

**Universal nation:
Settler colonialism and the Canadian public debt over Mi'kma'ki, 1820-1873**

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Résumé/Abstract

Cette thèse explore les intersections entre le capitalisme financier mondial et le «settler colonialism» ou le colonialisme de peuplement. Il fait valoir que du mi à la fin 19e siècle, emprunts du gouvernement Canadien a joué un rôle clé dans la survenue du colonialisme de peuplement. Cette étude se termine par un focus sur Epekwitk, renommé l'Île-du-Prince-Édouard par les Anglais, comme moyen de conceptualiser à la fois les aspects locaux et mondiaux du rôle de emprunts du gouvernement dans la montée du colonialisme de peuplement. Epekwitk aqq Piktuk est l'un de sept (et, dans certains cas, huit) conscriptions territoriales des Mi'kma'ki, les territoires non cédés Mi'kmaq. Malgré la nature non cédée des terres, le gouvernement de l'Île utilisait de l'argent de la dette publiques afin d'accumuler des terres pertinents à partir des années 1850. Le gouvernement de l'Île pouvait contracter un prêt public important, car il utilisait des terres Mi'kmaq comme crédit sur les marchés monétaires.

Cette thèse utilise des sources d'archives impériales et coloniales. Des documents de la Bourse de Londres et des documents d'éminents économistes politiques alimentent l'aspect impérial de cette étude. Les archives fédérales et provinciales Canadiennes ont fourni des sources sur les comptes et la législation liés à l'histoire de la dette publique à cette étude. La Confédération Mi'kmaq de l'Île-du-Prince-Édouard et la Première Nation de Lennox Island ont également partagé avec l'auteur de cette étude leurs histoires orales et leur savoir traditionnel. Ces perspectives historiques sont cruciales et offrent des informations clés sur les changements fonciers à Epekwitk ainsi qu'un contrepoids saillant aux archives coloniales.

This thesis explores the intersections between global finance capitalism and settler colonialism. It argues that, in the mid-to-late nineteenth century, the Canadian public debt played a key role in the onset of settler colonialism. This study concludes with a focus on Epekwitk, the British named Prince Edward Island, as a way to conceptualize both the local and the global aspects of the role of the public debt in settler colonialism. Epekwitk aqq Piktuk is one of seven (sometimes eight) territorial districts of Mi'kma'ki, the unceded and unsurrendered territory of the Mi'kmaq. Despite the unceded nature of the lands, the Island government used money from its public debt to mass appropriate lands starting in the 1850s. Arguably, the Island government could take out a large public loan because it leveraged Mi'kmaq lands as credit on money markets.

This dissertation uses both imperial and colonial archival sources. Records from the London Stock Exchange, and documents from prominent political economists inform the imperial aspect of this study. Canadian federal and provincial archives provide sources on the accounts and legislation related to the history of the public debt. The Mi'kmaq Confederacy of Prince Edward Island, and Lennox Island First Nation have also shared their oral histories and knowledges with this study. These crucial historical perspectives offer key information about the land changes on Epekwitk, and are a salient counterbalance to the colonial archival record.

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Acronyms and abbreviations

Acronyms

MCPEI	Mi'kmaq Confederacy of Prince Edward Island
NCPEI	Native Council of Prince Edward Island
NEC	New England Company
PEI	Prince Edward Island
WCC	Welland Canal Company

Archival abbreviations

BL	The British Library
GL	Guildhall Library
LAC	Library and Archives Canada
LC	Library of Congress
LSE	London School of Economics Archives and Special Collections
MUA	McGill University Archives
NA	The National Archives
NSA	Nova Scotia Archives
PA	Parliamentary Archives
PEIPA	Prince Edward Island Public Archives and Records Office
QMA	Queen Mary Archives and Special Collections
UPEIA	University of Prince Edward Island Archives
WL	Western Libraries Archives and Special Collections

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I want to acknowledge that I researched and wrote a portion of this thesis on Epekwitk aqq Piktuk, one of the seven districts of Mi'kma'ki, the unceded and unsurrendered territory of the Mi'kmaq. I also wrote a large part of this dissertation in Tiohtià:ke/Montréal where the Kanien'kehá:ka Nation is recognized as the custodians of the lands and waters of that place.

I want to thank the Lennox Island First Nation on Epekwitk, and the Mi'kmaq Confederacy of Prince Edward Island, for allowing me to learn from community members and Elders. I hope that I have adequately conveyed land and water tenure on Epekwitk.

Elizabeth Elbourne supervised me while I researched and wrote this thesis. I am afraid that I have read all of the eloquently written thank yous from her previous students in their dissertation acknowledgements. They left little room for me to add something unique. I think, however, I can add one additional thank you. Thank you for your enthusiasm for this project, and your careful way of managing my glaring mistakes and missteps. Had my supervisor been someone else, I am not so sure I could have finished. Thank you.

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Every historian knows the debt they owe to archivists. I want to thank the archivists at the Library and Archives Canada, McGill University Archives, the Nova Scotia Archives, the British Library, the Guildhall Library, the London School of Economics Archives, the Queen Mary Libraries, and the UK National Archives. I want to single out John Boylan at the Public Archives and Records Office of Prince Edward Island. I have had conversations with historians who have worked in the PEI archives, and even if the Island was not a focus of their research they cite the PEI archives as their favourite. I have no doubt John is much of the reason for this.

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This dissertation is dedicated to my father, Ronald L. Tozer, who passed away during my graduate work.

Introduction

Overview of the thesis

This dissertation explores the history of the Canadian public debt. It shows how government borrowing on global money markets facilitated settler colonialism in the mid-nineteenth century. This contributed to the growth of the Canadian settler state. It also highlights how the government debt implicated “the public” in a system of settler colonialism. This thesis argues that a discrete sector of investment emerged in the 1850s on London money markets that exclusively focused on buying and selling settler colonial government debts. In the case of the British North American colonies, each government debt facilitated both the development of land, and British settler emigration.

In addition, this thesis argues that in order to secure credit on London money markets the colonial governments in the British North American colonies explicitly leveraged Indigenous lands as credit. Indigenous lands gave the colonial governments the credit to take out unprecedented long term and low interest public loans. This dissertation closely examines this process on Epekwitk, the British named Prince Edward Island. This focus shows how debt instruments, such as debentures, had the effect of transforming land into a liquid asset. This expedited the transfer of the wealth from Indigenous lands to global financiers. The assumed future value of lands, after they underwent development, was used to calculate the amount of the government loan. Thus, the future value of Indigenous lands, not their present market value, gave the British North American colonies their credit. In this way, the public debt encoded an expansionary mechanism

into the eventual Canadian settler state. Lands had to be developed to produce a revenue in order to pay back the principal and the interest of the loan.

This dissertation shows that settler colonialism as a British project to increase the land value in settler colonies grew out of nineteenth-century anxieties about a stagnating British economy. A reform movement began in the late 1820s called the Colonial Reform Movement that centred the principles of political economy in its platform. Its leader, Edward Gibbon Wakefield, lobbied the British government to make legislative changes to imperial policy with the goal of systematizing settler colonial policy throughout the British empire. In the 1830s, prominent political economists such as John Stuart Mill began to support both Wakefield, and the idea that the British government needed to legislate a standardized settler colonial policy. Wakefield's theory of "broadening the field of employment" for capital solved a key problem that political economists had been contemplating for decades: how to avoid an economic downturn in "advanced" societies. British political economists had theorized that "advanced" nations would stagnate if they had "closed" economies. In other words, if the capital from those nations could not seek to increase outside of its own economy capital could not grow. Mill, in particular, accepted Wakefield's theory of the "field of employment" for capital as gospel. Wakefield offered a solution to political economy's long standing problem of economic stagnation: reform of the settler colonies. If the settler colonies had "self sufficient" economies, distinct from Britain's, but at the same time, remained "loyal" to Britain, British investors could make lower risk investments outside of Britain.

In the first part of this thesis I suggest that the Colonial Reform Movement grew

out of this context with Wakefield as its helm. Reformers argued that settler colonies could become “self sufficient” if they had responsible government, and a separate economy. However, white supremacist logic dictated that only colonies with a majority British population could achieve responsible government. Financing British settlers to emigrate to the settler colonies was quite costly, and seen as a “drain” on the British economy. The public debt became a solution to this problem because it allowed settler colonial governments to finance their own expenditure with private investment, rather than money from the British government. Mill theorized this system of settler colonization almost as if it could become a perpetual motion machine that only needed the initial burst of fuel (the public debt) to breathe life into its mechanics.¹ Once the public debt paid for British settlers to migrate they could then develop the land, the land would then produce a surplus revenue to pay for the principal and the interest on the debt as well as pay for more emigration and development. All the while, in theory, the market value of land would increase in perpetuity. .

Public debt financing played a key role in the massive flood of British emigrants to settler colonies beginning in the 1830s. It also financed unprecedented colonial development projects such as canals, resource extraction projects, and railways. The history of the public debt in Canada explains, as James Belich has put it, the many “missing pieces” of the “Anglo migration jigsaw puzzle.” The question of why British migration happened in such large numbers beginning in the 1830s has not been adequately answered. Belich asserts that Anglo migration to the British North American

¹ John Stuart Mill, “The New Colony (2),” *The Examiner*, 6th July, 1834, in *Newspaper Writings. Collected Works of John Stuart Mill*, ed. John M Robson, and Ann P Robson (Toronto: University of Toronto Press, 1986), 737-7.

colonies happened en masse in the 1830s in a seemingly inevitable way due to the growth of global networks such as improvements in transportation technology.² This dissertation, however, argues that there was nothing inevitable about British emigration and the consequent emergence of the Canadian settler state. As Jack Harrington has put it “to dismiss” intentional settler colonial policy, “as James Belich does, is to fail to integrate settler colonialism into the history of mainstream political thought in a way that individual national histories can only ever do partially.”³ Both the imperial government and the colonial governments intentionally instituted settler colonial policy. As this dissertation shows the reasons why they did this would vary through time.

In the second half of this thesis I show how, beginning in the 1850s, the Prince Edward Island government used their public debt to purchase large tracts of land. Oral histories and knowledges that the Mi'kmaq Confederacy of Prince Edward Island, and the Lennox Island First Nation have shared with me contribute to the dissertation's examination of Mi'kmaq land and water tenure on Epekwitk. Arguably, the Island government's use of a public debt to purchase large tracts of land disrupted Mi'kmaq land and water tenure on Epekwitk. This dissertation examines how the “fallout” from public debt financing manifested in reform projects aimed at the Mi'kmaq of Epekwitk. These mid-nineteenth-century reforms attempted to “settle” the Mi'kmaq on a newly created reserve, Lennox Island.

² James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783–1939* (Oxford: Oxford University Press, 2009), 133.

³ Jack Harrington, “Edward Gibbon Wakefield, the Liberal Political Subject and the Settler State,” *Journal of Political Ideologies* 20, no. 3 (2015): 336. For a concise rebuttal to Belich's assertions, particularly of Wakefield's role in the spread of settler colonial policy see Tony Ballantyne, “The Theory and Practice of Empire Building: Edward Gibbon Wakefield and 'Systematic colonization,’” in *The Routledge History of Western Empires*, eds. Robert Aldrich and Kirsten McKenzie (London: Routledge, 2014), 93.

The choice of Prince Edward Island's use of government debt financing is deliberate for a few reasons. The first is to show, that despite the settler population, and liberal government at the time opposing Confederation, the Island government still joined Canada in 1873. This dissertation suggests that there were economic and political links between the Island government and the other British North American governments. First, the public debt made the Island government seek capital investment outside of the colony. Second, the Province of Canada influenced the Island government with its recommendations of how to solve the “Indigenous problem,” as Linda Tuhiwai Smith has named it.⁴ This argument in no way suggests that there were not many regional differences between the British North American colonies. In fact, the thesis suggests the opposite: that reformers attempted to standardize colonial policy across Empire, but regional differences made standardization impossible.

Secondly, this thesis focuses on the Island government because it is clear that the Island was and still is unceded and unsurrendered Mi'kmaq territory. The eighteenth-century Peace and Friendship Treaties established this. However, an intense process of land appropriation still occurred on the Island, and this thesis investigates one of the many ways in which that happened: through public debt financing. The title of this thesis “The Canadian public debt over Mi'kma'ki” intentionally uses the term “Canadian” and “Mi'kma'ki” although the former may appear to be teleological, and the latter appears to cover too broad a space. The use of Mi'kma'ki is to centre Mi'kmaq territorial conceptions. Epekwitk aqq Piktuk makes up one of seven territorial districts of

⁴ Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, 2nd edition (London: Zed Books, 2012), 90.

Mi'kma'ki. Naming the thesis “The Canadian public debt over Epekwitk” would conform more closely to British concepts of space which perceives that land to be an island with the water as a border, instead of water as an element that links the Island to the mainland. Using Mi'kma'ki also emphasizes the territory that the Peace and Friendship Treaties covers, instead of the traditional Canadian history naming conventions of the Maritime regions, which, arguably, is a settler ideological understanding of that specific “Canadian” region. Mercedes Peters emphasizes distinct Mi'kmaq relationships to specific environments that inform particular worldviews.⁵ This dissertation stresses that regionally specific differences should be maintained, particularly, centring the history of the settler colonial public debt and the impact it had on Mi'kmaq land and water tenure on Epekwitk. Part of that history includes a colonial and then provincial separation of Epekwitk aqq Piktuk, as the Prince Edward Island government and the Nova Scotia government had different approaches to public debt financing and territory appropriation.

Lastly, the use of the word “Canadian” might seem teleological and ahistorical, and suggest that Confederation was somehow inevitable. However, this thesis has found a distinct aspect of Canadian political economy, the public debt, which financed territory appropriation, and to an extent, British settler emigration. This does not suggest that all of the separate colonial governments acted in the same manner, only that they attempted to use public debt financing to develop, and finance their expenditures. As such, this study looks at the genealogy, or the historical emergence of the Canadian public debt, even though there was no “Canada,” or Canadian government at the time. It is worth noting,

⁵ Mercedes Peters, “The Future is Mi'kmaq: Exploring the Merits of Nation-Based Histories as the Future of Indigenous History in Canada,” *Acadiensis* 48, no.2 (2019): 208.

(as the thesis goes into greater detail about in consequent chapters) that the British North American Act consolidated all of the provincial public debts into the Dominion debt.

Settler colonial disconnection of kin

I began this project with the intent to research settler colonialism in Canada. My interest grew out of my Master of Arts research about the 1834 Poor Law Amendment Act (the New Poor Law) in Britain. This law reformed the Poor Law system in Britain in an effort to move people to places that had a dearth of labour, particularly in the industrializing north of England. The New Poor Law was explicitly punitive, and designed to discourage “undeserving” people from receiving aid by incarcerating them in workhouses that separated families as a part of the punishment. Poor Law reformers were either political economists, or argued using the language of political economy. Reformers argued that poor relief that people had received from their local parishes hindered them from circulating freely to places that needed wage labourers. Interestingly, these reformers also had much to say about settler colonialism.

The ideology of the Colonial Reform Movement that promoted debt financed settler colonialism inhabited two intellectual traditions: Whig radicalism and classical political economy.⁶ Colonial reforms that passed into law, such as the 1834 South Australia Act, took place in the same context as the 1832 Reform Act, the 1833 Slavery Abolition Act, and the 1834 Poor Law Amendment Act. British liberal political economists such as Mill lobbied for these changes during the “age of reform” in Britain.

⁶ Robert Shultz, “Edward Gibbon Wakefield and the Development of his Theory of ‘Systematic Colonization,’” (Master of Arts thesis, University of Nebraska, 1965), 100-1.

David Brion Davis has pointed out the connections between the reform Parliament passing both an act to abolish slavery and the Poor Law Amendment.⁷ The acts wanted to see the free circulation of capital, and of people as labour both around England and the globe. To be clear, reformers used the explicit language of “labour” and “capital” when referring to people. They deployed this language in their arguments about the benefits of both the Poor Law Amendment Act that essentially criminalized poverty in England and Wales, and the abolition of slavery that created a class of racialized wage labourers. In the post-Napoleonic War period liberal political economists, sometimes called “philosophical radicals,” sometimes called “Parliamentary radicals,” sought to enact policies of retrenchment to root out what they saw as political corruption, and to contract Britain’s expenses in the post-Napoleonic War era. The British public debt had inflated considerably after an expensive war with France. Colonial reform was one aspect of liberal retrenchment. The link between political economists who lobbied for Poor Law reform and the abolition of slavery lead me to questions about why political economists also sought to use legislation to institute mass scale British emigration and the development of the settler colonies.

This dissertation shows the ways in which global finance capitalism facilitated settler colonialism. This thesis stresses the connections between money markets and small settler colonies such as Prince Edward Island. At the same time, this thesis also highlights the disconnection that settler colonialism wrought between people and their kinship networks, and between peoples and their relationships to their environments. I

⁷ David Brion Davis, *Slavery and Human Progress* (New York: Oxford University Press, 1984), 340, note 26.

also had an interest in researching settler colonialism in Canada because of my own positionality as both a second generation racialized Canadian citizen, and also a fourth generation British settler. Both sides of my family ended up on Turtle Island as indentured labour. The crossing of my family over the Indian Ocean, and the Atlantic Ocean, respectively, have severed kinship networks that would have kept family histories about ancestors alive. As a result, these family histories are quite opaque to me. I do not have the name of my grandparents on my mother's side who left Chennai, Tamil Nadu on a boat as indentured labour for a Malaysian rubber plantation. My father's grandfather was the first Tozer of this family to come to these lands. A boat carried him across the Atlantic Ocean from England and he made up a part of the migration of British Home Children.

I have two documents from my mother's past. One, a photo of her as a girl in a Malaysian Salvation Army orphanage where she grew up. The other, her birth certificate that has the anglicized version of her father's name, and her mother recorded as "the wife of George." One incorrect name, and another lost name. From what my mother can remember of what others at the orphanage told her her parents had migrated from Chennai to work on a rubber plantation. Someone, or some organization, took my mother from her parents and put her into an orphanage when she was old enough to leave the plantation village. It is unclear if her parents were still alive at this time. She has vague recollections of the village, but she remembers the lizards that would crawl on the inner walls of the hut they lived in. She remembers the jungle and the rubber trees. When people took her to the orphanage the workers there eventually told her that her parents

had died. It is unclear if her parents died as casualties in the “Malaysian Emergency,” or if they died of natural causes, but their deaths happened suddenly and close together, or possibly they happened at the same time.

My father’s father was the only grandparent I knew, although I only met him a handful of times. My dad left home when he was a teenager, as did his own father, and as did I. His mother, my grandmother, is unknown to me. She left when he was young. My dad’s family was also broken apart, but in a different way, through another forced migration. After my father passed away in 2018 his estranged family members sent me files about my great grandfather from the Bernardo's Orphanage in England. These intake records said that Bernardo's took my great-grandfather from his mother who was in a workhouse. The intake forms recorded his weight, at 9 years old, as 41lbs, or 9 lbs less than my four year old at the time I read those documents. The Bernardo’s file included a picture of him as well- an uncanny photo of an unnaturally thin child. He looked like those children that historical works about the Victorian slums describe. According to passengers lists William George Tozer sailed at age 11, two years after his intake into Bernardo's. He departed on the *Sarnia* from Liverpool on the 29th of March, 1893, and he arrived on the 11th of April 1894 in Portland, Maine with his destination designated as Winnipeg. 228 children had travelled with him, many his age or younger, and some no longer children, and as old as 19.⁸ It is unclear if George William made it to Winnipeg, but he did make it to Port Arthur and worked there as a miner. This is where my dad was born, in Port Arthur, or Thunder Bay as it is known now. Thunder Bay has the distinction

⁸ Passenger Lists. RG 76 C1b. Halifax film, reel C-4516. 40905. Library and Archives Canada (LAC hereafter).

of being one of the most racist cities in Canada, and it is noted for its severe anti-Indigenous racism.⁹ It is not difficult to see why as it is a place where white settlers do the leg work of the territoriality of the Canadian state. These Home Children were sent to places that needed white bodies to take up Indigenous spaces and to develop the land. My great grandfather was one of these settlers.

On both sides of my family severed kinship ties caused a heavy and corporeal trauma, even today, and manifests itself in an unbroken line of mental illness and substance abuse. Many of George William's family are estranged from each other, and my mother has no parents, grandparents, or cousins. But, I want to stress, that this is not an uncommon story. In her heartbreaking work, *Lose Your Mother*, Saidiya Hartman retraces her kinship networks that racialized chattel slavery had severed. In her work she places herself in the history of the loss of her family.¹⁰ The “social death” of racialized chattel slavery and the horrors of the Middle Passage began the grisly impetus in capitalism to render human beings as labour, both “unfree” and “free.”¹¹ However, the systems of indentured labour that included both impoverished British children and racialized peoples were markedly different from racialized chattel slavery. Discrete types of forced migrations should not be conflated, and they had their own distinct outcomes and impacts. Nonetheless, I started this research to understand how these global networks came to be and how they continue to tear families apart. As a consequence of this, the Canadian historical narrative that examines British settlers as migrants seeking better

⁹ See Tanya Talaga, *Seven Fallen Feathers: Racism, Death, and Hard Truths in a Northern City* (Canada: House of Anansi, 2017).

¹⁰ Saidiya Hartman, *Lose Your Mother: A Journey along the Atlantic Slave Route* (New York: Farrar, Straus & Giroux, 2008).

¹¹ Orlando Patterson, *Slavery and Social Death: A Comparative Study*. (Cambridge, Mass.: Harvard University Press, 1982), 38-45.

opportunities never sat well with me.

I was born on Treaty Six lands, but I grew up in Michi Saagiig Anishinaabe territory. In so many ways my experiences growing up near the mouth of the Credit River have shaped how I have thought about Canada's ongoing settler colonialism. Near the Port Credit bridge stands a totem pole that I would pass nearly every day. Not knowing anything about Indigenous history, I had assumed that it was left behind from some long gone, and unnamed Indigenous peoples. Even though I lived in a city that had taken the name of these peoples as its name, Mississauga, I never understood this name to be connected to people. This points to how powerful settler stories about a “vanishing race” can deeply impact even young children. Years after I had left the region I found out that a Port Credit civil servant named Howard Geddes had carved and donated that totem pole for the centennial of Confederation in 1967. The settler gesturing towards an Indigenous past through the appropriation of Northwest Coast traditions in Anishinaabe lands pushed me towards a path of self-reflection about my own complicity in settler colonialism. I wrote this dissertation to understand the deep rooted colonial structures that buttress the Canadian settler state. Structures that I am very much implicated in.

The Port Credit totem pole lays bare the system of white supremacy in settler colonialism. The white supremacy that braced and braces settler colonialism has two main objectives: to establish white legitimacy on stolen land, and to create a social hierarchy that has, in many ways, normalized white authority over these lands. White supremacy is not a handful of individuals who think racialized peoples have less humanity than they do. It is a system that privileges whiteness and punishes Blackness.

This manifests itself in many ways. In the case of Port Credit the white settler understanding of a universalized indigeneity in the object of a totem pole marks the mouth of the Credit River, which had been a significant living space for the Michi Saagiig. Whiteness, as Rinaldo Walcott notes, “relies on a phenotype,” but it is also a “structure” that “keeps in place a post-Columbus global compact in which not-white people are generally and ideologically positioned as less than in a crude and rank order of beings.”¹² The term “racialization,” or even “people of colour” highlights the normalization of whiteness as natural as only people without European phenotypes are racialized, or considered people of colour. However, within white supremacist ideology people are differently racialized based on how close they are to the norm of whiteness. White supremacy, the structures and ideologies that uphold whiteness, also “instituted antiblackness.” This created the two sides of a white supremacist spectrum, whiteness and Blackness.¹³ As Walcott points out Prime Minister Justin Trudeau's 2015 “diverse” Canadian cabinet completely excluded any Black Members of Parliament.¹⁴

As a racialized Canadian citizen I too rely on a system of white supremacy. In the settler colonial context this means the active erasure of Indigenous peoples, and a deeply rooted anti-Blackness. This points to the complicity of non-Black racialized peoples in settler colonialism. South Asians such as myself have a space within white supremacy to preform whiteness in many ways, and they have access to white institutions as the so-called “model minority.” Black peoples do not have the same access to “model minority”

¹² Rinaldo Walcott, “The End of Diversity,” *Public Culture* 31, no. 2 (2019):395.

¹³ Rinaldo Walcott, “Against Social Justice and the Limits of Diversity: Or Black People and Freedom,” in *Toward What Justice?: Describing Diverse Dreams of Justice in Education*, eds. Eve Tuck and K. Wayne Yang (New York: Routledge, 2018),93.

¹⁴ Walcott, “Against Social Justice,” 85.

status, while for Indigenous peoples to become “model minorities” they would have to assimilate into the colonial state that has a mandate to destroy their presence. One of the exciting turns in decolonisation scholarship has been the growing conversation between Black studies and Indigenous studies. The new edited volume *Otherwise Worlds* (2020), for example, seeks to understand white supremacy in the settler colonial context. It asks questions that show the complicated histories and scholarship between Black and Indigenous peoples living in settler states.¹⁵ This new scholarship understands settler colonialism at its anti-Black and anti-Indigenous intersections.

Jodi Byrd uses the term *arrivants* to distinguish between white settlers and racialized peoples who live in settler states. Attaching whiteness to the category of settler allows for an analysis of settler colonialism as a fundamentally white supremacist project. At the same time, attaching the term *arrivants* to racialized peoples places them within a settler colonial context- both the violence they experienced at the root of their migration to Turtle Island, and their own complicity in the settler colonial project. She says of the “global contours of racialized gendered capitalism” that it “enforced precarity to interpellate voluntary and conscript involuntary participation into the structures predicated upon Indigenous dispossession and transatlantic slavery.”¹⁶ This vertical and horizontal understanding of racialized power dynamics in settler states broadens the definition of who is implicated in settler colonialism.¹⁷

South Asians such as myself in the racial hierarchy are closer to whiteness and

¹⁵ See Tiffany Lethabo King, Jenell Navarro, and Andrea Smith, eds, *Otherwise Worlds: Against Settler Colonialism and Anti-Blackness* (Durham: Duke University Press, 2020).

¹⁶ Jodi Byrd, “Weather with You: Settler Colonialism, Antiracism, and the Grounded Relationalities of Resistance,” *Journal of the Critical Ethnic Studies Association* 5, no.1-2 (2019): 210.

¹⁷ Jodi Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (USA: University of Minnesota Press, 2011), 22.

further away from Blackness, and therefore have historically had more access to white settler institutions such as universities and political positions. This, however, is further complicated with the caste system on the Indian subcontinent. Tamils from Tamil Nadu and Sri Lanka generally have deeper complexions and on the Subcontinent they are categorized closer to Blackness. For example, when children at the orphanage wanted to hurt my mother they called her “Black,” and ostracized her for her deep complexion. This points to the fact that most people, globally, including children, understand how to deploy anti-Blackness in a matrix of white supremacy. As Shiasta Patel points out this has to do with the global nature of anti-Blackness. In the context of South Asia, caste politics further complicates this, and privileges some South Asians as closer to whiteness within the Subcontinent. Global anti-Blackness allows South Asians access to some structures of power, such as Trudeau's cabinet, and implicates them in the perpetuation of settler colonialism.¹⁸

Patrick Wolfe has argued that settler colonial politics relies on the different racializations of Black and Indigenous peoples. For example, the “one drop law” in the United States legally expanded the population of people of African decent.¹⁹ Contrast this with laws such as the Indian Act that dictated when an Indigenous woman married a non-Indigenous man she and their children would lose status, and were no longer legally “Indian.” This had to do with the distinct ways in which settler states relied almost exclusively on the labour of Black peoples and racialized Black peoples as labour.

Indigenous peoples, on the other hand, according to centuries long European international

¹⁸ Shaista Patel, "Complicating the Tale of 'Two Indians': Mapping 'South Asian' Complicity in White Settler Colonialism Along the Axis of Caste and Anti-Blackness," *Theory & Event* 19, no. 4 (2016).

¹⁹ Patrick Wolfe, “After the Frontier: Separation and Absorption in US Indian Policy,” *Settler Colonial Studies* 1, no. 1 (2011): 39.

legal codes, had inherent rights to property under certain circumstances. To subvert the moral dilemma of thieving land from Indigenous peoples for white settlement the settler state set into place legislation that legally eradicated Indigenous existence.²⁰ Therefore, it both legally created more Black peoples for labour, and fewer Indigenous peoples to free up land.

Oral history methodologies

Discussions about how white supremacy spread across the globe embedded in capitalist structures are necessary, particularly when working with Indigenous peoples as a Canadian citizen in a settler state. Since I use oral histories from Mi'kmaq communities it is important that my readers understand my own context and how this experience has informed my research and writing. For example, the text in this dissertation switches to the first person in a few places, particularly when looking at oral histories and knowledges. When doing oral history research, and especially when doing oral history research with Indigenous communities, it is imperative to make a clear distinction between the researcher's (in this case, non-Indigenous, Tamil researcher) interpretation of history, and what community members and Elders have said. Allan Downey's switching between a third person voice in the *Creator's Game* (2018), and a formal scholarly voice shows how the researcher's experience is a fundamental aspect of the research.²¹ This needs to be explicitly acknowledged.

²⁰ Pamela Palmater, "Genocide, Indian policy, and Legislated Elimination of Indians in Canada," *Aboriginal Policy Studies* 3, no. 3 (2014): 34. Palmater argues that this constituted "legislated elimination," and genocidal policy.

²¹ Allan Downey, *The Creator's Game: Lacrosse, Identity, and Indigenous Nationhood* (Vancouver: University of British Columbia Press, 2018), 256-7.

Part of this research focuses on Epekwitk, or the British named Prince Edward Island, and it is there that I have had access to oral histories and knowledges from Mi'kmaq Elders and community members. On Epekwitk, the politics of the Island further complicate oral history research. The civil body, the Mi'kmaq Confederacy of Prince Edward Island (MCPEI), with both settler and Indigenous employees, oversees many areas of the Island's two First Nations, Lennox Island, and Abegweit First Nation. Abegweit First Nation comprises three reserves: Morell, Rocky Point, and Scotchfort. Lennox Island First Nation has the reserve land of Lennox Island. Each of the two First Nations has their own band councils and makes their own decisions independently from MCPEI. The Native Council of Prince Edward Island (NCPEI) represents many the "off reserve" Mi'kmaq across the Island. For example, Elder Georgina Knockwood Crane recounted in 2009 how she lost her status because of the Indian Act, which meant to eradicate Indigenous sovereign rights to life, land, and water. After marrying a Crane (I married into this same Crane family, her husband was my father-in-law's first cousin) she lost her status, and she was not allowed to live on reserve. She recalled:

I started with the Aboriginal Women's Association and I was one of the women that walked to Parliament House right up to the steps and demanded [him] to come out and talk to us women...How can anybody put non status on us? ...and we drummed up and we sang and we walked right up with our regalias right up to the door and he came out and we said we want our rights back. We want our rights back, you did not drain our blood.

