mutely awaiting the next calamity.”

Similarly, Leanne Simpson (2004: 375) maintains that academic and Western scientists have played a major role in oppressing Aboriginal peoples by denying the validity of their knowledge systems. She adds that, in many cases these academics and scientists continue to play roles in advancing the oppression of the world’s Indigenous Nations, their land and their knowledge systems. Simpson (2004: 376) argues that the removal of Indigenous Knowledge from the political sphere reinforces the denial of the “holocaust of the Americas” and the representation of contemporary Indigenous Peoples and their knowledge systems as an untapped contemporary resource for the use and exploitation of Western Science.

What Doxtater and Simpson do not acknowledge, however, are the historical and ongoing collaborative work of Aboriginal and non-Aboriginal peoples to raise awareness of the effects and legacy of colonialism on the Aboriginal and settler populations. Unlike Simpson and Doxtater’s characterization of western academic science as disregarding the validity and applicability of Indigenous Knowledge systems, a close examination of both the intellectual and socio-political context of Speck’s representations of Aboriginal

territoriality grew out of the directed efforts of Aboriginal peoples to actively engage the federal and provincial governments in Canada in a process of decolonization. These representations relied on aspects of Aboriginal geographic knowledge to connect the Aboriginal presence on the land to the continued survival of Aboriginal traditional territories and cultural histories. As a participant in a larger struggle that included the active engagement of Aboriginal peoples, provincial and federal government officials, Speck applied his anthropological knowledge to help Aboriginal peoples gain respect and recognition for their rights. This required the development of representations of Aboriginal territoriality that could be applied to counter the claims and land-use practices of mainstream non-Aboriginal society that significantly impact the traditional land use practices of Aboriginal peoples.

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