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**From Advocacy to Ethnology: Frank Speck and the Development
of early Anthropological Projects in Canada, 1911-1920.**

by
Siomonn Pulla, B. A. Hons.

A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfilment of the
requirements for the degree of

Masters of Arts

Department of Sociology/Anthropology
Carleton University
Ottawa Ontario
August 30, 2000

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Department of Sociology and Anthropology

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September 11, 2000

Abstract

The intention of this thesis is to provide a deeper understanding of the various elements of Frank G. Speck's anthropological work and practices during the early twentieth century. The various elements of Speck's work examined include his role as an ethnologist, museum collector and advocate of First Nations rights in Canada. By contextualizing the detailed interactions in Canada between anthropologists, aboriginal peoples and government officials during the early twentieth century, Speck's work as an advocate, collector and ethnologist begins to emerge. It is through a specific and particular historical analysis that I foreground Speck's role in the formation of the ideological and academic history of anthropology in Canada. Ultimately, the relationship between Speck's role as an advocate and his ethnographic and ethnological work suggests that the ideological and academic history of anthropological research and practices in Canada cannot be easily separated.

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Abbreviations Used

1. NAC = National Archives of Canada
2. GSC = Geological Survey of Canada
3. CMC = Canadian Museum of Civilization
4. FSC = Frank Speck Correspondence
5. ESC = Edward Sapir Correspondence
6. HSC = Harlan Smith Correspondence
7. APSMS = American Philosophical Society Microfilm Series
8. FBC = Franz Boas Correspondence
9. MHF = Museum History File

CHAPTER ONE

Introduction

“Anthropologists will continue to drive historians crazy with their sloppy source criticism and other technical failings. Historians will continue to drive anthropologists crazy with notions of cause and effect that seem to lie outside the bounds of known human behaviour. But of this collective madness comes scholarship that is much better stuff than it could ever be if we stayed behind our disciplinary fences.”¹

The intention of this thesis is to provide a deeper understanding of the various elements of Frank G. Speck’s anthropological work and practices during the early twentieth century. The various elements of Speck’s work that I will examine include his role as an ethnologist, museum collector and advocate of First Nations rights in Canada. In approaching Speck’s work from this angle, I do not intend to produce a hagiographical account of Frank G. Speck, nor do I aim to delegitimize or discredit his active role as an anthropologist in the many First Nations communities across Canada in which he worked. My purpose, rather, is to contextualize the political and ideological situations in which Speck worked and lived as an anthropologist, ethnological collector and advocate for aboriginal peoples. This type of analysis, as Harvey Feit suggests (1991: 129), provides the possibility of reconstructing the central relationship between advocacy and ethnology during the early years of anthropological research in Canada.

George Stocking (1991: 5) believes that an effective history of anthropology demands an exploration of “the range of interaction of widely differing individuals and groups” and “the ways in which these situational interactions conditioned the specific ethnographic knowledge that emerged.” By contextualizing these interactions in Canada during the early

twentieth century, Speck's work as an advocate, collector and ethnologist begins to emerge. It is through this type of specific and particular historical analysis that I intend to foreground Speck's role in the formation of the ideological and academic history of anthropology in Canada. Ultimately, the relationship between Speck's role as an advocate and his ethnographic and ethnological work suggests that the ideological and academic history of anthropological research and practices in Canada cannot be easily separated.

Museum Collections, Ethnography and Advocacy Work

It is possible to view Frank Speck's involvement in the formation of museum collections, the publication and collection of ethnographic data as well as his advocacy relations with First Nations communities in Canada as independent from one another. However, in order to gain a better understanding and deeper contextualization of Frank Speck's anthropological projects and practices, the integral relationship between ethnological collections, ethnography and advocacy work cannot be understated. It is this connection between Speck's involvement in museum collections, ethnography and advocacy work that informs the greater part of his anthropological practices in Canada during the early twentieth century.

Speck's work as an ethnographic collector for the Anthropological Division of the Victoria Memorial Museum in Ottawa provided him with the opportunity to work in a variety of Abenaki, Mi'kmaq, Maliseet, Penobscot, Algonquin, Ojibwa, Cree and Innu communities across northeastern Canada and northern Ontario.² Speck's connection to the

Museum, although somewhat of a mystery,³ probably stemmed from his close friendship with Edward Sapir. When Sapir was granted the directorship of the newly established Anthropological Division at the Victoria Memorial Museum in 1910, Speck gained a very lucrative and important Canadian connection. The work Speck was able to accomplish, financed in large part by his ethnological collecting trips for the Museum in Ottawa, was crucial for the future development and maturation of his classic and much debated anthropological work on systems of Algonquin hunting territories. His work also allowed Edward Sapir to partially fulfill the division's mandate (Sapir 1911) for a systematic survey of aboriginal Canada at the Victoria Memorial Museum in Ottawa — the Speck collection being one of the largest in relation to Northeastern Canada that the museum currently holds.

Speck's classic anthropological works on the Algonquin Family Hunting Territory complex have also kept scholars busy debating, arguing and ruminating over for almost one hundred years. However, in stepping back from these circles of debate, one can begin to examine Speck's work within its larger historical context. Such an analysis widens the lens of understanding to encompass the spheres of direct and indirect influences on Speck's anthropological work. Some of these direct influences on Speck's work may in fact stem from the years he spent growing up in Mohegan, Connecticut with Mohegan elder and culture keeper Fidelia Flying Bird Fielding. The legacy of the Mohegan Nations' two hundred year struggle over land rights with the Colonial and State governments of Connecticut was still very strong when young Frank moved into the last of the remaining tribal houses on the Mohegan reserve. More indirectly, the history of land cession

agreements and the administration of “Indians and lands reserved for Indians” in Canada may have largely influenced the scope and direction of Speck’s anthropological work on aboriginal family hunting territories. Although the treaty process in Canada by the early part of the twentieth century had successfully negotiated numerous land cessions agreements between Canada, the Provinces and First Nations, certain First Nations communities did not sign treaties. Speck’s ethnographic works on systems of aboriginal territoriality are based, to a large extent, on data collected in those areas left out of the treaty process.

Concurrent with Speck’s ethnographic work and his involvement in the development of a collection of northeastern Canadian aboriginal material culture for the Victoria Memorial Museum in Ottawa, Speck’s work in Canada can also be seen as political. One specific reading of an instance at Moisie River, Quebec, during the summer of 1912, illustrates how Speck’s advocacy role informed much of his work in aboriginal communities. More particularly, this incident foreshadows his academic work on hunting territories by emphasizing Speck’s personal concerns over issues of aboriginal land and resource use. The incident examined in this analysis focuses on the often neglected aspect of the hunting territory debate: fishing rights.

In examining Speck’s role as collector, ethnographer and advocate, one begins to see how these roles were mutually supportive. A reading of the specificities of Speck’s contributions to anthropology in its early years in Canada offers an opportunity to unveil some of those complex strategic situations which situated Speck as a collector, ethnographer and advocate. Ultimately, the examination of these situations provides the

possibility of understanding the history of relations between Frank Speck and his colleagues and friends, both aboriginal and non-aboriginal — a history that raises some curious and important questions surrounding Speck's relationship to museum collections, ethnographic work and advocacy relations with some First Nations communities in Canada.

The Archive

The bulk of my research data consist of archival material gathered from the Frank Speck archive at the Canadian Museum of Civilization (CMC) in Hull, Quebec and the RG-10 and 23 (Indian and Northern Affairs Canada and the Federal Department of Fisheries and Oceans) files at the National Archives in Ottawa. However, the greater part of the data come from correspondence between Frank Speck and Edward Sapir, Franz Boas, Marius Barbeau, Harlan Smith and Diamond Jenness, 478 letters in total, held in the CMC archives. The task I face, therefore, in attempting to articulate a history of Speck's anthropological work and projects requires a manipulation and piecing together of the archival fragments I have gleaned from these archives. As well as examining the more explicit information contained in the archives, my task also involves a detailed reading of what is not said, represented, detailed and outlined in the correspondence and other archival materials. Such a task, I feel, is highly subjective and not without its own specific and personal dilemmas.

During the many hours spent in the CMC archives, I met many diverse people,

engaged in a variety of contradictory, conflicting but sometimes mutually productive activities. Whether it be Déné elders listening to old wax cylinder recordings of traditional songs, lawyers from Indian and Northern Affairs Canada and Aboriginal groups researching material for land claims cases, students beginning or finishing graduate research projects or professors collecting data for academic and applied work, the contradictions inherent in the use of the archive as a resource are, indeed, many. The archive acts as a “space” in which the (re)construction of histories — legal, oral, academic, personal, mythical — is made possible. The archive situates the reader in a multilayered space that provides the potential for engaging in many different strategies for reading and experiencing histories.

In regarding the archive as a text, histories become objects, fragments to be known and sewn together into a patchwork of meaning. Deep silences and gaps, however, are usually present in the archive. Different archives provide different types of knowledge and different spaces for the (re)construction of this knowledge. The material in this analysis reflects both material found in a government archive (the National Archive of Canada) and material found in an anthropological archive (the CMC archive). Government archives (like the National Archive) are highly regulated and often contentious spaces, in which only certain types of knowledge and information are represented and can be accessed. In fact, the stories found in government archives may be regarded as problematic and contentious for they represent the collection of dominant, western forms of understanding. Yet the stories found in anthropological archives (like the CMC archive) are more ambiguous. The wide

variety (video, audio, written, photo) and types (multilingual stories, histories, letters and drawings) of material found in anthropological archives reflect the complexity and diversity of anthropological work.

In approaching the archive as text, I find it helpful to follow Dorothy Smith's (1990: 178) suggestion that a text contains many layers. Thus at one moment the meaning of a text "rests in the primary narrative mode, and at the next the ideological operation introduces a new level of meaning, modifying and reinterpreting the primary narrative retrospectively and prospectively, and laying down a governing schema for the interpretation of what has been told and what will follow" (1990: 178). Seen in this light, the archive contains within it layered sets of meaning that work together or against each other. The reader, in understanding the text takes part in validating the knowledge and activating the text. Thus the archive is seen not as a set of documents offering up information, but as an 'interactive text' which allows for the interchange of ideas between the text and the reader: offering up fragments of information that fit into the already existing frameworks of knowledge within the reader. In fact, Wolfgang Iser (1978) points out that, "the role prescribed by the text will be stronger, but the reader's own disposition will never disappear totally; it will tend instead to form the background to and a frame of reference for the act of grasping and comprehending [the text]" (Iser 1978: 37).

Reading the Speck Archive

My reading of the Speck archive stems partially from the post-colonial tactic of “reading against the grain.” Although post-colonial histories tend to focus mainly on a (re)positioning of the “subaltern” (Loomba 1998: 13; Prakash 1989: 8-9), I find reading against the grain a useful technique for my own reading of the Speck archive. As historian Gyan Prakash points out, reading against the grain attempts to “focus on [the] blind-spots, silences and anxieties” of an archive (1989: 9). The aim of the reading therefore is not to unmask the dominant discourses meshed in the archive “but to explore their fault-lines in order to provide different accounts, to describe histories revealed in the cracks of the colonial archaeology of knowledge” (Prakash 1989: 10). In this instance, the grain represents the traditional totalizing historical accounts of Speck and the narrative accounts and criticisms that make up the body of knowledge of who and what Speck was (Chute 1999; Feit 1991; Fenton 1990; Witthoft 1990). By reading against this grain, I aim to contribute to an alternative history of Speck by articulating some of the more subtle nuances of his anthropological practices and projects. A reading of some of the particular and specific contexts of Speck’s anthropological work and practice offer greater insights into the complexities and contradictions of the role of advocacy and ethnology during the early twentieth century.

The Speck correspondence is of particular interest in relation to Speck’s role as an ethnological collector and advocate. The letters help to answer questions surrounding

Speck's role in the collection of aboriginal material culture during the early development of anthropology in Canada circa 1910-1920. The Speck correspondence ultimately provides a crucial point in which a space for Speck within a history of anthropology in Canada can be written — a space that attempts to bring together the often fragmented and contradictory history of advocacy relations, museum collections and ethnographic fieldwork.

Chapter Two will explore the early life of Frank Speck and his involvement in the formation of a Northeastern aboriginal material collection for the Victoria Memorial Museum in Ottawa. I will attempt to draw links between Speck's early years growing up with a Mohegan culture keeper and the direction and scope of his anthropological work on systems of aboriginal land ownership. As well, I will examine Speck's role in the development of museum collections in Ottawa, including his friendship with Edward Sapir and the formation of a National museum policy for Canada and the establishment of a national Anthropological Division at the Victoria Memorial Museum in Ottawa.

Chapter Three will explore the history of an incident of conflict encountered by Frank Speck in the "field" at Moisie River Quebec during the summer 1912. This chapter will focus on the question of the aboriginal fisheries in Canada. Specifically, it will examine the history of the aboriginal fisheries in Quebec, with emphasis placed on Moisie River on the north coast of the St Lawrence River. I will trace the incident at Moisie River, encountered by Speck in 1912, back to 1867. Ultimately, Chapter Three will foreground Speck's role as an advocate for the Innu at Moisie River, foreshadowing the political context

and content of his future ethnographic work on systems of land and territory among Algonquin speaking Aboriginal Nations in Canada.

Chapter Four will juxtapose the development of Speck's anthropological work in Canada with the development and augmentation of Canadian Indian policy during the late nineteenth and early twentieth centuries. The aim of Chapter Four is to demonstrate the connection between Speck's anthropological work on aboriginal family hunting territories and the sociopolitical circumstances out of which this work may have grown. The intention of this chapter is to contextualize Speck's anthropological work on land and territory within a greater historical background while subsequently foregrounding the intrinsic link between Speck's ethnology and advocacy work.

In Chapter Five, I will offer some reflections and conclusions on my work in (re)constructing the histories of Speck's projects detailed in this thesis. I will focus particularly on the connection between Speck's involvement in establishing a National museum collection in Ottawa, his ethnographic work on land and territory and his advocacy work.

CHAPTER TWO

Frank Speck and the National Museum of Canada

“While fossil remains buried in the earth will keep for the future student, the remains of Indian arts, languages and institutions. . . . are perishing daily, and have been perishing for upwards of three centuries. . . . After a few more years, facts that may now be gathered with ease will become impossible of discovery.”⁴

Frank Speck’s involvement in the formation of a Northeastern aboriginal material collection for the Victoria Memorial Museum in Ottawa was closely tied to his friendship with Edward Sapir. However, it was the years Frank Speck spent growing up with a Mohegan culture keeper, Jeets Bodernasha (Fidelia Flying Bird Fielding), that ultimately influenced the scope and direction of his anthropological work and his future connection with Franz Boas. An understanding of Speck’s relationship with Fidelia is crucial, I believe, in attempting to contextualize Speck’s development as one of the first generation of Franz Boas’s students to work in the “field” and his role in the development of museum collections in Ottawa.

In order to have an understanding of Speck’s relationship to the formation of a national museum policy in Canada and the establishment of a national Anthropological Division in Ottawa, it is first crucial to piece together some of Speck’s early life. However, it is not possible to provide a complete story of Speck’s early life at this point. What I will provide in this analysis represents my own research into limited archival data. Thus, although this (re)construction of Speck’s early history may indeed have holes, it also reflects the logical and coherent nature of this analytical project: the translation of those events

which make up the corpus of information and understandings of the life and work of Frank Speck. Therefore, what follows is not intended to be read as a totality but as part of an ongoing project of a historical and ideological collage that attempts to explore and foreground some of the work and life of Frank G. Speck.

Fidelia Flying Bird Fielding: The Early Years at Mohegan, Connecticut

Frank Gouldsmith Speck was born on November 8, 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.⁵ Both Speck's father and his grandfather were businessmen who sailed the waters of the Lower Hudson Valley (Witthoft 1990: 1). The long history of Dutch settlement in New England and New Netherlands (New York) is complex and extensive — beginning in the early seventeenth century. There is a long history of trade between the Dutch and the various aboriginal groups along the eastern seaboard — the Mohawks, Senecas, Pequots, Mohegans to name but a few. In fact, the Dutch are credited as the originators of the wampum-for-fur-trade pattern of the early seventeenth century.⁶ This 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. Such an understanding may help to answer some fundamental questions concerning Speck's family heritage. Did Speck's father, grandfather or perhaps great-grandfather marry into an aboriginal community, perhaps for business purposes? 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? What were Speck’s connections to his mother’s side of the family?

In 1889 at the age of eight, due to his poor health and at the discretion of his family physician and because of the concern of his parents, Speck left the urban landscape of Brooklyn New York for the clean air of Mohegan Connecticut (Witthoft 1990: 1). Health was always a concern during his life. As he aged, Speck would increasingly spend 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 times in his academic career, Speck would have to take breaks 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.”⁷ The underlying reason for why Boas wrote to Speck inquiring after his health was because Speck had to postpone the completion of a seminar report on his findings for two months due to a “nervous condition.”⁸ Thus, Speck’s move to the rural country of Mohegan Connecticut in 1889 foreshadowed a continuous love of and much needed respite in country life, and also precipitated a long and intricate connection and relationship with the lives and issues of many First Nations in North America.

Speck was sent to Mohegan to live with a “friend”⁹ of the family in the summer of 1889. The friend of the family was Fidelia Flying Bird Fielding. She was born in 1827, and the last fluent speaker of the Mohegan-Pequot dialect. Fidelia was also the tribal-culture

keeper of the Mohegan Nation (Witthoft 1990: 1; Mohegan Nation 1999a). Current Mohegan Medicine Woman, Gladys Tantaquidgeon, remembers her teacher:

Fidelia Fielding was the last speaker of our Mohegan-Pequot dialect . . . she and her grandmother Martha Uncas^[10] lived together and were said to have the Indian tongue used more than English She lived about a mile east of our house. It was the last of the long houses on the reservation and she used to refer to it as a 'tribe house' She was what we would think of as a true full blood Indian type. She was a little over five feet tall and a little bit on the medium build. She had jet black hair, black eyes, high cheekbones and used to wear a calico dress and in cool weather she wore capes. She didn't participate in Green Corn Festival [Mohegan Wigwam Celebrations] and meetings of the women in their [Church Sewing] society meetings. She was very much a loner, very much to herself (Mohegan Nation 1999a).

Fidelia was sixty-two years old when the young Frank Speck came to live with her. Speck was eight years old when he arrived in Mohegan and he lived with Fidelia for seven years, until he was fifteen, in the last standing traditional long house on the Mohegan reservation. As John Witthoft recounts, Fidelia “became a second mother to him, a mother of the most loving and creative kind”(1990: 2). She would teach Speck many things, including woodcrafts and “endless botanical curiosities recognized in the lore of the herbalist”(Witthoft 1990: 2). Fidelia also taught Speck how to speak the Mohegan-Pequot dialect of her people, the language that would eventually grant Speck his first academic publications with linguist J. D. Prince¹¹ and his future anthropological work with Franz Boas.¹²

It is crucial, I believe, to try and contextualize some of the issues that may have been present and of importance to the Mohegan First Nation during the time Speck spent living with Fidelia. She was an outspoken aboriginal woman who resisted assimilation into the

non-aboriginal American society and culture, frequently “lectur[ing] about the unchristian character of white Christians” (Witthoft 1990: 2). One can only imagine that Fidelia’s house, the last “tribe house” on the reservation, occupied a fundamental position within the Mohegan community. For, not only did it house the culture-keeper of the tribe, it represented one of the last traditional strongholds of the community. There are no data to suggest who else lived in this tribe house with Fidelia and Speck. Fidelia’s own sons were grown; yet perhaps her mother, father and extended family took up residence there. More than likely Fidelia did not live there by herself and it is likely that Speck had a wide variety of influences and circle of friends growing up in the tribe house.

Of paramount concern in the Mohegan community during the late nineteenth century was land. This concern over land had a history stretching back to the two hundred years of legal battles fought over jurisdiction to tribal land between the Mohegan Nation and the colonial Government in Connecticut. Starting at the end of the “Pequot Wars” in 1640, the colonial authorities in Connecticut recognized the Mohegan Nation’s title to “all the land from the Connecticut River east to the Narragansett territories” — almost all of modern eastern Connecticut (Conroy 1994: 397). The recognition of Mohegan title by the colonial government of Connecticut provided a legal basis on which the colonial government could lay claim to Mohegan territory. As well, the recognition of tribal title, “provided the fledgling Connecticut government with a basis for resisting claims to the territory by other British colonies, the Dutch, and favourites of the Crown seeking grants for themselves” (Conroy 1994: 398). So, in 1640, the Connecticut government negotiated a deed to all

Mohegan lands in exchange for “five yards of cloth and a few pairs of stockings” (De Forest 1970: 183).¹³ As well, simultaneous with the purchase of Mohegan title, the colonial government of Connecticut assumed complete jurisdiction over the Mohegan Nation¹⁴ (Conroy 1994: 399-340; see Salisbury 1993: 81-95).

In 1659, the deed to Mohegan title was renegotiated by the colonial government of Connecticut. This time, negotiations over the deed to Mohegan territory vested the interest of the land in the name of Major John Mason, a recognized colony leader who had served alongside Sachem Uncas in the succeeding years of the Pequot Wars. In 1665 Uncas and Mason would negotiate an agreement that saw half of the proceedings of the sale of tribal lands going to the Mohegan Nation. Also, as part of the deal, Mason would set aside an eight-by-four mile tract of land for the perpetual ownership of the tribe (Conroy 1994: 400-401). Yet, in 1683, due to these private dealings between Uncas and Mason, a “League of Amity” was set up by the colonial government of Connecticut. The League was set up by the colonial government to reinforce its own interest in the tribal lands deeded to Mason, making it legal to break the land up into “plantations, villages or farms according as the general court shall order and determine” (Conroy 1994: 403). Although the League did not mention Mason’s “rights” to the tribal land deeded to him, in 1692 Sachem Oweneco, Uncas’s successor, negotiated a deal with the colonial government which placed Mason as sole discretionary agent in relation to the sale of tribal lands.

The ensuing sequestering of Mohegan tribal land in 1698, 1699 and 1702 by the colonial government, without the consent of Mason, began a long history of legal battles

over jurisdiction to tribal land. In 1703 Mason, on behalf of the Mohegan Nation, brought the colonial government of Connecticut to court. The court action initiated by Mason and the Mohegan Nation was deemed necessary in order to recover some of the tribal land sequestered by the colony.¹⁵ Two years later, in 1705, the court of the Royal Commission ruled in favour of the tribe. However, due to the fierce opposition of the ruling by the colonial government and infighting amongst the royal commissioners, the 1705 ruling was left un-executed (Conroy 1994: 404). Thus, the question of jurisdiction over Mohegan tribal lands was left to simmer for more than thirty years. In 1738 a second Royal Court of Commission assembled to once again attempt to deal with the issue of tribal land jurisdiction. However, it was not until 1743, when the third session of the Royal Court of Commission convened, that the question of the jurisdiction of Mohegan tribal lands was finally heard. Yet, after lengthy deliberations, the Royal Court of Commission ruled in favour of the colonial government. In its ruling, the Court argued that the treaties signed one hundred years previous between the colonial government and the Mohegan Nation were not legally binding texts. This was due to the fact that “one of the parties to that treaty were Indians, a barbarous people, *not then subject to the regular course of law*” (Conroy 1994: 419, emphasis in original). The ruling also recognized that Mason had no jurisdiction to pre-empt any land for the Mohegan Nation. Thus, the eight-by-four mile tract set aside by Mason in 1693 for the use of the Mohegans was lost. According to the Royal Court of Commission, all that was legally and morally due to the Mohegan Nation was some “planting ground” which had already been provided by the government of Connecticut.