At the same time, she noted how a white settler woman moved on reserve after marrying a man with status.²² Indigenous women such as Elder Georgina Knockwood

²² Private Elders Oral History Collection. Mi'kmaq Confederacy of Prince Edward Island Collection (MCPEI Collection hereafter).

Crane organized and placed pressure on the Canadian government to reform the heterosexist policy found in the Indian Act. Women such as Mary Sandra Lovelace Nicholas, a Wolastoqiyik senator, exerted great international political pressure to reform the gendered discrimination in the Indian Act. The international political campaign in the 1980s pushed Canada to begin a process of amending the Indian Act. These actions resulted in Bill-C31.

The complicated politics around “on reserve” and “off reserve” as well as between the two First Nations, and their relationship with each other, and with NCPEI and MCPEI shows the vast range of Mi'kmaq politics and opinion on the Island. I only worked with a few members from the Lennox Island First Nation, and MCPEI, and their oral histories and conversations only represent their own understanding and not a generalized Mi'kmaq view. The knowledge that I personally recorded belongs to the Lennox Island First Nation. This must be stated explicitly. As Gregory Younging points out this is not to preoccupy oneself with European notions of ownership. Indigenous peoples have conceptualized a type of ownership that centres on Indigenous cultural property. For example, as Younging shows, in 1998 the Kainai used this idea to repatriate Sacred Medicine Bundles from the Glenbow Museum in Calgary, as did the Haida who repatriated their ancestors' remains in 2003 from the field museum in Chicago.²³ The knowledge from these interviews belongs to the community.

There is a long tradition of Indigenous scholars critiquing the colonial practices of non-Indigenous researchers entering into communities.²⁴ In many ways, “outsider”

²³ Gregory Younging, *Elements of Indigenous Style: A Guide for Writing By and About Indigenous Peoples* (Canada: Brush, 2018), 25.

²⁴ There is a long tradition of Indigenous scholars critiquing the colonial practices of non-Indigenous

researchers attempting to gain special access to Indigenous knowledges have been a driving force of extending settler colonialism into communities. Audra Simpson shows how Franz Boas, the “father” of anthropology, created “scientific” narratives about Indigenous peoples that emphasized their “weakness” as a foil to the “strength” of Europeans, who then, according to their own logic, had the moral and ethical right to occupy stolen lands.²⁵ Linda Tuhiwai Smith has noted the prevalence of insider/ outsider discussions about working with Indigenous communities while she researched *Decolonizing Methodologies* (1999). Anthropology departments, in particular, have made the insider status for researchers a fundamental research goal. I have had white settler researchers suggest to me that I should also do the same, to get the “inside scoop,” so to speak. They even suggested that I casually bring my children up during oral interviews to make myself seem more likeable. Such practices of manipulative sentimentalization are one of the reasons for the extensive Indigenous critique of academic researchers.

As Smith argues, you cannot be an insider if you are a researcher, and to pretend otherwise can lead to a situation of negating responsibilities. Smith notes, research “...always positions you in a somewhat different space with different responsibilities, including ethical responsibilities and intellectual responsibilities...” To deny that you occupy this space is harmful. Smith concludes that “in fact, researchers need to approach the community in more formal ways,” and avoid a “subterfuge of innocence where one arrives like some naïve traveler saying, ‘Oh, I’ve just been sent to do my Ph.D. Help me,

researchers entering into communities. For a classic example see Vine Deloria Jr., *Custer Died for Your Sins: An Indian Manifesto* (USA: Macmillan, 1969). For a recent example see Audra Simpson, “Why White People Love Franz Boas; or, The Grammar of Indigenous Dispossession,” in *Indigenous Visions: Rediscovering the World of Franz Boas*, eds. Ned Blackhawk and Isaiah Lorado Wilner (Connecticut: Yale University Press, 2018).

²⁵ See Simpson, “Why White People Love Franz Boas,” 174-5.

help me!’” Treating the relationship as formal and professional mitigates these harms, and foregrounds the researcher’s responsibility to the community.²⁶

In chapter five I switch to the first person for the explicit purpose of showing my voice as distinguished from Mi’kmaq Elders and community members. On the Island, I am a researcher who “comes from away,” which is an Island colloquial term for anyone who is not a settler Islander, racialized or not. I am also not Mi’kmaq, or Indigenous. It is from this positionality that I approached both the MCPEI and Lennox Island First Nation about my research. I approached Lennox Island after going through the McGill Research and Ethics Board, and MCPEI’s ethics review. After these two ethics reviews it became clear that, ultimately, my approval came from the community. I approached Lennox Island in a professional capacity and led with my research program.²⁷ The community must both understand your specific intentions as a scholar, which might also include personal advancement of your research. My oral history methodology is informed by my own positionality, an understanding of working from within white supremacist settler institutions, and Indigenous scholars’ methodologies of working with communities.

Settler colonial studies and histories of capitalism

Aside from oral history methodologies, this dissertation draws from a wide range of scholarship. British imperial historiography, nineteenth-century Canadian historiography, and Prince Edward Island’s historiography deeply inform this study. At

²⁶ Linda Tuhiwai Smith, Eve Tuck, and K. Wayne Yang, “Introduction,” in *Indigenous and Decolonizing Studies in Education: Mapping the Long View*, eds. Linda Tuhiwai Smith, Eve Tuck, and K. Wayne Yang (New York: Routledge, 2019), 12.

²⁷ See Linda Tuhiwai Smith’s discussion of “insider” and “outsider” and developing a professional relationship in Tuck, Smith and Yang, “Introduction,” 12-3.

the same time, scholarship from the interdisciplinary field of settler colonial studies underpins this dissertation. In the first issue of the *Settler Colonial Studies* journal (2011) Lorenzo Veracini introduced the emerging field of settler colonial studies. He argued that settler colonialism and colonialism were structurally different, and therefore that settler colonialism needed its own field of study. For example, postcolonial theorists, and decolonization efforts in non-settler colonies such as the Subcontinent called for the end of exogenous rule, where “the postcolonial polity is no longer ruled from the outside.”²⁸ However, as Veracini stresses, this type of decolonization that eradicates the Indigenous-settler relationship is fundamentally the way in which settler colonialism produces and reproduces itself. As Patrick Wolfe has theorized the goal of settler colonialism is the “elimination of the native.”²⁹ The settler colonial imperative to extinguish the Indigenous-settler relationship is structurally different from the colonial relationship that continues a colonial-colonized relationship.³⁰

Settler colonial studies carved out a space for itself as a unique field. Scholars working in Aotearoa/ New Zealand and Australia led the charge in western scholarship. It is important to remember that distinct critiques of settler colonialism emerged from Indigenous theorists from the earliest days of “contact.” More recently, scholars such as Vine Deloria Jr, Daniel N. Paul, and Linda Tuhiwai Smith have outlined the contours of settler colonialism in their work *Custer Died for Your Sins* (1969), *We Were not the Savages*, (1993), and *Decolonizing Methodologies* (1999), respectively.³¹ Many

²⁸ Lorenzo Veracini, “Introducing: Settler Colonial Studies,” *Settler Colonial Studies* 1, no. 1 (2011): 8. See also, Lorenzo Veracini, *The Settler Colonial Present* (Hampshire: Palgrave Macmillan, 2015).

²⁹ Patrick Wolfe, *Traces of History: Elementary Structures of Race* (USA: Verso Books, 2016).

³⁰ Vericini, “Introducing,” 7.

³¹ Deloria, *Custer Died for Your Sins*; Smith, *Decolonizing Methodologies*; Daniel N Paul, *We Were not the Savages: A Mi'kmaq Perspective on the Collision Between European and Native American Civilizations*

Indigenous theorists, too many to name here, have contributed to the study of settler colonialism. Needless to say, the theorization of settler colonialism as a distinct type of colonialism did not begin with the advent of the *Settler Colonial Studies* journal. The journal does, however, mark the emergence of settler colonial studies as a coherent field in western academia.

In 2016, Canadian historian Jerry Bannister posted a writing piece for the *Acadiensis* blog, entitled, “Settler Colonialism and the Future of Canadian History.” In it he argues that more and more Canadian historians had been taking up a settler colonial analysis, and he highlights the growing importance of settler colonial studies internationally.³² Laura Ishiguro remarks that the “academic winds” blowing towards settler colonial studies, as Bannister put it, “have not emerged from still air.” She emphasizes lived experiences, and the role of Indigenous scholars, leaders, and activists working “in the field” before western academics deployed settler colonialism as a framework of analysis.³³ Settler colonial studies began in Aotearoa/ New Zealand and Australia in the late 1990s and early 2010's. However, arguably, despite Bannister's assertion, in Canada settler colonial studies do not yet constitute an established method of history. Arguably, settler colonial studies as a field is quite contested in Canadian history.

Allan Greer's 2019 keynote address for the Canadian Historical Association “Settler Colonialism and Beyond” argues that Canadian history has treated Canadian state formation and the dispossession of Indigenous lands as two separate events. In an

(Halifax: Fernwood, 2000).

³² Jerry Bannister, “Settler Colonialism and the Future of Canadian History,” *Acadiensis* Blog. August 30, 2017, accessed 1st April, 2020, <https://acadiensis.wordpress.com/2017/08/30/settler-colonialism-and-the-future-of-canadian-history-2/>.

³³ Laura Ishiguro, “Histories of Settler Colonialism: Considering New Currents,” *BC Studies: The British Columbian Quarterly* 190 (2016): 5-6.

inspired move to self-reflexivity he points out his earlier edited collection with Ian Radforth, *Colonial Leviathan* (1992), which does precisely this.³⁴ At the same time, however, he does not apply a settler colonial framework to an understanding of the growth of the Canadian state. This does not mean he denies Canada's ongoing colonialism of Indigenous peoples. He is very clear that the colonial process is one that is ongoing. He does, however, qualify the concept of settler colonialism in Canada and points out that settlers never occupied a majority of the territory within Canada's claimed borders. This points to an uneasiness Canadian historians have shown towards using overarching frameworks to examine history, and understandably so.

Greer notes that “extractivism” has become the contemporary threat, not settler invasion. He writes that “multi-national corporations remove raw materials from Indigenous territories and transport them to distant parts of the world for manufacturing and sale...; meanwhile, the lion’s share of benefits accrues far away.”³⁵ However, as this dissertation shows, the extraction of wealth from Indigenous lands to global money markets has always defined settler colonialism in Canada. The idea that the Canadian state expanded, somewhat hermetically sealed off from global capitalism, does not accurately characterize the emergence of the Canadian settler state. Global capitalism's government debt market inflated the Canadian settler state. Settler colonialism is not separate from global capitalism, settler colonialism in many ways is global capitalism.

Greer counters Jen Preston, Jennifer Huseman, and Damien Short who argue that

³⁴ See Allan Greer and Ian Radforth, *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada* (Toronto: University of Toronto Press, 1992).

³⁵ Allan Greer, “Settler Colonialism and Beyond,” *Canadian Historical Studies*, June 2019 (Keynote address and forthcoming article), 22.

extractivism is a modern form of settler colonialism.³⁶ Greer goes on to say that settler colonialism and extractivism have fundamental differences such as the fact that “extractivism is carried on mainly by multinational corporations of shifting ownership.”³⁷ However, an understanding of Canadian settler colonialism needs to be nuanced here. Canadian settler colonialism never happened just “from within,” it always had a “without.” Importantly, that “without” funded it and provided it with British bodies. Greer’s insistence that “literal colonization by settlers” is distinct from extraction does not allow for a structural analysis of settler colonialism in Canada that understands white supremacy, settler culture, and global capitalism as a part of the same settler colonial whole. His logic turns on the fact “that extractivist enterprises are capable of working in partnership with Indigenous people, whereas the only way Natives could cooperate with settler colonialism was by disappearing,”³⁸ which is a lot to unpack, but also creates a binary between Canadian settler colonialism and multinational corporations. Arguably, there has never been a point in time at which the Canadian economy did not rely on global investment. The Canadian economy was built on selling Indigenous lands to the rest of the world through both the speculative value of land, and the extraction of physical natural resources.

As Greer concludes, “as long as the progress of extractivist colonialism is not halted, governments have shown a willingness to compromise with Indigenous demands

³⁶ Jen Preston, “Neoliberal Settler Colonialism, Canada and the Tar Sands,” *Race & Class* 55, no. 2 (2013): 44; Jennifer Huseman and Damien Short, “‘A Slow Industrial Genocide’: Tar Sands and the Indigenous Peoples of Northern Alberta,” *The International Journal of Human Rights* 16, no. 1 (2012): 216–37; and Damien Short, *Redefining Genocide: Settler Colonialism, Social Death and Ecocide* (USA: Zed Books Ltd., 2016), 28–29.

³⁷ Greer, “Settler Colonialism and Beyond,” 26.

³⁸ Greer, “Settler Colonialism and Beyond,” 27.

for the recognition of cultural and legal rights.”³⁹ The history of the Canadian public debt shows that the federal and provincial governments do not chose to cooperate with multinationals because of a nebulous idea of “progress,” or just because individual settlers made money from doing so (which, of course, they did and do). In many ways the federal and provincial governments have to cooperate with multinationals otherwise there would be no revenue to pay back the principal and the interest of the public debt. This is not to excuse the often violent behaviour of individual settlers towards Indigenous peoples, but to put into perspective the inner workings of settler colonial structures. What would happen if Canada defaulted on its 200 year old loan that is globally funded? A nation state defaulting on its public debt is too taboo to be considered in a capitalist market society. Even when Greece had to default after the 2007-8 financial crisis no capitalist structures would allow it to do so. Instead, the “bailout” of Greece came with intense austerity measures directed towards Greek citizens.⁴⁰ Financial crises call into question the stability of such debt based economies. It is worth noting that the Greek debt came out of nineteenth-century global debt markets, as did the Canadian debt.

This dissertation's stress on the underlying capitalist structures that constitute Canada does not let individuals off the hook for perpetuating settler colonialism, but it does highlight how the Canadian colonies' governments tied Indigenous lands to global money markets long before Confederation, and solidified that relationship through owing

³⁹ Greer, “Settler Colonialism and Beyond,” 28.

⁴⁰ For a understanding of the Greek “bailout” and austerity see Nikolaos Zahariadis, “Complexity, Coupling and Policy Effectiveness: The European Response to the Greek Sovereign Debt Crisis,” *Journal of Public Policy* 32, no. 2 (2012): 99-116; Silvia Ardagna and Francesco Caselli, “The Political Economy of the Greek Debt Crisis: A Tale of Two Bailouts,” *American Economic Journal: Macroeconomics* 6, no. 4 (2014): 291-323; and N. Roubini, “Greece Should Default and Abandon the Euro,” *Financial Times* 19 (2011): 2011.

a massive debt. This dissertation sheds light on Canadian history and global capitalism, and adds to an understanding of the contours of settler colonialism. Settler colonialism was never just about individual settlers living on Indigenous lands, it was about extracting the wealth from those lands of which individual settlers played a vital role. Settler colonial studies in Canada needs to focus on the interplay between individual settlers and the structures that they created, and that were created for them. This view rejects the binary logic that stresses a division between individual/ structural implementation of settler colonialism. Settler colonialism is both individual and structural, and it is both local and global.

Outside of the field of Canadian history, settler colonial studies has taken up theorizing the inseparability of capitalism and settler colonialism. Both Glen Coulthard and Onur Ulas Ince have focused on Karl Marx's concept of primitive accumulation to understand the ways in which capitalist modes of production, which centres on privatizing land, have worked to appropriate Indigenous lands in the settler colonies.⁴¹ Shiri Pasternak has shown the bondedness between settler colonialism and capitalism, in particular, through the legal holding of lands in fee-simple title. Taking up David Harvey's assertion that property value does not come from property, but from elsewhere, she states that "[t]his is its greatest contradiction. If the land itself cannot 'produce value,' how would, say, residential rents be paid, even if mortgages could be secured?"⁴² In the mid-nineteenth-century political economists problematized the land in settler colonies as

⁴¹ Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014.), 6- 15; Onur Ulas Ince, "Capitalism, Colonization, and Contractual Dispossession: Wakefield's Letters from Sydney," in *APSA 2012 Annual Meeting Paper*, 2012, accessed 13th April, 2020. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2105112.

⁴² "How Capitalism Will Save Colonialism: The Privatization of Reserve Lands in Canada," *Antipode* 47, no. 1 (2015): 13.

having little to no market value. As this dissertation will show, the public debt became a solution to this “problem.” It allowed colonial governments to borrow against the future value of the land. In doing so the loan amount they received gave the lands their “real” value.⁴³ Importantly, this process could extend itself beyond the smaller increases in land value with agricultural “improvement” from British settler labour. Public debt financing allowed large swaths of land to be leveraged for their future value, which paved the way for unprecedented development projects beginning with the canal systems of Upper Canada.

The connection between capitalism and settler colonialism relies on the assumption that there is a fundamental difference between European settlement on Indigenous lands beginning in earnest in the seventeenth century, and settler colonialism from the nineteenth to the twenty-first centuries. This is the position that this dissertation takes. Arguably, settler colonialism is the specific form of mid-to-late nineteenth-century colonialism meant to produce an independent settler state. In this understanding, settler colonialism should not be conflated with settlement. In the land within Canada’s claimed geographical borders, European settlements date back 1,000 years with the possible Viking settlement of L’Anse aux Meadows in Newfoundland. Jesuits, other missionaries, fur traders, and the Hudson’s Bay Company all had settlements, but this is not what is meant here by settler colonialism.⁴⁴ This is not to deny the effects of such settlements on Indigenous communities or lands. After all, early British settlements had a logic of

⁴³ I would like to thank Henry Yu for his insightful comments at the “Realities of Canadian Democracy” symposium at the L.R. Wilson Institute in May 2019. He suggested that I think through the ways in which the public debt made land into “real” estate.

⁴⁴ For recent discussions about the pitfalls of applying the blanket term “settler colonialism” to “early American” studies see Jeffrey Ostler and Nancy Shoemaker, “Settler Colonialism in Early American History: Introduction,” *The William and Mary Quarterly* 76, no. 3 (2019): 361-368.

elimination as was the case with the British persecution of the Beothuk on Newfoundland.⁴⁵ Beginning in the 1830s, imperial policy laid down the structures of settler colonialism, and introduced a directive to produce “self sufficient” settler colonies that would result in responsible government, and eventual independent settler states. The Australian Ripon Regulations of 1831, the change in North American colonies to cancel “free” land grants in that same year, and the 1834 South Australia Act all marked the first official imperial settler colonial policies.

Indigenous scholars (those who work within and outside of the settler academy) have long made the case for an analysis of the distinct imperial and colonial governance structures that coalesced from the “Indigenous problem.”⁴⁶ The historical fact that a multiplicity of governance systems and sovereignties existed, and exist, within Canada’s claimed geographical borders gave rise to distinct techniques of governance that characterize a settler state. From land appropriation, education, taxation, and even public debt financing, the settler government oriented itself around the “Indigenous problem” in its daily administrations. Settler governments have many solutions to this “problem,” which varied through time, and culminated with what is now becoming more officially recognized as a genocide in Canada.⁴⁷ A few of these policies include the Indian Acts, the “60’s Scoop,” and Pierre Elliot Trudeau’s 1969 “White Paper.”⁴⁸ All of these official policies, and many, many more had the directive to extinguish Indigenous peoples’ legal,

⁴⁵ Ingeborg Marshall, *History and Ethnography of the Beothuk* (Canada: McGill-Queen's Press, 1996), 91-112.

⁴⁶ Smith, *Decolonizing Methodologies*, 90.

⁴⁷ Supplementary Report. National Enquiry into Missing and Murdered Indigenous Women and Girls. 2019, accessed November 11th, 2019, https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report_Genocide.pdf 19-26.

⁴⁸ Paul, *We Were Not the Savages*, 108-9.

political, cultural, social, and economic rights to their land with the logic of elimination of the settler state. As Lisa Monchalin points out, there was nothing hidden about this history as numerous public statements and documents clearly show the intent behind the settler government's solution to the “Indigenous problem.”⁴⁹

The fundamental “problem” for the settler state was and is that the Indigenous peoples on Turtle Island were and are sovereign nations and communities. These sovereignties pre-date both the settler state and the formation of European nations. Audra Simpson sees settler states as having “nested and embedded” sovereignties. While Indigenous sovereignties do not cancel out each other, the directive of the settler state is to establish one hegemonic sovereignty over a claimed territoriality.⁵⁰ This idea of sovereignty comes out of European notions of *imperium*, a Latin word that can be broadly understood as a type of right to rule.⁵¹ This Eurocentric understanding of sovereignty cannot be applied to Indigenous uses of the word to describe their discrete systems of self-determination that exist outside of the control of settler state sovereignty. J. Kēhaulani Kauanui points out that the concept of sovereignty is debated within Indigenous studies. Broadly, abandoning the concept altogether, or integrating its changing meanings into Indigenous studies are the two sides of the debate.⁵² The use of the notion of sovereignty is complex. It both signals an Eurocentric understanding of domination, power, and the sovereign's right to an exclusive use of force, but it also

⁴⁹ Lisa Monchalin, *The Colonial Problem: An Indigenous Perspective on Crime and Injustice in Canada* (Canada: University of Toronto Press, 2016), 131.

⁵⁰ Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press 2014), 12.

⁵¹ Achille Mbembe, *Necropolitics*, trans. Steve Corcoran (Durham: Duke University Press, 2019), 66.

⁵² J. Kēhaulani Kauanui, *Paradoxes of Hawaiian Sovereignty: Land, Sex, and the Colonial Politics of State Nationalism* (Durham: Duke University Press, 2018), 25.

defies these meanings. Sovereignty is a word that is used to describe the complex relationship of people to power structures, nations to other nations, and also an individual's own right to self-determination. Sovereignty can also express the right over one's own body and future. In a settler state sovereignty has many faces. It is important to stress both the historical context of settler colonialism and its ongoing forms of domination, and the self-determination of Indigenous nations, communities and peoples' in the face of settler colonial invasion. The use of the term sovereignty is just one way to express these dynamic relationships, and it is this conceptualization that is used in this dissertation.

The definition of settler colonialism is also heatedly debated within the literature. Using a strict definition of settler colonialism as the "elimination of the native," seventeenth-century Puritan colonies in New England can be included here.⁵³ James Belich's exploration of the explosion of the "Angloworld" takes this a step further and notes that settler colonialism cannot be confined to the strict periodization that this dissertation uses.⁵⁴ As Belich points out the "Ottoman Turks expanded across North Africa and completed the conquest of the Balkans," while "Muslim heirs of Tamerlane conquered most of India and established the Mughal Empire between 1555 and 1596," and "the Qing dynasty" had carried the Chinese Empire to its modern apogee in the eighteenth century, conquering Outer Mongolia, Tibet, and Xingjiang (Sinkiang) and presiding over a population of 360 million by 1790."⁵⁵ These imperial takeovers certainly had lasting damaging effects to this day in the cases of both Chinese and Hindu

⁵³ Patrick Wolfe, "After the Frontier: Separation and Absorption in US Indian Policy," *Settler Colonial Studies* 1, no. 1 (2011):13.

⁵⁴ Belich, *Replenishing the Earth*, 133.

⁵⁵ Belich, *Replenishing the Earth*, 26-7.

nationalism. Belich, however, suggests that all of these examples can be seen as “settling societies.” Arguably, however, listing all of these examples through time and place reifies settler colonialism as a normal part of imperialism. Furthermore, it does not allow for a particular analysis of settler colonialism as an expansion of global capitalism imbued with white supremacy. Understanding settler colonialism as something that has happened everywhere also does not allow for an analysis of the emergence of a particular type of nation state: the settler state. Arguably, the distinction between settlements and settler colonialism can go a long way in explaining why the mass flood of British emigrants to Canada happened when it did because it was a deliberate imperial policy. This distinction also helps explain why Canada attained responsible government around the same time as other British colonies in the latter half of the nineteenth century. It might be helpful to think of Patrick Wolfe’s now famous adage that settler colonialism is “a structure, not an event.”⁵⁶ These structures are historically specific, define settler states, and cannot be narrowly defined as “settling societies.”⁵⁷

The history of the Maritimes is well positioned to integrate settler colonial studies as, arguably, Maritime historiography has traditionally had a focus on global capitalism. For example, Harold Innis had broadened his work on the resource development of Canada, and the “Staples Theory” to the Maritimes with his work on the cod fisheries.⁵⁸ Many historical works view Maritime history as a part of a larger international market of global trade. For example, Graeme Wynn's *Timber Colony* (1980) has shown how the

⁵⁶ Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006): 388.

⁵⁷ Belich, *Replenishing the Earth*, 25.

⁵⁸ Harold Innis *The Fur Trade in Canada: An Introduction to Canadian Economic History* (Toronto: University of Toronto Press, 1999); and *Cod Fisheries: The History of an International Economy* (Toronto: University of Toronto Press, 1978).

extraction of timber developed the colony of New Brunswick.⁵⁹ More recently, scholars of the Maritimes have turned to the cultural history of capitalism. Béatrice Craig's *Backwoods Consumers and Homespun Capitalists* (2009) adds to the history of the Maritimes with a locally rooted study of the emergence of a rural market culture.⁶⁰ Daniel Samson's *The Spirit of Industry and Improvement* (2014) has shown how the ideology of “improvement,” or development of land spread across Nova Scotia.⁶¹ In many ways, Maritime history lends itself well to this study about settler colonialism and global capitalism. Not all of the Maritime colonies, however, had the same relationships to each other, the British North American colonies, and to global markets.

Prince Edward Island had a British land tenure system that set it apart from the other British North American colonies. It had nearly all of its land given away in 1767 in a lottery system after the British victory in the Seven Years' War. This effectively made the entire Island private property with two unique features. First, the Island government reserved no land for the Mi'kmaq because they had little to no crown land to form into a reserve. Secondly, the Island government did not own the lands, British landlords and proprietors did. To solve this problem the Island government raised loans to buy the lands from proprietors and landlords. They raised loans to do so because they effectively argued that once they owned the lands proper they could increase their value through “improvement,” or development. In this way, they used the same logic as the other British North American colonies, that the land acted as a security for the public debt.

⁵⁹ Wynn, Graeme, *Timber Colony: A Historical Geography of Early Nineteenth Century New Brunswick* (Toronto: University of Toronto Press, 1980).

⁶⁰ Béatrice Craig, *Backwoods Consumers and Homespun Capitalists: The Rise of a Market Culture in Eastern Canada* (Toronto: University of Toronto Press, 2009).

⁶¹ Daniel Samson, *The Spirit of Industry and Improvement: Liberal Government and Rural-Industrial Society, Nova Scotia, 1790-1862* (Montréal: McGill-Queen's Press, 2014).

Philip Buckner has challenged the tendency to view Prince Edward Island as parochial, or without serious connection to the other British North American colonies and broader capitalist markets in Canadian historiography.⁶² Far from isolationist, Prince Edward Island had an interest in tapping into continental markets.⁶³ This study on the global colonial debt market with a focus on the Island shows the ways an outlier colony such as Prince Edward Island was actually deeply embedded in the politics and economy of the other British North American colonies.

Chapter overview and sources

The chapters in this dissertation are arranged from broad to specific. This arrangement allows for an analysis of the broader historical changes in finance capitalism before a close examination of how these changes contributed to the Prince Edward Island government appropriating unceded and unsurrendered Mi'kmaq land. As such, the analysis of the Prince Edward Island's use of a public debt, and consequent changes to Mi'kmaq land and water tenure begins midway through the thesis. The dissertation begins by looking at how nineteenth-century British political economists and colonial reformers understood public debts, and settler colonial debts in particular. The dissertation then moves to look at what the actual parameters of the settler colonial public debt market were, and how colonial governments established credit for such large loans. The analysis then moves to the British North American colonies, including using the example of the development of Upper Canada. The study ends in the specific region of Malpeque Bay on

⁶² Philip Buckner, "CHR Dialogue: The Maritimes and Confederation: A Reassessment," *Canadian Historical Review* 71, no. 1 (1990): 30.

⁶³ Philip Buckner, "Beware the Canadian Wolf: The Maritimes and Confederation," *Acadiensis* 46, no. 2 (2017): 181.

the North shore of Prince Edward Island. This structure shows both how global finance capitalism supported public debt financing, and what this meant for a specific locality. The Island focus highlights many of the complexities of public debt financing in the mid-to-late nineteenth century including its role in the appropriation of Indigenous lands (here Mi'kmaq), the subsequent creation of settler private property, the ways in which even small colonies became embedded in global finance capital, and the tension between the imperial and colonial governments. Prince Edward Island's particular history of the Island government not “owning” the lands in the same way as the other British North American colonies “owned” the lands, highlights how the Island government deployed public debt financing to institute settler colonialism.

Chapter one looks at the imperial context of the Colonial Reform Movement, which began in the late 1820s and early 1830s. This movement, with its leader Edward Gibbon Wakefield, gained immense support from eminent political economists. These colonial reformers lobbied the British government to institute a standardised settler colonial policy. Britain's declining fiscal military state after the Napoleonic Wars saw a rise in colonial policy that would alleviate Britain of its colonial financial burden. This meant a directed effort to make colonies “self sufficient,” economically and politically. British ideologies steeped in white supremacist logic informed imperial rule, and foreclosed the possibility of “self sufficient” colonies in places that lacked a large British settler presence.⁶⁴ Chapter one argues that political economy played a large role in the acceptance of the colonial public debt principle in imperial policy. This chapter uses Wakefield's writings on settler colonialism, and theory from nineteenth-century political

⁶⁴ Thomas Metcalf, *Ideologies of the Raj*. Vol. 3 (Cambridge: Cambridge University Press, 1997).

economy, as well as imperial reports on the settler colonies to show how British reformers came to believe that the colonial public debt offered a path to colonial “self-sufficiency.” The chapter then moves to look at Wakefield's influence in changing theories in political economy. This section uses archival sources from the London Political Economy Club. This Club boasted the membership of the most significant political economic theorists at the time including both James and John Stuart Mill.

Chapter two looks at the actual growth of the global settler colonial debt market. This chapter argues that a settler colonial public debt market emerged as a discrete field of investment in the 1850s. This chapter first looks at the context of government debt borrowing and its relationship to the formalisation of the London Stock Exchange in 1801. It then examines political economists' understandings of public debt financing. This chapter then moves on to an analysis of what the actual colonial public debt market looked like. This section relies on archival material from the London Stock Exchange Archives to calculate and interpret the growth of the colonial public debt market. Lastly, the chapter looks at what gave colonial governments the credit to borrow. This chapter ends with an analysis of debates about how to dispose of colonial “wastelands.” These debates illuminate the ways in which credit centred on appropriating Indigenous lands, and in promising their future value to London financiers. Colonial governments counted these lands as assets that could then be used to raise a loan. This idea of credit based on the future value of lands wreaked havoc across Indigenous lands as colonial governments turned nearly exclusively to development projects as the way to produce a revenue to pay back the principal plus the interest of the loan, and avoid insolvency.