Ultimately, the court recognized that the government of Connecticut could exercise the right to extinguish Mohegan “title” to land for the use and convenience of the colony (Conroy 1994: 419).

All attempts by the Masons to appeal the 1743 ruling to the Privy Council failed. Although the implementation of colonial Indian policy in Connecticut, from 1750 onwards to the turn of the century, attempted to foster greater specificity in relation to land title negotiations between the colonies and Aboriginal Nations,¹⁶ “the Mohegans — who of all the Connecticut tribes had remained most staunchly allied with the whites — ended up with no reservation land at all” (Bee 1990: 195). From the early nineteenth century up to the implementation of the State of Connecticut law of 1854 and 1855, *An Act for the Preservation of Indians and the Preservation of Their Property*, Mohegan tribal lands were slowly etched away by overseers and other government officials. According to Jack Campisi (1990: 129), the Overseer’s role was a fiduciary one. They collected “money due to the tribe, brought suits on its behalf, and paid out the income derived for the benefits of the tribal members.” However, as Robert L. Bee (1990: 195) points out, the role of the Overseer was to facilitate the State dispossession of tribal lands; it was the Overseer who facilitated the leasing, trading and encroachment of non-aboriginal peoples onto traditional tribal lands in Connecticut. Even though the two Acts passed by the General Assembly in 1854 and 1855¹⁷ attempted to limit the control of the Overseers, the Act of 1855 specifically made it possible for the State to sell the greater part of tribal land without the consent of the tribe. Thus, under the Act, the county court could appoint a committee of three “judicious

and disinterested” persons to oversee the sale and distribution of tribal lands (Campsi 1990: 132). Thus, in 1872, under the Act of 1855, the two thousand seven hundred acres of remaining Mohegan tribal land were partitioned by state Overseers and the tribal lands were broken up (Mohegan Nation 1999b).¹⁸

When Speck came to the small town of Mohegan in rural Connecticut to live with Fidelia Flying Bird Fielding, it was seventeen years after the tribe had lost complete title to the land they had fought for more than two hundred years to have recognized. One can only assume that it would take longer than seventeen years for the wounds of a two hundred-year-old battle to heal. Thus, one can only assume that Speck became acquainted, at an early age, with the seriousness and hard realities of issues relating to aboriginal land title. As tribal culture-keeper, it is more than possible that Fidelia was well versed in the oral histories and traditional knowledge of her people: histories and knowledge steeped in the bitter legacy of dispossession and the racism of a colonial government. Of course, the significance of Speck’s time spent with Fidelia cannot be lost in the narration of the Mohegan struggle to maintain their tribal lands. However, it is only possible at this time to make inferences concerning the knowledge and histories passed down to Speck by Fidelia and other members of the Mohegan Nation during the time he spent at Mohegan. There is always the possibility that Fidelia and Speck never discussed Mohegan history, or that Speck was never privy to any discussions in the long-house concerning the dispossession of tribal lands. Yet, I believe that Speck’s later anthropological work on aboriginal land systems illustrates that, along with the Mohegan herb-lore, woods-craft and language that Fidelia

taught Speck, she also instilled in him a respect and appreciation for the land and all the histories written into the cultural landscape — histories that played an integral role in the development of Speck's own work and relationships with the many different aboriginal peoples and communities he worked with.

The Canadian Connection: Edward Sapir and the Geological Survey of Canada

At the age of fifteen, Speck left the rural countryside of Mohegan Connecticut and the hospitality of Fidelia Fielding's long house for the marshes of Hakensack New Jersey to live with his parents. Most of the available accounts of Speck during his adolescent years in Hakensack emphasise the time he spent outside conducting "nature studies" in his free time. While he was not studying or in classes, Speck spent time alone paddling his pine dugout canoe in the salt marshes, examining and exploring the wide variety of bird and reptile life¹⁹ (Fenton 1990: 16; Witthoft 1990: 2). While in Hakensack, Speck began to amass a collection of books on natural history and "Indians." As well, he started to collect some ethnographic and natural history specimens, all of which, John Witthoft recounts, "he kept in a little summer house on his father's property"(1990: 2). It was at this time, as William Fenton points out, that natural history collections and the natural history movement in the United States were running strong. The establishment of key natural history museums in New York City, Washington, D. C. and Chicago emphasised the notion that "collecting was a path to a career in the Sciences" (Fenton 1990: 16). In fact, it was just this notion that would play a major role in the future of Speck's career as an anthropologist.²⁰

After high school, Speck continued his studies and went on to pursue a Bachelor of Arts degree in classical language and literature at Columbia University in New York. His interest in and knowledge of languages eventually led him to enroll in a class on comparative philology with American linguist J. D. Prince. Thanks to Fidelia's teaching, 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). In fact, 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 relating to the Mohegan-Pequot dialect (1903; 1904a; 1904b). However, perhaps most notably, it was J. D. Prince who introduced Speck to Franz Boas.

After receiving his undergraduate degree in 1904, Speck went on to pursue an Masters of Arts degree (which he obtained in 1905) at Columbia University and PhD in anthropology at Columbia and the University of Pennsylvania with Franz Boas as his supervisor (Witthoft 1990: 3-5; Fenton 1990: 18-19; Hallowell 1951: 69). Along with his work with Aboriginal peoples and communities in the Northeast, at the suggestion of Boas, Speck spent time in the Southwest among the Creek, Chickasaw, Osage and Yuchi Nations. It was the material he gathered during his time in the Southwest that, in 1908, provided the data for his PhD dissertation, *Ethnology of the Yuchi Indians*. In 1907 Speck was offered a Harrison Research Fellowship at the University of Pennsylvania, and in 1908 he obtained

his PhD degree, under the supervision of Boas, from the University of Pennsylvania. After receiving his doctorate, Speck began work as an Associate Researcher at the University Museum at the University of Pennsylvania.²¹ In 1911 Speck was made Assistant Professor of Anthropology at the University of Pennsylvania and is, in fact to this day, considered the founder of the Department of Anthropology at the University (Witthoft 1990: 8-9; Fenton 1990: 19; Hallowell 1951: 69-70).

During his graduate years at Columbia, Speck became good friends with Edward Sapir. From 1908-1910, Speck and Sapir lived together in a house in Philadelphia, with their wives and Sapir's mother and father, and worked together at the University Museum at the University of Pennsylvania.²² However, in 1910 Speck lost what was perhaps his best friend to the Canadian capital in Ottawa. At the high recommendation of Boas, R. W. Brock, director of the Geological Survey of Canada, offered Sapir the position of head of a new Canadian Anthropology Division at the recently established Victoria Memorial Museum in Ottawa. On May 9, 1910, Brock wrote to Boas, "We are anxious to secure an Ethnologist to take charge of the work of this kind, in Canada, and to superintend the museum work in connection with ethnology and archaeology."²³ In the letter, he asked Boas for his suggestions as to a possible candidate for the position, for, "[a] good deal of interest is now being taken on the subject in Canada."²⁴ However, he stressed to Boas that "a substantially trained leader is needed to guide this enthusiasm into proper channels and to suggest work for those which wish to do more or less along these lines."²⁵ On May 14, 1910, Boas replied to Brock, "Much to my regret, I cannot think of any Canadian whose

experience and knowledge would justify recommendation (to the position of director of the museum)."²⁶ He then suggested to Brock that the lack of a Canadian anthropologist for the position was due to a pressing problem in Canadian ethnology. This problem, Boas believed, was due to the belief that "ethnological work can be done by amateurs; that the collection of tales, observations and customs, descriptions of implements, the digging-up and description of archaeological remains, and perhaps even the collection of a few measurements of the proportions of the body, are a sufficient basis for anthropological inquiry."²⁷ According to Boas, this was not a sufficient form of anthropology for a national museum. As he pointed out to Brock, an anthropologist "must have a firm grasp of the problems of comparative ethnology, of the method of linguistic inquiry, which has been carried to a high technical perfection, a thorough grounding in biometrical methods, which is not by any means easy to acquire, and must have an intelligent appreciation for archeological methods." In his final consideration of Brock's question, Boas suggested that if he wanted "to find a man who has a scientific training of this kind, 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.²⁸

This exchange between Boas and Brock helps to answer some questions relating to the dominance of "Americanist" and Boasian trained anthropologists in Canada during the early to mid parts of the twentieth century. It also offers insights into Boas' methodology and the ideological foundations in which Speck and all the other students of Boas (Sapir, Kroeber, Lowie, Benedict, Mead *et al.*) were trained. As Boas mentioned to Brock in his

letter, the lack of specific "scientific anthropological training" in Canada posed certain problems in relation to the development of a national anthropological program in Ottawa. The prevalence of "amateur" and "nonscientific" ethnological practices in Canada during the early part of the twentieth century did not, in Boas' estimate, provide a basis for the development of a national *qua* government Anthropological Division in Ottawa. However it was through the efforts of these so-called amateur anthropologists in Canada that plans for a national Museum in Ottawa were realized in 1910. Thus, I believe that it is only appropriate to provide a brief sketch of those events leading up to the establishment of the Anthropological Division at Victoria Memorial Museum in Ottawa. For, these events were not only crucial to the development of anthropological practices in Canada but they also provide greater context for an understanding of Speck's anthropological work with aboriginal communities and peoples in Canada and his connection to the national Anthropological Division in Ottawa during the early twentieth century.

During the mid nineteenth century in Canada, the Canadian Institute in Toronto and the Royal Society of Canada served as the major academic forums for the new sciences of anthropology and ethnology. People like Daniel Wilson, Charles Hill-Tout, Reverend John Campbell, Father Adrian Morice, geologists Robert Bell and George Dawson, as well as R. G. Haliburton were all part of a wide circle of amateur ethnologists collecting ethnographic and ethnological materials in various aboriginal communities across Canada (Cole 1973). With the confederation of provinces in 1867, the "work of exploring this new country devolved largely upon the Geological Survey since it was the only Government

organization equipped for survey and investigation of natural resources" (Collins 1928: 38). As part of the natural history movement in Canada, the Geological Survey of Canada (GSC) was also charged by the federal government with the task of collecting material and specimens within "the whole gamut of outdoor sciences" (Collins 1928: 38). Falling within this "whole gamut of outdoor sciences" was the collection of ethnological data and aboriginal material culture from the diverse regions across the Canadian frontier. Grouped in with reports "regarding the topography, climate, fauna and flora . . . as well as the geology and mineral resources" of Canada, ethnological data and "specimens" were, in some sense, reified as pieces of the "natural character and resources of a territory of enormous size, of great topographic and climatic diversity, and as yet practically unknown"(Collins 1928: 39).

From 1868 to the turn of the century, the GSC became an established institution located at the seat of the Canadian government and the functions and scope of the GSC broadened steadily, as did its financial support (Collins 1928: 43). The establishment of the treaty making process with various aboriginal Nations in the new Dominion and the subsequent establishment of land grants, assured that the GSC would, by 1907, have the large task of collecting the "most diversified information about this new territory" (Collins 1928: 43). In response to GSC's task of gathering information about this "new territory," the British Association for the Advancement of Science in 1884 appointed a committee, chaired by the pre-eminent British social anthropologist Sir Edward Burnet, Lord Tylor, to study the "physical character, language, and social conditions of the Indians of Canada" (Collins 1928: 42).

Following the completion of the committee's work in 1896, the Committee on the Ethnological Survey of Canada, chaired by G. M. Dawson, head of the GSC, was established at the turn of the century. However, by 1904 this committee had disbanded and in 1909 another committee was established in Winnipeg by Rev. Dr. George Bryce. The Bryce committee's intention was to convince the Canadian Government to establish an ethnology department at Ottawa and expand the space for housing and displaying the various natural history specimens²⁹ collected in Canada since the confederation of provinces in 1867 (Cole 1985: 289).³⁰ The recommendations of this committee were supported by delegations from the Archaeological Institute of America and the Royal Society of Canada and by 1910 the Geological Survey was transferred into the newly constructed Victoria Memorial Museum in Ottawa (Sapir 1911: 789). Under the direction of R. W. Brock, the GSC was reorganised into six separate sections: geology, mineralogy, palaeontology, biology, anthropology and topography. As a result of Brock's reorganisations at the GSC, anthropology was thus granted government status in Canada, "similar to that which it enjoyed in the United States, where the Bureau of American Ethnology [was] recognized as the most important body undertaking the study of aboriginal America" (Sapir 1911: 789).

Douglas Cole (1973) argued that Brock's hiring of Edward Sapir as director of the new national Anthropology Division at the Victoria Memorial Museum in Ottawa ushered in a new era of anthropological activity in Canada. Ultimately, it was Sapir's "Boasian" training that would transform the once amateur and nonscientific approach to the collection of ethnographic data and ethnological specimens throughout Canada, to a well developed

systematic and institutionalized approach to a national survey of aboriginal cultures (Cole 1973; see Sapir 1911). This approach is embodied in Sapir's (1911) plans for the anthropological work of the Victoria Memorial Museum. The aim of the new Anthropology Division at the Victoria Memorial Museum 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 (Sapir 1911). As a first priority, the division was to establish "an interesting and instructive display in the Ethnological Hall of the New Museum, a very fine building. This is to ensure public support of the work. We have a good deal of material but require a trained man to plan for its exhibition and to select new material."^{31a} As head of the Division, Sapir's second task was "to organize, stimulate, encourage and direct individual effort throughout the country."^{31b} The bulk of this effort was to be geared toward the establishment of "a thorough and scientific investigation of the native races of Canada, their distribution, languages, cultures . . . and to collect and preserve records of the same."³²

The "scientific study of the natives of Canada, and of such neighboring tribes as are either part resident in Canada" was the first official "policy" of the national Anthropology Division in Ottawa.³³ In order to fulfil this mandate the division would engage in "field research among the living tribes and at archeological remains associated with the natives, the publication of data based on such research, and the exhibiting in the museum of objects intended to give some sort of systematic idea to the general public of the life and customs of the natives."³⁴ In a letter to R. G. McConnell, head of the department of mines, Sapir

notes that "the ideal object of the [anthropology] Division" would be the "complete study of all the tribes involved from all possible standpoints, the aim being not only to obtain a good descriptive idea of each tribe as such, but also general results bearing on the larger problem of tribal relationships and movement in the past, and in general anthropological problems as specifically illustrated by Canadian data."³⁵ Although the Division had a clear "scientific" objective, it can also be argued that underlying the scientific objective of the museum was the paradigm of salvage ethnology: that "authentic" aboriginal traditions were dying and there was a national duty to collect and preserve the supposed remnants of these cultures. In fact, with the booming race to salvage aboriginal cultures in Canada,³⁶ "Canadians occasionally lamented that so much of their heritage was being shipped to foreign museums or being bought up by private collectors" (Cole 1985: 288). The basis of the museum's salvage operation was thus to ensure that any and all fragments of *Canadian* aboriginal traditions and culture were collected and *kept in Canada*. This is illustrated in an article Sapir wrote in 1911 for the academic journal *Science*, concerning his work at the Victoria Memorial Museum in Ottawa. Sapir wrote:

Now or never is the time in which to collect from the natives what is still available for study. In some cases a tribe has practically given up its aboriginal culture and what can be obtained is merely that which the older men still remember or care to impart. With the increasing material prosperity and industrial development of Canada, the demoralization or civilization of the Indians will be going on at an ever increasing rate. No shortsighted policy of economy should be allowed to interfere with the thorough and rapid prosecution of the anthropological problems of the dominion. What is lost now will never be recovered again (1911: 793).

Toward the Formation of a National Ethnological Collection in Ottawa

An examination of the central connection between ethnographic inquiry and ethnological collecting is integral to understanding Speck's anthropological practices. In fact, as William Fenton suggests, before the allocation of academic grants, the construction and sale of ethnographic collections by anthropologists to museums were the accepted way of financing fieldwork (1990: 20). However, many ambiguities exist in relation to sale and purchase of ethnological collections; each museum, institution or private collector, not to mention each anthropologist, seemed to have specific and particular methods relating to the sale and purchase of ethnological collections. Thus, for the purpose of this analysis, I explore only one of the many particular and specific instances relating to the sale and purchase of ethnological material in Canada: Frank Speck and the Victoria Memorial Museum in Ottawa.

The official collection policy of the Anthropology Division at the Victoria Memorial Museum in Ottawa was not to buy collections outright. Rather, the Division agreed to fund research into the field, assuming that when anthropologists went into the field they would return with substantial ethnological collections to be bought by, stored and displayed at the museum.³⁷ In this sense, the division emphasized a science-first policy, and saw the formation of collections by anthropologists as a direct result of field research. This was explained by Harlan Smith, chief archaeologist at the Victoria Memorial Museum, to Speck in 1912: "it is our policy to facilitate exploration and research instead of buying. 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."³⁸ In Speck's case, however, it is very clear that the Anthropology Division at the Victoria Memorial Museum was buying Speck's collections outright and not funding his research. This would account for Speck's rather ambiguous position as a "freelancer" at the museum, for there are no data to suggest that Speck was ever an employee (contract, full or part-time) or a research affiliate with the Anthropology Division.

Ruth Phillips argues (1993: 107) that the acquisition of aboriginal material culture by ethnologists for museums and private collectors was a "transformative process." Through this process, "the things made by Indians became commodities to be exchanged in a market, and the ethnologist became a buyer — one who had to negotiate with competing buyers as well as with sellers" (Phillips 1993: 107). In this sense, anthropologists and private collectors transformed the meaning and value of aboriginal material culture through the formation of ethnological collections for museums. Through this process, aboriginal material culture was initially transformed into ethnological "objects" or "specimens" in relation to a "kind of imagined chart of object types — a cross between a map and a periodic table — in which all functional categories would be represented for all tribal groups" (Phillips 1993: 105). After an object was identified as a potential ethnological specimen, it was then classified by using an "imagined chart." As Phillips points out, these imagined charts sorted ethnological specimens into universalized western categories such as: 'Transportation,' 'Hunting,' 'Toys and Games,' 'Religion,' and 'Art' (1993: 105). The collection process thus transformed aboriginal material culture into sets of taxonomic assumptions in which the meaning and value of the ethnological "specimen" were ultimately determined by the "holes"

in a museum's collection and by the personal and scientific assumptions and needs of the anthropologist or private collector. Therefore, at the end of the day, what started out as a spoon in a northern Innu community in Quebec could end up not only transformed in the museum display as a totalized representation of "Wooden Innu spoons used for cooking" but also as a tiny fraction of the field expenses of the anthropologist who collected it.

The formation of ethnological collections can also be read as a system of patron-broker relations. Although Phillips' concept of collecting as a transformative process offers the possibility of a greater understanding of the *process*, Robert Paine's (1971) notion of patronage and brokerage may offer a deeper appreciation for the social and cultural dynamics of the people involved in the process. In his theory of patronage and brokerage, Paine stresses that "patron-client relationships involve multiple facets of the actors involved, and not merely the segmental single-interest of the moment" (1971: 9). In this sense, a patron-broker-client relationship is not based on the exclusive needs of one party. In fact, as Paine notes, the main purpose for both parties in the patron-client contract "is to gain access and control over resources, not otherwise available" (1971: 10). Therefore, the relationship between patron and broker and client is not *necessarily* predicated on inequality but on the distribution and consumption of goods and services. However, according to Paine, it is the patron who "chooses the values, or prestations, that are put into circulation by him" (1971: 20). Thus, it is the role of the broker or go-between to engage in the purveyance of the values established and put into circulation by the patron. However, Paine also notes that these roles are not mutually exclusive but in fact "they may be embraced alternately and even

in combination by the same person" (1971: 21).

Combined together, Phillips' idea of the transformative and Robert Paine's notions of patron-broker can be used to further interpret the process and formation of ethnological collections. More specifically, the roles of anthropologist as broker and the role of the museum officials and aboriginal people as both patrons and clients may begin to take shape in relation to the transformative process of the collection of ethnological specimens. As Ruth Phillips and Douglas Cole both separately point out, the collection of aboriginal material culture by anthropologists for museums was not a one-sided affair. In fact, Cole (1991) and Phillips (1993) argue that aboriginal peoples played an important and fundamental role in the acquisitions of material culture for museums by anthropologists. Thus, access to and control over the much-sought-after "ethnological resources" for museums was situated in a complex web of relations in which the multifaceted roles of all the actors involved converged to some significant extent. Some of the complexities of these relations are revealed in the correspondence between Edward Sapir and Frank Speck concerning Speck's involvement in the formation of ethnological collections for the Victoria Memorial Museum in Ottawa.

As Irving Hallowell recounted, Speck "loved to handle 'specimens,' to surround himself with them, to discuss them in detail, to trade or to sell them . . . many of the objects in his possession were to be found on the walls, on tables or on the floor of his office . . . some he kept at home, others might be found in the hand bag he often carried or even in his pocket" (1951: 70). As one of the only anthropologists to work and collect in the

northeastern sections of the United States and Canada, Frank Speck was able to offer Sapir the chance to begin constructing a representation of the aboriginal presence in eastern Canada — specifically those aboriginal cultures of northeastern Quebec, central Labrador and the various aboriginal nations of New Brunswick and Newfoundland — and Sapir was able to offer Speck a source of much needed financial support. Thus, it was through this professional relationship with Edward Sapir and the Anthropology Division of the Victoria Memorial Museum in Ottawa, that Speck was able to contribute to the development of a systematic ethnological survey of the Canadian aboriginal presence.³⁹ Speck's work with the division began in 1912, with the sale of his Abenaki collection⁴⁰ to the museum for fifty-five dollars. However, it was not until his first "official" collecting trip for the Museum in the spring of 1912, that Speck's relationship to the museum as a collector began to take shape.⁴¹

During the spring and summer of 1912, Speck planned to return to the north shore of the St Lawrence to resume some ethnological work that he had started with the Innu two years previously. The timing of Speck's excursion to the field coincided nicely with Sapir's desire to begin filling in the gaps in the museum's collection of aboriginal material from northeastern Canada. On March 6, 1912 Sapir wrote to Speck that "it would be highly convenient for you to pick up some museum material for us when up at Lac St. John [sic]."⁴² In response to Sapir's request, on March 28, Speck was hopeful that he could "get [Sapir] a representative lot of stuff." However, he noted to Sapir that acquiring such a representative lot of aboriginal material culture from northern Quebec, Labrador and Newfoundland would

require more time, for “a reconnaissance is necessary for such a large area.”⁴³ It is this early exchange between Sapir and Speck that reveals the significance of collecting for both the collector and the museum during the early years of “professional” anthropological inquiry in Canada. Sapir’s request would not only provide Speck with an indirect means of financing his summer fieldwork, but Speck’s collections would also help to partially fulfil the museum’s mandate for a systematic survey of aboriginal cultures from across Canada. However, more important, as Speck was one of the only recognized anthropologists to work with eastern aboriginal nations in Canada, his prospects for future work and the museums prospect for future collections seemed promising.