Chapter three examines Canada's first public debt, the Upper Canadian (the Province of Canada after 1841) debt. This chapter argues that public debt financing exerted a centripetal force on the British North American colonies long before Confederation, and linked Prince Edward Island to the Province of Canada through a free trade agreement that created a “shared economy.” The 1854 Treaty of Reciprocity, the first free trade agreement between the United States and the British North American colonies, joined the economies of the British North American colonies together. Prince Edward Island desperately wanted a free trade agreement as a way to induce capital investment to commercialize its fisheries. In the British North American colonies public debt financing looked less like a desire for “self sufficiency,” and more like a necessity. With the exception of Lower Canada with its lucrative revenues from the St. Lawrence waterway, Upper Canada, New Brunswick, Nova Scotia, and Prince Edward Island eventually came to rely on public debt financing to pay for colonial government expenditure. All of the settler colonies occupied a distinct position in which they could clamour for credit on the London money markets, and receive loans that, in many cases, far exceeded their meagre annual revenues. They had access to land that investors desired.

Chapter four continues chapter three's discussion of Prince Edward Island and argues that the Island's landlord and proprietor system led the Island government to take out a public debt to purchase the lands from landlords and proprietors. This chapter stresses two key factors of public debt financing the settler colonies. The first is that the public debt was a way for the colonial government to supersede Indigenous land and

water tenure. In the context of the nineteenth-century Prince Edward Island, and the Maritimes more broadly, the Indigenous nations of the Wabanaki Confederacy had lived on that land since time immemorial.⁶⁵ The British had bound themselves to uphold their agreed legal, political and economic obligations when they had entered into treaty relationships with these Indigenous nations, in this case the Peace and Friendship Treaties. In these eighteenth-century treaties that covered the lands of the Wabanaki Confederacy no land surrender had taken place.⁶⁶ On the one hand, the British North American colonies had agreed to uphold their treaty obligations, but on the other hand, they bargained off Indigenous lands for government loans. All the while they recognized these lands as under Indigenous jurisdiction until the nineteenth century when this began to change.⁶⁷ Looking at the clear reasons why the Island government took out a public debt also shows how a mass appropriation of Indigenous lands occurred for a second time in Island history.

Secondly, land, as John Stuart Mill pointed out, acted as the security for a loan. Settler colonies leveraged this land as credit both locally and on London money markets. However, land could not circulate on global markets as an illiquid asset. Debt instruments such as debentures that carried the value of that land allowed that value to circulate on the London money markets as a liquid asset. The Island government's use of debt mechanisms such as debentures allowed the wealth from unceded Mi'kmaq territory to

⁶⁵ The Wabanaki Confederacy includes the Abenaki, Mi'kmaq, Passamaquoddy, Penobscot, and the Wolastoqiyik.

⁶⁶ There is also evidence of British neglect to uphold original treaty and land grant agreements. See Susan Hill's discussion on the Haldimand Tract in Susan Hill, *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River* (Winnipeg: University of Manitoba Press, 2017), 143-155.

⁶⁷ Shiri Pasternak, *Grounded Authority: The Algonquins of Barriere Lake Against the State* (Minneapolis: University of Minnesota Press, 2017), 62.

circulate in London money markets. This chapter uses archival materials from the Prince Edward Island' treasury, and colonial government documents. It also uses archival material from Mi'kmaq petitions that contested the Island government closing off traditional Mi'kmaq living spaces.

Chapter five focuses on two specific regions in Epekwitk: Malpeque Bay, and the Hillsborough River. The Malpeque Bay region had been, and still is, a significant living space for the Mi'kmaq on the Island. To contrast with the colonial archival evidence that the previous chapters relied on this chapter incorporates oral histories from Lennox Island First Nation community members, and Mi'kmaq Elders. Chapter five argues that the “fallout” from public debt financing influenced two distinct colonial policies on Epekwitk/ Prince Edward Island: removing Indigenous peoples from arable land, and reforms that attempted to “settle” them. This chapter begins with a look at the development of “Indian policy” in Canada, and how the logic found in this policy spread to Prince Edward Island. It shows how this “Indian policy” was concerned about regulating and licensing resource extraction from Indigenous lands.

The closing off of more and more lands for the Prince Edward Island government to develop to increase the market value of land led to a policy of “settling” the Mi'kmaq. This chapter looks at the nineteenth century creation of Lennox Island, the first reserve land for the Mi'kmaq on Prince Edward Island. This chapter also includes an important discussion about Lennox Island in Malpeque Bay, which has historically had Black families living there as well in what is known as the Big Cove on Lennox Island. While this study focuses on the Mi'kmaq and British settlers on Epekwitk, I want to highlight

that the peoples living on the Island should not be understood in a Mi'kmaq/ settlers binary. Other racialized peoples lived on the Island as well. This chapter includes an examination of Mi'kmaq land and water tenure on Epekwitk to show how public debt financing disrupted traditional living spaces. This chapter also addresses the insidious myth of Epekwitk as the Mi'kmaq “summer home.” This myth states that the Mi'kmaq only lived on the Island during the summer months, and has allowed for a settler understanding of the Island as “unoccupied.”

The conclusion of this dissertation looks to the future, and implications of this research. This conclusion considers the Canadian public debt and the theoretical issue of how lands promised as credit based on their future value could be “released” from their boundedness to global finance capitalism. One of the findings of this research is that the public debt worked as an expansionary mechanism because colonial governments had to develop more and more lands to keep up with debt and interest repayment. This “growth” economy poses challenges to current decolonization efforts in Canada. The conclusion turns to the question of land rematriation, and shows how the historical context of public debt financing has an impact on contemporary settler colonial governance. It takes into account the contemporary politics on Prince Edward Island, and Lennox Island community members' efforts to rematriate land back to the community.

When the British North American colonies negotiated for loans they did so by including a calculation of the future value of lands they promised to develop for revenue. That revenue would then pay off the principal and the interest of the debt as well as, in theory, produce a surplus for colonial prosperity. The British North American colonies

had to pay back the principal amount, which it never had, and importantly, the interest usually at 6%, sometimes 5% per year. To pay back the principal plus the interest of the loans the British North American colonies had to extract revenue from the land, which meant ever growing development projects to make the land produce a revenue to pay back the principal and the interest. Public debt financing wrote an expansionary directive into the foundations of the eventual Canadian settler state. The observation was as true in the nineteenth century, as it is today, that without the wealth extracted from Indigenous lands, Canada would face bankruptcy. The history of Canada's public debt partially explains the contemporary and historical violent settler state and settler and arrivant reactions to Indigenous land and water defenders who continue to fight against settler colonial incursion into their spaces. Blockages to development hindered the Canadian settler state in both securing more credit, and in paying back the principal and the interest of the loan. This thesis explores the long historical process of government borrowing and its relationship to intense development over Indigenous lands.

Chapter One

Political economy, and the colonial public debt, 1820-1873

Introduction

Just after Ellen Turner's fifteenth birthday in March of 1826, a "stranger wholly unknown" to her kidnapped her, and coerced her to marry him.¹ The nightmarish incident lasted days. The kidnapper along with his brother and servant took Ellen across England to Scotland where they married. Eventually they travelled to France. Every step of the way the kidnappers fabricated shameful stories about her father. They told her at one of the inns they stopped at that her father was "concealed in a back room...surrounded by sheriff's officers"² awaiting arrest for owing debts. They told her that the banks her father had money in had failed, and that he had borrowed £60,000 that he could not pay.³ Later, when asked what made her consent to the marriage to a stranger Ellen replied "the fear, that if I did not, my papa would be ruined."⁴ A jury would later find Edward Gibbon Wakefield, along with his brother William Wakefield, guilty of kidnapping Ellen Turner, who was the sole heiress to a considerable fortune, which included lands outside of Manchester.

Less than two weeks before his thirtieth birthday, after the abduction and before the trial, Edward Gibbon Wakefield married Ellen. To legitimize the marriage he relied

¹ Private Act. "An Act to Declare Void an Alleged Marriage Between Ellen Turner, an Infant, and Edward Gibbon Wakefield." June 14, 1827. HL/PO/PB/1/1827/7& 8G4n172. Parliamentary Archives (PA hereafter)

² *The Trial of Edward Gibbon Wakefield, William Wakefield, and Frances Wakefield, Indicted with one Edward Thevenot, a Servant, for A Conspiracy, and for the Abduction of Miss Ellen Turner, the Only Child and Heiress of William Turner, Esq. of Shrigley Park, in the County of Chester* (London: John Murray, Albemarle-Street, 1827), xii.

³ *Trial of the Wakefields*, 1827, 160.

⁴ *Trial of the Wakefields*, 1827, 164.

on social customs to attempt to force consent from the family. With a marriage came the assumption of the consummation of that marriage, and this threatened the possibility for future marriages. For example, the mother of Wakefield's first wife had accepted his "elopement" with her sixteen year old heiress daughter Eliza Pattle.⁵ The trial of the Wakefields spent some time attempting to establish that Edward and Ellen did not have sexual intercourse. Attorneys asked workers of the various inns they stayed at if beds had been slept in by one or two persons, and how many beds the Wakefields' rented.⁶ As Mr. Sergeant Cross, the counsel for the prosecution, argued, Edward Gibbon Wakefield's attempt to force the consent of Ellen's family relied on "a hope that they had done something irretrievable, and that the family at Shrigley would be obliged to make the best of it."⁷ Ellen's father decided to fight the marriage, and eventually Ellen returned home. An act of Parliament annulled the marriage.

For his crime, the jury sentenced Edward Gibbon Wakefield to three years imprisonment. Unlike his brother Edward, William Wakefield maintained his innocence, and even went so far as to claim ignorance of his brother's kidnapping scheme. William declared that he thought he assisted his brother in an elopement, not a kidnapping. He had a hard time convincing the jury of this, and they sentenced William to three years imprisonment as well.⁸ The case came to be known as the Shrigley abduction, and it occupies a tiny space within a vast literature on Edward Gibbon Wakefield.

During his jail time, Wakefield published an anonymous work in an epistolary

⁵ Eliza Pattle died in 1820.

⁶ *Trial of the Wakefields*, 1827, 36.

⁷ *Trial of the Wakefields*, 1827, 37.

⁸ William Wakefield. Petition. Lancaster Lent Assizes 1827. HO/17/93/65. The National Archives (NA hereafter).

style in which he pretended that he was writing a letter as a colonist in Australia.⁹ This work caught the attention of those who were interested in reforming the settler colonies. When Wakefield left prison Charles Buller and other Members of Parliament made his acquaintance. Wakefield then co-founded the National Colonization Society in 1830. The platform that they lobbied Parliament with became known as the Colonial Reform Movement.¹⁰ Many people were involved in the Colonial Reform Movement, but Wakefield became its unofficial leader, and published many works about reforming the settler colonies. He led the Colonial Reform Movement composed of the famous “Wakefieldians” such as Charles Buller, John George Lambton (Lord Durham), William Molesworth, and Robert Torrens.

The historical scholarship about Wakefield is prolific. The majority of this historical scholarship tends to focus on the role of liberalism in colonization, and Wakefield's specific “systematic colonization” plan. Wakefield's kidnapping of Ellen Turner, however, also highlights nineteenth-century British cultural norms about indebtedness. Debt could destroy an elite man's life. The threat of debt imprisonment could induce a fifteen year old to agree to marry a thirty year old stranger. Wakefield used a shared cultural understanding of indebtedness to manipulate Ellen Turner. He negotiated between the different meanings of debt and indebtedness. He understood both the dire consequences of bankruptcy, but, at the same time he came to advocate for advancing indebtedness. The crux of Wakefield's settler colonial reform plan relied on

⁹ Edward Gibbon Wakefield, *A Letter from Sydney, the Principal Town of Australia: Together with the Outline of a System of Colonization*, ed. Robert Gouger (London: Joseph Cross, 1829).

¹⁰ Bruce Curtis, “Colonization, Education, and the Formation of Moral Character: Edward Gibbon Wakefield’s *A Letter from Sydney*,” *Historical Studies in Education / Revue d’histoire de l’éducation* 31, no. 2 (Fall / automne 2019): 12; and Jack Harrington, “Edward Gibbon Wakefield, the Liberal Political Subject and the Settler State,” *Journal of Political Ideologies* 20, no. 3 (2015): 10.

public debt financing. In fact, the entire settler colonial system rested on the ability of the settler colony to take out a public debt to finance itself.

This chapter argues that Wakefield's theories of colonial reform influenced prominent political economists. This can be seen in an examination of the London Political Economy Club's discussion of the benefits of a public debt for the colonies. These theories also played a role in imperial policy that instituted a colonial public debt system in new settler colonies. This chapter looks at some of these discussions, including an analysis of how members such as John Stuart Mill understood public debt financing in relation to colonial reform. The focus on political economy shows how theorists understood the national debt, and in particular, understood that the debt offered a way to ameliorate what they saw as political, social, and economic imbalances in the settler colonies

Colonial reform and public debt financing

The Colonial Reform Movement was born out of broader changes in British politics. Liberal political economists set out to make legislative changes to both British domestic and imperial policy during the “age of reform.” Peter Burroughs has shown how liberal reformers focused on the key concept of retrenchment. They wanted to both root out corrupt practices of political patronage, and to greatly reduce the British government expenditure after the immensely expensive Napoleonic Wars. The settler colonies presented reformers with the perfect example of why retrenchment was so necessary. It did not take too much convincing to show the problems with patronage in

the British North American colonies with the “Family Compact” and the “Château Clique.” Nor was it difficult to show the cost of annual imperial grants that funded civil and ecclesiastical bodies in New Brunswick, Nova Scotia, Prince Edward Island, and Upper Canada in the late 1820s. This context set the stage for Wakefield and his Colonial Reform Movement that dominated colonial reform politics in the 1830s and beyond.¹¹ Influential political economists who specialized in colonial reform supported Wakefield’s ideas about standardising colonial policy, and from this there emerged a distinct tenet of mid-nineteenth-century political economy that Karl Marx christened the “modern theory of colonization” that drove “modern colonization” policy.¹²

As Burrough's has pointed out these colonial reforms represented a fundamental reversal of established imperial colonial policy.¹³ By the 1840s prominent political economists as well as liberal reformers articulated a clear theory of settler colonialism based on Edward Gibbon Wakefield’s principles of “systematic colonization.” John Stuart Mill even urged Wakefield to write his principles as a “systematic treatise” on colonization, affectionately naming Wakefield a “Colonizer” and a political economist.¹⁴ Political economists helped legitimize colonial reform with the principles of political economy. It was meant to be a “science of colonization” as Wakefield's biographer noted.¹⁵ Political economy lent an air of authority to Wakefield and the Colonial Reform

¹¹ Peter Burroughs, “Parliamentary Radicals and the Reduction of Imperial Expenditure in British North America, 1827-1834,” *The Historical Journal* 11, no. 3 (1968): 448.

¹² Karl Marx, *Capital. Volume I*, trans. E. Mandel (New York: Penguin Classics, 1990), 931.

¹³ Peter Burroughs, “Wakefield and the Ripon Land Regulations of 1831,” *Australian Historical Studies* 11, no. 44 (1965): 457.

¹⁴ John Stuart Mill to Edward Gibbon Wakefield, urging him to write a treatise on the subject of colonization; India House, n. d. (1848-9) British Library ADD MS 36297 (BL hereafter)

¹⁵ Edward Garnett, *Gibbon Wakefield: The Colonization of South Australia and New Zealand* (London: Fisher Unwin, 1898), 375.

Movement.

In his preface to his *Principles of Political Economy* John Stuart Mill noted that despite the existence of many in depth works of political economy his work differed because he “re-surveyed” the field of political economy to include contemporary issues of currency, foreign trade, and colonization.¹⁶ As Mill wrote “the planting of colonies” should not only consider “an exclusive view to the private interests of the first founders.” He argued that there should be “a deliberate regard to the permanent welfare of the nations afterwards to arise from these small beginnings.”¹⁷ Duncan Bell has argued that Mill always viewed the settler colonies as “embryonic nations, bound ultimately for independence.”¹⁸ This points to the fact that the endgame of colonial reform was colonial “self-sufficiency” leading to independent settler states. Historians of settler colonialism have remarked on the striking rise of the British acceptance of the independence of settler colonies and the granting of responsible government in the 1850s. They rightly link the shift to settler self-government to an aggressive model of appropriation of Indigenous lands.¹⁹ For example, Ann Curthoys and Jessie Mitchell have shown the deep connections between responsible government, land appropriation, and the attempts of both the imperial and colonial governments to displace Indigenous sovereignty in what became

¹⁶ John Stuart Mill, *Principles of Political Economy With Some of Their Application to Social Philosophy* (London: Longmans, Green, Reader, and Dyer. 1871), v.

¹⁷ Mill, *Principles of Political Economy*, 585.

¹⁸ Duncan Bell, "John Stuart Mill on Colonies," *Political Theory* 38, no. 1 (2010): 37.

¹⁹ Julie Evans, *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830-1910* (Manchester, UK: Manchester University Press, 2003); Jessie Mitchell, “Are We in Danger of a Hostile Visit from the Aboriginies?” Dispossession and the Rise of Self-Government in New South Wales,” *Australian Historical Studies* 40, no. 3 (2009): 294-307; Ann Curthoys, “The Dog That Didn’t Bark: The Durham Report, Indigenous Dispossession, and Self-Government for Britain’s Settler Colonies,” in *Within and Without the Nation: Canadian History as Transnational History*, eds. Karen Dubinsky, Adele Perry, and Henry Yu (Toronto: University of Toronto Press 2015).

Australia.²⁰

It is important to note that reform centered on the principles of political economy that shaped liberal policy. These reforms extended across the British empire. Eric Stokes' *The English Utilitarians and India* (1959) connects the links between Utilitarianism in liberal thought, particularly James Mill's philosophies, and empire. Thomas Metcalf's *Ideologies of the Raj* (1994) provides a detailed account of liberal ideology in the ordering of British rule in the sub-Continent. He notes how liberal ideologies informed imperial rule along the lines of the difference between colonial subjects and imperial rulers. Uday Singh Mehta's seminal work *Liberalism and Empire* (1999) looks at the spread of liberal universalism across the Empire. In these works, the underlying imperialism in liberal thought was not so much a contradiction, but a fundamental aspect of liberalism.²¹

Bell points out that Torys had earlier used the term liberal to slander Whigs, but that had changed in the 1830s. The term liberal became associated with the “philosophic radicals” and attached to a set of social, economic, and political aspirations of a growing middle class in Britain.²² The Colonial Reform Movement emerged as a political economic desire to reorder the settler colonies in the image of an idealized space for British middle class ambitions. Philip Steer has called the 1830s turn towards large scale

²⁰ Ann Curthoys and Jessie Mitchell, *Taking Liberty: Indigenous Rights and Settler Self-Government in Colonial Australia, 1830 1890* (Cambridge, United Kingdom: Cambridge University Press 2018), 103.

²¹ Eric Stokes, *The English Utilitarians and India* (Oxford: Clarendon Press, 1959); Thomas R. Metcalf, *Ideologies of the Raj*, vol. 3 (Cambridge: Cambridge University Press, 1997); Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (University of Chicago Press, 1999); Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton University Press, 2009); and Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (USA: Princeton University Press, 2010).

²² Duncan Bell, *Reordering the World: Essays on Liberalism and Empire* (Princeton: Princeton University Press, 2016), 74.

settler colonialism in the British Empire a shift in the “imperial imaginary,” and as about more than just relieving Britain of a high population.²³ The liberal dream of the settler colony as perfected space to build a properly ordered society manifested itself in the Colonial Reform Movement.²⁴ Donald Winch has pointed out that the colonial reformers concerned themselves not just with economic prosperity, but they set out to create a new society governed by liberal values.²⁵ Winch’s seminal exposition on political economists and their writings on colonies, and more recently Bell’s work, have shown how and why political economists such as Mill ardently supported Wakefield and the colonial reform movement. As Bell has argued, many saw in the settler colonies a place to make their dreams of liberal “good governance” a reality.²⁶

Tony Ballantyne has argued that Wakefield was central to colonial reform, and his theory of colonization transformed debates in Britain about British emigration to the colonies.²⁷ Several recent articles about Wakefield discuss his importance as a thinker who shaped mid-nineteenth-century political economy. The scholarship on Wakefield ranges from his role in “disciplining” settler subjects into citizens, to his involvement in the “founding” of New Zealand.²⁸ These works look at the ways in which Wakefield

²³ Philip Steer, “On Systematic Colonization and the Culture of Settler Colonialism: Edward Gibbon Wakefield’s a Letter from Sydney (1829),” in *BRANCH: Britain, Representation, and Nineteenth-Century History*, ed. D. Felluga (2017): 1, accessed 5th May 2019. http://www.branchcollective.org/?ps_articles=philip-steer-on-systematic-colonization-and-the-culture-of-settler-colonialism-edward-gibbon-wakefields-a-letter-from-sydney-1829.

²⁴ Bell, *Reordering the World*, 49.

²⁵ Donald Winch, *Classical Political Economy and Colonies* (Cambridge, Mass.: Harvard University Press, 1965), 144.

²⁶ Bell, *Reordering the World*, 33.

²⁷ Tony Ballantyne, “The Theory and Practice of Empire Building: Edward Gibbon Wakefield and ‘Systematic colonization,’” in *The Routledge History of Western Empires*, eds. Robert Aldrich and Kirsten McKenzie (London: Routledge, 2014), 93. See also Belich, *Replenishing the Earth*, 147.

²⁸ Many scholarly works look at Wakefield, and the Colonial Reform Movement. For a few in depth works see: R. D. Collison. Black, *Economic Thought and the Irish Question 1817–1870* (Cambridge: Cambridge University Press, 1960); R. N. Ghosh, “The Colonization Controversy: R. J. Wilmot-Horton and the

physically involved himself in many colonial matters such as working with land companies and even going so far as to win an 1842 by-election in Beauharnois Québec (Canada East at the time). While the majority of writing on Wakefield mentions his idea of an emigration fund to pay for emigrants with land sales these works also assume that the land sales paid for emigrants in a straight forward transaction.²⁹ This, however, was not the case as the land in the colonies had a low market value, a fact that Wakefield frequently lamented.³⁰ Before a land sales fund could be established to allegedly pay for emigration and land development, an initial sum of money would have to pay for the first settlers. Wakefield had the answer to this problem when he argued that the settler colony should take out a public debt to finance itself.

Prior to the Colonial Reform Movement political economic orthodoxy that David Ricardo and James Mill supported viewed British emigration to the settler colonies as a “drain” on the British economy.³¹ They argued against the policies of sending out British emigrants that the British politician Robert Wilmot-Horton, the Under-Secretary of State

Classical Economists,” *Economica* 31, no. 124 (1964): 385-400; Donald Winch, *Classical Political Economy and Colonies* (Cambridge, Mass.: Harvard University Press, 1965); Helen Taft Manning, “E. G. Wakefield and the Beauharnois Canal,” *The Canadian Historical Review* 48, no.1 (1967): 1-25; K M. de Silva, “The Third Earl Grey and the Maintenance of an Imperial Policy on the Sale of Crown Lands in Ceylon, c. 1832-1852: Some Influences of Edward Gibbon Wakefield's Doctrines in a Tropical Colony,” *The Journal of Asian Studies* 27, no. 1 (1967): 5-20; Douglas Pike, “Introduction of the Real Property Act in South Australia,” *Adel. L. Rev* 1 (1960): 169- 189; and Robert Grant, “Edward Gibbon Wakefield, England and ‘Ignorant, Dirty, Unsociable... Restless, More Than Half-Savage’ America,” *Comparative American Studies* 1, no. 4 (2003): 471-87.

²⁹ For a few examples of this vast literature see, Edward Kittrell, “Wakefield’s Scheme of Systematic Colonization and Classical Economics,” *American Journal of Economics and Sociology* 32, no. 1 (1973): 87–112; M.F. Llyod Prichard “Wakefield Changes his Mind About the ‘Sufficient Price,’” *International Review of Social History* 8 no. 2 (1963): 251-269”; O. Pappé, “Wakefield and Marx,” *Economic History Review* 4, no. 1 (1951): 88– 97. For debates about emigration beyond Wakefield see Robert Grant, *Representations of British Emigration, colonization, and Settlement: Imagining Empire, 1800-1860* (Hampshire: Palgrave Macmillan, 2005).

³⁰ Notably, in his *A Letter from Sydney*, Wakefield posed as a wealthy landowner that held many acres of land that barely had a market value.

³¹ Bell, *Reordering the World*, 34.

for War and the Colonies from 1821 to 1828, tried to put into place. Wilmot-Horton who wanted colonial reform, was not a part of the Colonial Reform Movement. Wakefield went so far as to call Wilmot-Horton “an ignorant and meddling pretender in political economy.” Wakefield expressed his approval of Wilmot-Horton’s appointment as the Governor-General of Ceylon in the 1830s, which effectively removed him from the colonial reform debates.³² Two distinct theories of settler colonization emerged after the Napoleonic Wars, one that centred on Wilmot-Horton's colonization plan exemplified in his Emigration Bill, which he proposed in 1830. In it he proposed a method of financing British settlers to the colonies that relied on British funding. It requested that the British government advance £1,000,000 to bring 95,000 British emigrants to the colonies. Political economists saw this method as an unacceptable “drain” on the British economy.³³

Mill denounced Wilmot-Horton's bill. He wrote that he had “no faith of the efficacy of any plan of emigration” because “it implies the permanent alienation of a portion of the national capital.” Yet, he called himself a “friend” to emigration, and allowed for it within the competing Wakefield model.³⁴ As political economists debated the merits of emigration a divide arose between the older generation of James Mill and Thomas Malthus who criticized Wakefield, and those who supported him such as Robert Torrens, and John Stuart Mill.³⁵

Wakefield wrote about a general “distress” that the British middle classes

³² Quoted in Ghosh, “The Colonization Controversy,” 399.

³³ Ghosh, “The Colonization Controversy,” 396.

³⁴ John Stuart Mill, “The Emigration Bill,” *The Examiner*, 27th February, 1831, in *Newspaper Writings. Collected Works of John Stuart Mill*, eds. John M Robson, and Ann P Robson. (Toronto: University of Toronto Press. 1986), 271.

³⁵ Ghosh, “The Colonization Controversy,” 393.

experienced as a continual loss of capital, which he believed, along with several key British political economists such as Mill, had to do with England's abundance of labourers, lack of land, and no place for British capital investment.³⁶ Wakefield's colonization plan promised to fix many of the issues the “Parliamentary radicals” had with the colonies. Perhaps most importantly, he proposed a method that would relieve the imperial government of their heavy financial burden. The colonial public debt was a key aspect of the Colonial Reform Movement. This has been neglected by the vast literature on both Wakefield and the political economy of the colonies. Unlike Wilmot-Horton's “assisted emigration,” Wakefield's “systematic colonization” did not ask the British government to financially support British emigration, and had the end goal of colonial “self-sufficiency.” The settler colonies went from political economists decrying it as a “drain” on the British economy to a place of “habitation” for “civilized man” as Oxford's Drummond Professor of Political Economy, Herman Merivale, put it in 1841.³⁷ Mid-century political economists came to see settlement as the “highest form” of colonization.³⁸

Colonial reform wanted to standardize settler colonialism across the Empire. Furthermore, this standardization process, or “systematic colonization,” colonial reformers argued, needed to be enacted in legislation so that colonial governments could not overturn imperial measures. Wakefield's writings about colonial reform influenced the first imperial policies of settler colonialism: the Australian Ripon Regulations in

³⁶ Edward Gibbon Wakefield, *England and America: A Comparison of the Social and Political State of Both Nations in Two Volumes* (London: Richard Bentley, 1833), 80-95.

³⁷ Herman Merivale, *Introduction to a Course of Lectures on Colonization and Colonies, Begun in March 1839* (London: Longman, Orme, Brown, Green, and Longmans, 1839), 9.

³⁸ Merivale, *Lectures on Colonization*, 13.

1831, the instruction of the Earl of Ripon (later Lord Goderich) to the North American colonies to end “free” land grants in 1831, and the 1834 South Australia Act.³⁹ Colonial reform had four major elements that can be distilled from Wakefield's writing. It argued that: the settler colony had to have a representative and responsible government (to eventually become “independent”); the population had to be ethnically British or at least western European; the colony would take out a public debt; and the population had to be concentrated and static or “settled” with the “sufficient price,” which limited population sprawl.⁴⁰

Wakefield is perhaps best known for his theory of a “sufficient price” for land in settler colonies. According to Wakefield the “sufficient price” could be calculated as “the term during which it is desirable that labourers should work for hire before they can be allowed to work as a settler.”⁴¹ Fixing the price of land at an amount higher than labouring wages ensured workers could not sustain a farm and would have to support themselves through wage labour. This effectively solved the “colonial curse” as Wakefield called it, or the dearth of specifically British labourers in the colony.⁴² The

³⁹ Frederick John Robinson, 1st Earl of Ripon, or Lord Goderich mentioned that “the plan of disposing of land by public sale adopted by Government...was adopted in 1831; in the same year in Australia that it had been adopted in the North American colonies.” House of Commons, *Report from the Select Committee on the Disposal of Lands in the British Colonies Together with Minutes of Evidence and Appendix* (August 1 1836), 40. See also W. K. Hastings, “The Wakefield colonization Plan and Constitutional Development in South Australia, Canada and New Zealand,” *The Journal of Legal History* 11, no. 2 (1990): 292; Prichard, “Wakefield Changes his Mind,” 1963; and Burroughs, “Wakefield and the Ripon Land Regulations.”

⁴⁰ The term “white” could be used here in quotes as white supremacist ideology had deep roots in this idea of a “settled” population. For example, the evidence sometimes used the term “European” interchangeably with “British,” or “white.” European, however, in these British sources meant almost exclusively western European, or persons perceived to be tied to “civilized” European societies, which generally meant “Nordic” or “Germanic.” “Settled” had its foil as well, not nomadic peoples, but peoples who “hunted.” So, “settled” contrasted with the tropes liberals such as Mill frequently deployed about Indigenous peoples on Turtle Island, that they “hunted,” and were not “settled,” which meant they were not assimilated to a British way of life.

⁴¹ House of Commons, *Report on the Disposal of Lands*, 183.