In his first spring trip to the field to collect aboriginal material culture for the Victoria Memorial Museum, Speck’s initial request for direct funding to compensate his summer field expenses would, indirectly, be doubled through the sale of his personal collection to the museum for two-hundred and fifty dollars.⁴⁴ As a broker of ethnological material for both aboriginal peoples and the Victoria Memorial Museum, the collection of material culture provided Speck with a lucrative means to secure funding for summer fieldwork and meet aboriginal people while in the field. However, his forays into the field to collect aboriginal material culture for Sapir and the Victoria Memorial Museum in Ottawa were not always so easily commissioned. With the onset of the First World War in 1914, resources to finance the collection of material culture became scarce. This is reflected in a letter written by Sapir to Speck in December of 1914. In the letter Sapir writes, “I do not think it will be possible for us to consider purchase of any further ethnological collections

at present because of the war.”⁴⁵ However, in the spring of 1915, Speck wrote to Sapir that his trip to the field in the summer was going to cost him two hundred dollars “with no prospect of reimbursement” and he stressed to Sapir that he was presently out fifty dollars “[he] lent to Goldenweiser^[46] this winter” with no prospect of getting it back.⁴⁷ Thus, he asked Sapir “I suppose you don’t want any specimens this time?”⁴⁸ In reply to Speck’s question, Sapir wrote back, “I do not think it would be wise to make anything like an extensive collection for us now. However, if you find any really good specimens that it would be a pity to miss, I think you might as well risk purchasing them for us. I do not think that there would be any serious trouble about getting you a refund for them.”⁴⁹ Of course, Sapir’s assurance to Speck that there would be no problem getting a refund for the costs of the material suggests that Speck would not have made a profit from the collection.

Speck’s role as a collector for the museum and the tensions inherent in this role is further illustrated in June of 1915. While in the field at Tadoussac, Quebec, Speck collected some archeological material for the museum. Obviously hoping to reimburse himself the fifty dollars he lent to Goldenweiser in the spring, he set the price of the archeological material at fifty dollars, justifying the high price for the material because “the trip will prove rather expensive before we are through and the trip was in a way necessary to secure hunting territory and social information from the river Montagnais to complete a paper I am preparing.”⁵⁰ However, Sapir’s reply to Speck’s offer to sell the archaeological material did not arrive until three months later. In his reply to Speck, Sapir pointedly asked “am I to understand that this material is a gift to the survey, or do you wish to be

remunerated for it?”⁵¹ Perhaps in sensing Sapir’s misgivings concerning paying for the archaeological material, Speck responded somewhat defensively: “if you think this is too much or that the survey cannot afford to pay anything, then call it a gift, and I will not object.” As if a further explanation were necessary, he added to Sapir that charging the museum fifty dollars for the archaeological material was to partially reimburse himself for the expenses acquired during his summer fieldwork,⁵² “which [had] amounted to some hundreds of dollars and there has been no chance of either getting money outright for it or getting specimens to sell.” By the end of 1915 and the beginning of 1916, Speck’s role as a collector of eastern Canadian aboriginal ethnological specimens for the museum began to fade and financial aid through the sale of ethnological collections to the museum would become even harder to acquire.⁵³

Aboriginal people were also active agents in the complex set of relations that revolved around the formation of ethnological collections for the Victoria Memorial Museum in Ottawa. Although these relations can be seen as part of a colonial encounter, some aboriginal people “entered the art and artifact markets themselves, often exploited it for their own needs, and often welcomed the opportunities which it offered” (Cole 1991: 49). In fact, Douglas Cole argued that the stories which are often told about anthropologists going into the field to collect ethnological specimens are usually those stories of “success.” Thus, as Cole pointed out, one does not learn of those incidents when anthropologists and private collectors were tricked, fooled and outsmarted by aboriginal peoples selling the anthropologist and private collectors “specimens” of their culture (1991: 49). However,

Ruth Phillips argues that some aboriginal people had no choice but to become involved in the production and sale of ethnological specimens to anthropologists and private collectors. Due to colonial Indian policies of assimilation and the dispossession of aboriginal lands, some aboriginal people had to rely heavily on craft production as a means of economic stability (1993: 102). However, perhaps what is more important, aboriginal crafts and cultural heritage items became one of the few sources of cash for some aboriginal people. In fact, the production and sale of aboriginal material culture could “support a surprisingly good life” and numerous reports from Indian agents, from as early as 1883, reflect the economic reliance of some aboriginal people and communities on craft production (Phillips 1993: 102-103).⁵⁴

The distinction between craft production and authentic “traditional” ethnological materials proved problematic for the collector. The prevalence of “modern” motifs in aboriginal crafts stymied the essential salvage operation of the anthropologist. This was due to the fact that museums were not interested in collecting or displaying material that reflected issues of assimilation and the modernization of aboriginal peoples in Canada — material that was widely available and distributed throughout Canada (Phillips 1993: 116). Rather, as Ruth Phillips suggests, the formation of ethnological collections and the display of these collections in museums centred on collecting and constructing notions and representations of aboriginal peoples as frozen in a “premodern state” (Phillips 1993: 115). This is further illustrated in a letter Speck wrote to Edward Sapir on January 25, 1912. In this letter, Speck complained to Sapir that George Heye, a prominent American private collector of aboriginal

material culture, was being quite picky in the type of ethnological specimens he was willing to buy, “desiring only the “oldest” “used” and “rare” specimens.”⁵⁵ Ultimately, this type of collecting practice not only denied representations of the living realities of aboriginal peoples in Canada, but fostered and promoted the idea of the “vanishing Indian” and hence the ethnological salvage industry in Canada.

Aboriginal peoples throughout eastern Canada had been actively engaged within the European market economy for hundreds of years, selling, trading and bartering aboriginal goods for European goods. Thus, it should come as no surprise that some aboriginal people were vigorously involved in the marketing of their own goods to non-aboriginal people. This type of aboriginal involvement is revealed in some of Speck’s trips to aboriginal communities to collect ethnological specimens on commission from the Victoria Memorial Museum. In January of 1913, Speck wrote with urgency to Sapir that, “Penobscot articles are getting rather rare and the Indians are asking good prices and going higher still.”⁵⁶ Later that same year Speck wrote to Sapir from Lac St Jean Quebec, once again commenting on the high prices of aboriginal cultural items. In fact, Speck mentioned to Sapir that the aboriginal people at Lac St Jean laughed at the prices he offered them for their material culture and joked that the only reason Speck came up to Lac St Jean was to try and buy specimens from them at cheap price.⁵⁷ Furthermore, in the summer of 1913, Speck wrote to Sapir from Abitibi in Northern Ontario, that he had never had to pay “such high prices for stuff ” and that the prices in Temagami were “quite high as they sell a good deal to American sportsmen, as high as \$3.00 to \$3.50 for beaded moccasins.”⁵⁸ It is evident that

some aboriginal people engaged the anthropologist in a detailed system of trade, setting prices, swinging deals and, as Cole points out, taking advantage of the collector's haste by "endow[ing] an article with a sacred function it may not have possessed, even . . . fak[ing] new for old" (1991: 49).

Aboriginal people also collected and sold ethnological specimens to museums. In fact, some professional museum collectors "made regular use of well-placed or knowledgeable Native people as independent agents to collect for Museums" (Phillips 1993: 107). Ruth Phillips points out that aboriginal people were sometimes hired by museums to produce commissioned models of ethnological specimens "where original materials were not available" (1993: 107).⁵⁹ In fact, Speck frequently hired aboriginal people to have replicas made "of objects no longer in daily use" (Hallowell 1951: 70). Phillips also suggests that a large proportion of collections now housed in museums were actually collected and sold to museums by aboriginal peoples (1993: 107). One example of such a collector of interest to Speck's work was Gabe Paul. During his research in the field, Speck made good friends with Paul, a Micmac-Malecite man from New Brunswick. In fact, Speck wrote to Sapir in 1912 that he was training Paul in the arts of ethnological collecting in order that Paul could aid him in his work.⁶⁰ Subsequently, as a result of this training, Speck wrote to Sapir that Mr. Paul collected a representative collection of Malecite cultural material and was interested in selling it when "the holes filled in" a little.⁶¹ One year later, Speck queried Sapir again about the Victoria Memorial Museum's interest in Paul's collection, stressing to Sapir that if the museum would like to purchase Paul's Malecite collection, Paul really

“wants to get this stuff off his hands to get a little working capital for his trip.” At the end of the letter, almost as a disclaimer, Speck added to Sapir, “I have seen most of this stuff and think it is very good rare stuff.”⁶² This instance of Gabe Paul’s involvement in the formation of an ethnological collection may be seen as an example of what Phillips (1993:107) understands as the inscription of a colonial practice within the “native consciousness” (Phillips 1993: 107). However, this instance may also reflect that aboriginal peoples were indeed participants in the process of collecting ethnological specimens for museums and were thus subsequently implicated in the complex web of relations that surrounded the formation of these ethnological collections.

Conclusion

In Chapter Two, I have begun the exploration of the early life of Frank Speck, drawing links between Speck’s early years growing up in Mohegan, Connecticut, with Mohegan culture keeper Fidelia Flyingbird and the direction and scope of his role as an ethnological collector. Speck’s role in the formation of a national museum policy in Canada and the subsequent establishment of a national Anthropological Division at the Victoria Memorial Museum in Ottawa was ultimately due to his friendship with Edward Sapir. Speck’s friendship with Sapir and his interest and experience in the anthropology of northeastern Canada secured him a position in the development of the government sponsored systematic survey of aboriginal cultures in Canada. However, underlying the Anthropology Division’s science-first policy was a national project of salvage ethnology, geared towards

rescuing what was believed to be the remnant vestiges of traditional aboriginal cultures in Canada. Thus, the formation of ethnological collections and Speck's role as a collector was a prominent feature of anthropological projects and fieldwork being sponsored by the Victoria Memorial Museum in Ottawa. However, the complexity of relations surrounding the formation of ethnological collections for the Victoria Memorial Museum cannot be overlooked. Anthropologists, aboriginal people and private collectors all played integral and sometimes contradictory roles in this well established trading process.

CHAPTER THREE

Negotiating Tensions: Aboriginal Fishing Rights, Fishery Overseers,

Sports Fishing and Early Anthropological Advocacy in Quebec

*"The Moisie River . . . one of the great tributaries of the St Lawrence has always been considered one of the best salmon rivers in the world. It is especially celebrated for the size of its fish, some of which weigh from 30 to 45 lbs."*⁶³

*"The renown acquired for years by our splendid salmon and trout rivers and our lakes so lavishly scattered over the whole surface of the province of Quebec has had a twofold result: it has attracted an ever increasing number of foreign sportsmen and has raised the leasing value of our rivers."*⁶⁴

The collection of aboriginal material culture for the Victoria Memorial Museum in Ottawa provided Frank Speck with the opportunity to become an advocate for the aboriginal people among whom he worked and did 'business.' One particular incident that occurred during the summer of 1912 at Moisie River (Mistassippi) on the north shore of the St Lawrence River in the province of Quebec reflects Frank Speck's role as an advocate on issues relating to aboriginal title and aboriginal rights⁶⁵ in Canada and foreshadows his future work on the prominence of family hunting territories amongst aboriginal Nations in eastern Canada and northern Ontario. This incident also provides a backdrop for a deeper analysis of the development of Federal and Provincial fishing regulations in the province of Quebec and the subsequent effect of these regulations on the north-shore Innu peoples. The incident at Moisie River presents an excellent opportunity to emphasize and illustrate the connection between ethnology and advocacy during the early years of anthropology in Canada and illustrates how Speck, as one of the early anthropologists to work in Canada, was faced with

a well-established colonial apparatus that had been working for more than one hundred years to subsume and oppress aboriginal peoples in Canada.

Anthropology and Advocacy: (Re)considering the theory of practice

From as early as the turn of the 20th century anthropologists have been struggling with the issues involved in the adoption of advocacy positions within their field of work (La Rusic 1985: 22). Perhaps the best-known example of anthropological advocacy stems back to the early twentieth century. In 1914, a handful of anthropologists, including James Teit, Edward Sapir and Franz Boas, actively advocated against the strict enforcement of an anti-potlatch clause within the Canadian *Indian Act*. In fact, the Anthropology Division at the Victoria Memorial Museum in Ottawa openly criticized this initiative of the Department of Indian Affairs (Cole 1990: 101).

As Speck was busy advocating aboriginal rights in eastern Canada, his colleagues were busy advocating aboriginal rights in western Canada. With regards to the proposed potlatch laws, Harlan Smith advocated understanding, tolerance and justice, arguing that the Canadian government failed “to even try and understand the other fellow’s point of view and the real working of his customs” (Cole 1990: 130). Edward Sapir pointed out to Duncan Campbell Scott, Superintendent General of the Department of Indian Affairs, that enforcement of an anti-potlatch law would prove to have a very negative effect on those aboriginal people in British Columbia who practiced the tradition. Sapir felt that it “was high time that white men realized that they are not doing the Indians much of a favour by

converting them into inferior replicas of themselves” (Cole 1990: 131). Sapir stressed that any attempts to force adherence to an anti-potlatch law would result in “maladjustment and unhappiness for the worthier members, degeneration for the less worthy” (Cole 1990: 131). Franz Boas also pointed out that an anti-potlatch law would bring about extreme hardships for those aboriginal peoples who practiced the tradition. The anti-potlatch law, Boas argued, would result in a “complete demoralization of their business system” for aboriginal peoples would be paralyzed by the sudden valuelessness of their blankets, coppers and other material goods (Cole 1990: 130). Although the sections relating to the strict enforcement of the anti-potlatch law were eventually written into the *Indian Act* in 1918, and subsequently dropped in 1951, it is clear that those anthropologists closely associated both with the tradition and the people who practiced the tradition vigorously attempted to have the law revoked or at least to mitigate its enforcement considerably.

Many current anthropological writings have also dealt with the question of anthropological advocacy. The early anthropological works of Erasmus (1954), Barnett (1956), Foster (1962), Paul (1955), and the Berreman(1968)-Gough(1968)-Gjessing(1968) debates of the 1960s all foregrounded some of the contemporary issues surrounding the questions of anthropological advocacy, including the effects of technology on traditional life-ways and the moral and ethical responsibilities of the social scientist. In the United States, the work of Sol Tax and the Fox Indian Project in Tama, Iowa, from 1938 to 1962 and the American Indian Chicago Conference in 1961⁶⁶ are excellent examples of some of the contemporary advocacy work between anthropologists and aboriginal peoples. Similarly, the

work of Harry Hawthorn *et al* (1966) and the McGill-Cree project⁶⁷ of the 1960s reflect some of the types of sociopolitical support anthropologists have actively offered aboriginal peoples in Canada.

Robert Paine (1985) has suggested that the role of “concerned” advocacy in anthropology is in fact contradictory. For, although advocacy may situate the anthropologist in a position “damaging to the academic canons of the discipline,” Paine argues that it may also be liberating, forcing the discipline to “reflect upon the philosophical and moral canons behind the academic ones” (Paine 1985: iii). The role of the advocate, Paine suggests, is to handle information, “making things explicit that have been left vague, interpreting what has not been understood or even propagating what has not been heard before” (1985: xiv). Georg Henriksen (1985) argues that the impetus behind anthropological advocacy is not merely handling information but processing and presenting the information. The role of the anthropologist as advocate, Henriksen argues, is therefore to “deliver sound social-scientific arguments that can be used to support the people and societies we study” (1985: 121). David Maybury-Lewis (1985), however, suggests that advocacy also requires the “ability to study our society (or other ‘modern industrial societies’) with a detachment similar to that we strive for in studying the exotic.” Such an analysis of one’s own society, Maybury-Lewis contends, “requires the ability to analyze national policies, development ideologies and the workings of bureaucracies with a detachment that enables us to see beyond their familiar obfuscation and self-deceptions” (1985:147). Thus the role of advocacy, according to Maybury-Lewis, is to somehow influence the complex ideological processes that work to subsume and

suppress the 'underprivileged' of society. Yet, as Robert Paine notes, the anthropologist as advocate is faced with a task of brokering between contending parties — one dominant and one underprivileged, for example — or working as “a mediator of an issue between them” (Paine 1985: xv).

In contrast, K. Hastrup and P. Elsass (1990) argue that to be advocates, anthropologists have to step outside of their professions, because no "cause" can be legitimated in anthropological terms. Hastrup and Elsass suggest that although ethnographic knowledge may provide an important background for individual advocacy, the rationale for advocacy is never ethnographic — and hence never anthropological. Advocacy, they believe, always "remains essentially moral in the broadest sense of this term" (1990: 301). Thus, advocacy would rely on and in fact be born out of the subjective norms and values of the advocate, ultimately posing a large threat to the perceived essential objective stance of the anthropologist. Hastrup and Elsass note that the concept of advocacy therefore immediately acknowledges the position of the anthropologist as an intermediary — a position in which anthropologists may find themselves more by circumstance than by scholarly plan and "the involvement may be a simple corollary to engagement in the fieldwork of dialogue" (1990: 302). Ultimately, advocacy is therefore only a "personal obligation in the local and social context" (Hastrup and Elsass 1990: 302-303). In this sense, Hastrup and Elsass place anthropological work within a sterile scientific context — a type of objective vacuum. Although I agree that most anthropologists may not plan to situate themselves as intermediaries, the idea that anthropology is carried out within a sterile context does not

acknowledge that the product and process of political and subjective experiences hold the potential to deeply affect and implicate anthropologists and the work that they (re)produce.

Much could be written exploring the issues surrounding advocacy in anthropology and the role of the anthropologist as advocate. However, such an exploration is not my purpose. Rather, my purpose here is to explore Frank Speck's involvement in advocacy work on behalf of Aboriginal peoples. In 1912, after his visit to Moisie River, Speck published a small article entitled *Conservation for the Indians* (1912) in the *Southern Workman* and, in 1913 he published two articles in the *Red Man*, that reflect the type of advocacy work he was becoming involved in. 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. Members of both races would be taught to dress, speak, work, and behave as whites — despite the fact that they were offered no guarantee that they would ever be offered powers and privileges equivalent to those enjoyed by whites."⁶⁸ Speck's brief article in the *Southern Workman* entitled "Conservation for the Indians," stressed that "while certain phases of [non-aboriginal] economic life must be adopted by the Indians, that they may continue to exist . . . it is just as vital for them to retain . . . a number of cultural and mental traits which are characteristic of them" (1912: 329).

As a follow-up to the *Southern Workman* article, Speck published an article in *Red Man* entitled "Conserving and Developing the Good in the Indian" (1913a). In this article he emphasized the need for

Well-directed philanthropy toward the Indians, not to eradicate the advantageous sides of their life for the purpose of supplanting this with a made-over white man's ideal, which he himself cannot achieve, but to provide conditions for the Indian physically and economically favorable for his own self-gained prosperity and welfare (1913a: 464).

In response to this article, Harlan Smith wrote to Speck, "I suppose some people might say that the idea was not new, I know I have thought some things along similar lines, but just the particular twist you give it struck me as entirely new and I believe it is a big thought and one well worthy of being pushed." Smith ends the letter by lamenting to Speck that "it is too bad there is not a man in every state of the United States and every province in Canada with such ideas who will fight for [the Indians]." ⁶⁹

In a subsequent article in *Red Man*, Speck defended the hunting practices of "the northern Ojibways and the Montagnais of the Province of Quebec." He argued that the accusations of the "thoughtless slaughter of game" directed at the aboriginal peoples by non-aboriginal peoples are "grossly incorrect, the Indians being, on the contrary, the best protectors of game" ⁷⁰ (1913b: 21). He furthered his argument by introducing the concept of the 'family hunting territory,' maintaining that aboriginal people were successfully able to regulate the killing of animals in their territories "so that the increase only is consumed, enough stock being left each season to ensure a supply the succeeding year" (1913b: 22). Thus, unlike the "white man who, instead of regarding the game supply as a heritage, treat it as a source of sport to earn credit among their friends," the aboriginal hunters follow a "natural law of conservation, which is worth more than any written law to him" (1913b: 22).

To Strike a Good Blow or Catch a Good Fowl: A Brief History of Aboriginal Peoples and the North-Shore Quebec Salmon Fisheries

During the summer of 1912, Speck traveled to the Innu communities of Sept Îles, Moisie River, Lac St Jean and Natashquan along the north shore of the St Lawrence River to collect some ethnological specimens for the Victoria Memorial Museum and to do a little bit of ethnographic research amongst the Innu. One of the Innu communities he visited was at the mouth of the Moisie River, and while there he was shocked to discover that the Innu at Moisie were forbidden to fish salmon from the river in order to provide sustenance and a livelihood for themselves. However, the incident Speck experienced at Moisie River was not an isolated occurrence. In fact, the situation at Moisie River in 1912 was the cumulation of more than fifty years of jurisdictional and administrative measures that actively excluded the Innu on the north shore from participation in the salmon fisheries in Quebec. In the mid nineteenth century, the Innu at Moisie River and Sept Îles were entangled in a web of colonial and federal regulations and fisheries resource policies that actively prevented aboriginal involvement in the use and development of the Quebec salmon fisheries.⁷¹

The importance of salmon and the traditional role of fishing cannot be understated. It is therefore crucial, I believe, to understand the fundamental position of the lakes, rivers and coastal waters in relation to the land — a position that is not subordinate to hunting and trapping, but mutually supportive. Thus, the consequences of prohibiting aboriginal peoples from utilizing the salmon resources they had traditionally depended on were extreme. By disrupting and forcefully changing the traditional lifestyles and land-use patterns of the Innu

at Moisie, the provincial and federal governments had an immensely negative impact on the well-being of the aboriginal peoples on the north shore of the St Lawrence River.

A comparable set of circumstances was also developing in British Columbia in the Fraser River Valley in 1913. As Andrea Laforet (1998: 100) points out, the construction of a Canadian National Rail (CNR) line through the Fraser valley in 1913 caused a rock slide that effectively blocked the Fraser River and stopped the upriver passage of sockeye salmon. In 1914, regulations were set in place that denied the aboriginal people of the area access to the much needed salmon stocks of the Fraser River. The consequences of one year without fishing were severe. In 1914, the Chief of the Spuzzum people, James Paul Xixne?, explained to a Royal Commission on Indian Affairs the seriousness of the situation:

Whose fault was it that I hadn't sufficient food to eat this year?
Who was the cause of our poverty — it was not my fault that to-day
we are poor — I was stopped from providing myself with food — No
one should be stopped with providing themselves with food — When
they came to stop me they told me If I did not obey I would be put in
gaol (quoted in Laforet 1998: 100).

Laforet points out that the decline in fish stocks was drastic: from the usual hundreds formerly dried by each family for the winter, in 1914 each family had no more than forty fish per household (1998: 100).

Since time immemorial, ⁷² a group of Innu peoples fished the Moisie River, principally for salmon during the spring and early summer months. The traditional pattern of land-use was cyclical. In the fall, Innu families would return to the bush to hunt deer, caribou, bear, beaver and other animals, using the meat and furs to survive through the long

cold winters. When the spring came, melting the lake and river ice, the families would return to their summer encampments on the coast. On their way to the coast, many stops would be made to fish the plentiful spring salmon runs in the Moisie River. The salmon caught during these periods would provide enough food to live comfortably at the coast during the spring and summer months. As well, during the midsummer months groups of aboriginal fishermen would frequent the river to fish the midsummer salmon runs. The salmon caught during this time in the last salmon run would be smoked or dried, providing enough food for families to return to the bush and begin preparations for the winter hunt (Clément 1993: 87-89; Parenteau 1998: 4).⁷³

From as early as 1844, the Hudson's Bay Company (HBC) was actively involved in salting and shipping Moisie River salmon from the Sept Iles post on the north shore of the St Lawrence River to Quebec City. In fact, since 1836 the Hudson's Bay Company shared a monopoly on the fishing privileges of the north shore of the St Lawrence with the Labrador Company. In a 1844 report on the Hudson's Bay Post at Sept Iles, HBC factor Alexander Robertson wrote, "The extension of the fisheries [to Moisie River] has thus been attended with success, and much indication of the returns of fish, at a comparative trifling expense."⁷⁴ By 1850, the HBC Post at Sept Iles had established an active and prospering salmon fisheries at Moisie River and, by mid century, the HBC occupied all the fishing posts from Tadoussac to Olomanshipu, averaging an annual haul of five-hundred barrels of salmon from the Moisie River⁷⁵ and three-hundred barrels from the St Jean, Mingan and Natashquan rivers (Panasuk and Proulx 1979: 204). Due to the large catches in 1850 and prospects for

increased yields in the salmon harvest of 1851, the HBC post at Sept Iles commissioned, in the spring of 1851, the building of salmon sheds on the banks of the Moisie River to hold the 1851 catch. In August of that year, the HBC fishery on the Moisie was bustling. In a letter to the post at Sept Iles, George Henderson wrote, "I went down to visit the fishing stations and found them all taking from 50-60 salmon pieces, and every thing that could contain salmon was full There will be about 200 pieces of salmon here this summer."⁷⁶

In 1845, the Innu on the north-shore of the St Lawrence petitioned the colonial government of Lower Canada. Initiated by the increasing monopoly of hunting and fishing privileges granted to the Hudson's Bay and Labrador Companies, the Innu asserted in their petition that their hunting and fishing rights were not being recognized by the colonial government. These rights, the Innu petitioned, were assured and guaranteed under the provisions of the *Royal Proclamation of 1763* and that therefore the government was obliged to recognize and affirm these rights (Panasuk and Proulx 1979: 204). Four years later, in 1849, Father Flavien Durocher, an Oblate missionary, further petitioned the colonial government on behalf of the Innu at Moisie River and the other aboriginal peoples on the north shore. In the petition, Durocher demanded that the Governor of Lower Canada recognize and affirm the aboriginal rights of the Innu on the north shore. The Honorable L. H. Lafontaine, a representative of the colonial government, promised Durocher that the government of Lower Canada would do everything in its power to grant the Innu on the north shore some land next to the Bersimis and Outardes rivers for hunting. However, no land or

water was ever granted for hunting and fishing and the demands of the Innu fell ultimately on deaf ears (Panasuk and Proulx 1979: 204).

In Upper Canada a similar situation with regards to aboriginal fishing rights had also been occurring. From as early as 1829, aboriginal peoples in Upper Canada had been asserting their aboriginal fishing rights through petitions to the government of Upper Canada.⁷⁷ Although petitions of these sort would fail to yield results ten years later in Lower Canada, in Upper Canada the petitions helped to persuade the government to pass legislation in 1829 protecting aboriginal fishing rights. Thus, in 1829 the government of Upper Canada made it unlawful for any person or persons to fish in "any mode or manner" upon the lands and waters reserved for the Mississauga First Nation on the Credit River, "against the will of the said Mississauga people, or without the consent of three or more of their principal men or chiefs" (Hansen 1991: 3). By 1840 the government of Upper Canada passed further legislation to establish control on the quality of fish caught for commercial purposes. This legislation enabled the governor and Lieutenant-Governor of Upper Canada to appoint fish inspectors in "every district of the province to inspect and grade all fish that was packed in barrels" (Hansen 1991: 4). Subsequently, in 1845 the restrictions on salmon fishing in Upper Canada were increased, making it illegal to fish any rivers or creeks emptying into Lake Ontario. Notably, however, this early legislation placed no restrictions on aboriginal fishing rights in Upper Canada.

In 1857, the first *Fisheries Act* was established and the Department of Crown Lands gained the responsibility of the fisheries in Upper and Lower Canada. The legislation

“created a single set of regulations and set in place the structure for modern fisheries administration” (Parenteau 1998:6; Hansen 1991: 6). The new laws regarding the fisheries in Upper and Lower Canada laid out specific regulations for closed seasons on salmon fishing, gear restrictions on stationary net fishing in estuaries and the requirement of providing a fish-way on mill dams. As well, a regulatory framework was established to provide for the administration of the new laws by fishery overseers. The Overseer’s role was to ensure that aboriginal and non-aboriginal anglers obeyed the new fishery regulations, “an Overseer must be like the Fox in its den,” the Overseer for Moisie River noted in a letter to the federal Minister of Marine and Fisheries, “perfectly recluse, in order that he may be enabled to strike a good blow when necessary or catch a good fowl.”⁷⁸

In response to the new *Fisheries Act*, the Innu of Quebec twice petitioned the government of Lower Canada in 1858. In one petition, two oblate missionaries, Louis Babel and Charles Arnaud, on behalf of the Innu at Moisie demanded that the government grant the Innu the exclusive right to fish the salmon runs in the Moisie River. The Innu felt that although the new regulations outlined in the *Fisheries Act* may have been sufficient to regulate the fishing activities of non-aboriginal peoples, the provisions would effectively discriminate against the role fishing played in the traditional lifestyle of the Innu people (Panasuk and Proulx 1979: 206). In another petition that same year, a member of the Quebec provincial parliament, Hector Langevin, attempted to obtain the exclusive rights for the Innu to fish the Moisie over a twenty-one-year period (Panasuk and Proulx 1979: 206). Subsequently, the findings of a special report on Indian Affairs commissioned by the colonial

government in 1858 on Indian Affairs in Canada, questioned the effect of the increasing number of non-aboriginal peoples fishing in the rivers traditionally used by aboriginal peoples on the north shore of the St Lawrence. However, it was not published until after confederation. In the report, the commissioners detailed the importance of salmon in the lifestyle of the aboriginal peoples on the north shore of Quebec and argued that,

since the catching of salmon has begun to be very important in the waters off the north shore of the St Lawrence River, the Indians find that their average existence is gradually being disrupted by the modes of fishing employed by the whites who are helping themselves without any remorse or scruples, in any way to steal the fish.⁷⁹

Ultimately, the commissioners' report understood the need of the government of Lower Canada to recognize the traditional importance of fishing in the lifestyle of the Innu on the north shore and the detrimental effects the fishing practices of non-aboriginal peoples were having on this lifestyle. However, the regulations set out in the new *Fisheries Act* gave no room for traditional aboriginal subsistence activities (Panasuk and Proulx 1979: 206). By 1858 the fishing rights of the Innu on the north shore were slowly being eroded through the development and administration of colonial fishery policies and regulations.

In 1859, an amendment was attached to the 1857 act which provided the provinces of Upper and Lower Canada the power for the "licencing of fishing stations on estuaries and the leasing of fluvial portions of rivers where the adjacent lands remained ungranted by the Crown" (Parcneau 1998:6). This new amendment ultimately provided the government with

a method to derive a source of income from the fishery resources. For, deriving such a financial resource was seen as critical for the future development and conservation of the ever expanding colonial fisheries in Upper and Lower Canada (Hansen 1991: 6). By 1859, a blueprint for future federal fishery regulations was in place — a framework that combined both a regulatory apparatus for the administration of the fisheries and a leasing and licencing system to extract a much needed source of revenue from the fisheries.

The fishing technologies of aboriginal peoples, however, were seen as impeding and, in fact, destroying the development of the ever-expanding fisheries in Canada. Not only did aboriginal peoples not pay for their rights to fish through leases and licenses, their traditional methods of fishing were blamed largely on the decline of Atlantic salmon stocks in Lower Canada. The government of Lower Canada believed that experiments in Ireland and Scotland had proved that when rivers were leased to sportsmen, the stocks of salmon increased "most wonderfully" and "the fisheries of rivers flowing through ungranted wilderness lands, which are now being destroyed in the most wasteful and reckless manner, might be preserved and rendered profitable."⁸⁰ In Lower Canada, it was regarded as much safer and more profitable to lease out the fishing rights to those rivers abundant in salmon stocks (Panasuk and Proulx 1979: 206). The new policy of leasing out parts of rivers to sports fishermen made it virtually impossible for aboriginal peoples to continue using the rivers as a source of much need food and trade goods. Certain provisions outlined in a fishing lease made the lessee responsible for providing "guardians" that would "prevent the spearing of salmon" in the waters of rivers.⁸¹

Shortly after the 1859 amendment to the *Fisheries Act* was passed, an agreement was reached between the Indian Department and the Department of Crown Lands establishing that aboriginal peoples were subject to the provisions of the *Fisheries Act*. However, the agreement did stipulate that aboriginal peoples in Upper, not Lower, Canada were exempt from paying fees for fishery leases. The agreement stated that “in cases where the purport and object of title is to secure to the individuals and families of each tribe exclusive use of such fisheries for *bona fide* domestic consumption” aboriginal peoples would not have to pay any fees (Hansen 1991: 6). Subsequently, in 1865, two years before Confederation, a more detailed regulation with respect to aboriginal fishing rights was appended to the 1859 *Fisheries Act*. This was mainly due to incidents which had occurred in Ontario between aboriginal fishermen and provincial and federal fisheries officials. As early as 1862 aboriginal peoples at Manitoulin Island had successfully resisted attempts of the provincial and federal governments to lease out fishing rights to portions of the waters surrounding the island. The ensuing mysterious death of a federal fishery agent that occurred at Manitoulin in 1863 (see Leighton 1977; Lytwyn 1990), ultimately persuaded the federal and provincial governments to focus more attention on the question of aboriginal fishing rights in Ontario (Lytwyn 1990: 22). Thus, section 17(8) of the *Fisheries Act* was amended in 1865 to allow the Commissioner of Crown Lands to

appropriate and lease certain waters in which certain Indians shall be allowed to fish for their own use as food in and at whatever manner and time are specified in the lease and may permit spearing in certain localities for bass, pike and pickerel between the fourteenth

of December and the first of March.⁸²

Following the 1865 amendment to the *Fisheries Act*, the Commissioner of Crown Lands in 1866 directed that, subject to section 17(8) of the *Act*, “all fisheries around Islands and fronting the mainland belonging to Indians be disposed of by the Fisheries Branch of the Department” (Lytwyn 1990: 23). Thus, the new fishing regulations vested the ultimate authority over the question of aboriginal fisheries in the hands of the Department of Crown Lands and it was clear that the department had no obligation to provide aboriginal peoples with leases to their traditional fishing grounds (Lytwyn 1990: 23).

By the time of Confederation in 1867, the colonial governments had entrenched aboriginal fishing rights within the context of a colonial regulatory scheme that took the power away from aboriginal peoples to regulate and maintain their own fisheries. With little or no consultation with aboriginal peoples, the colonial government effectively constructed policies that restricted the traditional aboriginal lifestyles by introducing an arbitrary administrative system of licenses, leases and closed seasons and a regulatory apparatus for the enforcement of this system. The development of such a system was effectively established to provide Upper and Lower Canada with an ever-increasing source of revenue as well as the power to regulate and control the quickening development of the commercialized fishing industry.

Although the 1857 and 1859 *Fisheries Act*, along with their subsequent amendments, attempted to foster greater control and regulation over the fisheries in Upper and Lower

Canada, the Atlantic salmon stocks in Lower Canada continued to dwindle. The rapid decline of Atlantic salmon stocks in Lower Canada by the early 1860s was blamed largely on Aboriginal peoples and their traditional fishing patterns. Section 17(8) of the 1865 amendment to the 1859 *Fisheries Act* allowed aboriginal peoples in Upper and Lower Canada the privilege of using traditional methods to fish.⁸³ However the granting of these privileges by the colonial government to aboriginal peoples created resentment amongst the growing elite fraternity of sports fishermen in Canada (Parenteau 1998:9). This is reflected in a Statement made J. E. Alexander concerning fishing in New Brunswick,

That the Indians must suffer starvation by being deprived of the 'native liberty' to ruin our salmon fishery, is a very flimsy apology on the part of those who still desire to perpetuate so flagrant an abuse Were there not another salmon to be caught between Quebec and Labrador, the extinction could not occasion to Indians one tithe of Misery.⁸⁴

As Bill Parenteau points out, however, the accusations directed at aboriginal peoples by the sporting fraternity were unwarranted. The decrease in Atlantic salmon was not merely due to over fishing by aboriginal peoples, but directly tied to the increasing establishment of natural resource exploitation by non-aboriginal peoples on the north shore — specifically the increases in forestry and mining activities along the rivers and inland freshwater lakes of the north shore (1998: 7). Thus, natural resource exploitation and the increase of sports fishing in Upper and Lower Canada, combined with the quickening pace of the commercialized fishing industry had ultimately facilitated the near extinction of Atlantic salmon in the rivers

of Quebec by the early 1860s (Parenteau 1998: 7-8).

After 1867 the Canadian fisheries became the responsibility of the federal government. In 1868, the Federal government passed the first national *Fisheries Act*. The initial purpose of the act was based on the conservation of Atlantic fish stocks, with the “overlapping objectives of rehabilitation, regulation and enforcement” (Parenteau 1998: 9). Federal fishery regulations and conservation principles were thus enacted in order to control access to fish through similar measures outlined in the prior colonial fishery regulations of Upper and Lower Canada — closed seasons and times, bans on certain types of nets and fishing practices (namely aboriginal) and the licensing and leasing of fishing rights (Parenteau 1998: 9). Ultimately, the new federal fishery regulations were virtually identical to their colonial precedents. The Department of Marine and Fisheries merely fine-tuned a pre-existing regulatory apparatus which effectively worked to further exclude aboriginal peoples from the salmon fisheries in Lower Canada. Central to the functioning of this apparatus was “the licensing of fishing stations in the estuaries of salmon rivers; the leasing of fluvial portions of salmon rivers to sportfishing clubs; and the setting in place of an administrative regime capable of enforcing salmon fishing regulations” (Parenteau 1998:9).

Ultimately, as Parenteau points out, the development and entrenchment of conservation principles in the 1868 *Fisheries Act* were due chiefly to the affinity between government officials and the elite male sporting culture in North America. The government relied on the elite sporting industry “to push for increased funding and an expanded management bureaucracy,” and in return the elite sporting culture “counted on a regulatory régime

favorable to recreational hunting and fishing" (Parenteau 1998:9-10). The political clout of the members of the elite sporting culture was strong. Thus, the provincial government of Quebec could rely on the sports fishermen for key political support for the development of programs such as fish hatcheries (Parenteau 1998:10) and this sporting fraternity could rely on the province to cater to their needs by expanding provincial fishing laws and regulations at the turn of the century that directly favored the "rod and reel" approach to fishing.⁸⁵

An immediate effect of the relationship between the elite sporting culture and the provincial and federal government was, in 1868, the ban on the use of aboriginal fishing technology in the provinces of Quebec and Ontario (Parenteau 1998:10-11). The 1868 *Fisheries Act* made it illegal to "fish for, catch, or kill salmon, trout (or 'lunge') of any kind, Maskinonge, bass, barfish, pickerel, whitefish, herring or shad by means of spear grapnel hooks, negog, or nishigans."⁸⁶ However, an exemption was included in the clause that allowed the Minister of Fisheries to "appropriate and licence or lease certain waters in which certain Indians shall be allowed to catch fish for their own use in and at whatever manner and time are specified in the licence or lease, and may permit spearing in certain localities."⁸⁷

The Moisie River Salmon Fishery

By 1860, a large portion of the net fishing rights to the Moisie River were leased out to a Mr. Holiday. Holiday had "established, at his own expense a fish hatchery on the Moisie River which he uninterruptedly maintained."⁸⁸ Subsequently, in 1869, there were approximately one hundred families engaged in the fishing industry at Moisie River⁸⁹ and

the Holiday fish hatchery eventually expanded into a commercial industry. In fact, in 1870 the overseer for the St Lawrence fisheries gave an account in his annual report to the Department of Marine and Fisheries of the success of the Holiday operation on the Moisie: "I must say to Mr. Holiday's credit that he is the first Canadian who originated this enterprise, and the country owes him thanks for his endeavors to improve salmon fishing, and give us this fish in a fresh state and at a cheap figure."⁹⁰ By 1871, Holiday's commercial salmon industry on the Moisie River hauled in more than eight hundred barrels of salmon in one season.⁹¹ Holiday's "success" however relied heavily on the enforcement of the Federal Fisheries policy and the surveillance of the aboriginal populations who traditionally fished the salmon runs of the Moisie river.⁹² Holiday's sons recount, in 1898, the secret of their father's success in a letter to the Federal Minister of Marine and Fisheries:

we have taken the same precaution for the protection of the fisheries as our late father did during his life time, and have hitherto appointed, each season, guardians to prevent the spearing of salmon by the Indians in the upper waters. This together with the preserving endeavors of the lessee in enforcing the regulations by maintaining private guardians and in other ways conserving the interest in the fishery, continued to effect a permanent improvement in the fish supply of the river.⁹³

In 1867, the Fishery Overseer for the Quebec Division, Théophile Tétu, noted in his annual report to the Department of Marine and Fisheries, that provisions outlined in the 1868 *Fisheries Act* banning the spearing of fish by aboriginal peoples on the north shore of the St Lawrence river was going to have a very detrimental effect on the aboriginal population. By preventing aboriginal peoples from exercising the "privilege of spearing salmon and trout,

by the use of which hundreds of families supported themselves during summer," he wrote, "these poor people, particularly on the North Shore, find themselves in a very precarious position."⁹⁴ The increase of non-aboriginal settlement on the north shore and the subsequent disappearance of seal and duck, made it even harder for aboriginal peoples to have a subsistence resource to fall back on. Therefore, Tétu pointed out, the aboriginal person "has only the produce of his winters' hunting to support his family with, and often, unfortunately, it is insufficient; — and what happens then?"⁹⁵ Ultimately it is only on the brink of starvation, according to Tétu, that "the idea of spearing fish takes possession of [the aboriginal person]." Thus, "the only way to prevent the Indians from spearing fish," he noted was "to grant the Indians on the North Shore a larger sum of money annually, and to those on the Bay of Chaleurs agricultural implements and seed grain." Tétu further suggested that such assistance would enable those aboriginal peoples on the north shore "to understand that the Government is friendly to them and only forbids them the use of the spear for the purpose of allowing salmon to increase, and [they] would no longer indulge in the use of that weapon." In concluding, Tétu predicted that "the increase of fish in our rivers would repay the expenses incurred for the attainment of the desired object."⁹⁶ However, by 1874, the effects of the federal fishery regulations banning aboriginal peoples from fishing the salmon runs of Moisie and other rivers in Quebec were becoming apparent. The lack of fish resources combined with the growing competition for game with non-aboriginal hunters and settlers and the waning fur trade had a devastating effect on the Innu of the north shore of the St Lawrence (Parenteau 1998: 14). In a letter to the Minister of Marine and Fisheries in

1874, the Minister of the Interior wrote: "the Winter hunt has been a failure and the tardy spring season threatens to bear with unusual severity on these poor people who are at present depending for a scanty substance in the proceeds of wood-cutting for the Moisie Iron Company."⁹⁷ Furthermore, in 1874 a fishery overseer for the Quebec division noted to the Minister of Marine and Fisheries that "it will be difficult to make a complete submission to the fishery laws for these Indians next summer, should they be exposed to the same privations as this year and left to compare the utter state of destitution with the luxurious mode of living of the [leaseholder] who fed his dogs on food which would have kept them alive."⁹⁸ In subsequent years, the condition of the aboriginal peoples on the north shore slowly deteriorated. From 1875 until 1878, starvation was a direct result of fisheries policies and increased non-aboriginal settlement on the north shore. Napoleon Lavoie, Fisheries Overseer for the Quebec Division, in a report to the Department of the Interior in 1878, noted that the aboriginal peoples from Mingan to St Augustine were "scattered all along the coast asking for food from all comers and unable to reach the winter hunting grounds for want of provisions . . . it is certain that death will make a sweep through them before the middle of winter."⁹⁹

The total lack of fish provisions, which traditionally would have helped to sustain the Innu on the north shore through the summer months and provide a healthy food alternative to fall back on if the winter hunt was scarce, forced the Innu at Moisie and other areas along the north shore to further rely on food provisions being sent to them by the federal Department of the Interior and the Department of Marine and Fisheries. This is illustrated

in a letter to the Minister of the Interior from the Chief of Moisie River in 1874. In the letter, Minpartermismemiik Innutsimibu writes:

As we leave the coast, about the beginning of August to pass the winter in the Interior, we would earnestly entreat of you to extend again your goodness towards us by sending us a small supply of flour about the end of July to enable us to pass the winter without dread of starvation, it would be great relief with my own endeavors to reach the Coast with our families safely in Spring. That it would please us very much would you be agreeable to let us know your intentions towards us by the latter end of July.¹⁰⁰

In 1875, due to the failure of the winter hunt, the Department of Indian Affairs authorized the Minister of Marine and Fisheries to send money to John Holiday at Moisie River to procure and provide provisions for the Innu as they made their way to the coast and their summer encampments in the spring.¹⁰¹ However, the distribution of provisions was not so fairly handed out. The policy adopted by the Department of the Interior was to give provisions only to those aboriginal peoples who "from old age, or owing from their having many small helpless children, would require such assistance." The Department of the Interior stressed that "it would not be advantageous to extend aid" to those "who [could] earn their subsistence by the work of their hands."¹⁰² The Department of the Interior's attempt to aid the starving Innu at Moisie and Mingan was almost a complete failure. This is illustrated in the spring of 1876 when, due to the inadequate distribution of provisions, Joseph Fournier, an Innu man from Moisie, broke into the Holiday Store to take a barrel of flour to feed his family. In a letter to Holiday, the guardian at Moisie noted,

[Fournier] had made up his mind. He had nothing and eat he must. It was the 24th of March that Fournier broke open the store. I was gone

for two days The same day others came for assistance and they broke open the store also. If they were not assisted, but having been earnestly requested to wait for my return. They did so — I was much surprised on my arrival I took it upon myself to give them a little flour for I feared that they would take the whole of it, there were several families who had nothing and they intended to come together.¹⁰³

Furthermore, in 1878 aboriginal fishermen at Mingan were forced to break fishery regulations in order to feed themselves and their families. In a report to the Minister of Marine and Fisheries, O. B. McGee, Fisheries Overseer for the Mingan division wrote,

On this river the Indians went up and speared in presence of Mr. Molson [the lessee] and the Guardian they took 36 salmon. The guardian wrote to me and I went up and forbid them to fish. They said they would not fish anymore and that they were starving and could not get anything to eat and that they asked Mr. Molson to give them something and he would not, and that they had to take fish to save their lives. Mr. Scott corroborated what they said that they were actually starving and that his orders from the Hudson's Bay company were not to give them anything.¹⁰⁴

In Ontario, aboriginal fisherman from Manitoulin Island in 1875 were lifting non-aboriginal nets that they believed were "in trespass of their fishery" (Hansen 1991: 11). In response to the growing tension in Ontario surrounding the question of Aboriginal Fisheries, the Department of Marine and Fisheries, on December 7, 1875, published a circular that attempted to clarify "the exact legal status of Indians in respect to fishery laws." In the circular, the department stated:

Indians enjoy no special liberty as regards the places, times or methods of fishing. They are entitled only to the same freedom as White men, and are subject to precisely the same laws and regulations. They are forbidden to fish at unlawful seasons and by illegal means, or without leases or licenses. But regarding the obtainment of leases and licenses the Government acts towards them with the same generous and paternal

spirit with which the Indian tribes have ever been treated under British rule.¹⁰⁵

Despite the "generous and paternalistic spirit" of the Government, the starvation of the Innu at Moisie and the other surrounding aboriginal communities on the north shore of the St Lawrence continued on and off for years. In fact, aboriginal fishermen would risk the danger of revolver-pointing sports fishermen and the officialdom of fishery overseers and private fishery guardians to fish salmon and acquire flour and other provisions from the Hudson's Bay posts and company stores. However, by the end of the 1870s the Department of Fisheries attempted to compensate aboriginal peoples for the loss of their salmon fisheries by licensing net-fishing stands to the Innu on the tributaries of the St Lawrence (Parenteau 1998: 15). By the 1880s the Department of Fisheries adopted yet another new policy that authorized non-aboriginal settlers to operate the net-stands licensed to aboriginal communities. The feeling of the department was that aboriginal peoples could not be trusted to efficiently run the net-stands themselves (Parenteau 1998: 15).