⁴² Wakefield, *A Letter from Sydney*, 80.

scattering of settlers when they could purchase cheap lands also had the effect of both producing low market values for land, and high wages, since the abundance of land over saturated the market, and labourers did not have much competition for work. Wakefield's "sufficient price" allegedly remedied the "evils" of too much land and not enough labour.

Marx famously criticized Wakefield's price fixing of land principle. He argued that it aimed "at manufacturing wage-earners," and exposed how capitalists had to construct their societies artificially to create a labour force.⁴³ However, in doing so Marx, like Wakefield, imagined "Canada" as "virgin soil." Unlike Wakefield, however, Marx saw the settler colonies as a place to subvert capitalism, and not extend it. For him, the settler colonies offered an ideal place for British labourers to escape wage labour and become farmers.⁴⁴ The Ripon Regulations, and the South Australia Act both implemented Wakefield's key principle of price fixing land, or the "sufficient price" for land in law. This price fixing of land did not work in the same way across the Empire despite colonial reformers attempts to standardise settler colonial imperial policy. For example, in what became Canada, the close proximity of the United States led to fears of British emigrant flight to cheaper lands.⁴⁵

In short, Wakefield claimed that colonial reform could abolish slavery, grant self-government to settler colonies, "uplift" the working classes, institute proper "good governance," solve Britain's stagnating economy, solve Britain's labour problems, help solve the colonies' problems of low market values of land, and help solve the colonies problems of a dearth of labouring peoples. On top of this, Wakefield's bombastic writing

⁴³ Marx, *Capital Vol.1*, 932.

⁴⁴ Marx, *Capital Vol.1*, 931, note 1.

⁴⁵ Burroughs, "Wakefield and the Ripon Land," 464.

style in combination with his prolific writing career makes it difficult to make a clear statement about the exact parameters of the Colonial Reform Movement. It is helpful to think of colonial reform as one house of many in a town oriented towards a “civilizing mission.” Nineteenth-century liberals felt deeply disturbed by anything that even gestured towards “barbarism,” and the settler colonies were no different. For example, in 1838 when Wakefield arrived in the British North American colonies as a part of Lord Durham's mission to investigate the causes of the Rebellions, the mission took great pains to stave off colonial “barbarism.” As Bruce Curtis points out when Durham and his entourage arrived in the British North American colonies he brought with him his “family plate, his racing trophies, and a large collection of musical instruments,” and a vast array of other such markers of “civilization” as talismans to ward off “barbarism.”⁴⁶

In the settler colonies liberal colonial reformers applied the moniker of “barbarism” to both Indigenous peoples, and British settlers. According to Wakefield, the colonies allowed for a dispersed settler population, and this impeded “civilization.” As Wakefield frequently noted, the concentration of a settler population would have a “civilizing” effect on the settlers. The Colonial Reform Movement easily connected responsible government, economic growth, and land appropriation from Indigenous peoples with a broader “civilizing mission.” John Stuart Mill argued that implementing proper colonization in the settler colonies concerned “the future and permanent interests of civilization itself” that “far outstretches the comparatively narrow limits of purely economical considerations.”⁴⁷ The Colonial Reform Movement focused on the liberal

⁴⁶ Bruce Curtis, “The ‘Most Splendid Pageant Ever Seen’: Grandeur, the Domestic, and Condescension in Lord Durham's Political Theatre,” *Canadian Historical Review* 89, no.1 (March 2008): 67.

⁴⁷ Mill, *Principles of Political Economy*, 586.

goal of creating a governable British society in the settler colonies.

Sometimes, Wakefield would moralize about the “civilizing” benefits of the settler colonies to British emigrants in a way that was partially disconnected from economic, and other colonial reform issues. Other times he would loosely tie colonial reform to the abolition of slavery. Wakefield believed that the low price of land in the colonies led to the high cost of labour. In this case the low cost of labour came from a violent system of coercion that enslaved Black peoples. According to Wakefield's logic, the cheapness of products from peoples enslaved in a system of racialized chattel slavery had to do with the cheapness of land and not labour. He argued that colonial reform could fix this issue through policies that would raise the value of land in the settler colonies, but first slavery had to be abolished to make this happen.⁴⁸ The Colonial Reform Movement wanted to create a market society in the settler colonies because they saw that type of society as the most “civilized.” Jack Harrington does an excellent job of untangling the threads in Wakefield’s thought about the production of the settler as a liberal political subject showing that, for Wakefield, the settler society was “a fragile carrier of European civilization and the planned society that would remedy it.”⁴⁹

The Colonial Reform Movement that put forth “modern colonization” policy did not only find a legislative home in the 1831 Ripon Regulations and the 1834 South Australian Act. The key elements of settler colonialism decades later manifested in a 1865 general “Colonial Bill” that outlined the legal contours of making a British settler colony. When Parliament passed the Colonial Laws Validity Act, that reformed the

⁴⁸ Wakefield, *England and America*, 247-8.

⁴⁹ Harrington, “Liberal Political Subject and the Settler State,” 338.

hierarchy between colonies and the Parliament, another bill, specifically about settler colonies, was considered. Lord Thring, the preeminent statute law draftsman of the nineteenth century who set the contemporary style of British legislation, drafted provisions for a “Colonial Bill.”⁵⁰ This bill explicitly outlined the structures for an independent colony. The bill defined a colony, contrary to the 1865 Colonial Laws Validity Act as anything other than “a dependency under the immediate government of the Crown” such as India, and limited its provisions to the settler colonies. The act outlined that a new colony could not be declared unless it included no “less than 5000 adult males of European descent.”⁵¹

If colonial reformers considered Indigenous peoples at all they did so in passing, and usually with reference to how few people populated North America. Wakefield, Mill, and even their critic Marx, theorized about the positive benefits of settler colonialism as if Indigenous lands were empty. Mill referred to colonies as “unoccupied” or as the “unoccupied parts of the earth’s surface,” publicly in published works, and in private letters as well.⁵² This characterization among political economists was not unique to Mill as Marx wrote of “the Americas” as a terra nullius or “virgin soil.”⁵³ The imagined empty lands conveniently solved the “Indigenous problem” as liberal theorists simply argued

⁵⁰ F. A. R. Bennion, “Statute Law Obscurity and the Drafting Parameters,” *British Journal of Law and Society* 5, no. 2 (1978): 243.

⁵¹ Lord Thring, “Colonial Reform: Provisions intended as suggestions for a Colonial Bill,” 1865. Pg 1. TARIFF COMMISSION/10/3/1. London School of Economics Archive (LSE hereafter).

⁵² Letter. John Stuart Mill, “Letter on Chinese Labour Question, written from Avignon.” October 23rd 1869. Pg. 112. Mill-Taylor/ 45. LSE.

⁵³ Marx, *Capital*, 931. For a counter argument of terra nullius and other ways of seeing settler colonies see Andrew Fitzmaurice, “The Genealogy of Terra Nullius,” *Australian Historical Studies* 38, no. 129 (2007): 1-15. Fitzmaurice argues that, at least in the Australian case, terra nullius was not used in the eighteenth and nineteenth centuries to legally justify dispossession because the British had recognized Indigenous land possession. See also Henry Reynolds, *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion of Australia* (Australia: University of New South Wales Press, 2006).

that Indigenous peoples did not exist, and if they did, they only existed in small groups with their numbers rapidly decreasing.

British colonial reformers wrote as if Indigenous peoples, their sovereignties, and their territorialities did not exist. However, while the rhetoric of the colonial reformers erased the multiplicity of land and water tenure systems of many Indigenous communities, and nations, colonial and imperial governments had to work to appropriate those lands. As chapters four and five will address this was particularly true for Prince Edward Island. Mi'kmaq oral histories challenge the narrative prevalent on the Island that only a few hundred Mi'kmaq lived there at any given time. It is a mistake to make the same presumption based on the British documentary silence about Indigenous peoples that the "Indigenous problem" did not figure prominently in colonial policy. It did, particularly in appropriating lands for colonial credit.⁵⁴ Looking at the colonial public debt allows for an assessment of colonial policy directed at Indigenous peoples even in the face of documentary silence.⁵⁵

Political economy and global markets

Mary Poovey has pointed out that political economists did not invent ideas about the economy, but described what was already happening around them. They then wrote economic principles that presented their descriptions of economic phenomena as ahistoric and universal.⁵⁶

⁵⁴ Linda Tuhiwai Smith, *Decolonizing Methodologies : Research and Indigenous Peoples*, 2nd edition (London: Zed Books, 2012), 90.

⁵⁵ Brian Gettler, "Indigenous Policy and Silence at Confederation," *Early Canadian History*, accessed January 1, 2019. <https://earlycanadianhistory.ca/2017/06/26/indigenous-policy-and-silence-at-confederation/2019>.

⁵⁶ Mary Poovey, *Genres of the Credit Economy: Mediating Value in Eighteenth- and Nineteenth-Century Britain* (Chicago: University of Chicago Press 2008), 131.

This is precisely what the Colonial Reform Movement did with their assertion that the settler colonies could broaden the “field of employment” for British capital. Edward Gibbon Wakefield's “systematic colonization” plan, and in particular his ideas about colonial economic reform, enticed political economists who became some of Wakefield’s most ardent supporters. While they did not universally agree with all of his ideas, many picked up on his idea that settler colonialism would open up the “field of employment” for British capital.

Wakefield argued that British capital would not have a large enough “field of employment” in Britain for economic prosperity. The post-Napoleonic War period in Britain caused significant anxiety about Britain’s supposed “stagnating” economy. Wakefield argued that in order to facilitate growth Britain’s economic sphere must grow.⁵⁷ The economy could not grow, not because of overpopulation or other such Malthusian concerns, but because there were no longer any significant opportunities for investment for capital.⁵⁸ Making a broader “field of employment” for capital meant no less than forming a global economic system. This global economy consisted of independent states centered on national economies with responsible governments that shaped their principles of governance around market principles. In this way, they could participate in the global market giving Britain a broader “field of employment” of capital, and thus Britain could avoid a stagnating economy.

This contrasted with an international economic model. In this model Britain was the mother country with satellite colonies. These colonies depended on the mother country to nourish economic growth, which “drained” Britain’s wealth. This explains why political economists were originally staunchly opposed to any schemes of emigration to the colonies. The reasons why

⁵⁷ He achieved some of his clearest expression of his idea of colonialism in Edward Gibbon Wakefield, *A View of the Art of Colonization : With Present Reference to the British Empire In Letters Between a Statesman and a Colonist* (London: John W. Parker, 1849).

⁵⁸ Wakefield, *A View of the Art of Colonization*, 463.

political economists picked up on this “field of employment” idea in particular have to do with debates about the loss of British capital in the wake of debates about emigration to the settler colonies. However, in the Wakefield model, the public debts that settler colonies took out gave them “self sufficient” economies. These discrete economies allowed for British investment outside of Britain’s own economy. At the same time, the cultural, political, and social ties Britain had with the settler colonies made them “safer” fields of investment.

From today’s point of view the listing of government securities from around the globe on the London Stock Exchange beginning in the first half of the nineteenth century can prove that there was a global economy, or at the very least some prototypical emergence of globalization. The argument about the emergence of a global economy has an extensive literature, but the periodization of a global economy is not what is important here.⁵⁹ Ricardo did not see a “global economy,” he saw a British market interacting with, not within, an international market.⁶⁰ In this view the settler colonies acted as the satellites of the mother country. Investment in a satellite would still be an investment in the mother country. Marx’s critique of Wakefield’s “systematic colonization” shows how land, labour, and capital needed direct interference in the settler colonies because nothing was natural about the economic system Mill, Wakefield and others wanted to implement in the settler colonies.⁶¹

Mill theorised a “global economy,” one in which where Britain’s national economy acted

⁵⁹ See R. C. Michie, *The Global Securities Market: A History* (Oxford: Oxford University Press, 2006), 8-13. See also Michael D Bordo, Alan M Taylor, and Jeffrey G Williamson, *Globalization in Historical Perspective* (Chicago: University of Chicago Press, 2003).

⁶⁰ Michio Morishima, *Ricardo’s Economics: A General Equilibrium Theory of Distribution and Growth* (Cambridge: Cambridge University Press, 1989), 5.

⁶¹ Karl Marx, *The Grundrisse: Foundations of the Critique of Political Economy (Rough Draft)*, trans. Martin Nicolaus (USA: Penguin Books, 1973), 482-487.

within a global economic system comprised of an aggregate of national economies just like Britain's. This nuanced distinction is of great importance in understanding the emergence of settler colonial ideology and the eventual establishment of the settler state. The emphasis between Ricardo writing within a framework of an international securities market with colonies dependent on the mother country, and Mill's global economy is not an argument that there was some sort of hard break in the global securities market that created a global economy. In many ways it does not matter that a global economy existed or did not exist. What this emphasis does is show the difference in thought between Ricardo and Mill, writing from two very different periods in the life of government borrowing, and can possibly explain Ricardo's blasé attitude towards plans of either assisted emigration or "systematic colonization."

Nineteenth-century political economy cannot be easily generalized, but the core assumption of predominant political economists from David Ricardo to John Stuart Mill was an ideology of equilibrium between capital, labour, and land. In many ways Ricardo revolutionized the field of political economy, and shaped the ways theorists after him understood a discrete sphere of influence on human life called "the economy." This "economy" obeyed its own natural laws, and importantly, could be described with principles. In this way the "economy" existed outside of society, politics, and culture. Ricardo implemented mathematical justifications about the "natural" functioning of the "economy." This echoed the way physics described natural phenomena such as gravity. Ricardo reified "the economic" as natural. In doing so he developed ideas about relational value that had a great impact on the field of political economy. Relational value imagined a ratio between two things, or many things. The thing's value came from its orientation to other things in a matrix of value.⁶²

⁶² See Karl Polanyi, *The Great Transformation* (Boston: Beacon Press, 2001), 71-80; Denis Meuret, "A

Ratios and mathematics rely on balance, and they are expressions of relationships between things. Thus, political economic reform focused on what reformers saw as the “unnatural” checks to this equilibrium. For a healthy economy, capital, labour, and land had to be balanced. Anything that disrupted this natural equilibrium would produce an unhealthy economy. Settler colonies became a target for reform because of their alleged imbalance between capital, labour, and land. They had a dearth of capital and labour and an abundance of land, whereas Britain had an abundance of capital and labour, but a dearth of land. Colonial reform was a way to restore the “natural” balance in the world. The ideology that a healthy economy had to reach a natural equilibrium between labour, capital, and land explains why colonial reform wanted British emigration (labour), and capital (public debts) to develop the abundance of land (Indigenous homelands). This would also benefit Britain to get rid of its abundance of labourers (lower to lower middle classes), and its excess capital (investments), to possess land (in the form of debt contracts).

In Britain, for example, political economists since Adam Smith cast the Poor Laws as an unnatural element in the British economy that produced poor people, or caused “pauperization.” The assumption of equilibrium infiltrated ideas about migration, governance, taxation, and even the government debt, which Ricardo famously condemned as interfering with the natural balance of the economy.⁶³ The balance between capital, labour, and land always shaped political economic arguments about emigration to the colonies. Political economists asked if too much labour could cause a drain on Britain, the so-called “vacuum theory.” They pondered if an outflow of capital meant a lack of capital in Britain. They also questioned the best way to “improve” the

Political Genealogy of Political Economy," *Economy and Society* 17, no. 2 (1988): 225-250; and Claudia C. Klaver, *A/moral Economics: Classical Political Economy and Cultural Authority in Nineteenth-Century England* (Columbus: Ohio State University Press, 2003).

⁶³ Nancy Churchman, *David Ricardo On Public Debt* (Great Britain: Palgrave MacMillian, 2001), 23.

“wastelands.” Out of these economic theories political economists began to champion settler colonialism. Arguably, this had to do with new economic ideas about investment and the opening up of a global economy, of which the settler colonies represented an integral part. Political economists argued that there existed a “proper” form of colonization, and this type of colonization by the mid-nineteenth century meant settler colonization.⁶⁴

Political economists vocally supported the 1834 South Australia Act, which created the colony of South Australia based on Wakefield's principles. Of the impending act Mill remarked that “the enlightened views of Colonization...are about to be realized in the formation of a Colony at the mouth of the newly-discovered river in South Australia.” Mill praised the act as “a guarantee to the public of the honesty and patriotism of the undertaking, and many other names connected with it are a strong assurance of its probable success as an investment of capital.” This new colony “for the first time in the history of colonization,” would “afford a sensible relief to the overcrowded labourers and capitalists of the mother country.”⁶⁵ Mill’s framing of the South Australia Act as a relief not just for labour, but also for investment for British capital highlights how the meaning of colonization took on a new dimension in the 1830’s to specifically mean settler colonization. It also reveals one of the reasons why many British political economists began to warm to the idea of settler colonization: it became a way to invest in a “global” economy, and was no longer seen as a “drain” of Britain's economy. Mill also centred the importance of the balance between capital, labour, and land in his praise of the act. For political economists, settler colonialism represented a great hope for equilibrium and a

⁶⁴ Mill, *Principles of Political Economy*, v.

⁶⁵ John Stuart Mill “The New Colony” (1), *The Examiner*. 29th June 1834, in *Newspaper Writings. Collected Works of John Stuart Mill*, eds. John M Robson, and Ann P Robson (Toronto: University of Toronto Press. 1986),734.

properly functioning economy.

However, not everyone praised the South Australia Act. *The Times* associated it with the concurrent New Poor Law Amendment Act, which reformed Britain's old poor laws that political economists from Adam Smith onward wanted changed. Mill went so far as to say that the *The Times* had “declared war against the New Colony” through this distasteful association. Two days before Mill's “The New Colony” article appeared, which praised the act, *The Times* had published a letter to the editor from an unnamed country magistrate. This letter possibly prompted the vehement response from Mill. *The Times* article bluntly stated:

I have no doubt that the late meeting at the large room in the Strand, for the colonization of Australia, is intimately connected with the anticipated success and the general working of the new Poor Law Bill. The Poor Law Bill will render the labouring population indifferent to their homes; and the colonization-men will be then ready to catch them, and toss them on a far distant coast.⁶⁶

The anonymous magistrate made many of the popular anti-poor law sentiments at the time clear. He argued that the poor law meant to detach people from their homes to have them freely circulate, and not just to the industry heavy north of England. The colonization schemes Mill and Wakefield touted about provoked a response from British observers. The connection between the New Poor Law and the South Australia Act was not lost on them. Contemporaries clearly knew that the colonization schemes meant to render people as labour to circulate around the globe. Mill disputed the claim that the New Poor Law somehow had ties to the South Australia Act. However, contemporary sentiment at the time argued that it did. Objectively, it did as both dealt with “freeing”

⁶⁶ “New Poor Law Bill in the Lords,” *The Times* July 4, 1834. The Times Online Archive (TOA hereafter) Accessed 1st May, 2020.

labour to move around to places of wage employment, as did the abolition of slavery also passed by the same Parliament.⁶⁷

To defend his position, Mill argued that two of the Secretaries of State for War and the Colonies Sir. George Murray (who also served as the provisional Lieutenant-Governor of Upper Canada), and Lord Goderich (later Prime Minister) “for some time had in view the adoption of it.”⁶⁸ The current system supposedly paid for itself through a fund made up of a tax of the sale of public lands. Mill noted that “emigration would be paid for out of the increase to the general wealth of the world.’ Initially, however, that money would be paid for by a “loan on the security of that future fund.” This again highlights that settler colonial credit came from colonial governments appropriating Indigenous lands.⁶⁹ In this case colonial reform prevailed and the South Australia Act was implemented, including the provision that allowed for heavy government borrowing.

A few years later the “South Australian Loan” market capitalization on the London Stock Exchange reached £10,000 in 1837,⁷⁰ and grew to approximately £5.5 million in 1880.⁷¹ Mill supported settler colonialism because he thought it would create national economies that fit into his framing of economic laws within a global economic ordering, a specifically “civilized” order. Ricardo was one of the original proprietors of the London Stock Exchange, but he died a few months after it officially created a foreign

⁶⁷ David Brion Davis has pointed out the link between the Poor Law Amendment and the Act for the Abolition of Slavery in a note in *Slavery and Human Progress*, 340, note 26. David Brion Davis. *Slavery and Human Progress* (New York: Oxford University Press, 1984). Scholars have been working to show the causal tie between the rise of capitalism and the abolition of slavery since Eric Eustace Williams, *Capitalism and Slavery* (Chapel Hill: University of North Carolina Press, 1994).

⁶⁸ Mill, “The New Colony” (2), 735.

⁶⁹ Mill, “The New Colony” (2), 737.

⁷⁰ *The Course of the Exchange*, January 24, 1837. Guildhall Library. (GL hereafter).

⁷¹ *The Course of the Exchange*, February 6, 1880. GL.

market sector in 1823. Ricardo did not live long enough to see the exponential growth of the foreign, and specifically colonial securities markets, and he died shortly after the foreign market opened. Mill, on the other hand, wrote his economic laws in a very different environment. He wrote during a time when the trading of foreign government bonds became normal activity on the London Stock Exchange.

The London Political Economy Club also began to consider settler colonialism and public debts in their debates and discussions. The Club composed of key nineteenth-century political economists such as Mill and his father James Mill. In 1821 Thomas Tooke founded the London Political Economy Club “to support the principles of Free Trade.”⁷² Later on, the Club also credited David Ricardo’s “eagerness” to be in a society of political economists as having helped found the Club.⁷³ Political economists, always looked toward a “view to legislation,”⁷⁴ and thus, their theories explicitly addressed actual political and social change. Maria Edgeworth perhaps revealed a truth about nineteenth-century political economy when she spoke of a particular “gentleman” who would join the Club “whenever he could find two members of it that agree in any one point.”⁷⁵ Political economists certainly could not agree about the benefits of colonization in the “proper sense,” but these debates did describe the parameters of colonial reform.

Reforming the colonies became an important topic after the 1840s, and began to permeate political economists’ writings, as well as seep into public discourse with university

⁷² *Political Economy Club, Founded in London 1821. Centenary Volume.* (1921. MacMillam and Co St Martin’s Street London, Vol VI): ix. PEC Box 15. LSE.

⁷³ *Political Economy Club, Founded in London 1821. Centenary Volume.* (1921. MacMillam and Co St Martin’s Street London, Vol VI): viii. PEC Box 15. LSE.

⁷⁴ *Political Economy Club, Founded in London 1821. Centenary Volume.* (1921. MacMillam and Co St Martin’s Street London, Vol VI): x. PEC Box 15. LSE.

⁷⁵ *Political Economy Club, Founded in London 1821. Centenary Volume.* (1921. MacMillam and Co St Martin’s Street London, Vol VI): xii. , PEC Box 15. LSE.

lectures. Members described a “duty” to “study the means of obtaining access to the public mind through as many as possible periodical publications of the day, and to influence as far as possible the tone of such publications in favour of just principles of Political Economy.”

Alongside aiding “individually and collectively” the “circulation of all publications which they deem useful to the science.”⁷⁶ They were to “rectify any mistakes in regard to Political Economy in legislations.”⁷⁷ Unsurprisingly, the London Political Economy Club's explicit mandate of controlling information about political economy in order to disseminate official information as widely as possible contributed to more uniform ideas about settler colonialism, which spread in popular discourse..

Despite his popularity, James Mill did not dominate the ideas of the Club, and Mill the elder attended fewer and fewer meetings, finding the atmosphere not to his liking. Between 1826 and 1835 the Minute books record him attending just three meetings.⁷⁸ James Mill's, and even Ricardo's ideas of political economy did not dominate the Club, which may be a reason why the Club turned to questions of settler colonialism, of which both Ricardo and James Mill disregarded, at best, as a non-beneficial policy. The rules of the Club limited members to thirty, which changed to thirty five in February 1847. With so few members some idea of the general feelings of Club members towards settler colonialism can be teased out.⁷⁹ The rules of the Club strictly dictated that the questions, or remarks, could not be read from a written or printed document, or written, and later printed.⁸⁰ At the end of the nineteenth century this practice fell out

⁷⁶ London Political Economy Club Note Book, PEC BOX 1, pg. 5. LSE.

⁷⁷ London Political Economy Club Note Book, PEC BOX 1, pg. 4. LSE

⁷⁸ Political Economy Club, Founded in London 1821. Centenary Volume (1921. MacMillam and Co St Martin's Street London, Vol VI): xiii. PEC Box 15. LSE.

⁷⁹ Political Economy Club, Founded in London 1821. Centenary Volume (1921. MacMillam and Co St Martin's Street London, Vol VI): xvii. PEC Box 15. LSE.

⁸⁰ Political Economy Club, Founded in London 1821. Centenary Volume (1921. MacMillam and Co St Martin's Street London, Vol VI): xix. PEC Box 15. LSE.

of favour, and by the turn of the twentieth century, members such as Sir Robert Giffen made efforts to preserve the Club's discussions through printed texts.⁸¹ The lack of written documentation about the proceedings of the Club before the closing of the nineteenth century, however, poses a difficulty in gaining a clear understanding of prominent political economists' views on settler colonialism from the Club alone. Nonetheless, the Club did record its minutes as well as questions posed (but not the answers). Importantly, they also recorded who posed the questions so that tracking this content can at least reveal when, how frequently, and which members made enquiries about colonial reform.

The meetings took place approximately once a month (later, they stopped meeting during the late summer and fall), and questions often carried over to following meetings. Questions about the Corn Laws, the Poor Laws, and taxation, dominated the questions throughout the early nineteenth century.⁸² On December 3rd 1821 G.H Larpent posed the first question about the colonies when he asked "[w]hether, under any circumstances the restrictions of the Colonial system can be beneficial to the Mother-country."⁸³ This was a question that entered the minute book for the following four months. A question asked repeatedly over so many months, did happen at the Club, but although rarely. This highlights how much debate a particular question generated, and also the importance of the question since Club members discussed it at length over an extended period of time.

The Club members posed questions about the colonies as isolated problems, but many questions about Ireland, labourers, land, taxation, and population framed questions about the

⁸¹ Political Economy Club, Founded in London 1821. Centenary Volume (1921. MacMillan and Co St Martin's Street London, Vol VI): xxvi. PEC Box 15. LSE.

⁸² London Political Economy Club. Roll of members and questions discussed 1821-1920 with documents bearing on the history of the club, pg. 7-9. PEC Box 15. LSE

⁸³ London Political Economy Club. Roll of members and questions discussed 1821-1920 with documents bearing on the history of the club. 3rd December 1821, pg 9. PEC Box 15. LSE.

colonies. In this way simply counting how many questions about the colonies the Club discussed can only reveal a portion of their concerns with colonies. Importantly, the questions about the colonies as settler colonies did not exist in isolation, but rather as one aspect of several concerns political economists began to have just before mid century. When John Stuart Mill asked in December 1844 “[w]as Ricardo correct in stating that ‘the same rule which regulated the relative value of Commodities in one country, does not regulate the relative value of the Commodities exchanged between two or more countries,’” he asked that question in the context of his other inquiries about Britain's “field of employment.”⁸⁴ The considerations of the colonies overlapped with many of the main economic inquiries of the time.

The idea of fixing the price of colonial land that Wakefield popularised entered into the Club’s debate in July 1834 when Larpent asked “[i]s it expedient that Government should concentrate Labour in a New Colony by laying a price on land?”⁸⁵ This question marked the starting point of the Club delving into questions about colonial reform. In March of 1839 J.R. McCulloch asked “[a]re there any good grounds for thinking that either the Wealth or Power of Great Britain would be at all impaired by Canada becoming independent, or being incorporated with the United States?” This question highlighted the gaining acceptance of Canada as an independent nation state. Importantly, McCulloch framed his question to ask how Canadian independence would directly benefit Britain.⁸⁶ The debates the Club had shows how the main principles of colonial reform, both fixing of land prices to concentrate labour, and the making of an independent state, had some serious traction just before mid century. Canada and questions of

⁸⁴ Mill asked the Club “Is not the exportation of British Capital a cause, and almost a necessary condition, of its continued increase at home?” London Political Economy Club. Roll of members and questions, pg 54. PEC Box 15. LSE.

⁸⁵ London Political Economy Club. Roll of members and questions, pg 42. PEC Box 15. LSE.

⁸⁶ London Political Economy Club. Roll of members and questions, pg 49. PEC Box 15. LSE.

its independence contrasted with the Indian subcontinent, when a year later McCulloch asked “[w]hat are the principle advantages and disadvantages of the plans for collecting Land revenue of India, known by the name of the Perpetual Zemindary system, and the Ryotwari system?”⁸⁷ The land question in India revolved around extracting revenues, with no hint of eventual independence. McCulloch did not hint at independence for India, but saw it as a colony to extract revenues. He asked which method of revenue extraction would work better the Zemindari system of the north or the Ryotwari system of the south. land questions in the settler colonies, however, had to do with the independence of those colonies, not the British extraction of land revenue.

It is important to note that even after Canadian Confederation political economists’ questions still considered Canada as a part of the Empire, despite understanding it as an independent nation. Members of the Club asked if “the existing relations between Great Britain and Canada, as parts of the same empire, economically beneficial to both or either of the two Countries?”⁸⁸ This shows the contemporary belief that even after independence Canada would be loyal to Britain within the Empire. One way to ensure loyalty was through settler colonialism. This also highlights that the settler state, although independent, did not mean a “foreign” country, but a particular type of statehood that remained within the sphere of the British Empire. This would explain why, on the London Stock Exchange, “foreign” debt markets were separate from “colonial,” or, more specifically, settler colonial debt markets. Arguably, Canada’s actual independence took over a century with legal changes such as the 1931 Statute of Westminster that repealed the 1865 Colonial Validity Act giving “Commonwealth” countries control over their laws, the Canadian Citizenship Act of 1946 which declared Canadians as citizens of Canada as

⁸⁷ London Political Economy Club. Roll of members and questions, pg 50. PEC Box 15. LSE.

⁸⁸ London Political Economy Club. Roll of members and questions, pg 98. PEC Box 15. LSE.

opposed to British Subjects, the changes in the jurisdiction of Canada's Supreme Court, and the “patriation” of the Constitution in 1982 transferring authority of Canada’s highest law from the British Parliament to its own, to give a few examples of the winding “road” to independence.

The Political Economy Club also debated the issue of the government debt, not just Britain's but other nations' as well. A few months after the initial question about the relationship between the mother country and colonies, the Club discussed on the 1st April 1822 if it was “practicable to pay the whole or a considerable part of the National Debt by a contribution on the capital of individuals; and, if practicable, would it be expedient to do so?” This question generated some discussion and “was not brought to a close,” and debated into December.⁸⁹ The Club asked about the debt generally in this manner, when to pay it, if it should be paid off, and how to pay it. They also discussed other matters relating to the national debt, such as, for example, in times of peace, should taxes or more government loans fund the public expenditure. Questions such as the one on the 5th of May 1828 “[s]hould any, and if any, what measures be adopted for the extinction of the National Debt?”⁹⁰ And on the 7th of December 1829 the Club enquired “would a large Sinking Fund consisting of a Surplus of the Revenue of the State over its expenditure, have any tendency to raise the value of Currency and depress general prices?”⁹¹ On the 1st of March 1830 they questioned the benefits of implementing new taxes to fund wars instead of loans.⁹² Many of these debt questions had to do with how to pay it back, but eventually they stopped asking about when to pay it back. They pondered if the national debt should be paid back at all through a “sinking fund.” A sinking fund was a place government's stored surplus revenue to pay back the principle of the debt when the debt contracted ended.

⁸⁹ London Political Economy Club. Roll of members and questions, pg 18 PEC Box 15. LSE.

⁹⁰ London Political Economy Club. Roll of members and questions, pg. 31. PEC Box 15. LSE.

⁹¹ London Political Economy Club. Roll of members and questions, pg. 33. PEC Box 15. LSE.

⁹² London Political Economy Club. Roll of members and questions, pg. 34. PEC Box 15. LSE.

The debt questions centred on Britain's own debt with two notable exceptions, the debts owed to British creditors from Latin America and the United States. On the 11th of April 1825 the Club began discussion the debt of other nations, and asked “[w]hether the Capital loaned from this country at the present time to the New States of South America is likely to be beneficial to the country?”⁹³ Decades had passed before a record of another question about a foreign country’s debt appeared. On the 4th of December 1868 a member asked “[a]re there any special merits or defects in the plan adopted by the United States for proving the Interest, and reducing the principle of the National Debt?”⁹⁴ Herman Merivale dominated questions about emigration, and the colonies generally, and William Newmarch asked about the debt.

For many years Newmarch worked as the “honorary treasurer,” and “a most active member of the Political Economy Club.” He later became President of the Statistical Society, and then manager of Glyn’s Bank, or Glyn, Halifax, Mills, and Company, and held a directorship of the Grand Trunk Railway of Canada.⁹⁵ Both Glyn's Bank, and the Grand Trunk Railway were deeply embedded in the “Canadian” debt markets. Glyn's Bank had the distinction, along with the Barings Bank, of funding the Upper Canadian debt after 1837. Newmarch had a presence in political economic debates about government debts to the point where Oxford Professor Rickards converted Newmarch’s famous essay on William Pitt’s wartime spending into a series of lectures. In his essay Newmarch argued that Pitt’s substantial government loan was the best option for Britain at the time.⁹⁶ The lack of questions about the government debts of other nations, and the settler colonies in particular, in the Club can point to

⁹³ London Political Economy Club. Roll of members and questions. PEC Box 15, pg. 24.

⁹⁴ London Political Economy Club. Roll of members and questions. PEC Box 15, pg. 89.

⁹⁵ *Journal of the Statistical Society of London*, “The Death of Mr. William Newmarch,” 45, no. 1 (March 1882): 117-119.

⁹⁶ *Journal of the Statistical Society of London*, “The Death of Mr. William Newmarch,” 120.

the fact that the national debts of non-British governments became so normalized that they were not debated. This seems likely considering the attention British political economists gave to their own national debt.

Outside of the Club questions, some members spoke out about the impact of national debts. For example, John Stuart Mill on the 15th October 1868 lambasted the United States for the manner in which they dealt with their national debt in the antebellum period. After the Civil War the American government debt had become controversial because of the monetary and banking policies during the Civil War. At the same time, this war increased the national debt from \$65 million to \$2.7 billion.⁹⁷ The American government issued non-specie backed “greenbacks” during the war in part to fund its expenditure. They also instituted a complex national banking system that created a myriad of issues making the system vulnerable to financial “panics.”⁹⁸ After the war the United States wanted to resume specie payments of paper money. This meant that the government needed to reduce the number of “greenbacks” to increase their value as their post-war worth stood at \$35.09 to \$100 of gold.⁹⁹ The American policy of currency contraction that reduced the amount of “greenbacks,” and their move to return to the gold standard raised serious concerns for British investors holding American bonds.¹⁰⁰ Legally, the interest of that national debt had to be paid in gold, not paper money, although it was unclear if the principal had to be paid by gold as well. The “hard money” or bullionist perspective in the United States argued against the “greenbackers” or

⁹⁷ Bruce Carruthers and Sarah Babb, “The Color of Money and the Nature of Value: Greenbacks and Gold in Postbellum America,” *American Journal of Sociology* 101, no. 6 (1996): 1562.

⁹⁸ Bray Hammond, “The North’s Empty Purse, 1861-1862,” *The American Historical Review* 67, no. 1 (1961): 13-15.

⁹⁹ Carruthers and Babb, “The Color of Money,” 1563.

¹⁰⁰ Richard H. Timberlake, *Monetary Policy in the United States: An Intellectual and Institutional History* (Chicago: University of Chicago Press, 1993), 89.

“soft money” side who insisted paper money could pay back the national debt, both the principal and the interest.¹⁰¹

Mill disagreed with the proponents of “soft money.” He argued that the United States needed to pay the debt in gold. He pointed out the moral obligations about holding to the terms of the debt contract. Mill’s ideas provide many insights about how those who approved of the national debt for financing the government expenditure still tread through morally murky waters. He called changes that some Americans wanted to make to parameters of the debt payments “one of the heaviest blows that could be given to the reputation of popular governments, and to the morality and civilization of the human race.”¹⁰² This condemnation came because some Americans wanted to, essentially, change the terms of the debt contract. The familiar civilized/ uncivilized tropes informed Mill’s ideas about the responsibility of the people to the government, and the government to the people. The public debt bound “the public” to the government, but also governments to their creditors in contract law. The contract that obligated the United States to British bondholders would be broken if the United States choose to pay the debt in “greenbacks.” At the same time, the nature of public debt financing made the American people responsible for its government's debt.

Mill argued that specific bonds had contracts for their interest to be paid with “a promise made by a whole people through their authorised agents.” He went on to reason that:

[T]he democracy of European countries have sometimes been told that they are not bound to pay their national debts, because the money was borrowed by kings and aristocracies who did not represent the people...None of these lame excuses can be alleged by the American repudiators.¹⁰³

¹⁰¹ Carruthers and Babb, “The Color of Money,” 1564.

¹⁰² Letter on national faith, written from Avignon, Sept 24th, 1868. Extract from *The Nation* Oct 15 1868, pg 75-81. Mill-Taylor/ 45. LSE.

¹⁰³ Letter on national faith, written from Avignon, Sept 24th, 1868. Extract from *The Nation* Oct 15 1868,

The issue was not that the United States wanted to default the debt, but that they had wanted to change the terms of the contract in their favour. They wanted to do this through the manipulation of the value of their money, and through a suggested tax on bonds. Mill even went so far as to suggest that the bonds “saved their national existence.”¹⁰⁴ Mill’s accusations against United States monetary policy reveal the complicated relationship between the national debt and responsible government. The responsibility of a people to pay back the principal plus interest rested on the contract made by “the people” through their “authorized agents.”¹⁰⁵ So, even if government’s contracted debts, and the money from those debts paid for private development companies and wars, the people were morally bound to the good standing of the national debt. The morality of national debts only became an issue when a government threatened to break the initial debt contract.

Public debts figured into the debates about colonization as well. By the 1850s Merivale dominated the questions about settler colonies. Merivale was an active member of the Political Economy Club, and he came to define a colony as “a foreign possession, of which the lands are occupied wholly or partially by emigrants from the mother-country.”¹⁰⁶ By the time Merivale began his inquiries into the colonies he made an effort to distinguish a colony as “one founded by the Mother-Country and peopled wholly or in great part by Emigration from it.”¹⁰⁷ The Club did not record the answers to the questions posed at this time, but since part of the Club’s mandate was to approve of all principles of political

pg 75-81. Mill-Taylor/ 45. LSE.

¹⁰⁴ Letter on national faith, written from Avignon, Sept 24th, 1868. Extract from *The Nation* Oct 15 1868, pg 75-81. Mill-Taylor/ 45. LSE.

¹⁰⁵ Bray Hammond, *Sovereignty and an Empty Purse* (Princeton: Princeton University Press, 2014), 74.

¹⁰⁶ Merivale, “Lectures on Colonization and Colonies,” 18.

¹⁰⁷ London Political Economy Club. Roll of members and questions, pg 80-81. PEC Box 15.LSE.

economy that did get published, it stands to reason that Merivale's published works about settler colonialism had some level of approval of the Club members.

Merivale took some time to established the genealogy of British colonization from the Greek and Roman models of colonization. Merivale's theoretical unbroken chain between Greece, Rome, and Britain did more than just establish colonization as a natural occurrence when an Empire became strong or brutal enough to expand. This move also legitimized the genocide and forced assimilation of Indigenous peoples, and rendered the death and suffering of original inhabitants as an unfortunate, but normal side effect of colonization.¹⁰⁸ Merivale deemed the presence of Indigenous peoples as the "greatest moral difficulty of colonization." He noted that antiquity did not have to face the moral issues of "extermination" or assimilation because they were not faced with people of "another race or colour" like the "American Indian, or the Hottentot."¹⁰⁹ Colonial governments dealt directly with the "Indigenous question," but political economists such as Merivale could only offer suggestions from afar.

As David McNab has pointed out Merivale's theories and practices as the Permanent Undersecretary of State for War and the Colonies (1847-1860) set the stage for the policy the Canadian state would direct towards Indigenous peoples after 1867.¹¹⁰ He developed a "regional" approach in answering the "Indigenous question." Although the Colonial Office granted the Province of Canada responsibility over Indigenous "affairs" in 1860, the Department of Indian Affairs attempted to manage all Indigenous peoples after Confederation.¹¹¹ Merivale's approach

¹⁰⁸ Merivale, "Lectures on Colonization and Colonies," 26-7.

¹⁰⁹ Merivale, "Lectures on Colonization and Colonies," 20.

¹¹⁰ David T. McNab, "Herman Merivale and Colonial Office Indian Policy in the Mid-Nineteenth Century," in *As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies*, eds. Ian AL Getty, and Antoine S. Lussier (Vancouver: University of British Columbia Press, 1983), 100.

¹¹¹ McNab, "Herman Merivale and Colonial Office," 92.

oscillated between isolation through reserves or assimilation.¹¹² However, the goal of isolation was still assimilation through an eventual reduction of “Indian reserve land.” The two options of assimilation and isolation came from Merivale’s assertion that Indigenous peoples faced four possible outcomes of settler colonization: extermination, slavery, isolation, or assimilation.¹¹³ More generally, he believed that there existed no solution to this question as it complicated the desire for settlers to achieve responsible government.¹¹⁴ Merivale and his contemporaries could not imagine an Indigenous future. They made it clear that answering the “Indigenous question” would open up land for development. At the same time, land for British emigrants would allow for more British emigration, and this population could achieve responsible government for the “Canada” colonies. In many ways, the “Indigenous question” for political economists was simply “the land question” of the colonies.¹¹⁵

Political economists who supported settler colonialism did not hide the fact that they believed that settler colonization would benefit finance capitalism. Merivale addressed Indigenous people only insofar as to empty out the theoretical space for land development. As with other proponents of colonial reform, many did not address Indigenous peoples at all. For example, just before the debates about Wilmot-Horton’s Emigration Bill prominent industrialist, and one of the founders of the National Colonization Society, Charles Tennant, released a series of letters promoting Wakefield’s scheme. He labelled Wilmot-Horton’s plan as “irrational” because it did not consider “Colonization.”¹¹⁶ While Tennant did “not profess to be a Political Economist” he

¹¹² McNab, “Herman Merivale and Colonial Office,” 85.

¹¹³ McNab, “Herman Merivale and Colonial Office,” 87.

¹¹⁴ David T. McNab, “Herman Merivale and the Native Question, 1837–1861,” *Albion* 9, no. 4 (1977): 365.

¹¹⁵ McNab, “Herman Merivale and Colonial Office,” 89.

¹¹⁶ Charles Tennant, *Letters Forming Part of a Correspondence with Nassau William Senior, Esq : Concerning Systematic Colonization, and the Bill Now Before Parliament for Promoting Emigration: Also, A Letter to the Canada Land Company, and a Series of Questions, in Elucidation of the Principles of Colonization* (London: Ridgway, Piccadilly, 1831), 15.

still wrote to political economists to garner their views on “proper colonization.”¹¹⁷ Tennant focused his efforts on the Canada Company to whom the British government granted approximately two and a half million acres of land.¹¹⁸ He asked them to implement the principles of Wakefield’s system, particularly the fixing of land price to concentrate settlers against their “rival landowner, the State.”¹¹⁹ Tennant said that he wanted to point out “to the shareholders concerned in that Company, or in any of the other Land Companies, how greatly their interests will be advanced by the adoption of these principles of systematic colonization as a Government measure.”¹²⁰

Tennant's sentiments perhaps best summarizes political economists' view of colonial reform: an imagining of empty lands where British shareholders could amass the greatest possible returns to their capital investments. Political economists did not necessarily directly address the need for a public debt in colonial reform. They mentioned it in passing as a way to start settler colonization. This suggests that the national debt as a way to fund government expenditure became so normalized by the mid century it did not merit debate. Political economists simply assumed a public debt to fund colonial reform was the best course of action. Importantly, Mill and others never openly expressed disdain for national debts. Only when a government threatened to default or change the terms of the debt contract did they provoke the ire of political economists.

Conclusion

Wakefield and the Colonial Reform Movement established a method of settler colonialism that relied on the colony taking out a public debt. Wakefield went so far as to

¹¹⁷ Tennant, *Letters Forming Part of a Correspondence with Nassau William Senior*, 11.

¹¹⁸ Tennant, *Letters Forming Part of a Correspondence with Nassau William Senior*, 57.

¹¹⁹ Tennant, *Letters Forming Part of a Correspondence with Nassau William Senior*, 53.

¹²⁰ Tennant, *Letters Forming Part of a Correspondence with Nassau William Senior*, 49.

argue that “the land is held by the Government as a trustee for the people” characterizing the settler colonial process itself as democratic, and for “the people.” He then continued that “extinction of Native Title was the indispensable first step in the work of laying open land for appropriation and use by the industrious settlers.”¹²¹ “The people” technically could include Indigenous peoples, and it did include Indigenous peoples as was the case with Lower Canada.¹²² Importantly, however, “the people” never included Indigenous peoples’ sovereignty over their own lands. “The Government” reserved that right for itself. By the mid-nineteenth-century colonial reformers and settler colonial governments alike saw the advantages of taking out a public debt to both raise the market value of land in the settler colonies, and to fund British settlers emigrating to the colonies.

In the mid-nineteenth century, British political economists began to ask questions about how to broaden Britain’s “field of employment” for capital, and thus expand the British economy. Wakefield's influence was apparent both in political economist's debates, and in the explicit references they made to Wakefieldian theories. John Stuart Mill was perhaps one of Wakefield's greatest supporters. While he thought previous colonizations plans such as Robert Wilmot-Horton's would “drain” the wealth of Britain, he supported Wakefield. Mill saw the natural world as a place where capital, labour, and land would naturally balance out, and this had “civilizing” effects on the whole world. At the same time, any unnatural checks to this natural balance had to be reformed. Colonial reform was supposed to fix the problems in both Britain and the colonies. Labourers and capital would flow out of Britain, and to the colonies.

¹²¹ Quoted in Prichard, “Wakefield Changes his Mind,” 262-3.

¹²² As Allan Greer points out the 1838 “Declaration of Independence” of Lower Canada specifically mentioned that Indigenous peoples “under the Free Government of Lower Canada ... shall enjoy the same right as all other citizens in Lower Canada.” See Allan Greer, “Historical Roots of Canadian Democracy,” *Journal of Canadian Studies* 34, no. 1 (1999): 16.

The colonies, in turn, would provide a land starved Britain with land, and receive much needed capital and labour, or so the theory went.

The following chapter will look at two interrelated histories of settler colonial public debt financing: the actual debt market, and how settler colonies established credit for their loans. Interestingly, when Mill and Wakefield argued that the settler colony should take out a public debt, a few settler colonies had already established public debts. Importantly, these public debts were not initially financed on the London Stock Exchange. This began to change as the nineteenth century progressed, and settler colonies began to have their public debts issued as securities on the London Stock Exchange. As chapter two will address, an actual settler colonial debt market emerged in the mid-nineteenth century that facilitated settler colonial expansion.

Chapter Two

The growth of the colonial public debt market, 1837-1880

Introduction

Despite Edward Gibbon Wakefield's threats to Ellen Turner about the horrors that could result from indebtedness (financial ruin and imprisonment) debt became a central feature of his colonization plan. Crucially, he argued that the initial financing of settler emigrants could be paid with a government debt the colony took out. Such debts were, for the most part, issued as securities on the London Stock Exchange, and later, on other exchanges.¹ The first part of this chapter will briefly look at the role of the London Stock Exchange in the emergence of the colonial public debt market. The first issue of the Upper Canadian debt on the London Stock Exchange in 1837 marked the advent of a specifically settler colonial public debt market. In the 1850s, this market expanded to eventually include all of the settler colonies, and even potential settler colonies.

This chapter argues that in the mid-nineteenth century, a discrete market for settler colonial public debts emerged on the London Stock Exchange. The singular existence of the colonial government debt market allowed for the mass transfer of wealth from Indigenous lands to British investors. The colonial public debt allowed for the settler colonies to create value for land through a future promise of revenue. These promises tied more and more areas of Indigenous territory into the London money market. The perceived ability of colonial governments' to leverage Indigenous lands gave

¹ Securities here refers to any form of financial instruments such as bonds, stocks, debentures, etc. It should also be noted that securities has differing legal meanings depending on time, place, and what financial body is defining the security.

them the credit for globally financed public debts. The first half of this chapter examines the growing settler colonial government securities market. This analysis uses data from a major securities listing that actually predated the London Stock Exchange: *The Course of the Exchange*. This securities listing can show when a public debt market for specifically settler colonial securities emerged, and how large this market became. By the 1870s the trade in settler colonial government securities grew to the point where the *Course of the Exchange* began to list these securities on the front page of the broadsheet. This suggests that settler colonial government securities grew in both number and importance over the second half of the nineteenth century.

The second half of this chapter looks at the colonial credit principle. Settler colonial governments only had credit to borrow insofar as they could appropriate Indigenous lands. In the case of the British North American colonies in the mid-nineteenth century, much of the land leveraged as credit did not fall under any land surrender treaties. In cases where there was land surrender evidence has shown that these treaties did not grant British sovereignty over Indigenous peoples, lands, and waterways.² Wakefield and colonial reformers frequently deployed the idea of the “wastelands” in the colonies to appropriate Indigenous lands for credit in the London money markets. Wakefield argued that the abundance of “wastelands” in the settler colonies would give those colonial governments credit to secure a long term and low interest public debt. The concept of colonial “wastelands” allowed colonial governments to count lands as a part

² See Hill's discussion on Joseph Brant and the Haldimand Proclamation for a deeper understanding of Haudenosaunee diplomacy and this particular tract of land. Susan M. Hill, *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River* (Winnipeg: University of Manitoba Press, 2017), 156-63. See also Marie Battiste, ed, *Living Treaties: Narrating Mi'kmaw Treaty Relations* (Sydney, Nova Scotia: Cape Breton University Press, 2016); and Karl S. Hele, *Lines Drawn upon the Water: First Nations and the Great Lakes Borders and Borderlands* (Canada: Wilfrid Laurier University Press, 2008).

of their assets, which gave them access to credit on the London money market. By the mid-nineteenth century-British discourse about what constituted “wastelands” delegitimized Indigenous land and water tenure.

Theorists posited that the public debt could be paid off through “improvement” projects in the colony, in particular, the “improvement” of “wastelands.” “Wastelands” here should be read as coded language for Indigenous territories, including the terms crown and clergy lands in what became Canada.³ The 1834 South Australia Act enshrined the public debt principle in legislation. It enacted that the colony had the imperial authorization to borrow up to £200,000 with “Colonial Revenue Bonds.” It stipulated that if South Australia “shall be insufficient to discharge the obligations of all or any of the said Bonds...the Public Lands of the said Province...shall be deemed a collateral security for payment of the Principal and Interest of the Said Colonial Debt.”⁴ Access to these Indigenous lands, or “wastelands,” as a part of the colonial government's assets gave them their credit.

The political economic debates about “proper colonization” had defined colonization as emigrants from Europe who “sent forth to reclaim the wilderness,” as Herman Merivale had put it.⁵ The development of Indigenous lands, or the reclaiming of “the wilderness,” was the origin of colonial credit. As Glen Coulthard argues a settler

³ Jarett Henderson, “The 1837–1838 Rebellion: Consolidating Settler Colonialism in Canada,” *Active History*, accessed 10 March, 2019. <http://activehistory.ca/2017/04/remember-resist-redraw-04-the-1837-1838-rebellion/>

⁴ House of Commons, “A Bill to Erect South Australia into a British Province, and to Provide for the Colonization and Government Thereof. 1834, House of Commons, Sessional Papers No. 425, p. 122. South Australia colonization Act, 1834. 4 & 5 Will. IV c. 95. (August 15, 1834) accessed 1st April 2019, 8. <https://parlipapers.proquest.com/parlipapers/docview/t70.d75.1834-014720?accountid=12339>.

⁵ Herman Merivale, *Lectures on Colonization Introduction to a Course of Lectures on Colonization and Colonies Begun in March 1839* (London: Longman, Orme, Brown, Green, and Longmans, 1839), 30.

colonial “developmentalist rationale” legitimized the appropriation of Indigenous lands through an appeal to the “public good.”⁶ In the case of public debt financing the alleged “civilizing” benefits of living in a market society conferred on both settler populations and Indigenous peoples legitimized this “public good.” It was no coincidence that the Ripon Regulations, the South Australian Act, and even the Durham Report - Canada’s mile marker on the “road to Confederation” - all aimed to reform the “wastelands.”⁷ The “wastelands” provided the colony with its credit. For example, Ann Curthoys rightly names the Durham Report as a “manifesto for effective settler colonialism.”⁸

Audra Simpson has pointed out that the settler state deploys “self-authorizing techniques and frameworks that sustain dispossession and occupation” that opens up an “imagined space of just settlement.”⁹ Arguably, the colonial public debt worked as one such technique that justified land appropriation to pay back the principal plus interest on the public debt. The ability of the colonial government to appropriate land increased its credit in the money markets. With this method of financing the expenditure, the colonial government leveraged Indigenous lands for larger public debts, and could only pay the loans and interest back if they developed more Indigenous lands. Debt financing went beyond Wakefield’s “systematic colonization,” and became accepted even in places

⁶ Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), 175.

⁷ House of Commons, Sessional Papers No. 425, p. 122. South Australia colonization Act, 1834. 4 & 5 Will. IV c. 95. (August 15, 1834), 1; and Peter Burroughs, “Wakefield and the Ripon Land Regulations of 1831,” *Australian Historical Studies* 11, no. 44 (1965): 4454.

⁸ Ann Curthoys, “The Dog That Didn’t Bark: The Durham Report, Indigenous Dispossession, and Self-Government for Britain’s Settler Colonies,” in *Within and Without the Nation: Canadian History as Transnational History*, eds. Karen Dubinsky, Adele Perry, and Henry Yu (Toronto: University of Toronto Press 2015), 35.

⁹ Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press 2014), 21.

where his other ideas such as the “sufficient price” were not. For example, Louis-Joseph Papineau and other “Canadian” reformers specifically opposed Wakefield’s price fixing of lands, but colonial debt financing still became the method of expanding the government expenditure.¹⁰

The London Stock Exchange and the nation state

The 2007-8 financial crisis has prompted several popular studies that investigate debt, and its genealogical roots in human societies. These studies generally understand debt as an aspect present in most cultures.¹¹ Large low interest and long term government debts, however, relied on the existence of financial instruments and institutions such as the London Stock Exchange.¹² Institutions such as stock exchanges allowed multiple financiers to invest in one debt. This spread the risk of the investment. The lower risk of investment opened up a space for larger, and lower interest loans. The London Stock Exchange facilitated a growing global securities trade in government debts.

Trading securities predated the formalization of the London Stock Exchange in 1801. In the 1690s, for example, approximately 700 shareholders invested in the handful of companies such as the British East India Company, the Hudson's Bay Company, and

¹⁰ Allan Greer, “Historical Roots of Canadian Democracy,” *Journal of Canadian Studies* 34, no. 1 (1999):16.

¹¹ For two examples of this “history of debt” phenomena see Margaret Atwood, *Payback: Debt and the Shadow Side of Wealth*, *CBC Massey Lectures Series* (Toronto: Anansi, 2008); and David Graeber, *Debt: The First 5,000 Years* (Brooklyn: Melville House, 2014).

¹² It might be safe to say that since the inception of the government debt states engaged in practices to manipulate the interest rate, including the 2007-8 attempts to add economic stimulus with “negative interest” rates. Recently in Canada, the global SARS-CoV-2 pandemic has prompted the Canadian government to allow banks to further lower interest rates. See Rim Turk, *Negative Interest Rates* (International Monetary Fund, 2016); and *National Post*, “Feds Seeking Lower Credit-Card Interest Rates Over COVID-19,” March 26, 2020, accessed 2nd April, 2020. <https://nationalpost.com/pmn/news-pmn/canada-news-pmn/canadian-press-newsalert-feds-seeking-lower-credit-card-interest-rates-over-covid-19>.

the Royal African Company, as well as the Bank of England. The early stock market did not have the liquidity of the nineteenth century, as shareholders made relatively few trades each year. With respect to the East India, the Hudson's Bay, and the Royal African Companies only about 300 to 400 trades were made per year.¹³ This began to change over the course of the eighteenth century, and by the nineteenth century, the London Stock Exchange emerged as a regulating body to match together the growing numbers of buyers with sellers. The decline of the Amsterdam Bourse in the eighteenth century led to the ascendancy of London as the global stock exchange capital by the 1780s.

The London Stock Exchange allowed multiple financiers to invest in one debt. This made the large long term and low interest public debts possible.¹⁴ The transferable nature of the debt provided an opportunity for governments to be indebted, in theory, in perpetuity at a low interest set in a contract, but, at the same time, the debt holder could sell to others at their discretion. The transactions from buying and selling state debt, and transactions from private securities created a flurry of market activity that eventually needed a regulating body.¹⁵ The London Stock Exchange also had a General Purpose Committee that mediated and regulated exchange.¹⁶ How much of a role the British debt played in the institutionalisation of the securities market is debated as throughout the

¹³ Giles Parkinson, "War, Peace and the Rise of the London Stock Market," in *The Political Economy of Empire in the Early Modern World*, eds. Sophus Reinert and Røge Pernille (London: Palgrave Macmillan, 2013), 131-2.

¹⁴ There is an interesting literature worth noting here that looks at the British cultural perception of the London Stock Exchange as gambling. Stock brokers were seen as speculators engaging in gambling, and it took several decades with changes in the Gambling Acts to normalize stock exchange activity. See, for example, Bernard Attard, "Making a Market. The Jobbers of the London Stock Exchange, 1800–1986," *Financial History Review* 7, no. 1 (2000): 5-24; and David C. Itzkowitz, "Fair Enterprise or Extravagant Speculation: Investment, Speculation, and Gambling in Victorian England," *Victorian Studies* 45, no. 1 (2002): 121-147.

¹⁵ R.C. Michie, *The London Stock Exchange: A History* (Oxford: Oxford University Press, 2001), 3.

¹⁶ General Purposes Committee minutes, 1798-1946. Ms 14600. Guildhall Library (GL hereafter).

eighteenth century the illiquid nature of government bonds generally made the trade for them almost non-existent.¹⁷ Even if the market for the public debt was inactive buyers still held the debt allowing the government to fund large and expensive wars.¹⁸

While government borrowing existed before stock exchanges this borrowing was generally short term, with high interest, in some cases as high as fifty percent per year.¹⁹ Monarchs could also force the population to loan to the government, or default on these debts through manipulation of laws. The infamous example of Edward the I of England's 1290 expulsion of the Jewish population, and subsequent defaulting on debts owed to them, provides a salient example of this.²⁰ In 1672, Charles II suspended all capital payments to his debtors in a move known as the "Stop of the Exchequer," and this made betting on government debts risky. As John Brewer has shown, post-1688 Britain did not have these more draconian methods of defaulting on a debt. The British government turned to both taxes and raising voluntary loans to pay for the government expenditure.²¹ Brewer stresses the interconnectedness of tax and a public debt, as the security of investment in the debt relied on the investors belief in a "strong" state and an ability to tax. In this way, tax and debt funded the growth of the "fiscal military state."²²

¹⁷ For a clear picture of the way the debt contributed to the development of the London Stock Exchange see D. C North, and B. R. Weingast, "Constitutions and Commitment: The Evolution of Institutions Governing Public Choice in Seventeenth-Century England," *The Journal of Economic History* 49, no. 4 (1989): 803-832. And for the rebuttal see Nathan Sussman and Yishay Yafeh, "Institutional Reforms, Financial Development and Sovereign Debt: Britain 1690-1790," *The Journal of Economic History* 66, No. 4 (2006): 906-935.

¹⁸ John Brewer, *The Sinews of Power: War, Money and the English State, 1688-1783* (London: Unwin Hyman, 1989), 74.

¹⁹ David Stasavage, *Public Debt and the Birth of the Democratic State: France and Great Britain, 1688-1789* (Cambridge: Cambridge University Press, 2003), 53.

²⁰ Stasavage, *Public Debt and the Birth of the Democratic State*, 53.

²¹ Brewer, *The Sinews of Power War*, 73.

²² Brewer, *The Sinews of Power War*, 73-4.

In 1694 the Bank of England was formed and gave the British government a £1.2 million loan. The initial British debt in the 1690s had the long-term interest rate of 8%, which dropped significantly to approximately 4% by the 1750s.²³ In post-Glorious Revolution England, acts of Parliament mandated an annual payment of 8% interest. In addition, a portion of future tax revenue was earmarked for debt payments.²⁴ This gave shareholders a degree of confidence when they invested in the public debt. David Stasavage has convincingly shown the links between the national debt and representative government. He argues that representative government allowed the government to make credible commitments to borrowing as forces external to the government held it accountable to debt and interest repayments. Hence, acts of Parliament created the loan as a type of contract that outlined, and inscribed in law, the terms of loan, including repayment schedules. This was also true of the settler colonies as every debt the colonial government took out passed as a legislative act.²⁵ The support of Parliamentary acts made investing in government debts less risky. For example, as Giles Parkinson points out, at the end of the seventeenth century, a shareholder named Samuel Jeake believed, quite confidently, that investing in the British public debt would yield an 8% yearly interest from his investments. Prior to the acts of Parliament setting the terms of the loans, monarchs could default, in some cases, with impunity.²⁶

In many ways the public debt supported the creation of a nation state, and in the case of the colonial public debt the creation of the settler state. It forced the state to act as a

²³ P. G. M. Dickson, *The Financial Revolution in England: A Study in the Development of Public Credit, 1688-1756* (London: Routledge, Taylor & Francis Group, 2016), 470.