The ideology behind the department's new policy is reflected in the annual report written by Napoleon Lavoie in 1877 to the Minister of Marine and Fisheries. Lavoie wrote that, "Three or four years ago, when these Indians were nearly starving on the coasts of Labrador, after experiencing an unsuccessful hunt in which they nearly all perished, parties who took an interest in them made representations on their behalf."¹⁰⁶ Through this representation, the parties had "succeeded in securing them assistance in money as well as in provisions, and the privilege of fishing a salmon stand in the immediate neighborhood of

Mingan River." However, Lavoie lamented, the Innu could not "muster sufficient energy to fish this station, a proof that any other labour than that of hunting or spearing is repugnant of their tastes. When they had caught a few salmon, they allowed the nets to be washed to shore, and had it not been for Mr. Scott, the HBC Agent, these would have been left to rot on the beach." In order to remedy the Situation, and "derive some advantage from the special favour granted them by your department," Lavoie took it upon himself "to hire a man who will fish this station for their benefit next year."¹⁰⁷

The Changing Face of Fisheries Jurisdiction in Canada: *R. v. Robertson*

In 1882, the Supreme Court of Canada helped clarify what was becoming an increasing jurisdictional headache between the federal and provincial governments. In the case of *R. V. Robertson*, the Supreme Court of Canada ruled that the "ownership of the soils or beds of freshwater rivers did not pass to the federal government under the BNA Act."¹⁰⁸ Ultimately, the Supreme Court ruling in *R. V. Robertson* shifted the responsibility and jurisdiction of the fisheries. As a result of the Robertson ruling, the federal government was now responsible only for legislation that regulated and protected the fisheries, and the provinces now had the right "to pass any laws affecting the property in those fisheries, or the transfer or transmission of such property."¹⁰⁹ The responsibility of issuing fishing licences and leases now lay on the provinces. However, throughout the 1880s and even into the early 1890s, the federal Department of Marine and Fisheries continued to enact fisheries legislation that contained enforcement provisions and provide fisheries overseers to enforce

these provisions (Van West 1990: 44). Yet, by 1894 challenges by the Ontario provincial government to the federal government's continued effort to pass and enforce fisheries regulations and legislation were finally referred, by the Governor General in Council, to the Supreme Court of Canada. In 1895, the Supreme Court ruled that the federal government retained their responsibility, as outlined in the BNA Act, to legislate for the protection of the inland fisheries. The Supreme Court also affirmed that the provinces retained all proprietary rights to the fisheries, including the exclusive right to issue licenses for their fisheries and enforce existing fisheries statutes.¹¹⁰ The Supreme Court of Canada's 1895 ruling was subsequently appealed by the federal government but upheld in 1898 by the Judicial Committee of the Privy Council.¹¹¹

With their new found jurisdictional powers, the government of Quebec passed legislation in 1895 that effectively established provincial fish and game laws in the Province of Quebec.¹¹² The new fishery laws in Quebec allowed fishing "with rod and line in lakes and rivers under the control of the Quebec government." Authorization from the Commissioner of Crown Lands was required for any other kind of fishing. The new laws stated that the right of fishing in any salmon rivers in Quebec could "only be purchased at sales by public auction [and were] granted for a period of ten years."¹¹² As well, the new laws stipulated that any fisherman who was not an inhabitant of the province of Quebec was "obliged to have permits for fishing in the waters of our [Quebec] lakes and rivers. The price of these permits is determined by the Commissioner of Crown Lands but it cannot be less than \$10.00." Residents of the province were not required to purchase such permits and were

allowed to fish in any lake or river belonging to the Crown which was not leased to an individual or to a club. With respect to the lessees of lakes or rivers, the new provincial fishery laws stipulated "only one obligation of any importance viz: to send into the Department, at the close of each fishing season, a statement of the quantity and kind of fish taken."¹¹⁴ A closed season was also enacted in the new fishery laws that regulated the times in which certain types of fish could be taken.¹¹⁵ As well, a closed season was enacted on game in which "no one (white man or Indian) has a right during one season's hunting, to take alive — unless he has previously obtained a permit from the Commissioner of Crown Lands for that Purpose — more than 2 moose, 2 caribou and 3 deer."¹¹⁶

The shifting jurisdictional boundaries on issues relating to fish and game in the 1890s had an amplified effect on the aboriginal peoples on the north shore of Quebec. Now aboriginal peoples on the north shore not only struggled over the question of their rights to their traditional fisheries, they also had to struggle with provincial game laws as well. Fifty years prior, aboriginal people on the north shore were forced to fall back on scanty game resources when they were prohibited to fish their traditional fishing grounds. However, during the 1890s, even those scanty game resources were prohibited by the provincial government to aboriginal peoples. As a result of these new provincial game laws, the province of Quebec on December 21, 1895 issued a five-year moratorium on the hunting and trapping of beaver, a resource many aboriginal peoples relied on for their livelihood.¹¹⁶ This moratorium reflected the new found powers of the province to regulate and control aboriginal hunting and fishing activities — a struggle that continues to this day.

Due to the lack of any recognized treaties between the federal government and aboriginal nations on the north shore of the St Lawrence, neither the provincial nor federal governments would recognize that the aboriginal peoples on the north shore had traditional hunting and fishing rights. This was compounded in 1897, when the province of Quebec "set apart some three hundred miles of forest land on the southeast side of the Quebec and Lac St Jean railway as a "Parc national" in which non-aboriginal peoples could hunt and fish with a licence. In 1897, P. L. Marcotte, the Indian Agent at Pointe Bleue, Quebec, wrote to the Deputy Superintendent of Indian Affairs to inform him of the effect of this newly established park on the aboriginal peoples of the area. In the letter, Marcotte stressed to the Deputy Superintendent that,

Many of our Indians who were in the habit to frequent that part of the country have been left in a great distress when they saw their traps taken away from them by the government-guardians and chased off their hunting ground. This and the forbidding of the beaver trapping up to 1900 leaves to the poor Indians a very poor show to sustain their future existence.¹¹⁸

By 1898, the provinces new hunting and fishing legislation was having an increasing detrimental effect on the aboriginal peoples of the north shore. On October 7, 1898, Six Abenaki men wrote to Sir Wilfred Laurier, stating that they

are troubled with a great number of Canadian hunters who have taken up our best hunting grounds, and moreover, we are forbidden the right of killing beaver and cariboo during the month of march. The close season established by law is all right as regards the Canadians as they have their livelihood, whilst the Indians, the aborigines of the country, have no other way than hunting to obtain their livelihood; therefore we pray you obtain justice for us by making an exception in our favour in the hunting

regulations so as to give us a permit to hunt game everywhere from 1st of September to the 30th of April each year, which is the best season for taking these skins which are more saleable. Your game warden will agree with us that there are a hundred Canadians to ten Indians who are engaged in hunting.¹¹⁹

In response to their plea to have the federal government recognize their aboriginal rights, the Secretary for the Department of Indian Affairs replied to the six men that "these are matters in which the Department [of Indian Affairs] has no power to interfere as the licencing of hunting and making of regulations for the preservation of game are under the control of the provincial authorities." Furthermore, the Secretary reiterated the federal government's position with respect to aboriginal fishing and hunting rights on the north shore: "[that] the Department is not aware that there was ever by Treaty or otherwise any agreement, made to reserve any of the public domain as hunting grounds for the Indians, although the same right to hunt as the rest of the community might enjoy were assured to them."¹²⁰

In contrast, by 1890 the Government of Quebec was generating tens of thousands of dollars annually from riparian salmon leases. Approximately forty-eight fishing clubs were leasing out portions of rivers in Quebec, and "at least ten of them [were] entirely composed of American citizens from New York, Boston, Philadelphia, Springfield, etc."¹²¹ The money laid out by these clubs and by private individuals, "both for the erection of houses and other buildings and for opening and improving the roads leading to the fishing places" amounted to a very respectable sum. As well it was felt by the provincial government of Quebec that "those who come to spend some part of the summer in their fishing places spend large sums

of money in various ways and the inhabitants of the surrounding locations are the first to benefit by the money expended on these works."¹²² By August 1895, sixty salmon and trout rivers and a little more than one thousand lakes in the province of Quebec were leased out to approximately one hundred and ten clubs and private individuals.¹²³ The Moisie River, in particular, was seen as "a large and handsome stream producing immense quantities of salmon of a very large size." In 1898, the net fishing rights in the upper waters of the Moisie were still leased out to the Holiday Brothers and the riparian rights to the lower portion of the river were leased out to D. Fitch and Veasey Boswell, of Quebec and Mr. Toland, of Philadelphia, "who purchased them for \$2, 500."¹²⁴

The Incident at Mistassippi: The Question of Aboriginal Fishing Rights in Quebec

Only one year prior to Speck's 1912 trip to the north shore, sports fishing in Quebec was thriving so much that W. Wakeham, Inspector of Fisheries for the Inland Section of the Gulf Division reported in his annual report that "when such an enormous return is derived from the advent to the region of these sporting clubs, no commercial fishing whatever should be allowed."¹²⁵ The virtues of sports fishing were extolled far and wide and the provincial government of Quebec stressed that where there was sports fishing, the waters were well protected from 'poachers', "and little illegal fishing [was] done." As well, sports fishing infused very large amounts of money into the provincial and local economies: "Outfitters, suppliers of all kinds, guides, guardians, boat and canoe builders, railroads and hotels, all reap a considerable harvest from the presence of the sportsmen and their families."¹²⁶ Thus,

when Speck arrived at Moisie River in summer of 1912 to collect material culture for the Victoria Memorial Museum in Ottawa, the tensions surrounding fish and game resource between aboriginal peoples, elite fisherman and government officials had become very complicated. Aboriginal peoples had become entwined in a web of provincial and federal regulations that worked to restrict and limit their involvement in the control and care of fisheries resources — a web that was ultimately maintained and influenced by Canadian and American elite sports fishing fraternities. It was this web that Speck fell into when he arrived at Moisie River in the summer of 1912.

Speck first raised the question of Innu fishing rights to Sapir in a letter posted from the community of Lac St Jean on June 26, 1912. In the letter Speck informed Sapir that the aboriginal people at Moisie River “crowd around [him] asking to make an appeal for them” on the “grave injustices” taking place on the north shore of the St Lawrence.¹²⁷ He related to Sapir that due chiefly to a “prohibition to fish for salmon in the Moisie River,” the “north shore Indians . . . are starving off through the neglect of their officials.” Thus, as a favour, he asked Sapir to use his influence with the Department of Indian affairs, “to get some help for these north shore Indians.”¹²⁸ More specifically, Speck requested Sapir to secure “the medical attendance the Indians so badly need and the privilege to fish in the Moisie for Salmon.”¹²⁹

While at Moisie, Speck had learnt that the Quebec government had leased the salmon rights to the river out to several rich American sport fishermen, “without consulting the poor Indians.”¹³⁰ He related to Sapir that the consequences of any Aboriginal person caught

fishing were severe — they would be arrested and fined.¹³¹ The practice of leasing out portions of rivers rich in salmon stocks had been a common practice in the provinces of Canada for many years. However, in 1906, Quebec was the only province left in Canada that had "adopted this policy of leasing fishing and hunting territories."¹³² The province of Quebec felt that such a policy ultimately aided the government in the protection of fish and game resources in the provinces.¹³³ The participation of numerous high-ranking federal and provincial fisheries officials in the clubs that leased out hunting and fishing territories, reinforced measures for the control and regulation of the salmon industry (Parenteau 1998: 11). As well, the scores of private fishery guardians supplied by lessees, many vested with magisterial powers, "provided an immense boost to the chronically underfunded department in its effort to control the salmon harvest" (Parenteau 1998: 10). The province's leasing policy also provided the provincial fisheries department with their largest source of revenue, bringing in an approximate annual amount of \$45,769.39 in 1906 — the "principal lessees [coming] from among our friends on the other side of the line 45."¹³⁴ However, as a direct result of the province's fisheries resource policy, the Innu at Moisie were starving and the tensions between aboriginal and non-aboriginal fisherman surrounding the use of the river were intense. Speck noted this to Sapir, stressing that if the Innu at Moisie were "pressed to starvation they may cause trouble, as they are fairly numerous and the white few."¹³⁵

In response to the growing tensions surrounding the salmon fisheries on the north shore and his own outrage at the injustices faced by the Innu at Moisie, Speck decided to travel to Quebec City to file a formal complaint "at the department of fisheries against selling

the salmon fishing monopoly and letting the Indians at Moisie starve (!) [sic].” Speck happily related to Sapir that he “registered a big kick with Mr. Dufault, the Minister of Fisheries and he was glad I saw him (I was backed by some ‘wise ones’ in Quebec).” Speck also informed Sapir that he convinced the Minister of Fisheries to send “a telegram to the fish warden at Moisie . . . and if the conditions were bad to allow them to take fish.”¹³⁶ However, not happy with the promise of the Minister, Speck stressed to Sapir that “if they don’t do something for these poor devils, I’ll threaten to let the whole thing out in the Beaver [sic] and papers and that, as I happen to know from friends of the Indians in Quebec, is what some of the political groups are afraid of.” At the end of the letter, he added to Sapir, “You didn’t know I had developed into a sort of (political) missionary.”¹³⁷

On the 13th of July Sapir replied to Speck’s letter and his concerns about the condition of the starving aboriginal people at Sept Iles and Moisie River. In that letter he wrote to Speck that “as I do not know Mr. Pedley personally, I am having a carbon copy of my letter sent to Mr. D.C. Scott, who is Chief Accountant and at the same time Superintendent of Indian Education, and also to Mr. C. A Cooke, a Lake of Two Mountains Iroquois in the Indian service. Both of these I know personally.”¹³⁸ In response to Sapir’s letter, Duncan Campbell Scott forwarded a telegraph from the Indian agent at Moisie River and Sept Iles to Sapir at the Victoria Memorial Museum. In the telegram, the agent, Mr. McDougall, stated that there was “no destitution” and that the “conditions [were] exaggerated.”¹³⁹ However, in the letter attached to the telegram, Scott informed Sapir that, “whatever he [the Indian agent] says I’m sure the Indians of the Lower St Lawrence are in an unsatisfactory

state and it is extremely difficult for the department to relieve them. We have attempted during the last few years to get them to fish in the Gulf and have supplied nets.”¹⁴⁰

In response to the situation at Sept Iles and Moisie River, Speck wrote to Sapir and Harlan Smith that he was not at all surprised at the conditions the aboriginal peoples on the north shore of the St. Lawrence were forced to endure.¹⁴¹ Ultimately, he concluded to Sapir and Smith that the problems the aboriginal people faced were due to the neglect of the Indian agent, whom Speck referred to as “evidently a good enough Indian Agent, a typical one, in the job for whatever he can get and the devil with his wards”¹⁴² and “a bad egg [who] takes no responsibility for his Indian charges according to their testimony. Liquor and women is [sic] his chief interest it seems.”¹⁴³ The biggest problem at Moisie River, as Speck observed, had to do with the laws restricting Aboriginal peoples from fishing in the leased waters of the river. He related to Sapir that “as long as they cannot support themselves fishing while at the coast they have no recourse but to go inland and to hunt and starve if the game fails.” As a consequence due to the lack of food, the aboriginal peoples then “end up contract[ing] or fall[ing]-prey to so much disease.”¹⁴⁴ “Of course,” Speck noted to Sapir, “the greatest faults lies in the fisheries resource policies, which prevents natives from fishing in leased territories (leased to outsiders).”¹⁴⁵ Whether Speck took any further overt action on the political front on behalf of the Innu at Moisie River is unknown. However, Speck did stress to Sapir that working as an advocate on behalf of the Innu peoples at Moisie River and Sept Iles “is a very deserving piece of work, better than a whole lot of this institutional charity work.”¹⁴⁶

Conclusion

The development of colonial regulations to control and administer a national fisheries policy in Canada and in Quebec ultimately failed to recognize and incorporate aboriginal needs and traditional knowledge. This failure to address aboriginal needs subsequently led to a dramatic shift in the everyday realities of the Innu living on the north shore and a drastic decline in their standard of living. The Innu could no longer follow their traditional patterns of land-use and conservation without continuing to come into conflict with the increasing presence of colonial regimes for the administration and regulation of the growth of and all important "national resource." It is the reality of this conflict and its effects on the Innu peoples that Frank Speck was confronted with during the summer of 1912 while he was in the field collecting aboriginal cultural items for the Victoria Memorial Museum in Ottawa. Prior to the systematic development of his theoretical foundation on aboriginal hunting territories, Speck was thus faced with the grim realities some aboriginal peoples faced with respect to dispossession of their traditional lands and waters. The ultimate effect of this dispossession, as Speck encountered, was disease, starvation and death.

CHAPTER FOUR

The 'Writing Man': Frank Speck and the "Indian land Question" in Canada

*"It used to be argued by officials of the ancien régime that anthropologists, immersed as they were in the specificities of African life, came to accept the structural perspective of their informants, became their spokesman, and by their words and works impeded the efforts of district and provincial administrators to govern efficiently. Some were even accused by white settlers and European civil servants of being 'Reds', 'socialists' and 'anarchists.' It is now asseverated by African leaders and administrators, down to the district level, that anthropologists before independence were 'apologists of colonialism' and subtle agents of colonial supremacy who studied African customs merely to provide the dominant white minority with information damaging to native interests but normally opaque to white investigation. Thus yesterdays 'socialist' has become today's 'reactionary'."*¹⁴⁷

The development of Frank Speck's ethnological work on territoriality should be conceptualized within the larger historical context of the "Indian land question" in Canada. An examination of Speck's work within this larger context will provide an opportunity to problematize some present day criticisms that generally situate anthropologists as "agents of the state" (Asad 1973; Kulchyski 1993; Tuhwai Smith 1999). In problematizing these theoretical positions within the larger contextual background of Speck's (1913b; 1915a; 1915b; 1923; 1927a; 1927b; Speck and Eiseley 1939; Speck and Hadlock 1946) work on the Algonquin family hunting territory complex it becomes clear that Speck was anything but an agent of the state. Ultimately, the connection between Speck's anthropological work on aboriginal family hunting territories and the sociopolitical circumstances out of which this work may have grown foregrounds the intrinsic link between Speck's role as an ethnologist and his role as an advocate during the early twentieth century in Canada.

Theorizing Anthropological Practices

Pauline Rosenau (1991: 4) suggests that the new “broad-gauged” reconceptualizations of the social sciences and humanities have led to some extreme formulations and some moderate proclamations in theoretical circles. Rosenau has characterized two of these theoretical circles as “extreme post-modern” and “moderate post-modern.” The extreme post-modernists, according to Rosenau, go to the very cores of what constitute the disciplines of the humanities and social sciences and radically dismisses them. The moderate post-modernists, on the other hand, encourage “substantive redefinition and innovation” (1991: 4-5). It is possible to suggest that some of the theoretical circles problematizing anthropological practices fall within these two very broad categories. Linda Tuhwai Smith (1999), for example, could be seen as an extreme post-modernist, while Talad Asad (1973) and Peter Kulchyski (1993) fall within the margins of the moderate post-modern camp. Although I lean very heavily toward the side of moderate post-modernism, I find it is useful to examine both extreme and moderate positions.

With the development and implementation of a complex and multifaceted European colonial power structure in Canada, a detailed knowledge of the functioning of aboriginal cultures, communities and nations was needed. Such a system of anthropological knowledge, as George Stocking (1991: 4) notes, was seen as intrinsic for the safe maintenance and administration of the large economic, political and social investment made by the European colonial elites. Of course, such knowledge was not always incorporated, used or even valuable for the functioning of all levels of colonial governance. Yet, the

knowledge was always made accessible in case a need for it emerged. In fact, Linda Tuhwai Smith (1999: 58) further suggests that imperialism and its colonial outposts allowed for the distribution of cultural ideas and cultural materials outward. The acquisition and distribution of cultural knowledge, she argues, were as much a part of imperial projects as “raw materials and military strength” (Tuhwai Smith 1999: 58). However, in order for the extraction of these cultural resources to be effective, organized and systematic systems were required to mine, catalogue, study and store these materials (Tuhwai Smith 1999: 59). According to Tuhwai Smith (1999: 67), these classification systems were developed specifically to deal with the mass of “new” knowledge coming out of the “new world.” Of all the systems implicated in the ordering of this new knowledge, Tuhwai Smith (1999: 67) contends that the field of anthropology was the “one most closely associated with the study of the Other and with the defining of primitivism.” Thus, Tuhwai Smith suggests that due to this implicit association between anthropology and colonialism/imperialism, “anthropologists are often the academics perceived by the indigenous world as the epitome of all that is bad with academics” (Tuhwai Smith 1999:67; see Livingston 1992 and Trask 1993).

Tuhwai Smith (1999: 60) further argues that the histories of research involving aboriginal knowledge systems were undeniably about power and domination, “instruments of knowledge and instruments for legitimating various colonial practices.” In this sense, the field of anthropology, along with many other fields of knowledge — biology, geography, paleontology etc. — becomes situated within a complex web of relations of ruling. As *one*

of the instruments of a larger system of colonial governance, anthropology aids the larger imperial project by accumulating, storing and objectifying fragments of cultural knowledge. The logical conclusion of Tuhwai Smith's extreme post-modern position would suggest that, by making this knowledge accessible anthropologists become implicated in systems of colonial power and domination, ultimately aiding in the justification and legitimization of colonial practices.

Perhaps in foreshadowing some of the debates surrounding anthropological practices and colonialism, Talal Asad (1973) offered a more moderate approach toward theorizing the possibility of this relationship. Asad (1973: 17) suggested that part of the effectiveness of prewar¹⁴⁸ social anthropological data collection was ultimately due to the "power relationship between dominating (European) and dominated (non-European) cultures." This power relationship, Asad contended, provided "safe" access for the construction of systems of anthropological knowledge, making possible "the kind of intimacy [on which] anthropological fieldwork is based, but ensur[ing] that that intimacy should be provisional and one-sided" (1973: 17). However, as a caution, Asad noted that it is a mistake to view anthropology singularly as an aid to colonial administration or as a mere reflection of colonial ideology (1973: 18). Such a narrow view of anthropological practices, Asad contended, fails to recognize the profound contractions and ambiguities contained within the field of anthropology. In order to understand and acknowledge these contradictions and ambiguities, Asad suggested that anthropologists "turn to the historical power relationship between the West and the Third World," examining the ways in which this relationship "has

been dialectically linked to the practical conditions, the working assumptions and the intellectual product of all disciplines representing the European understanding of non-European humanity" (1973: 19).

Peter Kulchyski suggests that in order to piece together the "linkages with the State in anthropological thought and of anthropological thought on colonial power" one must examine the connections between institutionally embodied state power and forms of anthropological knowledge — as well as the converse: "anthropology as ideological support for State practices and the shaping of the national project so crucial to the State" (1993: 22). A translation of Kulchyski's theoretical proposition provides a possible process of investigating relationships between anthropological projects and state practices, a process that straddles the border between an extreme and moderate post-modern position. However, in problematizing the connections between Speck's ethnological work and Kulchyski's state-centred analysis, I find it useful to refer to Dorothy E. Smith's (1990: 14) ideas revolving around "relations of ruling." Thus, instead of locating anthropological practices and knowledge as ideological support for state practices, as Kulchyski argues, Dorothy E. Smith's notion of relations of ruling suggests that power relations encompass the total complex of activities, differentiated into many spheres, by which our kind of society is "ruled, managed, and administered" (1990: 14). Derek G. Smith (2000: 6) points out that these relations of ruling are located "at various sites within the Canadian social formation which may or may not be specifically linked to state operations." Thus, these relations of ruling must be sought after in the various state and non-state projects of governance (D. G.