²⁴ Parkinson, "War, Peace and the Rise of the London Stock Market," 135.

²⁵ Stasavage, *Public Debt and the Birth of the Democratic State*, 2.

²⁶ Parkinson, "War, Peace and the Rise of the London Stock Market," 135.

centralised government to manage economic activity through a defined loan contract, and to also administer the debt in development projects or wars. James Belich has named debt the “alter ego” of the centralised state.²⁷ The London Stock Exchange played a role in producing centralised governments. This could be linked to the “informal” imperial rule of non-state actors promoting imperial expansion, but in the case of the London Stock Exchange this may have been a practical consideration.²⁸ For example, debt financing provinces proved more risky than debt financing larger, consolidated, centralised governments. This also had to do with the London Stock Exchange’s own ideas of what they deemed “creditworthy.”

The importance of the government debt to state independence was not lost on contemporaries. In 1824, during the Greek War of Independence, the “provisional government” of Greece took out a £800,000 loan through the agency of Loughnan and Sons (formerly Loughnan & Son and O’Brien). Members of the London Stock Exchange noted “that this Loan was of the greatest service to Greece, in her arduous struggle for independence, cannot be denied.” The dividends for the loan fell into arrears, and by 1829 this prompted the Foreign Stock Market Committee of the London Stock Exchange to begin a process of debt collection. The London Stock Exchange dealt with matters of importance through their General Purpose Committee, and later the Foreign Stock Market Committee. These committees handled conflicts of payment between individuals, as well as large debts such as the Greek debt that fell into arrears. How much the Stock Exchange could enforce its

²⁷ James Belich, *Making Peoples: A History of the New Zealanders, from Polynesian Settlement to the End of the Nineteenth Century* (Honolulu: University of Hawai’i Press, 1996), 242.

²⁸ Bernard Attard, “The London Stock Exchange and the Colonial Market The City, Internationalisation, and Power,” in *The Foundations of Worldwide Economic Integration: Power, Institutions, and Global Markets, 1850-1930*, eds. Dejung, Christof, and Niels P Petersson (Cambridge: Cambridge University Press, 2013), 111. See also P.J. Cain and A.J. Hopkins, *British Imperialism: Innovation and Expansion, 1688-1914* (London: Longman, 1993) particularly chapters 1 and 21; and A.G. Hopkins, “Informal Empire in Argentina: An Alternative View,” *Journal of Latin American Studies* 26, no. 2 (1994): 469-484.

own rules of payment varied greatly. In the case of the Greek debt they had to seek the authority of the British government to try to force the payment of the debt so that the bond holders could be paid their dividends. The defaulted securities sometimes fell into a grey area of authority, as the government, the banks, and the London Stock Exchange seemed unclear about which jurisdiction the securities market fell under.

The Foreign Committee recorded an appeal made to the Earl of Aberdeen, the Secretary of State for Foreign Affairs. The members requested a payment for the overdue dividend that amounted to £85,000. They asked for a payment of £28,000 annually to pay the future dividends needed “to solicit on behalf of the numerous body of persons who are holders of the bonds.” They wanted to “bring this subject under consideration of that government.” The Earl of Aberdeen sent his response that he did not want to “interfere in speculations of this kind which are of a purely financial nature.” He further argued that the British government “cannot claim to exercise any authority with Foreign states.” However, he did have sympathy for their financial loss and noted that the government was “nonetheless far from viewing with indifference.”²⁹ As Ranald Michie points out, there was a “constant tension” between securities markets and governments. The committee members of the London Stock Exchange wanted the British government to enforce debt repayment, while, arguably, they actively undermined British foreign relations.³⁰ Sometimes the London Stock Exchange supported the public debts of nations Britain had considerable animosity towards including the United States during the War of 1812, and France in the immediate post-Napoleonic War period.³¹

²⁹ Foreign Minute Book (Nov 1828 to May 1830 Vol 2) 43-46. Guildhall Library CLC/B/004/B/18/MS14617/2 (GL hereafter).

³⁰ Ranald Michie, *The Global Securities Market: A History* (Oxford: Oxford University Press, 2006), 15.

³¹ *The Course of the Exchange*, January 1, 1813. GL.

The loans to settler colonies financed through the London Stock Exchange effectively solved the problem of paying for emigrants and land development without putting a strain on the British government's finances. As Wakefield, and others continuously pointed out the settler colonies had both a labour and a capital problem. These settler colonies on a practical level had to immediately fund public works, civil servants, bureaucracies, and mechanisms of territorial control, and they could not fund themselves through taxes alone. Elsbeth Heaman's argument about the "tax revolts" in Canada reveals how liberals such as John Stuart Mill believed that a "good government" would tax as little as possible.³² The opposition to excessive taxing of the public may be one reason Mill favoured public debts to fund the settler colonial expenditure. Taxes and the public debt were intertwined. The ability to tax gave the state another layer to its aura of "creditworthiness." Taxing gave assurance to creditors and investors that the state would not miss payments³³ The London Stock Exchange, more than the government regulated French exchange, or other provincial British exchanges, made it possible to trade a large volume of foreign government securities from loans that financed foreign, and colonial governments.

The emergence of a colonial debt market

Political economists theorized a settler colonial system that centred on a national debt. This reflected the importance of debt financing to the world in which they lived. Political economists, however, did not invent the idea of a global trade in public debts. A real public debt market had emerged over the course of the nineteenth century. Political

³² Elsbeth Heaman, *Tax, Order, and Good Government: A New Political History of Canada, 1867-1917* (Montréal: McGill-Queen's University Press, 2017), 5.

³³ Brewer, *The Sinews of Power*, 73.

economy's acceptance of the economic principles of the Colonial Reform Movement, particularly the insistence on the colony's public debt, highlights the economic discourse that public debt financing generated. The surge in British economic debates about public debt financing in many ways reflects the emergence of a distinct fields of economic investment in government debts of emerging states. These independent states included European, Latin American, and settler colonial.

Aside from the particular instance of Britain's own public debt in the late seventeenth century, the global public debt market did not exist until after the rise of the London Stock Exchange. British investment in non-British government bonds began in the post-Napoleonic War period. The Baring Brothers along with Hope & Co., an Amsterdam banking house floated a loan to France for a massive war indemnity the 1815 Treaty of Paris had imposed on them. This began the first of a series of French loans to pay for war damages. This effectively opened up a British market for foreign government bonds. As Frank Griffith Dawson argues the post-Napoleonic War era also created a situation of declining power of Spain in Latin America that prompted several countries to move towards independence, and, importantly, search for the funding to do so.³⁴

The early nineteenth-century British debt market ballooned- and burst- with the Latin American “loan bubble.” Between 1822 and 1825 British investors saw the opportunity to make money from commerce, emigration, and inter-oceanic communication and invested heavily in Latin American government securities.³⁵ Simón Bolívar united three colonies formerly under Spanish control under the Republic of

³⁴ Frank G. Dawson, *The First Latin American Debt Crisis: The City of London and the 1822-25 Loan Bubble* (New Haven: Yale University Press, 1990), 17-20.

³⁵ Dawson, *The First Latin American Debt Crisis*, 10-3.

Columbia, and took out their first loan in 1819. This loan became the first of the Latin American government loans. However, investing in emerging independent nation states proved volatile as many of the Latin American nations had to default on their loans, and thus crashed the early debt market.³⁶

Three distinct government debt markets emerged as the nineteenth century progressed, the British government debt, the foreign government debts including French, American, European and Latin American debts, and the settler colonial government debts. While technically all public debts constituted one market contemporaries involved in the securities market distinguished between the public debts as British, “foreign,” and “colonial.” Colonial here explicitly referred only to the settler colonies. The settler colonial government debt market technically began in 1837 with the first issue of the Upper Canadian debt, but did not grow to include all settler colonies until the late nineteenth century. The Upper Canadian debt pre-dated its issue on the London Stock Exchange, but in 1837 it became the first of the Canadian colonies' debts issued as securities on the Exchange.³⁷ A colonial government debt financed through institutions such as the London Stock Exchange easily aligned with nineteenth-century ideas of colonial “self-sufficiency,” which included responsible government for the settler colonies. Issuing public debts on the London Stock Exchange became one way to achieve the goal of colonial, specifically, settler colonial “self-sufficiency.”

As the securities market grew so did publications about it. Mary Poovey has traced the proliferation of financial writing as a genre of the blossoming credit economy. This genre

³⁶ Dawson, *The First Latin American Debt Crisis*, 22.

³⁷ As chapter three will detail, the Receiver General of Upper Canada, John Henry Dunn, was instrumental in pushing Upper Canada's once locally financed public debt to be issued on the London Stock Exchange.

of financial writing included publications that described the securities market for investors.³⁸ Broadsheets and newspapers gave investors information about the latest trading information. The circulation of a bi-weekly printing of securities listing and their prices called *The Course of the Exchange* provided information for such investors. This definitive securities list had roots in a pre-formalised Stock Exchange at Jonathan's Coffee House, where Jonathan Castaing's issued his first *The Course of the Exchange, and Other Things* in 1697.³⁹ The original "Stock Exchange" met at Jonathan's Coffee House, and then later at the larger location of Garraway's Coffee House.⁴⁰

Omitted from the following analysis are the other major nineteenth-century periodicals that listed securities such as *The Investor's Monthly Manual*, *The Stock Exchange Year-book*, and *Burdett's Official Intelligencer* for the simple reason that these periodicals did not exist until the nineteenth century.⁴¹ The listing of securities in these works also notoriously do not align, and some like *The Investor's Monthly Manual* excluded some offerings, particularly in the foreign markets pertinent to this study. The information in investors' periodicals did not always agree with each other. Any study that wanted to look at the total market capitalisation, or the flows of British capital would need to cross reference all of these major financial periodicals, as well as use Parliamentary papers for any accurate estimation of hard numbers.⁴² This would give a more specific idea of economic growth and

³⁸ Mary Poovey, *Genres of the Credit Economy: Mediating Value in Eighteenth- and Nineteenth-Century Britain* (Chicago: University of Chicago Press 2008), 61-77.

³⁹ Larry Neal, *The Rise of Financial Capitalism: International Capital Markets in the Age of Reason* (Cambridge: Cambridge University Press, 1990), 23.

⁴⁰ Neal, *The Rise of Financial Capitalism*, 33.

⁴¹ Dawson, *The First Latin American Debt*, 17.

⁴² Matthew Simon, "The Pattern of New British Portfolio Foreign Investment, 1865-1914," in *Capital Movements and Economic Development*, eds. by John Adler and Paul Kuznets (Canada: Stockton Press, 1967), 38.

flows of capital. Pertinent to this study, however, the information in financial periodicals clearly shows the type of market and the growth of specific markets.

The physical size of *The Course* showed the rapid growth of the London Stock Exchange. Throughout the nineteenth century *The Course* was always printed on one, double sided sheet of paper. This may have to do with the convenience of circulating one page only, and the cost of the stamp since it was printed every Tuesday and Friday. When the number of securities available for investment began to increase exponentially, especially after the Napoleonic Wars, the convention of printing a single sheet of paper for *The Course* continued. The papers, however, increased dramatically in size, and by the 1880's the broadside for *The Course* grew from the size of a small book to a large broadsheet. The information provided in *The Course* is a fragment of the data needed to make any serious calculations of total market capitalization, varying interests rates, market integration, or how many investors existed, and what they invested in. However, scholars have found that the information available in *The Course* corresponds with their statistical measurements about market growth from a variety of sources on the securities market.⁴³ Pertinent to the current study, *The Course* clearly shows the growth of government debts for settler colonies, or what the *The Course* labelled "Colonial Government Securities." The paper itself as an object of study also sheds light on the significance of specific securities.

The Course listed securities under specific subtitles, and arranged them to appear on the front of the page, or the back of the page. This categorization and listing order had significance. The subtitles categorized and organized the securities themselves, and sometimes

⁴³ Nathan Sussman and Yishay Yafeh, "Institutional Reforms, Financial Development and Sovereign Debt: Britain 1690-1790," *The Journal of Economic History* 66, No. 4 (2006): 13.

reflected major historical changes. After the Napoleonic Wars “French Funds” appeared on *The Course*,⁴⁴ and British investors had the opportunity to invest in French securities. Famously, David Ricardo invested in the French *rentes*, and in doing so made quite an extraordinary amount of money.⁴⁵ “American Funds” had its own categorization, and this sub heading changed to “Public Securities of the United States of America” by mid century. *The Course* listed American and French securities under the category “Foreign Stocks,” but as the number of American securities on the London market grew, American securities eventually merited its own category. The London Stock Exchange always had involvement in foreign government securities in the form of government debts. For example, despite an uncertain relationship between the two governments in the early nineteenth-century British investors made up the majority of non-American holders of many US securities.⁴⁶

In 1822 the General Purpose Committee of the London Stock Exchange recorded a flurry of petitions to open a “fair Market for Foreign Securities.”⁴⁷ The desire for a Foreign Stock Market reflected the “immense transactions that have taken place in the Securities of Foreign Governments within the last 6 months.”⁴⁸ By 1823 the London Stock Exchange established the Foreign Stock Exchange and drew strict lines of trading where “Foreign Securities should be confined to the Foreign Stock Market and dealings in the British Funds restricted to the Stock Exchange.”⁴⁹ The “Foreign Stocks” printed on the front page of *The Course* grew significantly in number, and the years between 1822 and 1825 saw the worth of

⁴⁴ *The Course of the Exchange*, January 4, 1825. GL.

⁴⁵ Letters Relating to the Investments of David Ricardo, pg 4-5. SR1124. London School of Economics Archive (LSE hereafter).

⁴⁶ Michie, *The Global Securities Market*, 61.

⁴⁷ General Purpose Committee, Vol 9: pg 294. CLC/B/004/B/01/MS14600/009. GL.

⁴⁸ General Purpose Committee, Vol 9: pg 301. CLC/B/004/B/01/MS14600/009. GL.

⁴⁹ General Purpose Committee, Vol 10: pg.22. CLC/B/004/B/01/MS14600/010. GL.

foreign loans swell up to 40 million pounds.⁵⁰ Along with both American and French government securities foreign stocks included Austrian bonds, Belgian bonds, Greek bonds, Mexican bonds, Peruvian Bonds, Portuguese Bonds, Spanish Bonds, and many, many more. *The Course* listed only government securities under Foreign Stocks, such as the Greek bond that members of the Stock Exchange praised for supporting the Greek War of Independence.

These government debts that could be bought and sold on the London Stock Exchange financed the growth of national economies. Not surprisingly, the growth of *The Course* listings of foreign securities twinned the emergence of a multitude of nation states throughout the nineteenth century. During the early period of the foreign debt market British investors focused on investing in the recently independent Latin American countries. The London Political Economy Club even debated this issue and asked “whether the capital loaned from this country at the present time to the New States of South America is likely to be beneficial to the country,” in April of 1825.⁵¹ This is not to say that the London Stock Exchange caused the creation of nation states, but that its existence supported state development through the financing of national debts. However, after the pop of the “loan bubble” in the 1820s resulted in a wave of defaults of many Latin American government loans, the Foreign Market collapsed back into the London Stock Exchange.⁵²

The problems with the early loans such as the early 1820s Greek default made government securities an implausible, and not inevitable, outcome of a global securities market. Notably, the expansion of the settler colonial government securities market happened after the loan bubble. Greece fought its expensive war of independence that a public debt financed, as did

⁵⁰ Michie, *The Global Securities Market*, 67.

⁵¹ London Political Economy Club. Roll of members and questions discussed, pg 24. PEC Box 15. LSE.

⁵² Dawson, *The First Latin American Debt Crisis*, 172-3.

the Latin American countries. Fighting a war did not guarantee that a nation state would triumph, and, importantly, pay back the principal and the interest of the loan. This made investing in foreign government debts a type of bet on the outcome of a war, and created inherent instability in the debt market. As Paula Vedoveli has pointed out, the instability of debt markets continued with the Baring Crisis of the late nineteenth century. Not only did the Barings Bank issue the first Latin American loan in 1824, they were also responsible for backing many of the Canadian debts as well.⁵³ Settler colonial government debt investment, in theory, would be a surer bet because of their perceived stability and ties to Britain. This history certainly lends weight to R.T. Naylor's now infamous assertion that the Baring Brothers were the real fathers of Confederation. Scholars have disputed these general claims, but recently Andrew Smith offers a more nuanced version of the historical role of finance capitalism in Confederation, and emphasizes the role of businesses.⁵⁴ Government debt and the nation state evolved out of nineteenth-century government organization around national identity, the particular instance of Britain's own debt, and Empire itself with the expansion of colonial markets. Tellingly, a colonial government had to exist to take out a debt, and a settler state could exist because the debt financed it.

Tracking the growth of what the *Course of the Exchange* labelled "Colonial Securities" provides one of the best clues for locating an emerging settler state. Scholars have taken note of the "sudden appearance" of the colonial debt market. However, there remains little to no research about the significance of these colonial securities as an impetus for settler colonization.

⁵³ Paula Vedoveli, "Information Brokers and the Making of the Baring Crisis, 1857–1890," *Financial History Review* 25, no. 3 (2018): 361.

⁵⁴ Andrew Smith, *British Businessmen and Canadian Confederation: Constitution Making in an Era of Anglo Globalization* (Montréal: McGill-Queen's Press, 2008), 11.

The fact that these colonies became settler states has received little to no attention.⁵⁵ *The Course* began to list a discrete category for the public debts of the settler colonies after the Crown Agent for Colonies wanted to make the colonial securities “more generally sought,” and requested that the Stock Exchange list the securities of Canada, New South Wales, Victoria and South Australia as “a distinct heading, say of 'Colonial Government Securities.’” The General Purpose Committee of the London Stock Exchange approved his request.⁵⁶ The fact that *The Course* chose not to label colonial government debts, or colonial securities as “foreign” has some significance. This convention suggests that colonial government debts represented a different sector of investment.

Before the 6th of March 1857 *The Course* listed the few securities from what became “Canada” under the “Miscellaneous” section of the paper printed near the end on the back of the paper. The placement of these few “Canadian” securities, notably the Hudson’s Bay Company issues, the Canada Company (for a short period), and after January 1837 the Upper Canada Bond reveals the contemporary significance of these securities⁵⁷ The fact that they did not have their own category, and *The Course* listed them last suggests that they did not represent a significant aspect of investment. These “miscellaneous” securities contrasted with securities *The Course* listed at the top of the front of the page such as the public debts of Britain, France, and the United States. The front page also listed the securities for major development and public works projects such as canals and gas-light companies.⁵⁸ In terms of the overall trading activity of the London Stock Exchange the colonial government debts were listed in a way that suggests their perceived lesser importance. On the 6th of March 1857

⁵⁵ Attard, “The London Stock Exchange and the Colonial Market,” 90.

⁵⁶ Quoted in Attard, “The London Stock Exchange and the Colonial Market,” 99.

⁵⁷ *The Course of the Exchange*, March 6, 1857. GL.

⁵⁸ *The Course of the Exchange*, January 3, 1857. GL.

The Course began a new category titled “Colonial Gov. Securities” listed on the back of the paper.⁵⁹

After 1857 *The Course* exclusively listed government debts under “Colonial Gov. Securities.” The Hudson’s Bay Company, for example, remained in the “Miscellaneous” category.⁶⁰ This listing convention drew a clear line between government securities spawned from debts, and other private company securities. The overwhelming majority of government debts listed under “Colonial Gov. Securities” became settler states. These colonies grew into nation states independent from Britain, with centralised governments, governed by ethnically British settlers. *The Course* also listed colonies that did not become settler states such as Mauritius and Ceylon under colonial securities.

The inclusion of Mauritius and Ceylon does not suggest an anomaly in the rule that colonial debts meant settler states. At the time, Mauritius and Ceylon were seen as potential settler states. Various contemporary government inquiries linked both Mauritius and Ceylon to other settler colonies such as the Cape of Good Hope.⁶¹ The British discourse about “tropical” settler colonies discussed the feasibility of places such as Mauritius and Ceylon to potentially become settler states in the same manner as South Africa.⁶² This “tropical colonial development” for British settlement existed as experiments throughout Empire, in places such as Udagamandalam in the Nilgiri Hills of Tamil Nadu.⁶³ Most attempts of British

⁵⁹ *The Course of the Exchange*, March 6, 1857. GL.

⁶⁰ *The Course of the Exchange*, January 3, 1857. GL.

⁶¹ See, for example, the Commission of Eastern Enquiry. Vijaya Samaraweera, *The Commission of Eastern Enquiry in Ceylon, 1822-1837: A Study of a Royal Commission of Colonial Enquiry* (Oxford: University of Oxford Press, 1969).

⁶² Vijaya Samaraweera, "Governor Sir Robert Wilmot Horton and the Reforms of 1833 in Ceylon," *The Historical Journal* 15, no. 2 (1972): 211.

⁶³ Samaraweera, "Governor Sir Robert Wilmot Horton and the Reforms of 1833 in Ceylon," 213, note 23. See also Dane Kennedy, *The Magic Mountains: Hill Stations and the British Raj* (USA: University of California Press, 1996).

settlement in the “tropics,” however, failed to produce a settler state.

“Tropical” British settlement was a significant project. For example, an entire global industry around chinchona plantations emerged alongside the settlement of British bodies in the “tropics.” The bark from these trees had anti-malarial properties, and malaria prevented the mass settlement of British bodies into the “tropics.” This industry saw the British government placing smugglers into South America to illegally extract chinchona plants from Peru and other regions. A complicated system of plant transfer across the Atlantic ocean took these plants to Britain's Kew Gardens.⁶⁴ The British government allowed for the clearing of massive areas of land in places such as the Nilgiri Hills to make space for large scale cinchona plantations. Scientists extracted an alkaloid called quinine from cinchona bark. Quinine killed the *plasmodium falciparum* parasite that the anopheles mosquito carried, which transmitted malaria. Quinine was so well regarded for its anti-malarial properties that the British put it in tonic water to drink as a prophylactic. Thus, the gin and tonic was born out of a desire for colonial expansion. Quinine still gives many brands of tonic water its distinct taste.⁶⁵ The immense expense and effort to transplant plants from South America to the Subcontinent reflects the importance the British government placed on white settlement into the “tropics.”

On 4 January 1870 colonial government securities grew in both number of listings and social importance and *The Course* began listing them on the front page, and, eventually, second only to “British Government Funds.”⁶⁶ Figure.1 shows that colonial government securities

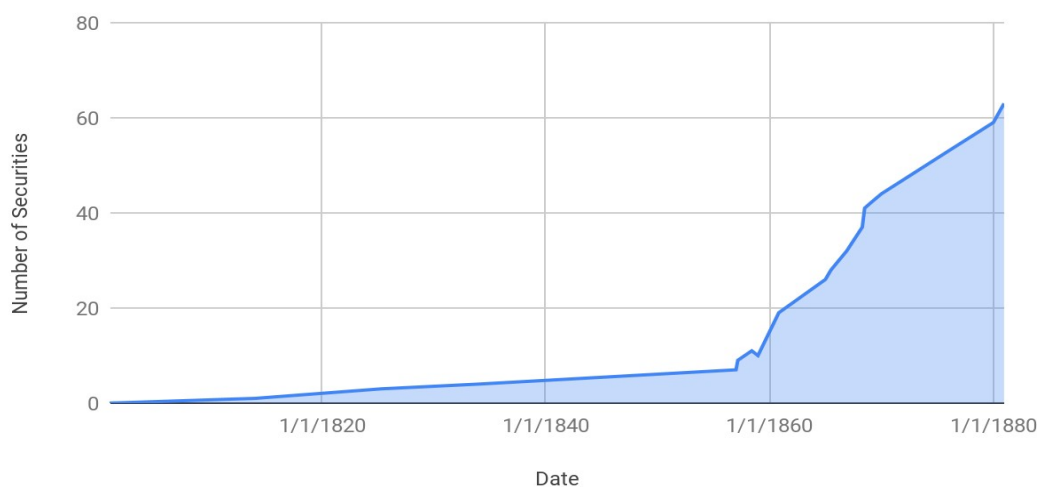
⁶⁴ Richard Drayton, *Nature's Government: Science, Imperial Britain, and the “Improvement” of the World* (New Haven: Yale University Press, 2000), 208.

⁶⁵ Steven Meshnick and Mary Dobson, “The History of Antimalarial Drugs,” in *Antimalarial Chemotherapy*, ed. Philip J Rosenthal (New Jersey: Humana Press, 2001), 18.

⁶⁶ *The Course of the Exchange*, January 4, 1870. GL.

increased greatly in number, and this “boom” began around the time of Canadian Confederation. Figure 1. includes the pre-1857 “Canadian” securities, but technically colonial securities numbered in zero since there was no listing for colonial government securities, or a separated colonial government securities market until after 1857. The inclusion of the few “Canadian” securities is meant to highlight the relatively miniscule size of the “Canadian” trade on the London Stock Exchange before the 1850s. This would change as the nineteenth century progressed. The buying and selling of colonial government debt helped to finance the building of these specifically settler nation states. From the first “official” financed debt with the South Australia loan to the various “Canadian” loans, the London Stock Exchange made it possible for these settler colonies to fund their governments, and eventually independence as nation states.

Growth of the Colonial Securities Market



(fig. 1) ⁶⁷

British investors owned a significant amount of Canadian government securities.

⁶⁷ Data calculated from *The Course of the Exchange*, 1801-1880. GL.

They also owned of a variety of securities from railways, telegraphs, banks, land and industry companies, etc.⁶⁸ Two major studies have shown who exactly invested in what in Britain. P. J. Cain and A.G. Hopkins have argued that a “gentlemanly capitalist” class emerged in Britain and invested in the stock market.⁶⁹ H.V. Bowen has shown that a surprisingly diverse group of people who had surplus money that might otherwise remain in savings accounts invested in stocks. These stocks promoted imperial projects such as the British East India Company. Women, particularly spinsters, invested as well, although modestly compared to “gentlemanly capitalists” who made a living from investments.⁷⁰ The ability of financiers to invest in the budding Canadian economy ensured the “development” of public works, civil services, and more generally a centralised government. By 1852 members of the London Political Economy Club began questioning the advantages of “immediate taxation” alone, and inquired into the benefits of raising “the money required for the public expenditure, by means of a Loan, instead of immediate taxation.”⁷¹

Different ways in which to buy the “Canadian” debt also increased in number as it became possible to purchase the debt through scrips issues, bonds, and debentures, and at differing rates of interest. To highlight the significance of these debts to the establishment of settler states in the early 1870s the entire annual budget of the Canadian Government “was a bit more than 19 million.”⁷² According to *The Course* in 1875 the market capitalization of the

⁶⁸ Michie, *The London Stock Exchange*, 4.

⁶⁹ P.J. Cain and A.J. Hopkins, “Gentlemanly Capitalism and British Expansion Overseas I. The Old Colonial System, 1688-1850,” *Economic History Review* 39, no.4 (1986):504.

⁷⁰ H.V. Bowen, *The Business of Empire: The East India Company and Imperial Britain, 1756-1833* (Cambridge: Cambridge University Press, 2006), 85.

⁷¹ London Political Economy Club. Roll of members and questions discussed, pg. 66. PEC Box 15. LSE.

⁷² J. R. Miller, “Compact, Contract, Covenant: Canada’s Treaty-making Tradition,” *The Michael Keenan Memorial Lecture 2003*. St. Thomas Moore College, 2007, accessed 12th August, 2019.

Government of Canada loan totalled approximately £10 million. This does not include loans to provinces listed such as British Columbia, New Brunswick, Nova Scotia, Prince Edward Island, and Québec, which had the largest provincial loan listing of £800,000.⁷³ The total loan to Canada in 1890 was £58.7 million.⁷⁴ Arguably, the Canadian debt should include the provincial debts as section 111 of the British North America Act stipulated that “Canada shall be liable for the Debts and Liabilities of each Province existing at the Union.” Sections 112-116 made those provinces owe that debt to the Canadian government at an interest, and the Canadian government in turn owed the entire combined debt to debt holders.⁷⁵

Each provincial debt was consolidated as the Dominion of Canada debt. The existence of first the provincial debts and then the Dominion of Canada debt points to the fact that Canada's public debt did not develop evenly. First, the London Stock Exchange issued the Upper Canadian bond. Next it issued the New Brunswick public debt. On the 1st of January 1839 the Exchange issued “New Brunswick Scrip.” A scrip is a type of debt instrument. On the 6th of March 1857 New Brunswick's official public debt was listed at £166,000 at 6% annual interest. On the 13th of March that same year Nova Scotia had its public listed on the London Stock Exchange at £250 000 6% annual interest. While Nova Scotia's debt had slight fluctuations throughout the years, New Brunswick's issues remained at the same amount. Prince Edward Island, despite having a large debt as chapter four will show, did not have its debt issued on the London Stock Exchange until after it invested in the railway. On 5 January 1875 Prince Edward Island had £220,000

https://www.collectionscanada.gc.ca/obj/g4/11/780973431612_13244st.pdf 21.

⁷³ *The Course of the Exchange*, January, 5 1875. GL.

⁷⁴ Lance Davis and Robert Huttenback, *Mammon and the Pursuit of Empire: The British Political Economy of British Imperialism, 1860-1912* (Cambridge: Cambridge University Press, 1986), 169.

⁷⁵ Government of Canada, *The British North America Act, 1867*, accessed 1st July, 2019. http://www.legislation.gov.uk/ukpga/1867/3/pdfs/ukpga_18670003_en.pdf.

worth of debt listed at 6% yearly interest.⁷⁶ Chapter four will explore why Prince Edward Island had trouble securing a public debt issue on the London Stock Exchange compared to the other provinces.

Colonial “creditworthiness” and the “wastelands”

Clearly, the British North American colonies had the ability to take out large low interest and long term loans. The last section of this chapter will address how they had the credit to do so in the first place. The Colonial Reform Movement proposed that the settler colony take out a public debt in a particularly anti-debt context. Wakefield, of course knew this, and he used it to his advantage when he manipulated Ellen Turner to marry him. States financing themselves through debts sold on the London Stock Exchange required a massive shift in legal, cultural, and social structures that signalled changing ideological meanings of debt itself.⁷⁷ In the 1820s socially having a debt in Britain was an anathema, and could lead to imprisonment. At the same time, however, credit (the potential loan amount) had virtuous qualities associated with who or what was perceived as “creditworthy.” Debt (the amount owed) did not have the same social meanings as credit. Gradually changing attitudes about credit helped “creditworthiness” become a positive quality for individuals, which allowed for a tacit acceptance of debt as a source of state finance. According to Jeffery McNairn, debt reform in the 1820s and 30s in Upper Canada became “the colony’s most prominent humanitarian cause,” and the sentiment to abolish debtors’ prison arrived in Upper Canada via

⁷⁶ *The Course of the Exchange*, March 6, 1857, March 13, 1857, and January 5, 1875. GL.

⁷⁷ For the process of the legal and moral separation between gambling and market speculation see *Ritu Birla, Stages of Capital: Law, Culture, and Market Governance in Late Colonial India* (Durham: Duke University Press, 2009), 143-198; Ann Fabian, *Card Sharps, Dream Books, and Bucket Shops: Gambling in 19th-Century America* (Ithaca: Cornell University Press 1990), 59; and Itzkowitz, “Fair Enterprise or Extravagant Speculation,” 121-147.

Adam Smith's ideas.⁷⁸ While debt had a long history of imprisonment and negative cultural connotations, by mid century attitudes towards debt began to change to understand debt as a feasible means of investment and financing. Reformers who wanted to change the punishment of incarceration for debts emerged in both Britain and the Canadian colonies, and this resulted in legal reforms of insolvency law in both places.⁷⁹

In his study of legal reform in Upper Canada in the 1820s and 1830s McNairn emphasizes the ways in which debt discourses emerged from particular historical circumstances. He has shown how in the campaign against the imprisonment of debt reformers used historically and culturally specific British ideas about moral sentiment and sensibility to argue for their cause.⁸⁰ James Muir also centres changes in law in his work on debt in in eighteenth-century Halifax. He traces civil, not criminal legal cases, and shows that in the cases between settlers the vast majority of cases from the Inferior Court of Common Pleas centred on debt collection. He notes that the large number of cases about accounts reveals that many people used credit and debt in eighteenth-century Halifax as an economic transaction.⁸¹ Personal debt transactions certainly figured in both British and settler colonist life. These types of individual debts, however, were markedly different from government borrowing.

Despite millions of pounds of debt circulating globally through the London Stock Exchange it was not until 1869 that the Bankruptcy Act abolished debtors' prison for British

⁷⁸ Jeffery McNairn, "The Common Sympathies of Our Nature': Moral Sentiments, Emotional Economies, and Imprisonment for Debt in Upper Canada," *Histoire sociale/Social history* 49, no. 98 (2016): 51 and 55.

⁷⁹ McNairn, "'The Common Sympathies of Our Nature,'" 51, 55.

⁸⁰ McNairn, "The Common Sympathies of Our Nature,'" 68.

⁸¹ James Muir, *Law, Debt, and Merchant Power: The Civil Courts of Eighteenth-Century Halifax* (Toronto: University of Toronto Press, 2016), 44.

subjects.⁸² The gradual acceptance of credit/ debt as a viable source of long term financing can be traced to the rise of financial institutions such as the London Stock Exchange. Poovey has shown that this credit economy infiltrated many aspects of British society including fiction writing. Writers such as Daniel Defoe in the eighteenth century not only argued that “the system of public credit” was a “national resource,” he also used the literary trope of “Lady Credit” as a way to understand the instability and desirability of the emerging credit economy.⁸³ The choice of a female identified credit highlights the ways in which credit was seen as irrational, volatile, susceptible to emotional outbursts, but also, at the same time, highly desirable if treated the correct way. Terry Mulcaire has argued that these philosophical musings about credit operated as a move to reify it as an object of value. Accessing credit was not seen as a moral failing, but a rational decision to pursue a valuable object as a virtuous man would court a worthy female.⁸⁴ This points to the differential meanings of debt and credit beginning in the eighteenth century, and continuing into the nineteenth century. Rational individuals could use credit to their advantage, but debts hindered individuals. Credit had a positive association, and debt had a negative association, even though both referred to the same act of borrowing money.

Insolvency law reform in the “age of reform” partially reflected these changing social perceptions of the morality of debts. Evolving bankruptcy laws protected individuals in certain circumstances from owing debts, as did the Limited Liabilities Acts and the

⁸² Markham Lester notes that imprisonment for debt actually carried into the 20th century despite the formal abolition of debtors' prisons. See Markham Lester, *Victorian Insolvency: Bankruptcy, Imprisonment for Debt, and Company Winding-Up in Nineteenth-Century England* (Oxford: Clarendon Press, 1995), 12.

⁸³ Poovey, *Genres of the Credit Economy*, 102.

⁸⁴ Terry Mulcaire, "Public Credit; or, the Feminization of Virtue in the Marketplace," *Publications of the Modern Language Association of America* (1999):1033.

Companies Acts of the 1850s.⁸⁵ Britain's own national debt at the close of the seventeenth century provided a source for financial investment as the stability of this specific type of security depended on the stability of the states. Debt financing provinces, or single colonies, however, proved more risky than debt financing of larger, consolidated, centralized governments. This also had to do with the London Stock Exchange's own ideas of what the proprietors of the exchange deemed "creditworthy." For example, in the late nineteenth century, the London Stock Exchange had denied to recognize New Zealand's provincial governments' debt issues. This refusal of the London Stock Exchange forced New Zealand an issue of one stock. This centralized the New Zealand government around the issue of a single government debt, making a singular New Zealand government debt.⁸⁶ The Canadian debt also consolidated with the 1867 British North America Act, as provinces no longer had the ability to issue their own debts directly on the London Stock Exchange. Creditors used various measures to determine the "creditworthiness" of a government. Importantly, the ability to appropriate lands added to the "creditworthiness" of a government.⁸⁷ The promise of future revenue from appropriating Indigenous lands became the main way the settler colonies became "creditworthy" on the London money market.

As Markham Lester argues debt financing could have significant repercussions if the holder fell into default. A default could destroy colonial credit. The London Stock Exchange, and debt collection entities that represented bond holders such as the London based Corporation of Foreign Bondholders had the power to block any government attempting to

⁸⁵ Lester, *Victorian Insolvency* 222.

⁸⁶ Attard, "The London Stock Exchange," 101.

⁸⁷ P.J. Cain and A.J. Hopkins, *British Imperialism: Innovation and Expansion, 1688-1914* (London: Longman, 1993), 262.

finance themselves by refusing to recognize issues on the Stock Exchange. For example, after the American Civil War section four of the 14th amendment of the Constitution stated that “the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States.”⁸⁸ This resulted in the southern states defaulting on their debts. Lester has shown how this default ended in their inability to “develop” like the rest of the United States because lenders saw them as no longer “creditworthy.”⁸⁹ Defaulting on a loan had serious repercussions especially if the London Stock Exchange refused to grant new loan issues to colonies that defaulted.

Colonial governments commonly funded private companies to build public works, railways, canals, and a multitude of other projects through these public debts. For the United States this meant 172 million dollars of debt in 1830.⁹⁰ Robert Huttenback and Lance Davis have concluded that capitalism did not clearly play a significant role in the development of Empire. However, they stated this in a work that does not look at the development of settler states, but rather sees “white settlement” as inherently different from the “dependent Empire.” This focus cannot examine how loans financed on the London Stock Exchange paid for the creation of settler states. Since their study focuses on the latter half of the nineteenth century, this conclusion is not surprising even when they state that the “vast majority” of British capital went to the “colonies of white settlement.” This capital built the settler states, and allowed them to “develop” their public works, natural resources, as well as a multitude of

⁸⁸ Cornell Law School, *Constitution of the United States of America*, accessed 21st August 2019. <https://www.law.cornell.edu/constitution/amendmentxiv>

⁸⁹ Lester Markham, "The Effect of Southern State Bond Repudiation and British Debt Collection Efforts on Anglo- American Relations, 1840–1940," *Journal of British Studies* 52, no. 2 (2013): 420-1.

⁹⁰ Mira Wilkins, *The History of Foreign Investment in the United States to 1914* (Cambridge: Cambridge University Press, 1989), 54.

other state financed expenditures including government subsidies to private companies.⁹¹

Speculation on the future value of the land after it underwent development, or “improvement” is what gave the colony credit for a public loan. In this way, the loan amount reflected a presumed future value of land. To receive credit from London and local banks the colonial government had to first claim the land as a part of its assets. To justify the possession of land for development colonial governments often coded Indigenous as “wastelands,” and they included these lands in their total calculation of assets for loans. For British colonial reformers, and land reformers in the colonies, “wastelands” literally meant lands that were not productive, lands where the potential market value went to waste. There are two major occurrences to observe here, first, that land in the settler colonies had no, or very low market value. Second, land had to be given a market value that was based on assumptions of its future value. Debt financing quickly became a new speculative frontier that converted lands into “real” estate through credit based on the perceived future value of Indigenous lands on the London money market.

As the following chapter will detail, the loan amount did not reflect the current market value of land, but its future value, and in one way or another land had to be disciplined to produce that future value. This fiction of land value wreaked havoc across Indigenous lands. For this reason, public debt financing encoded an expansionary mechanism into the foundational structure of the eventual Canadian settler state. This expansionist directive resulted in the manic absorption of Indigenous lands to pay back the principal plus interest of the loan. However, the loan even then could not be paid off.

⁹¹ Davis and Huttenback, *Mammon and the Pursuit of Empire*, 75.

According to Statistics Canada the current Canadian debt sits at around \$768 billion, a continuation from the initial debts from the early nineteenth century.⁹²

The debates about what to do with the colonial “wastelands” exhibit how colonial reform meant to produce a market value in land in the colonies of which the debt financing system formed an integral part. Peter Burroughs has argued that the British government saw itself as having possession of settler colonial lands as a trusteeship, and had a desire to make the “wastelands” productive.⁹³ The “wastelands” over time, and especially after Lord Durham’s mission to Canada, became associated with the crown and clergy reserves, which highlights the slipperiness of the categorization of land as “wastelands.”⁹⁴ It did not mean exclusively uncaded territory, or crown or clergy reserves. It meant “unimproved” land: literally land falling into “waste” without development. This definition made it easy to apply the term “wasteland” to appropriate land as it evoked an intense British cultural understanding of proper land use. The term itself justified taking land.

The public debt payments, at the very least, needed to cover the interest to ensure the colony would not default. According to Wakefield and Mill the new colonial system supposedly paid for itself through a fund made up of a tax on the sale of public lands. Mill enthusiastically noted that “emigration would be paid for out of the increase to the general wealth of the world, produced by emigration itself.”⁹⁵ The public debt financing system became a tool for political economists such as Mill to reach this nebulous goal of increasing

⁹² Statistics Canada, “Central Government Debt,” accessed 1st August, 2019 <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1010000201>.

⁹³ Burroughs, “Wakefield and the Ripon,” 464.

⁹⁴ House of Commons. “Canada Waste Lands Bill,” March 15th, 1825. Parliamentary Debates: Official Report: Session of the 3rd February- 18th April Volume 12. London: Hansard.1036.

⁹⁵ John Stuart Mill, “The New Colony (2)” *The Examiner*. July 6, 1834, in *Newspaper Writings. Collected Works of John Stuart Mill*, eds. John M Robson, and Ann P Robson (Toronto: University of Toronto Press, 1986), 736.

the general wealth of the entire world. All of this theorizing was done without a deep consideration of Indigenous peoples, their sovereignties, or territorialities. However, colonial governments could not ignore Indigenous land and water tenure systems as easily as colonial reformers, as Indigenous peoples directly challenged colonial administrations. Colonial governments had to take an extra step to erase Indigenous land and water tenure systems, and they did this through bifurcating lands into two categories, Indigenous lands as “wastelands,” or government unrecognized lands, and government recognized Indian reserve lands.

In Upper Canada, for example, the colonial government did distinguish between lands they saw themselves as reserving for Indigenous peoples, or government recognized Indigenous lands labelled as Indian reserves. This meant that the rest of the lands fell under an unacknowledged category of unrecognized lands. These lands that Upper Canada claimed made up everything outside of recognized lands, which was only a small portion of the Upper Canadian acreage. The Prince Edward government, however, had no government recognized Indigenous lands, and chapter four and five will address. In this case the entire Island was unrecognized Indigenous lands because no treaty had ceded the lands. Despite the eighteenth-century Peace and Friendship Treaties ensuring Mi'kmaq rights without land surrender the British landholders and the Island government still managed to create a legal fiction that they rightfully possessed the land.⁹⁶

Many scholars, particularly legal historians have dedicated several studies to the appropriation of Indigenous lands in the settler colonies. Lauren Benton's groundbreaking

⁹⁶ For a detailed theorization about the problematics of “recognition” in liberal governmentality and settler colonial contexts see Coulthard *Red Skin, White Masks*, 27-32.

work has shown how European colonialism shifted in the eighteenth century to form a model of governance around state centred legal pluralism by the nineteenth century.⁹⁷ A large part of instituting an order of legal pluralism revolved around including Indigenous peoples and their lands into legal regimes. Importantly, Philip Girard argues that eighteenth-century debtor-credit law made it so lands could be alienated from title holders in the case of debt. For Girard mortgages were “more creditor oriented procedures for realizing on land given as security.” Other differences in settler colonial law such as changes in laws of primogeniture and making the state of land titles publicly known made it easier to move around land as a resource.⁹⁸ At the end of this process “land,” Girard writes, “is security.”⁹⁹

The ways in which British settler societies used laws and the market to create settler spaces has a well established literature. For example, John C. Clark has shown how the role of land speculation and settlers using credit to purchase lands shaped property relationships.

¹⁰⁰ Glenn Walker's micro history of a townships in the Kawartha Lakes regions of Upper Canada has shown how settlers in the British North American colonies did not just subsistence farm. Such studies in Upper Canadian market society have shown how settlers were able to purchase lands and turn them into viable farms.¹⁰¹ Before that could happen, however, the colonists and colonial governments could not take lands as security without first claiming them as their own. One way they did this was through the justification of taking

⁹⁷ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge: Cambridge University Press, 2004), 6. See, in particular, her discussion about constituting Aboriginal legal subjects in New South Wales, 183-209.

⁹⁸ Philip Girard, “Land Law, Liberalism, and the Agrarian Ideal: British North America, 1750- 1920,” in *Despotic Dominions: Property Rights in British Settler Societies. Law and Society*, eds. John McLaren, A R Buck, and Nancy E Wright (Vancouver: University of British Columbia Press, 2005), 121.

⁹⁹ Girard, “Land Law, Liberalism,” 129.

¹⁰⁰ John C. Clarke, *Land, Power, and Economics on the Frontier of Upper Canada* (Montréal: McGill-Queen's Press, 2001), 264-294.

¹⁰¹ Glenn Walker, “The Changing Face of the Kawarthas: Land Use and Environment in Nineteenth Century Ontario” (PhD Diss., McGill University, 2013), 182.

“wastelands.”

The taking of “wastelands” came in many forms. Colonial governments used accounting as one such tool that appropriated land. Important to securing a public debt, accounting allowed colonial governments to claim Indigenous lands as part of their assets. The British North American colonies governments' used the “double entry” method of accounting. This system made it possible to normalize assumptions of land ownership as under the jurisdiction of the crown. Mundane British accounting conventions, however, were not innocuous despite appearances. “Double entry” bookkeeping provided accounts with an interpretive framework based on a set of assumptions about assets, capital and equity, and liabilities.¹⁰² The method recorded transactions between accounts the business (here colonial governments) set up to manage its finances. Even the most complicated accounts answered two simple questions: what do I own, and what have I done?¹⁰³ In this way a colonial government could claim to own assets logged into its accounts. For example, the Upper Canadian journal of the Receiver General left no room left for justification of land as an asset, it is simply recorded land as such.

Account books listed the many accounts colonial governments dealt with, and had two places to record a transaction, the left hand side for debits, or increases in value, and the right hand side for credits attached to a corresponding account the value transferred from. This system was based on the accounting equation: $\text{assets} = \text{capital/equity} + \text{liabilities}$. Assets here meant everything contributing to the future revenue, and what the colonial government “owned.” Credit/equity meant what the owner of the company had, and liabilities were the amounts owed. From this very basic understanding of double entry bookkeeping it might seem obvious the

¹⁰² Bruce Carruthers and Bruce G. Espeland, “Accounting for Rationality: Double-Entry Bookkeeping and the Rhetoric of Economic Rationality,” *The American Journal of Sociology* 97, no. 1. (1991): 35.

¹⁰³ Carruthers and Espeland, “Accounting for Rationality,” 41.

problematics of applying this method of business bookkeeping to government fiscal practices. It begs the question who was the “owner” of the “company,” and what assets constituted a government’s assets? With respect to the Province of Canada’s government in the mid-century the “owner” was the public however broadly or narrowly defined. Indigenous lands constituted the assets. Dean Neu has called financial methods such as accounting a “software” of colonialism referencing Daniel Headrick’s idea that the “hardware” guns, etc, and the “software” were two colonial techniques.¹⁰⁴ Fiscal records both allowed the colony to be knowable, and it also normalized Indigenous lands as assets. Every time a colonial government recorded an asset in an account book that book recorded an act of colonial possession. This “new style” of colonialism “sought to facilitate the appropriation of land-based wealth” through mechanisms such as holding lands in trust for Indigenous peoples, and the transfer of wealth through debt mechanisms.¹⁰⁵

The other strange issue stemming from double entry bookkeeping was the curious lack of negative numbers. For example, if a government had £1000 in equity, but £4000 in liabilities in reality this meant the government had -£3000. However, according to the accounting equation, $\text{assets (£5000)} = \text{capital (£1000)} + \text{liabilities (£4000)}$. There is a historical reason for the absence of negative numbers to balance accounting books in double entry bookkeeping. Negative numbers first appeared in commerce, and not mathematics in the first century CE. Accountants in China used red rods for positive numbers, or what the person was owed, and black rods for negative numbers or what the person owed. Later, the Madhya Pradesh mathematician Brahmagupta in 628CE argued that negative numbers could represent debt. Centuries after this

¹⁰⁴ See Daniel R. Headrick, *The Tools of Empire: Technology and European Imperialism in the Nineteenth Century* (New York: Oxford University Press, 1981).

¹⁰⁵ Neu, David, “Accounting for the Banal: Accounting Techniques and the Softwares of Colonialism,” in *Postcolonial Theory and Organizational Analysis: A Critical Engagement*, ed. Anshuman Prasad (New York: Palgrave Macmillan, 2003), 202.

Omar Khayyam rejected the existence of negative numbers, with the use of negative numbers fading in the wake of his influence. Only a century after Fra Luca Bartolomeo de Pacioli wrote his *Summa de Arithmetica, Geometria. Proportioni et Proportionalita* (1494), that first described in detail the double entry bookkeeping method, did mathematicians begin to accept negative numbers, but still questioned their use as was the case with René Descartes.¹⁰⁶ No negative numbers in double entry bookkeeping meant that the amount of debt the colonial government had appeared to be balanced out by its assets, even if, in reality, having a debt and a yearly revenue significantly lower than this debt meant that the colonial government was nearing bankruptcy. The debit/credit system that had to balance assets with equity and liabilities shaped government accounting well into the nineteenth century. The balance between debit and credit recorded the equilibrium of transactions in a business which lent the actions of such businesses an air of justness. As long as the accounts were balanced the equilibrium between assets, equity and liabilities, in theory, transcended beyond cheating or other moral wrongdoings.¹⁰⁷ For example, as businesses began to have their charters extended, notably the British East India Company, companies no longer made their assets liquid after the return of a ship voyage. As businesses transitioned to more permanent models the British government began to legislate against fraud in favour of “full” balance sheets as was the case with the 1844 Joint Stock Companies Act.¹⁰⁸

Importantly, the accounting equation that asserted $\text{assets} = \text{capital/equity} + \text{liabilities}$ did not need to explain what constituted assets. For example, from early on, Upper Canada's Receiver General's journals used the value from both recognized Indigenous lands and unrecognized Indigenous lands to establish its assets. “Indian accounts” held money that the government could

¹⁰⁶ Richard Peters and Douglas R. Emery, “The Role of Negative Numbers in the Development of Double Entry Bookkeeping,” *Journal of Accounting Research* 16, no. 2 (1978): 425-6.

¹⁰⁷ Carruthers and Espeland, “Accounting for Rationality,” 38.

¹⁰⁸ Carruthers and Espeland, “Accounting for Rationality,” 47.

transfer to other places. For example, the Upper Canadian “Indian Investment Accounts” held funds from the sales and rental of recognized Indigenous lands, but the colonial government still used these funds as investments to the “City of Toronto, the Grand River Navigation Company, and Simcoe District.” Unrecognized lands fell under other accounts where the government claimed other land assets, such as crown and clergy lands.¹⁰⁹ These accounts highlight how colonial governments actually established credit, where they claimed Indigenous lands as assets to leverage for large loans.

No debate existed where a colonial reformer, or colonial official argued that the colony should use Indigenous lands as assets. The idea of land itself as an asset was so normalized in British legal, cultural, social, and political systems that it did not merit debate. Instead, what was debated was the best way to “dispose” the lands, particularly the “wastelands” to increase the value of colonial assets. It should be noted that the “wasteland” issue was not unique to the colonial reform movement of the mid-nineteenth century. Debates about how to dispose of the “wastelands” emerged in the early nineteenth century. It became increasingly clear that the large tracts of land that the British government granted to elites and Loyalists could not be developed to extract maximum revenues unless the fee simple title of the lands belonged to the colonial government. This became the crux of the land question in Prince Edward Island, and it started the escheat courts in the other Canadian colonies as well. When a court ruled to escheat lands this meant that the land title would revert to the crown, in this case the colonial government. Land could be escheated if the landlord or proprietor did not meet the terms of the original grant such as bringing in British emigrants and developing

¹⁰⁹ Receiver General Accounts, January 1849. Reference 6: RG19-D-2. Volume/box number: 2018. Library and Archives Canada (LAC hereafter).

land. Both the colonial government and British proprietors and landowners understood landownership as under British jurisprudence. Colonial governments could not violate these land laws without imperial rebuke. For example, the 1824 Lower Canada “bill pour remédier aux concessions excessives des terres incultes de la couronne” ameliorated land disputes between the Lower Canadian government and individual landholders. This law established a court of escheat, or “Cours des confiscation,” as a way to legally revert the fee simple title, to the colonial government.¹¹⁰

Colonial reform more generally had begun as a way to fix many of the issues of landownership in the settler colonies. Wilmot-Horton was involved in laying out the terms of British settler ownership of lands in the 1820s. Wilmot-Horton urged Parliament to pass a Waste-Lands Bill “for the sale and improvement of Waste Lands in Upper Canada.” The House of Commons debated this potential “Canadian Waste-Lands Bill” in 1825. Wilmot-Horton’s colonization plan relied on a loan from the British government to establish British settlers in the Canadian “wastelands” so that they could develop that land. The early “wastelands” debates lent some consideration for Indigenous peoples living “in the vicinity of these waste lands.”¹¹¹ Imperial regulations such as the “Granting Waste Lands” made plain the ways in which British settlers could claim lands, and rights of occupancy.¹¹²

The debates from the Waste-Lands Bill favoured the United States' method of “disposal” of their “wastelands” through private companies and a centralised land office to

¹¹⁰ Bill pour remédier aux concessions excessives des terres incultes de la couronne” Québec, 1824, *Early Canadiana Online*, accessed 1st March, 2020.

http://www.canadiana.ca.proxy3.library.mcgill.ca/view/oocihm.9_01777/7?r=0&s=3

¹¹¹ House of Commons, “Canada Waste Lands Bill,” 1034.

¹¹² House of Commons, “Copies of the Regulations Lately Adopted in the Canadas for Granting Waste Lands in these Provinces, and Respecting the Clergy Reserved Lands in Canada” (9th April 1827), 4. For a detailed description about settlers and the land acquisition process in Upper Canada see Clarke, *Land, Power, and Economics*, 94-154.

deal with land distribution. While emigration was an “incidental” part of this bill it also served a purpose early on, and that was to provide Canada with enough British bodies to stave off American incursion onto British territory. Wilmot-Horton argued that Canada could “absorb the exertions of any amount of population” due to the “indefinite extent of fertile land.”¹¹³ Wilmot-Horton's bill did not pass, but this did not mean that the debates about what to do with the “wastelands” ended.

The 1831 Canada “Waste Lands Report” by commissioner John Richards laid bare exactly what constituted “wastelands,” and why they became a point of debate in the late 1820s, and reached a tipping point in the Durham Report. Richards took a centrist view of emigration (one that considered the merits of both Wilmot-Horton's “assisted emigration,” and Wakefield's “systematic colonization”). He argued that British settlement would “bring the wastelands of the Crown into action.”¹¹⁴ Richards made an assessment of all of the British North American colonies except for Prince Edward Island, and he included recommendations on British emigration. The practice in the British North American colonies, with the exception of Prince Edward Island, was to reserve 1/7th of the lands for the clergy, and 1/7th of the lands for the crown. The 1831 report showed that Upper Canada alone had 4,142,750 acres of crown and clergy reserve lands with many acres of the crown lands sold to the Canada Company- a land speculation company.¹¹⁵ The report made clear the connection between “disposed” lands or lands ready for “improvement,” and British settlement. New Brunswick, in particular, had been sparsely settled and escheat became a viable course of action to revert lands to the crown. Notably, New Brunswick had no clergy reserves, but it did

¹¹³ House of Commons, “Canada Waste Lands Bill,” 1039.

¹¹⁴ House of Commons, “Report of Mr. Richards to the Colonial Secretary Respecting the Waste Lands in the Canadas, and Emigration” (March 30, 1832), 25.

¹¹⁵ House of Commons, “Report: Waste Lands in the Canadas, 3.

have glebes.¹¹⁶

Richards concluded his assessment of the British North American colonies through a clear statement that intimately linked land value to British settlement. He remarked:

[L]ands will pay their own expense of settlement. But the principle should always be applied to the gradual and ultimate appreciation of the value of land, as a part of the natural growth of a colony, by which the soil is cleared of its trees, converted into a farm, produces and re-produces capital; from whence the wheel of human intercourse turns naturally round, and the colony takes leave of its parent, to send off new swarms in new directions.¹¹⁷

This statement almost imagines the proper functioning settler colony as both a perpetual motion machine that needed human intervention to build, and curiously, as a naturally occurring phenomena. Mill expressed a similar sentiment when he wrote that:

The working of the scheme will be as follows. A sum of money, say 100,000*l.*, is raised on the security of the sale of lands. With this sum a great supply of labour is taken out; this *certain* supply of labour induces capitalists to emigrate (many have already expressed that intention); these capitalists will purchase lands, and the proceeds of the sale, after paying the interest of the loan, will be employed in carrying out more labour. This, again, leads to further purchases of land, and the price is applied to further emigration; and so the stream of emigration is perennially kept up, without any advance of money beyond the original one.¹¹⁸

Settler colonialism converted land into market value, which paid for settlers, who then “improved” lands to increase their market value, and so “the wheel of human intercourse turns naturally round.” These ideas about an initial public debt as the impetus for perpetual settlement and increase in land value illuminates the developing ideology of the naturalness of capitalism, that it simply needed the right conditions to spontaneously exist and then self-

¹¹⁶ House of Commons, “Report: Waste Lands in the Canadas,” 15-6.

¹¹⁷ House of Commons, “Report: Waste Lands in the Canadas,” 23.

¹¹⁸ Mill, “The New Colony (2),” 737-7.

regulate.

The 1831 “Waste Lands Report” made clear the British project of settling lands in the British North American colonies. However, it was not until the Colonial Reform Movement's suggestion of the public debt with the explicit purpose of financing British settlement that the magnitude of British settlement changed from the thousands to the millions. The colonial “wastelands” debates centred on the obstructions to the natural development of these market relationships, which the Colonial Reform Movement meant to ameliorate. Hence, once the recommendations were in place the system would be “self sufficient” and “the colony takes leave of its parent, to send off new swarms in new directions.” The ironic lack of self-awareness of the language of “swarms” of settlers cast the potential of settler hordes in a positive light.

The 1836 the Select Committee on the Disposal of Lands in the British Colonies investigated how to properly “dispose” of the “wastelands.” This committee brought together evidence from individuals who favoured Wakefield's colonization system, including Wakefield himself. The committee members consisted of important political figures including George Grey, Francis Baring, William Gladstone, and even George Julius Poulett Scrope.¹¹⁹ Although not directly about North America, the emigration and loan ideas expressed in the report often referred to the North American colonies.¹²⁰ The committee began their report with an assessment of the United States. Struck by the amount of wealth the United States could generate from the disposal of “wastelands,” the committee held the American process of land sales in high esteem. They recommended much the same for the colonies within the

¹¹⁹ House of Commons. “Report from the Select Committee on the Disposal of Lands in the British Colonies Together with Minutes of Evidence and Appendix.: August 1, 1836.

¹²⁰ For a few examples of how colonization of North America was considered in the House of Commons, *Report on the Disposal of Lands*, 32, 40, 108, 118, 121, 140, 182- 185, 190.

British Empire. They wanted a “regular” and “uniform system of sale,” a “well-organized, system” with a “General Land Office” who do not have any “political duties whatsoever.”¹²¹ They argued that the Ripon Regulations in 1831 did institute a standardized system in Australia, but that this “New System” needed a “superintendence similar to that of the United States, and with the guarantee of an Act of Parliament.”¹²² The influence of the Colonial Reform Movement is evident in this 1836 report. The key elements of standardization of land disposal, and a guarantee through an act of Parliament marked the report.

The Select Committee Report went on to recommend that the colonies where “the climate ... is not unfavourable to the European frame,”¹²³ should put the revenue from land sales into an emigration fund to pay for emigrants to populate the colony. While the committee’s recommendations touted Wakefieldian ideas, they did not mention how the initial emigrants who would produce the revenue in land from their labour would be funded. However, the evidence the committee collected did answer this question. When George Grey asked William H. Whitmore, a participant in the London Political Economy Club, if emigrants should be initially funded by “a Parliamentary grant” or “a loan chargeable on the future proceeds of land sales in the colony” Whitmore responded that the colonial government should raise “money in the money market.”¹²⁴ The Committee brought in Wakefield to provide his testimony about the “disposal” of colonial lands. During Wakefield’s questioning the committee asked him “do you conceive that the revenue to be derived from land sales might be anticipated with the benefit of the colonies, by the borrowing of money

¹²¹ House of Commons, “Report from the Select Committee on the Disposal,” iii.

¹²² House of Commons, “Report from the Select Committee on the Disposal,” iv.

¹²³ House of Commons, “Report from the Select Committee on the Disposal,” iv.