Smith 2000: 6). Furthermore, D. E. Smith implies that these relations of ruling are also inherent in academic practices that participate in transforming multiple and diverse experiences into objectified forms of knowledge (1990: 24-26).

In following the more moderate theoretical path, it becomes possible to see how Frank Speck's ethnological work was enmeshed within a detailed and complex set of relations. On one level, Speck's work on territoriality may be viewed as a transformation of his own multiple and diverse experiences with issues and questions surrounding the relationship between aboriginal people and their tribal lands. However, on another level, his work may be viewed as a transformation of the multiple and diverse experiences of the larger historical realities surrounding aboriginal peoples and their tribal lands. When these two levels are superimposed on one other, a context emerges that situates Speck's role as an advocate, collector and ethnographer within these relations of ruling.

Ceding and "Civilizing" Aboriginal Lands: The Canadian Experience

In order to begin to contextualize the larger historical background from which Speck's work on hunting territories emerged, it is useful to turn toward the history of relations between aboriginal peoples and the various levels of government in Canada over issues of land. Although I will not be able to explore all the details and complexities surrounding these land issues, I will attempt to juxtapose the history of aboriginal land surrenders with the development of colonial administrative policies that were geared toward the 'civilization' of aboriginal peoples in Canada. Such an understanding of these issues, in

turn, will hopefully help to clarify and illustrate some of Speck's anthropological work on territoriality and raise questions surrounding the relation between Speck's anthropological practices and systems of governance in Canada. Seen within a larger historical and personal context, one may begin to recognize that Speck's ethnological work and anthropological writings on hunting territories reflected the historic relations between aboriginal and non-aboriginal peoples with respect to the question of territory and land-use in Canada. As Ignatius La Rusic points out, it was Speck's "long-life enterprise to educate the public to accept the Indians' humanity and to arouse public awareness that the Indians had been robbed of their lands" (1985: 23).

The colonial recognition of a system of aboriginal land title in present day Canada began with the end of the Seven Years War in 1763 and the issuing of a *Royal Proclamation* by King George III that, among other things, ended France's title and claim to all territory in British North America and defined the boundaries of the new British Province called Quebec. The *Royal Proclamation of 1763* included provisions for aboriginal lands west of the Mississippi and northwest to Rupert's land, setting out specific regulations for the colonization of lands within a certain boundary. More specifically, the *Royal Proclamation* recognized the fundamental concepts of aboriginal title¹⁴⁹ by setting up a process of negotiated land surrender between aboriginal Nations and the British Imperial Government for lands west of the Mississippi and northwest to Rupert's land (Slatterly 1993: 13-14) while simultaneously entrenching the British Imperial Government's interest in future acquisitions of aboriginal lands and territories in the new colonies. Peter Cumming and Neil Mickenberg

(1972: 86) point out that the *Royal Proclamation* was "basically a political document and its sections relevant to Indians were primarily designed to allay the fears of the western Indians with respect to encroachments upon their lands." Brian Slatterly (1993: 14) further argues that the *Royal Proclamation* ultimately affirmed that aboriginal Nations were entitled to the territories in their possession unless or until they ceded them away. Slatterly contends that the *Proclamation* encoded within its framework legal principles concerning the status of native people living under the protection of the Crown and the position of their lands, customary laws and political institutions. Through the *Proclamation*, the Crown recognized that First Nations would retain a measure of internal autonomy, allowing Aboriginal peoples to govern themselves and their own affairs as it suited their own interests. However, the *Proclamation* stipulated that these rights were ultimately subject to the overriding authority and good will of the Crown (Slatterly 1987: 736-37). Ultimately the *Proclamation* set up a procedure in which aboriginal rights and title to land could not be alienated from First Nations unless First Nations agreed within the context of their own internal political structures to sell or give up their land. As Cumming and Mikenberg (1972: 30) point out, the *Royal Proclamation* to this day has the force of a statute in Canada and has yet to be repealed.

Prior to the confederation of provinces in 1867 and even before the *Royal Proclamation of 1763*, the British Imperial Government and the French Regime signed numerous treaties with aboriginal Nations in Canada. These are usually referred to as peace and friendship treaties. The first of these British peace and friendship treaties signed with

aboriginal Nations in what is now Canada was the Treaty of Portsmouth, New Hampshire. This treaty was signed in 1713 with the St. John River Maliseet, Mi'kmaq and Abenaki Nations. Provisions within the treaty included a clause that recognized that the aboriginal Nations "were not to be molested in the territories where they lived and were to enjoy free liberty for Hunting, Fishing, Fowling, and all other Lawful Liberties and Privileges" (Dickason 1992: 178). As Olive Dickason notes, the provisions found in the Treaty of Portsmouth were repeated, in 1725, by the Imperial Government in the Treaty of Boston with Mi'kmaq and Maliseet of Cape Sable and other areas on the Eastern Atlantic seaboard. In 1752 the Treaty of Halifax was signed between the Imperial Government and the Shubenacadie Mi'kmaq — the first peace and friendship treaty to include provisions for annuities. Although the treaty recognized the Mi'kmaq right to free liberty of hunting and fishing it did not provide payment for land (Dickason 1992: 179).

After the fall of Quebec and the issuing of the *Royal Proclamation of 1763*, the emphasis on treaties shifted. After 1763 treaties with aboriginal Nations focused primarily on land and secondly on peace and friendship (Dickason 1992: 189). This shifting focus on land cession treaties attempted to accommodate the increase in colonial settlement (and thwart American interests) while providing resources to fuel the ever expanding British Empire (Dickason 1992: 189-191). In 1764, the Imperial government signed two treaties with the Huron/Wyandot and Seneca Nations for use of the portage at Niagara (usually referred to as the Niagara Treaty) and, subsequently in 1784, the Haldimand purchase bought approximately three million acres of land on the Niagara Peninsula from the aboriginal

peoples of the area. From 1764 to 1806 the Crown acquired the lands of the shoreline of the upper St Lawrence River and the lower Great Lakes, from Pointe au Baudette to Lake St Clair and, from 1815 to 1827, the Crown's land holdings increased with the purchase of seven million acres, cutting a wide swathe from the Ottawa River to the eastern shores of Georgian Bay. This included six major land cession agreements with aboriginal Nations after the War of 1812: the Rice Lake Purchase of 1818; the Rideau Purchase of 1825; the Lake Simcoe-Nottawasaga Purchase of 1818; the Ajetance Purchase of 1818; the Long-Woods Purchase of 1827; and the Huron Tract Purchase of 1827 (see Dickason 1992). In 1836, Sir Frances Bond Head negotiated a deal with the Ojibwa peoples for the twenty-three thousand islands of the Manitoulin Island chain and also with the Saugeen peoples for one and a half million acres of the Bruce Peninsula. In both agreements, no provisions were made for annuity payments to the First Nations by the British Imperial Government. However, the Bond Head Treaty did stipulate that the Crown would protect the lands for the aboriginal peoples (Dickason 1992: 235-237).

While the colonial government was busy buying aboriginal lands, they were also busy building a system to "civilize" those lands and aboriginal peoples. After 1815, the British Imperial Government adopted a comprehensive policy of civilizing aboriginal peoples. Influenced largely by the rise of evangelical and revivalist protestant movements, the colonial government's aim in this case was to "develop" and "protect" aboriginal peoples by instructing them in "European civilization" (Tobias 1983: 40-41). Until 1828, the influence of the Indian Affairs department had been chiefly deployed to gain strategic military

alliances with aboriginal peoples by the British Imperial Government. However, with the lack of any perceived threats after the war of 1812 and the increase in colonial immigration to lands newly purchased by the Crown, the colonial government felt that the influence of the Indian Affairs department could be better used (Carter 1990: 21). Thus, by 1830, the department began to take steps “to civilize and educate the Indians” and began substituting agricultural goods for annual presents to aboriginal peoples (Carter 1990: 21). Ultimately, the goal of the Indian Affairs Department was to create “civilized, Christianized, and self-governing native communities seated securely on reserves protected by the British imperial government” (Milloy 1983: 59). It is these major policies and rationalities of governance employed by the British Imperial Government during the early nineteenth century, as Derek Smith (2000:8) points out, that have become the dominant blueprints for colonial aboriginal policy and reform in Canada up to the present day.

The ultimate goal of the Indian Department’s new policy was to bring about the “cultural transformation of the Indian to eventually achieve their total assimilation into white society” (Tobias 1983: 41). However, it was felt that such a transformation could only occur in isolated aboriginal communities where aboriginal peoples would be taught to farm, would receive religious instruction and be given a thorough European education (Carter 1990: 21; Tobias 1983: 41). By 1850, the colonial government had entrenched this new policy in legislation that made it illegal for settlers to encroach on the lands of these isolated aboriginal communities and, as a “protective” measure, designated aboriginal lands as being held in trust by the Crown and free of taxation. As well, further colonial legislation made it illegal

to sell liquor to aboriginal peoples¹⁵⁰ (Tobias 1983: 41). However, by mid-century, the colonial government began to shift their civilizing policies. The perceived failure of the isolationist approach to civilizing aboriginal peoples led the colonial government by 1857 to establish smaller aboriginal communities next to or near Euro-Canadian communities. This was aided in part by the colonial government's *Gradual Civilization Act of 1857*. By locating aboriginal peoples next to Euro-Canadian settlements, the colonial government felt that "Euro-Canadians would serve as an example of what the Indians should become," and that the Euro-Canadian communities would provide aboriginal peoples with "newly learned values [that] would supplant [their] old values and allow [them] to be fully assimilated" (Tobias 1983: 42). The Act stipulated that any aboriginal person "adjudged by a special board of examiners to be educated, free of debt, and of good moral character could on application be awarded twenty hectares of land within the colony and the rights accompanying it" (Milloy 1983: 58). By the mid nineteenth century, mining companies began to take an interest in the lands of north and central Ontario. In fact, in the 1840s one firm, the Montreal Mining Company, purchased one hundred eighty-square miles of mining locations. Yet, this increase in mining activity on traditional unceded aboriginal lands came to a blow in November 1849, when a group of aboriginal peoples captured the Quebec Mining Company location at Mica Bay (see Telford 1999). As a result of the tensions at Mica Bay, the Robinson Huron/Superior treaties were signed on September 7 and 9, 1850, surrendering aboriginal title to lands from Lake Huron north to Rupert's Land. Through the Robinson Huron treaty, the crown gained access to the shores of Lake Huron, including the

islands, from Matchedash Bay to Batchewan Bay and inland as far as the height of land. As well, through the Robinson Superior treaty the Crown gained access to all land of the shores of Lake Superior, including islands, from Batchewana Bay to the Pigeon River and inland as far as the height of land. Each aboriginal Nation who signed the treaty received a cash settlement of two thousand pounds as well as a cash annuity payment and was granted the right to hunt and fish on all lands except for those occupied by individuals or companies with consent of the province. The provisions of the Robinson Huron/Superior treaties established the basic arrangement for future treaty negotiations with First Nations in Canada, including: a reserve for each aboriginal Nation who signed the treaty; sales of reserve lands and mineral rights to be conducted by the government for the sole benefit of the Indians; proceeds of past revenues gained from mineral extraction on aboriginal lands to be turned over to aboriginal peoples; and escalator annuity clauses (Dickason 1992: 254).

In 1862, due to the successful negotiations between William McDougall and the Ojibwa of Manitoulin, the colonial government of Upper Canada gained the six hundred thousand acres of Manitoulin island (usually referred to as the Manitoulin Island Cessions). Initially reserved for the Ojibwa in the 1836 Bond Head Treaty, the Crown felt that due to the lack of Ojibwa settlement and cultivation of prime farm land on the island, the colonial government was "under pressure to open more land up for white settlement" (Dickason 1992: 255). Under the treaty, the Anishnabae were granted one hundred acres per family (or fifty acres for each person over the age of twenty-one) and the same fishing rights as those enjoyed by white settlers. In exchange for this land and the recognition of fishing rights, the

Anishnabae ceded their aboriginal title to Manitoulin Island (Dickason 1992: 255). Concurrently in British Columbia, James Douglas signed a number of small treaties with the aboriginal peoples of Vancouver Island. In 1850 the Hudson's Bay Company, which was responsible for British settlement of Vancouver Island as part of its trading license agreement with the Crown, began purchasing lands for colonial settlement and industry from aboriginal peoples on Vancouver Island. Thus, between 1850 and 1854, Douglas, as Chief Factor of Fort Victoria and Governor of the Crown Colony, made a series of fourteen land purchases from aboriginal peoples on the island. The Douglas Treaties covered approximately 358 square miles of land around Victoria, Saanich, Sooke, Nanaimo and Port Hardy, all on Vancouver Island.

By 1867, the colonial government had implemented a framework for the acquisition of aboriginal lands and the gradual civilization of aboriginal peoples. The government's policy for acquiring aboriginal land was structured so that all negotiations with aboriginal peoples for land surrender were to take place at open and public meetings and the lands were to be surrendered only to the Crown. As well, the government's policy on land cession ensured that a schedule of reserves was to be annexed to each treaty and held in common by the Crown for the aboriginal peoples. As well, the colonial government guaranteed that aboriginal peoples would retain the full free privilege "to hunt over the territory not ceded by them and to fish in the waters thereof as they have heretofore been in the habit of doing except in those portions sold to private individuals or set aside by the government for specific

use" (Dickason 1992: 254). The colonial government's policy for the gradual civilization of aboriginal peoples complemented their measures for acquiring aboriginal lands. More specifically, the Crown's policy of scheduling reserves as part of treaty negotiations corresponded nicely to the colonial government's attempts at creating settled aboriginal communities for the purpose of civilizing aboriginal peoples through European systems of education and Christian missionization — the ultimate goal being complete assimilation (Tobias 1983: 43).

After Confederation in 1867, the federal government became responsible, under Section 91(24) of the *British North America Act*, for "Indians and lands reserved for Indians." Treaties between the federal government and First Nations in Canada became the official means of addressing the question of aboriginal land rights and as a final means of opening up land for colonial settlement (Dickason 1992: 275) and the *Indian Act* became the legislative means in which the federal government would deal with the question of the jurisdiction of aboriginal peoples. With respect to land, an imperial Order-in-Council, issued on July 15, 1870, reemphasized the federal government's obligation to address issues concerning "lands reserved for Indians." Olive Dickason (1992: 273) points out that the 1870 Order-in-Council which brought Rupert's Land and the North-West Territory into confederation specified that any claims of Indians to compensation of lands required for purposes of settlement would be disposed of by the Canadian government in communication with the Imperial government:

And furthermore, that, upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for the purpose of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines (quoted in Dickason 1992: 273).

This Order-in-Council issued by the British Crown encouraged the newly established Canadian government to closely follow the procedures set out in the *Royal Proclamation of 1763* in opening up the country for settlement — specifically the fair purchase of aboriginal lands from First Nations (Dickason 1992: 273).

Thus, by 1871, a comprehensive system was set in place that recognized and incorporated those provisions found in the *Royal Proclamation of 1763*, protecting and acknowledging aboriginal title to lands while simultaneously providing a framework for the acquisition of those lands by the Canadian Government. On August 3, 1871, the first of the "numbered treaties," Treaty One, was signed between the Government of Canada and the Chippewa, Swampy Cree and others in southern Manitoba (Portage la Prairie and Winnipeg). Under the treaty, the government undertook to provide one hundred and sixty acres of land per family of five. As well, the government promised to control liquor traffic, maintain a school on each reserve and an annuity payment of three dollars per head (raised to five in 1875) and twenty-five for Chiefs. Treaty One ultimately set the precedent for the future negotiation of ten more treaties between 1871 and 1921. However, future treaties would include other provisions not found in Treaties One and Two, including: agricultural equipment and supplies; flags and medals; ammunition and twine; and a medicine chest.

The 1869 *Act for the gradual enfranchisement of Indians* set the stage for the development of the First *Indian Act* in 1876 and provided the federal government with a means of controlling and exercising their responsibilities toward aboriginal peoples as outlined in section 91(24) of the BNA Act. The 1876 *Indian Act* allowed the department of Indian Affairs to "institute all the systems of development that it cherished" (Milloy 1983: 62). Thus, the Act allowed the department to create individualized systems of land holdings, determine the use of resources and create particular educational systems for aboriginal peoples (Milloy 1983: 62). Ultimately, the goal of the *Indian Act* was to facilitate the eradication of aboriginal values through education, religion, new economic and political systems and a new concept of property (Tobias 1983: 44-45). Future amendments to the Act in 1880, 1884 and 1894 furthered the power of the federal government to regulate and control the lives of aboriginal peoples. The establishment of a recognized federal Department of Indian affairs in 1880 and subsequent control mechanisms outlined in the *Indian Act*¹⁵¹ emphasized the government's initiatives to assimilate aboriginal peoples into what was becoming the dominant Euro-Canadian mainstream.

By the early twentieth century, the Department of Indian Affairs gained the power to lease out aboriginal reserve lands for revenue purposes without having to take a surrender of the land by aboriginal peoples. In 1906 the *Indian Act* was further amended to allow the Department of Indian Affairs to remove the reserves as impediments to the government's project of assimilating aboriginal people. Once viewed as the tool for assimilation, reserves were, in 1906, now considered by the government as a safe and protective haven for

aboriginal peoples where they could hide from the beneficial influences of Euro-Canadian civilization (Tobias 1983: 48). The 1906 amendments to the *Indian Act* allowed the Department of Indian Affairs to permanently alienate reserve lands through cash advances, to further lease reserve lands for mineral exploration, to expropriate reserve lands for right-of-ways for highways and provincially chartered railways, to lease for revenue farm lands not said to be used by the aboriginal peoples and to abolish reserves within the bounds of a city when it was found to be in the interest of the aboriginal people and the public. By the early twentieth century, the assimilation of aboriginal peoples was inextricably tied into the question of land. Aboriginal peoples were seen as "sitting on valuable land that could be used more profitably by whites" (Hall 1983:133) and land was also regarded as one of the major impediments to the quick assimilation of aboriginal peoples into mainstream Euro-Canadian society. By removing aboriginal peoples off non-reserve Crown lands, the Canadian government could not only open up what was considered valuable land to white settlement and resource revenue sharing but finally accomplish their project of civilizing and assimilating aboriginal peoples.

N'Daki Menan: Frank Speck and the Question of Family Hunting Territories

By the early twentieth century the fledgling Canadian government had adopted both a system of land transfer and an administrative regime from the British Imperial Government. However, 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 cannot be easily distinguished. As Derek G. Smith (2000: 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." D. G. Smith 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" (2000:11). In fact, D. G. Smith argues that it is essential to problematize academic practices, "for they too are rooted in the same large cultural discourses which generate state and state-linked relations of regulation and power that they seek to investigate" (2000:12). It is through this type of analysis that a greater understanding and context of Frank Speck's anthropological work can begin to emerge.

Much anthropological debate and rumination have been generated by Speck's (1915a; 1915b; 1923; 1927a; 1927b; Speck and Eiseley 1939; Speck and Hadlock 1946) work on the aboriginality of the hunting territory complex (see Jenness 1935; Leacock 1958; Rogers 1963; Feit 1991; Chute 1999; Krech 1999). Typically, this debate has centred on locating and defending theoretical and ethnological problems associated with Speck's work.¹⁵² However, instead of contributing to these debates, I am more interested in the historical, political and personal contexts which motivated Speck's work.

Harvey Feit (1991) provides an excellent analysis of how Speck's ethnographic data on hunting territories was inextricably tied to the "ongoing colonizations of Indian lands and societies." Feit argues that the results garnered from the data Speck collected were directly

associated to the political responses of interviewees “to the colonization of Indian lands” (1991:128-129). Subsequently, Feit contended that Speck was thus unable to gather ethnographic information that would represent a “rich account of everyday examples and everyday problems and variations”(1991: 128). According to Feit, Speck was therefore only able to collect a “formalized and ideal model of family hunting territories ” (1991:28). Ultimately, Feit suggests, Speck’s involvement in the political affairs of the aboriginal communities in which he worked “affected not only the data he collected but also the specific content and organization of[his] ethnographies”(1991:128). This is illustrated, Feit argues, in the specific ethnographic features of Speck’s work which are essentially there to “identify [family hunting territories] as legally recognizable forms of private property.” What Feit seems to suggest is that Speck attempted to fit a circle into a square — that Speck constructed the whole idea of family hunting territories as a by-product of his political involvement with First Nations. What Feit does not suggest is that perhaps Speck was merely attempting to articulate the everyday problems and realities he encountered in the aboriginal communities he worked in. What Feit also fails to mention is the possibility that the everyday problems and variations of colonization and the dispossession of lands from aboriginal peoples in Canada was a stark reality that Speck was able to confront and articulate. For, these specific instances reflect the larger historical context surrounding the question of aboriginal lands in Canada — a history of dispossession and the politics of land use.

The earliest discussion of Speck’s (1913b) work on hunting territories is an article

entitled *The Indians and Game Preservation*. This article was published in September of 1913 after his return from Temagami and other areas throughout northern Ontario and contains the first mention of the “family hunting territory.” It seems fitting that Speck would first mention the hunting territory complex in relation to game preservation. The connection between game preservation and territoriality that Speck made in this article reflects the practicality of his observations. As I have detailed in chapter three, the tensions between aboriginal people and non-aboriginal people with regards to resource use was extreme. In order to refute the commonly held notion that aboriginal peoples were contributing heavily to “the thoughtless slaughter of the game” Speck suggested in *The Indians and Game Preservation* (1913b: 21) that “the northern Ojibways and the Montagnais of the Province of Quebec,” through their hunting territory complex, have certain regulations akin to game preservation. Speck wrote that the “hunting ground” was a certain territory “determined by a certain river, the drainage of some lake or the alignment of some ridge” (1913b: 22). With regards to ownership, Speck noted that this territory is the hunter’s “family inheritance, handed down from his ancestors. Here in the same district his father hunted before him and here also his children will gain their living” (1913b: 22).

This concept of the family hunting territory was further developed by Speck (1915a) two years later in his seminal paper *The Family Hunting Band as the Basis of Algonkian Social Organization* (1915a). In this paper, Speck problematized the notion that “the American Indians had little or no interest in the matter of claims or boundaries to the land that they inhabited” (1915a: 289). Speck claimed that the preliminary results of his

ethnological explorations in the interest of the Geological Survey of Canada illustrated that the family hunting territory complex characterized “actual ownership of territory” (1915a: 289). Building on the idea of the family hunting territory he outlined in 1913, Speck defined the family hunting band as “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” (1915a: 290). Speck referred to these “inherited districts” as “territories” and the “whole territory claimed by each tribe was subdivided into tracts owned from time immemorial by the same families and handed down from generation to generation” (1915a: 290). Speck further noted that “the almost exact bounds of these territories were known and recognized and trespass, which indeed was of rare occurrence, was summarily punishable” (1915a: 290). Speck pointed out that the territorial boundaries were very well recognized by the different families of each aboriginal community and that it was possible to document “the exact tract of country claimed by each family group” (1915a: 290). With respect to the extent of this type of aboriginal territorial ownership, Speck suggested that it was conceivable that it extended to the various “Algonkian kindred as far south as Southern New England.” He also noted that the extent of this type of aboriginal territorial ownership was “well within the limits of the region concerned in the treaty negotiations of our colonial government” (1915a: 292-293).

In the conclusion of his 1915 paper *The Family Hunting Band as the Basis of Algonkin Social Organization*, Speck (1915a: 305) stated that he hoped that 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.” He furthered this statement by adding, rather succinctly, that the question of aboriginal land in Canada should not be laid to rest: “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” (1915a: 305).

The fact that Treaty 11 was not signed in Canada until 1921 suggests that aboriginal people and the Canadian government were engaged in working out terms for land cession agreements during the years in which Speck first penned his thesis on the hunting territory complex. Although the Great War, among other things, diverted attention from the treaty process (Dickason 1992: 377), the fact that all or most of the specific areas in which Speck collected data for his work on hunting territories — Temagami,¹⁵³ Eastern James Bay, Labrador, north shore of the St Lawrence River,¹⁵⁴ Newfoundland and New Brunswick¹⁵⁵ — were not covered by treaties or included in any land cession agreements between First Nations and the Canadian Government cannot be overlooked.

Speck published numerous other papers relating to the notion of the Algonquin Family Hunting Territory, including ethnological material from Ontario (1915b) and Quebec (1923; 1927a; 1927b). Speck also coauthored three papers on the subject, two with his graduate student Loren Eiseley (1939; 1942) and one with Wendell Hadlock (1946). It is possible to suggest that Eiseley and Speck’s 1939 paper, *Significance of Hunting Territory Systems of the Algonkian in Social Theory* (1939), initiated the theoretical and ethnological

debates on Speck's work that continue to the modern day. Although criticisms of Speck's work on the hunting territory complex had been circulating since the publication of *The Family Hunting Band as the Basis of Algonkin Social Organization* in 1915 (Feit 1991: 126), Speck did not publish any material to challenge these criticisms until his work with Eiseley in 1939. In challenging these criticisms, Speck and Eiseley (1939: 269-270) largely opposed Diamond Jenness's (1932; 1935) supposition that the prevalence of the family hunting territory system among Algonkian speaking aboriginal peoples was a direct result of the fur trade. Based almost entirely on material from the *Jesuit Relations* and ethnographic material from Parry Island, Ontario, Jenness's argument would later be championed by Eleanor Leacock (1958) and elaborated with Leacock's own ethnological data from the north shore of the St. Lawrence. In her 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. Ultimately, Leacock's ethnographic material in support of Jenness' work set off the largely polarized family hunting territory debate that continues to this day (See Chute 1999; Krech 1999). Unfortunately, as Harvey Feit (1991: 129) points out, the webs of linkages between advocacy and ethnology have become frozen in an ideological dispute that fails to recognize the dynamic, historical and sociopolitical context of Speck's work.

Conclusion

Speck's ethnological writing may have been largely influenced by his role as an advocate. However, his role as an advocate may have been equally influenced by his

ethnological writings. When viewed from a certain angle, it becomes clear that Speck's work on family hunting territories was geared toward the specific and particular applications for those distinct First Nations in which he worked.¹⁵⁶ Of these applications, the reconstruction of aboriginal territoriality for the direct purpose of claims has had the most direct impact. For anyone who has ever been directly or indirectly involved (in theory or practice) with issues relating to modern day comprehensive aboriginal land claims in Canada, the issue of territoriality is paramount. Was Speck ahead of his time? No he was not — but he could be regarded as an early example of an anthropologist who was more concerned with the practical rather than the theoretical application of his anthropological knowledge and position.

During the early twentieth century the Department of Indian Affairs was systematically attempting to assimilate aboriginal peoples into dominant Euro-Canadian society by denying them access to their traditional lands and resources. Aboriginal lands and resources had slowly been taken away by government, first through treaties and secondly through legislative mechanisms. Viewed as a general anthropological theorem, Speck's work on the family hunting territory may indeed have numerous flaws, holes, problems and limitations. However, when Speck's work is placed in the larger historical process of aboriginal land cessions and Indian administration in Canada and viewed from those specific instances, a context for his work emerges. This context reflects the applied nature of Speck's work, while problematizing the general assumption that, as an anthropologist, he worked as

an agent of the state, providing government officials (usually Indian affairs) with summaries produced through his anthropological gaze. This emerging context of Speck's work suggests that the complexity of relations during the early twentieth century between anthropologists, aboriginal peoples and government officials cannot be easily generalized. In fact there are no data that even suggest that Speck had any connections to Indian Affairs or that anyone in Indian Affairs read, used or requested any material written by Speck. What the data do suggest is that Speck worked closely with First Nations across Canada that were left out of the treaty process — First Nations that are still to this day fighting for recognition of jurisdiction over their traditional lands and waters.

CHAPTER FIVE

Conclusions and Reflections

*"Decolonization is a process which engages imperialism and colonialism at multiple levels — one of those levels is concerned with having a more critical understanding of the underlying assumptions, motivations and values which inform research projects."*¹⁵⁷

This analysis has examined some of the various elements of Frank G. Speck's anthropological work and practices during the early twentieth century in Canada. To gain a better understanding and deeper contextualization of these projects and practices, a tripartite context has emerged: 1) Speck the Collector; 2) Speck the Advocate; and 3) Speck the Ethnologist. Speck's role as a collector and his involvement in establishing a museum collection at the Victoria Memorial Museum in Ottawa was pivotal in the construction of Speck both as an advocate and an ethnologist. His role as a collector provided him with the opportunity (and money) to collect ethnographic data for the advancement of his anthropological work on Algonkian family hunting territories. As well, it enabled him to work as an advocate of aboriginal rights in Canada. Ultimately, Speck's roles as collector, advocate and ethnologist cannot be examined in isolation. These diverse and often contradictory roles must be examined in connection with each other and in their specific and particular instances. Only then will the subtle nuances of Frank Speck's anthropological work and practices be foregrounded and a greater understanding of his contributions to the wider canons of anthropology grasped.

The Early Years

Speck's early life in Mohegan, Connecticut, with Mohegan culture keeper Fidelia Flyingbird, possibly provided a background for the future direction and scope of his anthropological work on systems of aboriginal land ownership. In fact, Speck's detailed knowledge of the Mohegan-Pequot dialect was the catalyst that brought him together with Franz Boas. This relationship proved to set in motion a lifelong career as a renowned anthropologist and provided a professional framework that enabled Speck to voice some of the concerns of the aboriginal people he worked so closely with. More work, however, needs to be done to gain a better understanding of the influences of Speck's early years in Mohegan with Fidelia. The limited amount of data available at this time only hints at the significance of these years on the future development of Speck's anthropological practices. A detailed genealogical analysis of Speck would help in further understanding the possible connections between the Speck and the Uncas family. More information on Speck may also help to clarify Speck's Mohegan connection and the possibility of his aboriginal ancestry.

Speck the Collector

Speck's contributions to the formation of a government sponsored systematic survey of aboriginal cultures in Canada was key to the development of his anthropological work and practices. In fact, Speck's role as a collector informed much of his ethnological work and professional relationships with anthropologists and aboriginal people. Preliminary data

suggest that Speck not only collected for the Victoria Memorial Museum in Ottawa, but also maintained an extensive network of connections at various museums and private institutions in North America and Europe.

The complexity of relations surrounding Speck's role in the formation of ethnological collections should not be understated. Speck's trips to aboriginal communities to collect ethnological "specimens" provided more than "a representative lot" of cultural material for the various museums and private institutions and collectors with whom he was associated. Speck's work as an ethnographic collector for the Anthropological Division of the Victoria Memorial Museum in Ottawa allowed him to work in a variety of Abenaki, Mi'kmaq, Maliseet, Penobscot, Algonquin, Ojibwa, Cree and Innu communities across northeastern Canada and northern Ontario. Ultimately, these collecting trips enabled Speck to develop his anthropological work on systems of Algonquin family hunting territories and further his position as an advocate of aboriginal rights in Canada.

As a collector of aboriginal cultural items, Speck also helped to legitimize those aboriginal people who participated in the selling and collecting of cultural objects. Although Speck was able to sometimes make a profit from ethnological collections, it is clear that those aboriginal people who sold and collected cultural items were also gaining in some way through the transaction. More work, however, needs to be done to examine the types of material culture Speck collected, particularly since his collections were very large. This type of additional analysis can help to contextualize further the relationship between Speck

and those aboriginal people from whom he bought cultural items and trained as collectors. Preliminary research suggests that Speck's collecting practices did not exploit aboriginal peoples, but this is a question for closer investigation. They were part of a well-defined process that incorporated a multiplicity of roles.

Speck's role as a collector also allowed Edward Sapir partially to fulfill the Anthropology Division's mandate (Sapir, 1911) at the Victoria Memorial Museum in Ottawa. Speck's work in Quebec, Labrador, Newfoundland, Nova Scotia, New Brunswick and Northern Ontario provided Sapir with some of the relevant cultural material needed to establish a national systematic survey of aboriginal Canada. However, the Victoria Memorial Museum in Ottawa was not the only museum that benefitted from Speck's work in north-eastern Canada and northern Ontario. A wide variety of museums across North America and Europe house aboriginal cultural items that Speck collected, including seven hundred and ninety-three objects at the National Museum of Denmark in Copenhagen. More research is needed to fully grasp the extent of these collections and their relevance in relation to Speck's role as a collector.

Speck the Advocate

Speck's trips to various aboriginal communities to collect cultural items provided him with the opportunity to work as an advocate of aboriginal rights in Canada. One specific instance at Moisie River, Quebec, during the summer of 1912, illustrates how Speck's role

as an advocate informed much of his work in aboriginal communities. Speck's involvement in this incident illustrates how his academic work on hunting territories reflected his personal concerns over issues of aboriginal land and resource use. Although the majority of criticisms of Speck's work have centred on issues relating to hunting and the fur-trade (Jenness 1932, 1935; Leacock 1958; Krech 1999), specifically the harvesting of beaver by aboriginal peoples, an often-neglected aspect of Speck's work on the hunting territory relates to fishing rights.

Speck's role as an advocate during the summer of 1912 reflects that the development of colonial regulations in Canada to control and administer a national fisheries policy ultimately failed to recognize and incorporate aboriginal needs and traditional knowledge. The failure of the Canadian government to address aboriginal needs subsequently led to a dramatic shift in the everyday life of the Innu living on the north shore and a drastic decline in their standard of living. Traditional Innu patterns of land-use and conservation could no longer be sustained without coming into conflict with the increasing presence of colonial regimes for the administration and regulation of the growth of the salmon fishery in Quebec.

Speck's active role as an advocate on behalf of the Innu at Moisie River Quebec, illustrates that the level of tensions surrounding the salmon fishery in Quebec between aboriginal people, government official and non-aboriginal fishermen were extreme — a tension that exists to this day. Speck's advocacy relations with the Innu during the summer of 1912 also reflect that, prior to the systematic development of his theoretical foundation

on aboriginal hunting territories, Speck was faced with some of the issues aboriginal peoples in Canada faced surrounding the dispossession of their traditional lands and waters. The ultimate effect of this dispossession, as Speck encountered, was increased tension surrounding land use between aboriginal and non-aboriginal peoples.

Speck the Writing Man

When viewed from a certain angle, Speck's anthropological writings on the Algonkian family hunting territory complex reflect the larger historical realities faced by the aboriginal communities in which he researched and collected cultural items. In this light, Speck's writings on territoriality should be read in relation to the specific and particular historical contexts of the communities from which the data was gathered. Viewed as a general anthropological theory, Speck's writings on the Algonkian family hunting territory complex may have numerous problems and limitations. However, when placed in the larger historical realities of aboriginal land cessions and Indian administration in Canada and viewed from those specific instances, a context for Speck's writing emerges. This context tends to avoid contributing to the reproduction of a frozen ideological debate and focuses more on examining the dynamic sociopolitical and historical situations of Speck's anthropological work and practices.

The beginning of this process entails a detailed historical examination of how the Department of Indian Affairs was systematically attempting to assimilate aboriginal peoples into the dominant Euro-Canadian society during the early twentieth century. This was done

by denying aboriginal people access to their traditional lands and resources. Aboriginal lands and resources had slowly been taken away by government during the late nineteenth and early twentieth centuries, first through treaties and secondly through legislative mechanisms. It was from this context that Speck's anthropological writings on territoriality emerged. However, more work needs to be done to contextualize Speck's writings further in relation to the specific and particular histories of the different aboriginal communities in which Speck gathered research. This type of detailed research could provide a rich account of the variations of local aboriginal histories and help to illuminate some of the finer points of Speck's anthropological writings on territoriality.

This emerging context of Speck's writings also challenges some current extreme theoretical positions that characterize anthropologists and anthropological practices as contributing to the overall colonial suppression of aboriginal people in Canada. It is clear that Speck's role as an ethnologist was deeply informed by his role as an advocate and that the ethnological data he collected informed much of the work he carried out as an advocate. There are no data to support the claim that Speck in any way worked in the "service of the state." What the data do suggest is that Speck worked in many capacities to intervene in the ongoing colonization of aboriginal lands in Canada.

Spec(k)ulations on Future Research

The tripartite context of Frank Speck's anthropological work and practices suggests that these three roles — collector, ethnographer and advocate — were mutually supportive.

Trips to aboriginal communities to collect cultural items for museums and private collectors enabled Speck to pursue ethnographic research and, when possible, to aid aboriginal peoples in their struggle to have their land and resource rights recognized by the different levels of government in Canada. Speck's anthropological writings, in many ways, extended his role as an advocate to the elite academic circles, where he fought to have the recognition of aboriginal rights recognized by his colleagues. Subsequently, Speck's anthropological writings have spent many hours in the midst of theoretical and legal debates in the classroom and in the courtroom across North America.

Some of the areas not covered in this analysis — mainly Speck's early years in Mohegan and his later years with the Cayuga and the Iroquois of Six Nations — present some possible avenues of future research, including: 1) a detailed account of Speck's early years in Mohegan. This could help to further contextualize Speck's interest in issues of aboriginal territoriality and provide a greater understanding of his role as an advocate for aboriginal people; 2) an examination of Speck's later work with the Iroquois of Six Nations. This could help to further contextualize Speck's role as an advocate and his involvement in aboriginal issues; and 3) a detailed examination of Speck's role as a collector and a detailed inventory and analysis of the material he collected. This could help in understanding the role ethnological collections played in shaping Speck's anthropological work and practices.

The next step in this research process entails an extensive mining of the Speck papers at the American Philosophical Society Archives in Philadelphia and other locales as well as a comprehensive examination of Speck material housed in the various museums

across North America and Europe. Ultimately, the completion of this research project will provide a rich account of Speck's anthropological projects and practices. This in turn will help to clarify some of the misconceptions surrounding Speck's work and also contribute to a greater understanding of the history of anthropological practices in North America.

Endnotes

1. Shepard Krech, 1981. *Indians, Animals and the Fur Trade*, p 3.
2. Some of these communities included: Bear Island, Temagami Ontario; Abitibi First Nation, Ontario; Mistassini, Quebec; Lac St Jean, Quebec; Uashat mak and Mani-Utenam, Quebec; and Big Cove, New Brunswick..
3. There is no documentation in the archives of the Canadian Museum of Civilization (CMC) that points toward Speck's professional relationship with the Victoria Memorial Museum. More than likely, Speck was a freelance collector who collected and sold material culture to museums. This is further suggested by the numerous other institutions Speck sold ethnological collections to: including the National Museum of Denmark and various American museums and other private institutions. The limitations of this analysis stem from the fact that I have only been able to look at a fraction of the Speck material.
4. Morgan, Lewis Henry. 1985(1877). "Preface." In *Ancient Society*. Tucson: University of Arizona Press. p. xxi.
5. I have had many discussions with my colleagues and supervisors about Speck's mother. However, at this point in my research, I have been unable to explore Speck's birth records (if it is even possible) or talk/interview anyone from the Speck family. Some preliminary guesswork suggests that perhaps Speck's mother was, in some way, related to the Mohegan First Nation in Connecticut. More detailed research is needed however in order to further support or reject this supposition.
6. For a more detailed history of Dutch-Aboriginal relations and early Dutch settlement on the eastern seaboard see: Lynn Ceci. 1990. "Native Wampum as Peripheral Resource in the Seventeenth Century World System" In *The Pequots of Southern New England: The Fall and rise of an American Nation*; and Nooter, Eric and Patricia Boonomi. eds. 1988. *Colonial Dutch Studies: An Interdisciplinary Approach*; Documents relating to the history of the Dutch and Swedish settlements on the Delaware River; translated and compiled from original manuscripts in the office of the Secretary of State, at Albany, and in the Royal Archives, at Stockholm, by B. Fernow.
7. American Philosophical Society Microfilm Series, Franz Boas correspondence, (APSMS-FBC), Boas to Speck, October 10, 1905.

8. Speck wrote to Boas on October 13, that his nervous condition “makes it almost impossible to concentrate for any length of time. APSMS-FBC, Speck to Boas, 1905.

9. John Witthoft writes of this friendship, “her people and the Specks had maintained a friendship 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” (1990: 2). More research is needed however to confirm this supposition.

10. The Uncas were a very important family in the Mohegan community. Sachem Uncas was the head-chief of the Mohegan Nation and the one who signed treaty with the colonial government of Connecticut in 1640. Today he is still recognized as the biggest hero of the Mohegan Nation (Mohegan Nation, 1999a). One can only speculate on Fidelia’s genealogical connection with Sachem Uncas. However, it is safe to say, that there was a connection with the Uncas lineage, her grandmother was Martha Uncas.

11. 1903. “The Modern Pequots and their Language.” *American Anthropologist*. 5(2): 193-212; 1904. “Dying American Speech Echos from Connecticut.” *Proceedings of the American Philosophical Society*. 42: 346-352.

12. Prince introduced Speck to Boas in 1905. Due to Speck’s knowledge of Mohegan-Pequot, Prince thought he should introduce the young Speck to the eminent linguist and anthropologist Franz Boas (Hallowell 1951).

13. For a copy of this “treaty” dated September 28th, 1640 see De Forest, 1970 [1852]: 495.

14. Conroy points out that in 1838 the General Court in Connecticut made sachems liable for the killing of any English cattle or swine by any aboriginal people under their authority. As well, in 1660 a colonial statute forbade any aboriginal people from dwelling within a quarter mile of any New England community (1994: 399).

15. A very important fact, as Conroy notes, is that the Masons adopted a Nation-to-Nation position in regards to the land title negotiations between the Mohegan nation

and the colonial government of Connecticut. The case was therefore required to be tried in a Court of Royal Commission as the first court of jurisdiction (1994: 403).

16. Conroy points out, that in 1755 superintendents were appointed by the Crown to negotiate land boundaries with aboriginal nations in the southern and northern colonies. Subsequently in 1761 a board of trade was established, through which all land transactions had to be processed, and in 1763 the Royal Proclamation of King George set a definite boundary line of colonial settlement, while further articulating the Crown's land acquisition policy. As well, probably following the model of the Royal Proclamation of 1763, the Continental Congress, in 1790, established a policy which invalidated all purchases of tribal land which was not made by public treaty and negotiated by the Federal Government (1994: 423).
17. *An Act for the Preservation of Indians and the Preservation of Their Property.* Colonial Government of Connecticut, 1855.
18. On September 30, 1995, 240 acres of the northernmost traditional Mohegan reservation lands were reacquired by the Tribe and placed in trust by the United States government (Mohegan Nation 1999b) — 123 years after the State of Connecticut dispossessed the Mohegan Nation of their tribal lands. However, 2460 acres of that land are still unaccounted for.
19. Ernest S. Dodge recounts Speck's fondness for snakes, salamanders and lizards: "he kept a cage of pet lizards in his office at Penn, high in the tower over the front steps of College Hall. Each morning he scraped out the bottom of the cage with a palette knife and slatted it out the window. This lasted until one morning he filled the Provost's ear with lizard manure and the lizards had to go" (1990: 49).
20. In his later years, Speck collected and sold aboriginal material cultural objects for/to a variety of different museums in Canada, the United States and Europe. Among these different museums were: the University Museum, Pennsylvania; the Museum of the American Indian, New York; the American Museum of Natural History, New York; the National Museum of Denmark; the Royal Ontario Museum, Toronto; the Peabody Museum, Harvard; the Pitt-Rivers Museum, Oxford; and the Canadian Museum of Civilization (previously the Victoria Memorial Museum, Ottawa), Hull Quebec.

21. Speck eventually quit his job as Assistant in 1911, due to some differences over museum policy with the director. However, the same day he quit, the University of Pennsylvania rehired him and created a new department of Anthropology in which he was the sole professor. Speck would eventually become an assistant professor at the University of Pennsylvania in 1925 and chairman of the Anthropology Department until his death in 1950 (Fenton 1990: 19).
22. In 1911, Jacob Sapir, Edward Sapir's father, would transcribe "The Ceremonial Songs of the Creek and Yuchi Indians" which were collected by Speck and appeared in the *University of Pennsylvania Museum Series*. 1(2): 157-245 (Fenton 1990: 19).
23. Museum History file of principle Client archivist Benoît Thériault of the Canadian Museum Civilization (CMC MHF).
24. CMC MHF.
25. CMC MHF.
26. CMC MHF.
27. CMC MHF.
28. CMC MHF. Boas goes on to describe the pros and cons of a large list of possible employees for Brock. Among the "amateur" Canadian ethnologists he reviews are C. Hill-Tout, Charles F. Newcombe and Professor Montgomery. His description of Speck, I believe, is worth noting here in full:

Dr. Speck's interest is too exclusively ethnological. He does not avail himself of the methods of research presented by archaeology, anthropometry, and linguistics, but his whole tendency is to become more and more interested in the material culture of various people. He has done good work in the southeastern part of the United States, and more recently in the borderland of the lower St. Lawrence, but has never risen to the conception of large problems, although he has proved considerable ability in seeing the wider aspects of small problems. He is making, for instance, an investigation of the art of the Indians of northeastern Canada, in which he has developed a number of important points of view; but the formulation of his problem does not rise to a consideration of the relations of the general culture of

northeastern America to the rest of the continent. It seems to my mind that he also does good work under leadership but that he would not be a good organizer.

29. This would have included everything from rock and mineral samples, fossils, bones, taxidermy of various mammals, reptiles and insect life to aboriginal material culture and "specimens" of various sorts from various First Nations across Canada.
30. In the Summary Report of the Geological Survey for 1895, G.M. Dawson, head of the Survey, notes, "every year the necessity for a modern and safe building of greater size becomes more urgent." Sir B. E. Walker, president of the Canadian Bank of Commerce, echoed Dawson's pleas for a larger and more "modern" space. In a public address in 1895, Walker argued for the necessity of a publically funded museum which would hold and display the natural history collections of the survey, including "the archaeological and ethnological evidences of the races we have supplanted in Canada" (Collins 1928: 46).
31. (A and B) Canadian Museum of Civilisation Sapir Correspondences (CMC-ESC) Box 425 File F44, Brock to Sapir, June 3. 1910.
32. CMC-ESC, Box 425 File 44, Brock to Sapir, June 3. 1910.
33. CMC-ESC, Box 427 file 76, Sapir to R. G. McConnell.
34. CMC-ESC, Box 427 file 76. Sapir to R. G. McConnell.
35. CMC-ESC, Box 427 file 76, Sapir to R. G. McConnell.
36. A diverse array of collectors (ethnological, scientific, amateur, artistic, etc.) from every corner of the world came to Canada to buy up aboriginal material culture. The North-West Coast was perhaps the most "fought" over (Cole 1985: 48-101).
37. CMC Harlan Smith Correspondence (CMC-HSC), Smith to Speck, January 3, 1912.
38. CMC-HSC, Smith to Speck, January 3, 1912.
39. Preliminary research also points out that Speck collected and/or sold material to the

Royal Ontario Museum (ROM) in Toronto. Yet more research is needed in order to fully explore Speck's connection with the ROM. However, the national anthropological program in Canada was fully executed in Ottawa by Edward Sapir (1911) at the Victoria Memorial Museum.

40. CMC Frank Speck Correspondence (CMC-FSC), Box 634F1, Speck to Sapir, No date; February 14, 1912 and CMC-FSC, Box 634F1, Sapir to Speck, February 29, 1912. This collection included: Cradle Board (Kinanagan) Snowshoes (angamak); Moccasins (m'kagan); Corn Mill (takawongan); 6 Spoons and Ladles (amkwink); 2 Crooked Knives (pikalagangian); 2 Awls (uagos?); 2 Lace Baskets; Birch Basket; Sweet grass basket; Model Pack Basket; Bard Basket (sua'skwa idyu); 2 Splint Knives; Dancing rattle (acikwa); Cup and Ball Game (pabongan); 2 Bows (Tamle?) and an Arrow (Pakwa) [from the CMC collector File, Frank Speck].
41. No copies of contracts or written agreements could be found in the archives at the Canadian Museum of Civilization to indicate that Speck was an "employee" of the Museum.
42. CMC-FSC Box 634F1, Sapir to Speck, March 6, 1912.
43. CMC-FSC Box 634F1, Speck to Sapir, March 28, 1912.
44. CMC-FSC Box 634F1, Speck to Sapir, April 12, 1912.
45. CMC-FSC Box 634F2, Sapir to Speck
46. Alexander Goldenweiser was one of Speck's anthropological colleagues based out of Columbia.
47. CMC-FSC Box 634F3, Speck to Sapir, April 8 and May 20, 1915.
48. CMC-FSC Box 634F3, Speck to Sapir, April 8 and May 20, 1915.
49. CMC-FSC Box 634F3, Sapir to Speck, May 21, 1915.
50. CMC-FSC Box 634F3, Speck to Sapir, June 22, 1915.

51. CMC-FSC Box 634F3, Sapir to Speck, September 22, 1915.
52. Speck does not mention to Sapir again about the fifty dollar loan to Goldenweiser which was never paid back. However, I imagine that the fifty dollars he wanted for the archaeological material from Tadoussac was to cover the unpaid loan.
53. Sapir wrote to Speck in the spring of 1916 that "the economy in the expenditures on account of the war is more the cry just now than ever." As well, he related to Speck that the head of the Geological Survey, Mr McConnell "is very much opposed to the buying of any specimens whose purchase cannot be directly shown to be made on economic motives." Also, in 1931, Jenness wrote to Speck "We have very little money this year for purchasing specimens and I think it would not be advisable to use any of it to buy extra Canadian material. Times are very hard just now and the future quite uncertain. I hope you are not feeling the pinch, however, and that you are flourishing in health and full of good ideas." CMC-FSC Box 634F3, Sapir to Speck, April 1 and April 25, 1916; CMC-FSC Box 634F7, Jenness to Speck, July 15, 1931.
54. Ruth Phillips offers a few examples of reports by Indian agents that reflect the importance of the aboriginal craft production. In one report dated 1885, an agent for Lorette, Quebec writes that the Huron "engage more in manufacturing snow shoes, moccasins, lacrosse sticks, bead work and other Indian wares than in hunting or agriculture. They manage to secure a sufficiency for their families and some of them are quite well off" (1993: 103).
55. CMC-FSC Box 634F2, Speck to Sapir, January 25, 1912.
56. CMC-FSC Box 634F2, Speck to Sapir, January 23, 1913
57. CMC-FSC Box 634F2, Speck to Sapir, April 9, 1913.
58. CMC-FSC Box 634F2, Speck to Sapir, June 30 and July 10, 1913.
59. I have seen such models in the Speck Collection at the Canadian Museum of Civilization in Hull, Quebec. Among these models were a miniature birch-bark canoe and a scaled down fishing spear collected from the Mi'kmaq in Newfoundland

in 1914.

60. CMC-FSC Box 634F2, Speck to Sapir, January 25, 1912.
61. CMC-FSC Box 634F1, Speck to Sapir, No Date.
62. CMC-FSC Box 634F2, Speck to Sapir, September 9, 1913.
63. Anonymous. *Fish and Game in the Province of Quebec: Our Rivers and Lakes*. Quebec: Proulx and Proulx Printers. 1895.
64. Anonymous. *Fish and Game in the Province of Quebec: Our Rivers and Lakes*. Quebec: Proulx and Proulx Printers. 1895.
65. The distinction between aboriginal title and aboriginal rights is an important one to make.
66. The 1961 conference brought approximately seven hundred aboriginal people from more than eighty different First Nations from across the United States to the University of Chicago to prepare a "Declaration of Indian Purpose." The Declaration sought for the first time to present a unified aboriginal position statement on the relations of native peoples to the federal government of the United States. In the declaration, the various First Nations requested that the government respect aboriginal customs and aboriginal peoples in economic and social development projects.
67. The McGill-Cree project was a research group that analyzed the impact of natural resource development and social policy on the Crees of north-central Québec between 1964 and 1968. The project was headed by Norman Chance, then Director of the Programme in the Anthropology of Development at McGill University in Montréal, Canada. The work of the McGill-Cree project was subsequently used by the Cree of Northern Quebec to successfully negotiate the first modern comprehensive land claims settlement—the James Bay and Northern Quebec Agreement, 1976-77—with the federal government and the province of Quebec
68. "Divide and Conquer: The "Indian Experiment" at Hampton Institute." http://xroads.virginia.edu/~CAP/POCA/POC_hamp.html

69. Harlan Smith Correspondences, Canadian Museum of Civilization (CMC HSC), June 19th, 1912, Smith to Speck.

70. It is interesting to note that during this time, Speck was not the only arguing that point. Archie "Grey Owl" Belaney was perhaps the most outspoken on the issue of aboriginal game preservation — specifically the beaver. See Smith, Donald. 1990. *From the Land of Shadows: The Making of Grey Owl*. Saskatoon: Western Producer Prairie Books.

71. A strong argument can be made, I believe, in relation to the central importance of salmon as a trading commodity and the active role aboriginal people played in the developing and sustaining the salmon fisheries in Quebec during the seventeenth, eighteenth and early nineteenth centuries (See Panasuk and Proulx 1978: 204; Parenteau 1998; Ray 1999). Arthur Ray points out that the development of inland trading posts relied heavily on the establishment of a local fishery — without the fish resources the post would not survive. Crucial to the establishment of these local fisheries, Ray argues, was the traditional knowledge and labour of the aboriginal peoples of the area (1999: 84). As well, in the 1867 *Annual Report of the Department of Marine and Fisheries*, the Overseer of the Quebec Division, details that aboriginal people in Quebec "not only gave salmon they had speared in exchange for goods, but also sold such salmon to traders for money" (1867:26). However, more research needs to be done in order to fully explore and analyze the history of aboriginal involvement in the Quebec salmon fisheries.

72. I am attempting here to work outside of the archaeological paradigm of established dates in relation to a linear chronology of events. The term "Time Immemorial" has been used in British Common Law to denote a particular date in the 12th century or "as long as the memory of man runneth." In this instance I use time immemorial to refer to "from the beginning of Creation" attempting to allow for a more culturally-appropriate model of history.

73. Personal correspondence with Stephen Augustine, January 15, 2000, Curator of Eastern Maritime Ethnology, Canadian Museum of Civilization, Hull Quebec.

74. National Archive of Canada (NAC) MG 20 B 344 HBC IM 782, *Report on the Port of Sept Iles* by Alexander Robertson, 1844.

75. NAC MG 20 B 344 HBC IM 255, 24th July, 4th September 1850, G. Henderson to HBC Post, Sept Iles.
76. NAC MG 20 B 344 HBC IM 255, Aug 1, 1851, G. Henderson to HBC Post, Sept Iles.
77. I am referring here to the legislation passed by the colonial government of Upper Canada in 1829 in response to a petition of the Mississauga of Credit River to the Lieutenant Governor of Upper Canada. The petition stressed the concern of the Mississauga about the "many unwarranted disturbances, trespasses, and vexations, practiced by diverse idle and dissolute fisherman, and others, upon the . . . parcel of land and fishery" reserved for them in 1805 (Hansen 1991: 3).
78. NAC RG 23 Vol. 249 Reel t-3169 file 1598, 10th November, 1894, Moisie River Overseer to Deputy Minister of Marine and Fisheries.
79. My translation. 1858. "Rapport des Commissaires spéciaux pour s'enquérir des Affaires des Sauvages en Canada." *The Journal of the Legislative Assembly of Canada*. 16: 21. This report was not published until after confederation.
80. Moses Perly, 1851. *The Sea and River Fisheries of New Brunswick*. Fredericton: Legislature of New Brunswick. Quoted in Parenteau 1998: 7.
81. NAC RG 23 Vol. 292 Reel C-223 file 2226 part 1 May 9, 1895 Holiday Bros to Minister of Maries and Fisheries; Fishing Lease of the Holiday Brothers for Portion of the Moisie River, Province of Quebec.
82. *An Act to provide for the better regulation and protection of Fisheries*. 29 Vict., Chapter XI, S. 17(8).
83. This is illustrated in the 1867 annual report of the Fishery Overseer for the Quebec division. In his report, the overseer writes, "For Some Years past, the Government has been doing all it can to protect salmon and trout against the use by Indians of that destructive weapon the fish spear. At first, out of kindness, the Montagnais and Micmac tribes of Indians were allowed the use of the spear, and were permitted to spear both of the above kinds of fish, but on the express condition that they should kill fish in that way for their own use only, and should not sell any to white people.

Annual Report of the Department of Marine and Fisheries, 1867. P. 26.

84. J. E. Alexander. No Date. "Fishing in New Brunswick and etc." In *Salmon Fishing In Canada*. P 329-31. Quoted in Parenteau 1998: 9.
85. 1906. *Fish and Game Protection and The Fish and Game Congress of Montreal, Speech of the Honourable Jean Provost, M. P. P. Minister of Colonization, Mines and Fisheries for the Province of Quebec, Delivered in the Legislative Assembly of Quebec, February 22, 1906*. Quebec: Daily Telegraph Job Printing House.
86. Canada. *Statutes of Canada* (1868). 31 Vict., c. 60, 183.
87. Canada. *Statutes of Canada* (1868). 31 Vict., c. 60, 183.
88. NAC RG 23 Vol. 292 Reel C-223 file 2226 part one.
89. *Annual Report of Department of Marine and Fisheries*. (1869): 27. This statistic does not indicate whether these one-hundred families were aboriginal or non-aboriginal or both. I would assume that it comprised of both aboriginal and non-aboriginal families.
90. *Annual Report of the Department of Marine and Fisheries* (1870). "Report of Fisheries Overseer, Napoleon Lavoie," p. 229.
91. *Annual Report of the Department of Marine and Fisheries* (1872). "Report of Fisheries Overseer, Napoleon Lavoie," p. 42.
92. This policy was so effective that the provincial government extended it into the early 1900's. "As a general rule, the lessee of lakes and rivers protect their own territories, but it is more particular waters situated in the domain of the crown which have the greatest need of watchfulness against the operations of poachers." *Fish and Game Protection and The Fish and Game Congress of Montreal, Speech of the Honourable Jean Provost, M. P.P. Minister of Colonization, Mines and Fisheries for the Province of Quebec, Delivered in the Legislative Assembly of Quebec, February 22, 1906*. Quebec: Daily Telegraph Job Printing House.
93. NAC RG 23 Vol. 292 Reel C-223 file 2226 part 1, May 9th, 1898, Holiday Brothers

to Minister of Marine and Fisheries.

94. *Annual Report of the Department of Marine and Fisheries* (1867). "Report of Fisheries Overseer, Théophile Tétu," p. 26.
95. *Annual Report of the Department of Marine and Fisheries* (1867). "Report of Fisheries Overseer, Théophile Tétu," p. 26.
96. *Annual Report of the Department of Marine and Fisheries* (1867). "Report of Fisheries Overseer, Théophile Tétu," p. 26.
97. NAC RG10 Vol. 1939 C-11113 file3297, April 30th 1874.
98. *Annual Report of the Department of Marine and Fisheries* (1872). "Report of Fisheries Overseer, Napoleon Lavoie," p. 44-45.
99. NAC RG10 Vol. 2066. File 10,300. "Extract of Mr. Lavoie's Report of Progress, 11 August 1878."
100. NAC RG10 V1939 C-11113 file3297, May 25, 1874, Minpartermismemiik Innutsimibu to the Minister of the Interior.
101. NAC RG10 V1939 C-11113 file3297, March 3, 1875, Minister of Marine and Fisheries to John Holiday;
102. NAC RG10 Vol. 1939 C-11113 file3297 May 5, 1874, Federal Department of the Interior Memo
103. NAC RG10 Vol. 1939 C-11113 file3297 May 1, 1876, Holiday to Deputy Minister of the Interior.
104. NAC RG 10 Vol. 2066 Reel C-11148 file 10,300 1878, Extract from the Annual Report of O.B. McGee Fishery Overseer for the Mingan Division.
105. NAC RG 10 VOL. 423, P. 265.

106. *Annual Report of the Department of Marine and Fisheries* (1877): 53.
107. *Annual Report of the Department of Marine and Fisheries* (1877): 53.
108. *R. v. Robertson*, (1882) 6 S.C.R. 52, 2 Cart. 65 (S. C. C.)
109. *R. v. Robertson*, (1882) 6 S.C.R. 52, 2 Cart. 65 (S. C. C.)
110. *Canada (Attorney General) v. Ontario (Attorney General)* [1895] 26 S.C.R. 444 (S. C. C.).
111. *Canada (Attorney General) v. Ontario (Attorney General)* [1898] A. C. 700 (P.C. Ont.) , on appeal from (1895) 26 S.C.R. 444 (S. C. C.).
112. *Revised Statues of the Province of Quebec* as amended by the acts 52 Vict., chap. 19, 53 Vict., chap 20, 58 Vict., Chap 21, 59 Vict., chap 20 and 60 Vict., chap 21.
113. Anonymous. *Fish and Game in the Province of Quebec: Our Rivers and Lakes*. Quebec: Proulx and Proulx Printers, 1895.
114. Anonymous. *Fish and Game in the Province of Quebec: Our Rivers and Lakes*. Quebec: Proulx and Proulx Printers, 1895.
115. "Bass shall not be caught, sold or had in possession from 15th April to 15th June; Maskinongé from 25th May to 1st July; Pickerel (Doré) from 15th April to 15th May; Salmon from 15th August to 1st February; Speckled Trout from 1st October to 30th April; Grey Trout, Lake Trout or Lung from 15th October to 1st December; Ouananiche from 15th September to 1st December; Whitefish from 10th November to 1st December." *Revised Statues of the Province of Quebec* as amended by the acts 52 Vict., chap. 19, 53 Vict., chap 20, 58 Vict., Chap 21, 59 Vict., chap 20 and 60 Vict., chap 21.
116. Anonymous. *Fish and Game in the Province of Quebec: Our Rivers and Lakes*. Quebec: Proulx and Proulx Printers, 1895.

117. NAC RG 10Vol 6750 file 420-10 C 8106, July 20, 1896, Deputy Superintendent of Indian Affairs to E.E. Tache, Assistant Commissioner of Crown Lands, Province of Quebec.
118. NAC RG 10Vol 6750 file 420-10 C 8106, Jan 4, 1897.
119. NAC RG 10Vol 6750 file 420-10 C 8106, Noel St. Aubin and Five other Abenaki Men to Prime Minister Sir Wilfred Laurier.
120. NAC RG 10Vol 6750 file 420-10 C 8106, October 18, 1898, Secretary of Indian Affairs to Noel St. Aubin.
121. Anonymous. *Fish and Game in the Province of Quebec: Our Rivers and Lakes*. Quebec: Proulx and Proulx Printers, 1895.
122. Anonymous. *Fish and Game in the Province of Quebec: Our Rivers and Lakes*. Quebec: Proulx and Proulx Printers, 1895, p. 42.
123. Anonymous. *Fish and Game in the Province of Quebec: Our Rivers and Lakes*. Quebec: Proulx and Proulx Printers, 1895, p. 44.
124. Chambers, Edward and Thomas Davies. *The Angler's Guide to Eastern Canada: Showing where, when and how to fish for salmon, bass ouananiche and trout*. Quebec: Morning Chronicle Office, 1898. .
125. *Annual Report of the Department of Marine and Fisheries* (1910-11). "Report on the Inland Section of the Gulf Division, W. Wakeham, Insepctor of Fishereis," pp. 226-227.
126. *Annual Report of the Department of Marine and Fisheries* (1910-11). "Report on the Inland Section of the Gulf Division, W. Wakeham, Insepctor of Fishereis," pp. 226-227.
127. CMC FSC, Box 634F1, Speck to Sapir, June 26, 1912.
128. CMC FSC, Box 634F1, Speck to Sapir, June 26, 1912.

129. CMC FSC Box 634F1, Speck to Sapir, No Date.
130. CMC FSC, Box 634F1, Speck to Sapir, June 26, 1912.
131. CMC FSC, Box 634F1, Speck to Sapir, June 26, 1912.
132. *Fish and Game Protection and The Fish and Game Congress of Montreal, Speech of the Honourable Jean Provost, M.P.P. Minister of Colonization, Mines and Fisheries for the Province of Quebec, Delivered in the Legislative Assembly of Quebec, February 22m 1906.* Quebec: Daily Telegraph Job Printing House.
133. *Fish and Game Protection and The Fish and Game Congress of Montreal, Speech of the Honourable Jean Provost, M.P.P. Minister of Colonization, Mines and Fisheries for the Province of Quebec, Delivered in the Legislative Assembly of Quebec, February 22m 1906.* Quebec: Daily Telegraph Job Printing House.
134. *Fish and Game Protection and The Fish and Game Congress of Montreal, Speech of the Honourable Jean Provost, M.P.P. Minister of Colonization, Mines and Fisheries for the Province of Quebec, Delivered in the Legislative Assembly of Quebec, February 22m 1906.* Quebec: Daily Telegraph Job Printing House.
135. CMC FSC, Box 634F1, Speck to Sapir, June 26, 1912
136. CMC FSC Box 634F1 Speck to Sapir, July 7, 1912.
137. CMC FSC Box 634F1 Speck to Sapir, July 7, 1912.
138. CMC FSC Box 634F1 Speck to Sapir, 1912.
139. CMC HSC Speck to Smith, July 21, 1912.
140. CMC FSC Box 634F1 Sapir to Speck, July 19, 1912.
141. CMC-FSC Box 634F1 Speck to Sapir, July 21, 1912; CMC-HSC Speck to Smith July 21, 1912

142. CMC Box 634F1 Speck to Sapir, July 21, 1912.
143. CMC HSC Speck to Smith July 21, 1912.
144. During the summer of 1912 when Speck was in the community of Moisie River, the Innu were suffering badly from Fox Measles. This is revealed in a letter Speck wrote to Sapir informing him to ...“disinfect all this stuff [material culture] before exposing yourselves to it...” CMC FSC Box 634F2, Speck to Sapir, June 26, 1912.
145. CMC FSC Box 634F2, Speck to Sapir, July 21, 1912.
146. CMC Box 634F1 Speck to Sapir, July 21, 1912.
147. Victor Turner, 1971. “Introduction.” *In Colonialism in Africa, 1870-1960, Volume 3*. Cambridge: Cambridge University Press.
148. I am assuming that by prewar, Asad was suggesting pre World War II. However, my work on Speck mostly relates to Pre and Post World War I.
149. Brian Slatterly (1987: 744-745) has characterized aboriginal title as a *sui generis* right, in which the doctrine of Aboriginal title is an autonomous body of law that bridges the gulf between native systems of tenure and European property systems. In this sense, Aboriginal title embraces both [Native tenure and European property] systems without forming part of them (see McNeil 1997, 142-143). Aboriginal title can therefore be seen as embodying those specific principles laid out in the *Royal Proclamation of 1763* that pertain to the acquisition and extinguishment of that title by the Crown. Perhaps the most fundamental of these principles of extinguishment rests in the preemptive right of the Crown to extinguish Aboriginal title. The Doctrine of Aboriginal title (i.e. the *Royal Proclamation of 1763*) specifies that in order to extinguish Aboriginal title through a legislative act, the Crown must illustrate a clear and plain intent of extinguishment or obtain the consent of the Aboriginal owners through treaty or other means (See for example Justice Halls dissenting decision in *Calder v. The Attorney General of British Columbia* [1973]). Thus in order for land pursuant to aboriginal title to be held independently, the aboriginal title to that land must be extinguished and a freehold grant of tenure issued. In order to extinguish the collective Aboriginal title to land, the Crown must illustrate a clear and plain intent through a legislative act or obtain the consent of the

Aboriginal owners.

150. *Statutes of the Province of Canada* (1830), 2 Victoria, Chapter 15; *Statutes of the Province of Canada*, 1840, 3 Victoria, Chapter 13; *Statutes of the Province of Canada* (1950), 13-14 Victoria, Chapter 74.

151. The 1876 *Indian Act*, for example, forbid traditional aboriginal sexual, marriage and divorce mores and provided sections relating to illegitimate children, non-band members on the reserve after sundown, non-aboriginal peoples cohabiting with aboriginal peoples and aboriginal women in public houses (Tobias 1983:45).

152. The most well known of these debates is Eleanor Leacock's 1958 memoir *The Montagnais "Hunting Territory" and the Fur Trade*. In this memoir Leacock refutes Speck's assumption that the hunting territory was an aboriginal system, asserting that it was a product of the fur trade. Leacock's argument is not original however, Diamond Jenness and Speck had a long running debate over this issue from as early as 1928. In a letter dated February 20th, 1928, Jenness wrote to Speck, "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 neighbours" - this seems to run counter to your theory of family hunting rounds 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." On March 1, 1928, Speck replied to Jenness, "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 H. B. C. (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." CMC Jenness-Speck Correspondence Box: 658, f. 18. Jenness eventually published his side of the story in his 1932 publication *The Indians of Canada*, a publication which was very widely read by the 1950's (See Kulchyski 1993).

153. The Teme-Augama Anishnabe (TAA) have claimed for over one hundred years that they were excluded from the Robinson Superior Treaty (See McNab, 1999). However, their claims have fallen on deaf ears. In 1913, the federal government was to finally grant the Teme-Augama a reserve on the mainland of lake Temagami and surrounding area — what the TAA claim as their homeland or N'Daki Menan.

However, government officials failed to show up in Temagami at Bear Island in the summer of 1913. Instead of a government official, Frank Speck showed up. Garry Potts recounts that the Teme-Augama called Speck the “Writing Man” and believed that he was sent by the federal government to deal with their issues surrounding land (see Potts 1998). Of course, Speck was sent by the Federal Government, the Anthropology Division at the Victoria Memorial Museum in Ottawa was part of the Geological Survey of Canada. However, the Teme-Augama were expecting a representative from the Department of Indian Affairs (see McNab 1999).

154. This area may have in fact been treated with the French in the late 17th and early 18th centuries, when the French traded and settled extensively along the north shore of the St Lawrence. However, these treaties, if there were in fact any, were never recognized by the British imperial government with the defeat and fall of the French regime in 1763 (personal correspondence with Olive Dickason, November 1999, Carleton University Ottawa).
155. Of course, the Supreme Court of Canada’s Marshal decision in the fall of 1999 shows that New Brunswick was indeed covered by peace and friendship treaties prior to 1763. However, these treaties, unlike the numbered treaties, did not specifically parcel or partition off lands.
156. Speck outlines these in his 1915a paper: 1. Reconstructing the boundaries of family hunting territories to distinguish the veracity of aboriginal land claims; 2. tracing migration trends in certain aboriginal groups in north America; and 3. The development of aboriginal social systems from family kinship to group totemic (305).
157. Tuhwai Smith 1999: 20.

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