¹²⁴ House of Commons, “Report from the Select Committee on the Disposal,” 14.

for the purpose of emigration, on the security of future sales?”¹²⁵ Wakefield replied that this was a “most useful means.” He went on to give the example of the United States and their method of disposing “wastelands” and paying for emigration. He cited that the land fund that the United States generated had an annual revenue of four million dollars, and that the United States could “wish to borrow so much money as will enable us to bring into the United States, a number of young labourers exceeding the number of our slaves.” Wakefield went so far as to cast funding the colony on the “money market” as playing a large role in the possible abolition of slavery in the United States.¹²⁶ The land would become a “pre-eminent security” if it could be used as collateral to raise more funds to pay for emigrants to develop the land to give it a higher market value. When asked “[h]ow would you propose to carry your views into effect; by the anticipation of the land revenue?” Wakefield answered:

By empowering the commissioners, who were charged with the other parts of the operation, to raise money for the purpose of immigration, upon the security, for each colony, of the land to be afterwards, sold in that colony; and binding them, of course, to apply the sum which they raised by anticipation for each colony, in conveying emigrants to that colony, and to no other.¹²⁷

The settler colony's public debt would provide the initial spark that would ignite what reformers hoped would become the massive wildfire of British settler emigration to Turtle Island.

The committee raised one objection to this plan, but not on the faulty logic of incurring a massive debt based on an idea of the future profitability of unceded Indigenous territory. They questioned if this plan would disrupt the colonial economy. They asked Wakefield “[d]o you not think that this anticipation of the future land sales for the purpose of

¹²⁵ House of Commons, “Report from the Select Committee on the Disposal,” 100.

¹²⁶ House of Commons, “Report from the Select Committee on the Disposal,” 100.

¹²⁷ House of Commons, “Report from the Select Committee on the Disposal,” 101.

emigration might lead to mischievous gluts of labour in the colonies?” To which Wakfield replied “I think not, provided that proper precautions were taken for preventing gluts of labour.”¹²⁸ Colonel Torrens the chairman of the commission of “creating South Australia into a British province,” and one of the “colonization commissioners” who instituted the South Australia Act, recorded one of many disagreements between the colonial reformers and the colonial office. In this case Lord Glenelg had tried to change the conditions of land sales. Torrens argued that this attempted change in land sales “excited in the minds of the colonists a very angry feeling,” and the repeal was withdrawn.¹²⁹ This suggests that not all of the colonial reforms were agreed upon.

Torrens spoke about one of the key workings of the South Australia Act where “the commissioners shall in the first place raise a loan of £20,000 for the purpose of indemnifying the government against any possible contingency of expense falling upon the mother country.” When asked how much success the commissioners had in this respect Torrens replied that “the colonization commissioners in pursuance of the Act have raised a loan of £30,000 upon the security of future revenue, to be raised in the colony at the rate of 10 per cent.”¹³⁰ However, in order to sell land emigrants and the colony needed immediate funds, and that money would be paid for by a “loan on the security of that future fund.”¹³¹ He went on to say the “principle which is already embodied in the South Australian Act, of raising loans upon the security of future sales of land.” Torrens testified that this principle could be applied to ameliorate the situation in Ireland. In his discussion of Irish emigration he clearly stated just how the “money market” was tied to land appropriation, and large scale

¹²⁸ House of Commons, “Report from the Select Committee on the Disposal,” 101.

¹²⁹ House of Commons, “Report from the Select Committee on the Disposal,” 123.

¹³⁰ House of Commons, “Report from the Select Committee on the Disposal,” 123.

¹³¹ Mill, “The New Colony (2),” 737.

emigration. He stated:

Though the system of selling land in Australia has hitherto been very imperfect, yet in the course of the last year the revenue realised from this source has been 300,000£. This is a constantly-increasing revenue, and an increasing revenue of 100,000£ per annum would pay the interest at five per cent, of a loan of two millions, therefore if the Government were to introduce an Act rendering this system permanent and universal throughout Australia, there could be no difficulty in immediately negotiating a loan of two millions applicable to Irish emigration. An emigration loan of two millions, properly applied, would take out, I think, about 200,000 individuals of all ages, to Australia. Now the introduction of so large a population would greatly increase the demand for land; the increased demand for land would occasion increased sales, and those increased sales would produce a very greatly increased emigration fund, an increased emigration fund would be again applicable to an increased emigration, and an increased emigration increasing the population of the colony, would again increase the demand for land and the emigration fund; thus there is a geometrical principle of progression in the system.¹³²

In other words, the public debt gave value to Indigenous territories which were outside of the capital market system of real estate, and this value came from speculating on the future value of those lands. The money from the debt could fund emigrants who would then drive up the value of land through development, and competition for land. This increased land value would allow the colony to raise a larger debt, and so the cycle of inflating the market value of land through the public debt would continue. The South Australian Commissioners mentioned that the money could not be raised on the money market unless the “lenders felt assured” that the fundamental principles of the Act were sound in theory, and would be faithfully and rigidly, adhered to. In this system the loan would pay for labourers to develop the land to produce a revenue to pay back the principal and the interest, and this system of colonization, in theory, made investing in colonial government

¹³² House of Commons, “Report from the Select Committee on the Disposal,” 135.

securities a sound investment.¹³³

Torrens said that he originally objected to this plan along with Robert Wilmot-Horton, James Mill, and Thomas Malthus under the impression that “wastelands” meant “inferior” land. Torrens' testimony here needs a red flag as it points to the fact that “wastelands” meant Indigenous territories, not swampy or other such difficult lands for humans to use.

“Wastelands” were lands that could produce a revenue, but were not producing a revenue. They were “good” and “useful” land that could the market could transform into productive lands to generate future revenue. Torrens went on to say that Wilmot-Horton, James Mill, and Malthus’s “objections were grounded on the received principles of political economy.” He noted that they were opposed to the Colonization Society (Wakefield's colonial reform society), and published a pamphlet about the disadvantages of “concentrating” emigration in the colonies. Torrens, however, testified that he stopped objecting to Wakefield's methods once he saw the way that the promise of future revenue would “permit population and capital freely to spread over the most fertile and best suited lands.”¹³⁴

Torrens' testimony before the select committee points to the transition from Wilmot-Horton's methods of emigration, and to those that Wakefield and the Colonial Reform Movement supported. Interestingly, although the idea of taking out a loan based on the future revenue of “wastelands” made profitable was central to Torrens testimony it did not appear as a site of criticism from the select committee, or those who opposed the Colonization Society. In fact, James Mill, Malthus, and Wilmot-Horton objected to Wakefield's ideas over price fixing land to “concentrate” settlement in an “unnatural” way. Torrens' focus on the loan,

¹³³ House of Commons, “Report from the Select Committee on the Disposal,” 244.

¹³⁴ House of Commons, “Report from the Select Committee on the Disposal,” 135-6.

without addressing its effectiveness, suggests that the idea of funding a government expenditure with a loan on the “money market” was becoming an accepted, and even normalized idea. Torrens' testimony also highlights why the British government would accept this scheme. The South Australia Act stipulated that the need for the initial loan came from the “purpose of indemnifying the government against any possible contingency of expense falling upon the mother country.”

The comparison to the United States from the beginning of the report to the end created a narrative that this land could generate enough revenue in the near future to pay off the principal plus interest of the loan, just like the United States did. However, as the subsequent chapters will address, this could not happen for a variety of reasons, and arguably, did not happen in the United States either. Prince Edward Island was a salient example of the failures of public debt financing.¹³⁵ The colonial government debt proved unsustainable, and as colonies went bankrupt, as South Australia did, as Upper Canada almost did, and as Prince Edward Island nearly did each had to turn to different methods of avoiding default.

The Commissioners' Report included correspondence that shows how Indigenous peoples did factor into the planning of the disposal of lands, but only insofar as the “new system” would directly benefit them. The commissioners of South Australia claimed in a letter to George Grey that the South Australian Act's principles would not have been considered unless “they would operate beneficially, not only to the aborigines, but to the parties interested in the colony.”¹³⁶ This had more to do with an understanding of the “civilizing” potential of entering into a society of wage earning and capital investing, than an

¹³⁵ House of Commons, “Report from the Select Committee on the Disposal,” 100.

¹³⁶ House of Commons, “Report from the Select Committee on the Disposal,” 244.

empirical calculation of the precise amount of monetary value Indigenous peoples would receive from their lands leveraged on the London Stock Exchange. It may be safe to conclude they received very little compensation, and in many cases the money made from their land sales went into a trust that the colonial government held, and dipped into, to further appropriate land. From these reforms, and specifically, from the recommendations from the Committee on the Disposal of Lands the British government set up an intermediary between emigrants, colonial land management and the Colonial Office: the Colonial Land and Emigration Commission that operated from 1840 until 1878.¹³⁷ This body regulated land sales and emigration into the settler colonies.

John George Lambton, or Lord Durham also entered into the debate about how to “dispose” of colonial lands to increase their market value. A year after the Select Committee on the Disposal of Colonial Lands the Rebellions broke out in Lower and Upper Canada. Viscount Melbourne’s ministry sent (or exiled) Durham to Canada to investigate the causes of the Rebellions with Wakefield in tow. Durham resented his appointment, and noted that he only took the position after turning it down twice, saying “I did not want it. I abominated it.”¹³⁸ Despite his reluctance, Durham arrived in what became Canada on 29 May 1838 and departed on 1 November 1838. Durham left after Melbourne disallowed the ordinance he issued to banish eight prisoners to Bermuda.¹³⁹ Durham’s involvement in the eventual union of Upper and Lower Canada, a bill that received royal assent just five days before he died,

¹³⁷ Fred Hitchins, *The Colonial Land and Emigration Commission, 1840-78* (Philadelphia: University of Pennsylvania Press 1931), 20.

¹³⁸ Ged Martin, *The Durham Report and British Policy: A Critical Essay* (Cambridge: Cambridge University Press 1972), 13.

¹³⁹ Martin, *The Durham Report*, 18. For a detailed discussion of Durham and the Bermuda ordinance see Jarett Henderson, “Banishment to Bermuda: Gender, Race, Empire, Independence and the Struggle to Abolish Irresponsible Government in Lower Canada,” *Histoire Sociale/social History* 46, no. 92 (2013): 321-48.

has been the subject of many scholarly works.¹⁴⁰ However, much of this work focuses on his political ideas about responsible government, radical ideas about democracy, and the impact of Durham's Report.¹⁴¹ Little, until recently, has been said about his involvement in the implementation of settler colonial policy in what became Canada.¹⁴²

Durham seems to have arrived in Canada with a settler colonial agenda, and his connection to the New Zealand Company attests to this. In 1825 Durham founded the New Zealand Company with the expressed purpose of appropriating Māori lands.¹⁴³ The complicated history of the New Zealand Company involved both Lord Durham and later Edward Gibbon Wakefield, although Wakefield eventually distanced himself from the Company.¹⁴⁴ Wakefield's other brother, Felix Wakefield, was also involved. He made it his intention explicit when he researched "the best mode of converting into private property the waste lands," in his 1849 *Colonial Surveying with a View to the Disposal of Waste Land in a Report to the New-Zealand Company*.¹⁴⁵

The New Zealand Company engaged in very questionable land "purchases" in Aotearoa/New Zealand, and prompted some staunch opposition from the Colonial Office. Wakefield called Aotearoa "the finest [country] for British settlement," and he went so far as to remark that New Zealand's climate had an effect on "some ladies who appeared ten years

¹⁴⁰ Stuart Johnson Reid, *Life and letters of the first Earl of Durham, 1792-1840, two volumes, vol. 2* (Longmans, Green and Co., 1906), 368.

¹⁴¹ For an early work of Durham see Chester New, *Lord Durham, a Biography of John George Lambton, First Earl of Durham* (Oxford: Clarendon Press 1929).

¹⁴² See Curthoys, "The Dog That Didn't Bark," 2015.

¹⁴³ Anthony Trollope, *Australia and New Zealand, two volumes, vol. 2* (London: Chapman and Hall. 1873), 308

¹⁴⁴ Prichard, "Wakefield Changes his Mind," 253.

¹⁴⁵ Felix Wakefield, *Colonial Surveying with a View to the Disposal of Waste Land in a Report to the New-Zealand Company* (London: John W. Parker, 1849), 2.

younger than when I parted from them in London.”¹⁴⁶ Durham’s association with the New Zealand Company, with the intent to appropriate Māori lands, highlights his settler colonial orientation, and can possibly explain his interest in other land company’s in what became Canada. For example, Durham requested from the Colonial Office information regarding the amount the British American Land Company (established in 1834) paid to the colonial government. The Upper Canadian government supported this land company, and other such companies with the mandate to “improve” the colony. Durham received the requested information about the British American Land Company from Lord Glenelg that the Company had paid back a sum of approximately £24,545.¹⁴⁷

While inquiring into the roots of the Rebellions Durham singled out the expenditure on crown, and clergy lands, and wanted to “improve” them, or in other words, make those lands produce a revenue.¹⁴⁸ Durham’s Report viewed what it saw as opposition to “improvements” with hostility. Historians have debunked assertions that Wakefield wrote the majority of the Durham Report. However, Wakefieldian ideas about colonial reform did greatly influence it, and not only the section of the report on British emigration. Importantly, the Durham Report, a document that “founded” responsible government in Canada, not only examined how to appropriate and develop land, but how to “promote emigration on the greatest possible scale.” In the Durham Report this emigration scheme included methods to “encourage the investment of surplus British capital in these colonies,” echoing colonial reform’s assertion of the need for a colonial

¹⁴⁶ Edward Gibbon Wakefield Letter to his mother. Family Correspondence. May 12th 1837. Pg. 28. ADD MS 35261. The British Library (BL hereafter).

¹⁴⁷ Letter from Lord Glenelg to Lord Durham. 19th July 1837. Papers of the 1st Earl of Durham. MG24-A27. LAC.

¹⁴⁸ Dispatch from the Earl of Gosford, number 76. 19th July 1837. Papers of the 1st Earl of Durham. MG24-A27. LAC.

public debt to funnel British capital into the colony.¹⁴⁹ In fact, it was emigration on “an extended scale” that was “a cure for political disorders.”¹⁵⁰

The official returns of the Durham Report included a survey of some 17 million acres of Upper Canada, and stated that less than 1.6 million were “yet unappropriated.” In Upper and Lower Canada clergy reserves claimed three million acres with a few exceptions “entirely wild to this day.” The Durham Report attacked the system of clergy reserve lands that the 1791 Constitutional Act established because they “retard more than any other circumstance the improvement of the colony.” The Durham Report’s concern with land development reflected a popular sentiment at the time in British political economic theory that the success of America had mainly to do with its access to “unoccupied land.”¹⁵¹

In “conquered territories” the Durham Report stated, there are two methods of dealing with the inhabitants. In “an old and long settled country, in which the land is appropriated, in which little room is left for colonization,” the people would make up the majority of the new population. In the case of a “new and unsettled country,” and here the report referred to Canada, the legislator would “establish those institutions which would be most acceptable to the race by which he hoped to colonize the country.” While the “settled country” would get the benefit of “the first care of a just government,” in the “unsettled country” the people “who happen at the moment to inhabit a portion of the soil” would not have their “interests” or “institutions” supported. The Durham Report

¹⁴⁹ *The Report and Dispatches of the Earl of Durham, Her Majesty’s High Commissioner and Governor-General of British North America* (London: Ridgways 1839), 242.

¹⁵⁰ *The Durham Report*, 243-244.

¹⁵¹ *The Durham Report*, 155-156.

here explicitly referred not to Indigenous peoples, but to the French.¹⁵² Although the Durham Report cited the Royal Proclamation of 1763 that in many ways set up a nation-to-nation treaty process between the Crown and Indigenous communities, the Durham Report focused on its obligations to the French.¹⁵³ This silence about Indigenous peoples does not mean reforms did not include them. As Brian Gettler writes of Confederation, the absence of Indigenous peoples' land questions "points to colonial politicians' ... unquestioned and unquestioning belief" that the "Indigenous problem" had been "solved," and "the new Constitution only needed to recognize the validity of existing practices of territorial dispossession and 'improvement.'"¹⁵⁴

Durham's quest to reform the crown and clergy reserves continued after his death in 1840. His successor Charles Poulett Thompson, or Lord Sydenham the first Governor-General of the united Province of Canada continued Durham's mission to make the "wastelands" profitable. Sydenham had orders from Lord Howick (the brother-in-law of Durham, and son of British Prime Minister Lord Grey) that the "Upper Canadian Legislature" should resolve "the question of Clergy Reserves" as "a sine qua non to the promise of a Loan."¹⁵⁵ Alienating the reserve lands would release the colonial government's credit. This logic allowed for the consolidation of crown and clergy land sales and rents into the assets of the Province of Canada's coffers. This is why the Receiver General's journals could record

¹⁵² *The Durham Report*, 44.

¹⁵³ John Borrows, "Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government," in *Aboriginal and Treaty Rights in Canada : Essays on Law, Equity, and Respect for Difference*, ed. Michael Asch (Vancouver: University of British Columbia Press, 1997), 164-5.

¹⁵⁴ Brian Gettler, "'Indigenous Policy and Silence at Confederation,'" *Early Canadian History*, accessed January 1, 2019. [https://earlycanadianhistory.ca/2017/06/26/indigenous-policy-and-silence-at-confederation/letters from sydenham](https://earlycanadianhistory.ca/2017/06/26/indigenous-policy-and-silence-at-confederation/letters-from-sydenham).

¹⁵⁵ Letter from Charles Edward Poulett Thompson, Baron Sydenham to Earl John Russell, 20 August 1839, in Charles Edward Poulett Thompson, *Letters from Lord Sydenham, Governor-General of Canada, 1839-1841*, ed. by Paul Knaplund (New Jersey: A.M. Kelley, 1973), 25.

separate “Indian Accounts” distinct from other land sales accounts even though both received money from the sale and renting of Indigenous lands. Only the sales and rents from the government “recognized” lands went into an account the government held in trust for Indigenous peoples.¹⁵⁶ Wilmot-Horton, Wakefield, and Durham did not question British possession of Indigenous lands. Accounting journals revealed that colonial governments labelled Indigenous lands as a part of their assets. Seemingly, the imperial government felt the same way.

Conclusion

This chapter has argued that a new area in finance called colonial government securities became an important sector of investment by the late nineteenth century. The establishment of the Canadian settler state with the Confederation of Canada twinned the growth of its debt on the London Stock Exchange. The public debt scheme first relied on the settler colony establishing its “creditworthiness.” Colonies did this through their ability, and perceived ability, to appropriate Indigenous lands. Indigenous lands were often rendered as “wastelands,” and included in the calculations of colonial assets. The amount of assets gave the colonial government credit. Once the loan was secured, this loan would pay for British emigrants who would then apply their labour to develop the colony. At some point in the future, once lands began to produce a revenue through development projects, the settler colony could increase its credit. With this improved credit they could take out larger loans, and bring in more settlers to make more land improvement, ad infinitum.

From the development of settler colonies a global market in settler colonial public debts

¹⁵⁶ Receiver General Journal. Reference 6: RG19-D-2. Volume/box number: 2018. LAC.

emerged. P.J Cain and A.J Hopkins have made a clear case for the importance of finance capital in the expansion of Empire. They argued that it was “unlikely” that Canada could achieve independence as a nation state had it not been for its use of the London financial markets.¹⁵⁷ The debate in Canadian historiography about the importance of the London securities market to the Confederation of Canada has been ongoing since before Donald Creighton's *The Road to Confederation*.¹⁵⁸ However, the study of financial markets and Confederation have become somewhat synonymous with R.T Naylor's now infamous declaration that the “Baring Brothers were the true Fathers of Confederation.”¹⁵⁹ While it was true that the Baring Brothers played a key role in financing these debts, this is certainly not the whole story.

It is difficult to get a clear picture of exactly just how much money flowed from Britain to the British North American colonies with the public debt. The figures of total loans, and market capitalizations can only speak to a number frozen in time as the actual monetary amount cannot be easily assessed. The total loan would include the debt over time, with interest split between differing securities. The market capitalization is merely the value given to the loan based on trading activity (the number of shares times the current market price), and can only say something about the value trade gave to the overall loan on a specific date in time. The price of each share was also dependent on the number of individuals and firms trading. Unfortunately, the records relating to the Crown Agents and their sales do not really exist before 1863.¹⁶⁰ The

¹⁵⁷ Cain and Hopkins, *British Imperialism*, 258.

¹⁵⁸ For example, see Donald Creighton, *The Road to Confederation: The Emergence of Canada, 1863-1867* (Toronto: Macmillan, 1964); Reginald Trotter, *Canadian Federation: Its Origins and Achievement, a Study in Nation Building* (Toronto: Dent, 1924). For a more recent additions Andrew Smith, *British Businessmen and Canadian Confederation: Constitution Making in an Era of Anglo Globalization* (Montréal: McGill-Queen's Press), 2008.

¹⁵⁹ R.T. Naylor, *The History of Canadian Business 1867-1914* (Toronto: Lorimer, 1975), 27-35.

¹⁶⁰ “Records created or inherited by the Crown Agents for Oversea Governments and Administrations.” CAOG CO 42 and CO 226. The National Archives (NA hereafter).

particularities of the colonial loans needs more in-depth research in the absence of the early Crown Agent archive. Still, the lack of documentary evidence on actual loan amounts and investors does not foreclose an analysis of the social and cultural perceptions about public debt financing.

The following chapter uses the Upper Canadian Receiver General's archive in the absence of the Crown Agent archive in order to get a closer look at the first "Canadian" government debt in Upper Canada. As Patrick Wolfe has observed, "[i]mperialism is not the highest stage of capitalism but its foundational warrant." The method of public debt financing settler colonies uncovers some of the truth behind this statement.¹⁶¹ Land had to be given a value in the market economy. Settler colonial governments needed capital, and they borrowed heavily from London.

Significantly, the South Australia Act's opening paragraphs stated the explicit purpose of creating "an uniform system in the mode of disposing of Waste Lands," which were to "be permanently established."¹⁶² It would be wrong to conflate the complexities of Wakefield's principles, the Colonial Reform Movement, and settler colonial governments, with this one mandate of "disposing" of "wastelands" for profit. However, reformers made it clear that the "improvement" of "wastelands" would pay back the colonial public debt. This gave the settler colonies the credit they needed to take out public debts. At the same time, reformers wanted to establish centralised control over the "wastelands" through imperial legislation that local colonial governors could not interfere with.¹⁶³

Arguably, the "wastelands" eventually developed into a settler state, the funding of

¹⁶¹ Patrick Wolfe, "Recuperating Binarism: A Heretical Introduction," *Settler Colonial Studies* 3, no. 3-04 (2013): 267.

¹⁶² House of Commons, "South Australia Act," 1.

¹⁶³ Hastings, "The Wakefield colonization Plan," 289.

which came from the public debt. The following chapter will show the significance of a state built from debt meant that the colonial state could not stop its “improvement” projects. The next chapter argues that this created an expansionary mechanism, which came to define the Canadian settler state. “Improvements” had to be made to pay off the principal and the interest. This expansion impetus had dire consequences for Indigenous peoples whose traditional territory had no market value, and were seen as a blockage in this matrix of “civilization.” In this way, despite not being directly referred to by the contemporary debates Indigenous peoples, and in particular their lands, formed the heart of the settler state structure as the following chapters will address.¹⁶⁴

As with any debt, a lender's perception of credit is not about the borrower's present. If the borrower had access to capital in the first place they would not need to borrow. Lenders based their loan amounts not on the present, but the future. The main assets colonial governments had to show their potential future value was access to land. In this way, the loan amount was based on the future value of that land, a value that would prove unachievable as the debts grew through the decades, and then through the centuries. The growth of debts meant the growth of development projects to pay them back. Chapter three turns to a closer examination of this expansionary mechanism in debt financing with a look at Upper Canada, and the ways in which the public debt encouraged a “shared” economy amongst the British North American colonies, and in particular, Prince Edward Island.

¹⁶⁴ Gettler “Indigenous Policy and Silence at Confederation,” 2019.

Chapter Three

The public debt and colonial development, 1820-1873

Introduction

A public debt market for the settler colonies had emerged as a discrete sector of investment by the 1850s. The 1834 South Australia Act enshrined into law the Colonial Reform Movement's goal of standardizing settler colonialism in imperial legislation. The act allowed the South Australia colony to take out a public debt to pay for emigration and development- the dual concerns for British political economists who argued for colonial reform. Despite this legislation, imperial desires to make settler colonies “self sufficient” with a public debt did not cause colonies to take out a public debt. In fact, colonies such as Upper Canada had public debts that predated both the Colonial Reform Movement, and the imperial legislative changes to the colonies. Upper Canada even had a public debt before the London Stock Exchange agreed to issue it in 1837. Prince Edward Island also had quite an extensive public debt before the London Stock Exchange agreed to issue their debt in the early 1870s. Loans from local banks financed the public debt until the colony decided to switch to London financing.

Paradoxically, the public debt forced the British North American colonies to both expand over Indigenous lands in search of revenue, and to consolidate the colonial governments. This chapter shows how the public debt encoded an expansionary mechanism into the British North American colonies. It argues that public debt financing exerted a centripetal force on the British North American colonies, linking Upper Canada

to Prince Edward Island through a “shared” economy.

The first part of this chapter will explore the history of the Canada's specific public debt, which begins in Upper Canada. This chapter examines how Upper Canada used its debt to develop a highly unprofitable canal system across the eventual Province of Canada. This process caused immense destruction over both Haudenosaunee and Anishinaabe lands, as well as the habitats of other than human beings including *manoomin*.¹ In the 1820s, Upper Canada set itself on building infrastructure, particularly canals, to extend trade and communications. The canal system also competed with American advancements in trade such as the Erie Canal that opened in 1821.² The colony established its “creditworthiness” with this developmentalist logic, and assured its creditors that it could pay back the principal plus the interest of any loans with the revenue made from public works. Underlying these claims were assumptions about the colonial government's ability to appropriate Indigenous lands for development. As this chapter explores, projects such as the Welland Canal sunk the colony into further debt, required large swaths of Indigenous lands, and caused extensive environmental damage to lands, water, and other than human beings.

The canal system never generated enough revenue for Upper Canada, which became the Province of Canada after 1841. This argument does not mean that the canals never turned a profit for investors. Individuals would make or lose money on the canal stocks depending on the amount of market speculation that inflated or deflated the value

¹ The Anishinaabemowin word for “wild rice.”

² For a more complete picture of the economic history of Upper Canada/ Ontario see Gerald M. Craig, *Upper Canada: The Formative Years 1784-1841* (Toronto: McClelland and Stewart, 1963); Douglas McCalla, *Planting the Province: The Economic History of Upper Canada, 1784-1870* (Toronto: University of Toronto Press, 1993); Clarke. *Land, Power, and Economics*, 2001; Peter A. Baskerville, *Sites of Power: A Concise History of Ontario* (Oxford: Oxford University Press, 2005).

of stocks. However, once the canals were finished their costs exceeded their revenues, and they were unprofitable for the colonial government. Like the later railways, canal stocks were speculated on and this increased their value. The value first came from the stocks since it would take years for canal projects to be completed enough to produce a revenue. It was not the revenues that would make the canals a good investment, but the speculative value. The influx of capital from the canal did not reflect the actual revenue produced. Shareholders could have made money from speculating on such canals, and land owners would have a vested interest in a canal system since it would raise property values.³ For example, the Trent-Severn waterway was praised as a tool to “open up the interior of the province” to both facilitate resource extraction and increase land value.⁴ Describing the canal as unprofitable does not mean that individuals did not profit from it, but that the colonial government did not receive their projected revenues from the canals. As this chapter will explore, the Province of Canada sought a free trade agreement with the United States precisely because it thought this would make the canal system profitable.

The latter half of this chapter will examine the ways in which the public debt exerted pressure on the British North American colonies to consolidate them through a “shared” economy. The colonial government could not simply sell its investments in the canals when their stocks plummeted as an individual would. As this chapter highlights the Province of Canada had to see through the completion of the canal to access credit for its public debt. In this context, the Province of Canada began to consider the benefits of a

³ Lawrence H. Officer and Lawrence B. Smith, "The Canadian-American Reciprocity Treaty of 1855 to 1866," *The Journal of Economic History* 28, no. 4 (1968): 608.

⁴ Madeline Whetung, "(En)gendering Shoreline Law: Nishnaabeg Relational Politics Along the Trent Severn Waterway." *Global Environmental Politics* 19, no. 3 (2019).

free trade agreement with the United States. At the same time, Prince Edward Island wanted to develop its fisheries, and so it also lobbied the imperial government to enact a free trade agreement with the United States. This resulted in the 1854 Treaty of Reciprocity, or “Canada's” first free trade agreement with the United States. This treaty highlights the economic entanglements between the British North American colonies that linked together the interests of the Province of Canada and Prince Edward Island. This treaty is one example of events that roped the Island and its waterways into the quagmire of public debt financing.

The Upper Canadian debt

Upper Canada faced a major financial crisis particularly after the Rebellions and the “Panic of 1837,” although neither event caused Upper Canada’s financial problems. In Europe John Stuart Mill could fantasize about the economic benefits of settler colonization, but in Upper Canada the government faced the pressing issue of near bankruptcy, and an en masse exodus of emigrants who provided labour for development. William Ryerson described this as the “fear of the hour” when he wrote to his brother Egerton Ryerson the famous education reformer, for whom Ryerson University is named⁵ Wakefield called this labour issue the “colonial curse.”⁶ The “improvement” projects over Indigenous lands needed settlers to physically construct public works. However, the political and economic instability of the “Panic of 1837,” and the Rebellions drew workers away from Upper Canada and to the United States for higher wages.⁷ Arguably, this first great depression followed an economic bubble from the

⁵Quoted in Ronald Stewart Longley, "Emigration and the Crisis of 1837 in Upper Canada," *Canadian Historical Review* 17, no. 1 (1936): 34.

⁶ Edward Gibbon Wakefield, *A Letter from Sydney, the Principal Town of Australia: Together with the Outline of a System of Colonization*, ed. by Robert Gouger (London: Joseph Cross, 1829), 80.

⁷ Longley "Emigration and the Crisis of 1837," 33.

rapid growth of both the American and British colonial economies. The rise of inter-Atlantic financial practices such as bill brokerage that speculated on the odds of payments of bills relied on the Bank of England buying bills from brokers. The influx of chartered banks in the United States and the consequent proliferation of debts allowed for easier and heavier borrowing. In the United States 329 state banks in 1830 grew to 713 in 1836, and each issued its own banknotes, issued as credit to borrowers. These, and many other factors played into the “Panic of 1837.”⁸

By 1838 *The Course of the Exchange* had listed the Upper Canada Bond at a market value of £200,000 a considerable amount for the time period, and one that reflects the colonial government's indebtedness.⁹ One of the most pressing issues that Lord Durham faced upon his arrival in the colony was Upper Canada's substantial public debt. The Durham Report commented on Upper Canada's massive debt, and suggested a union between Upper and Lower Canada. The Durham Report saw the debt in a positive light as a necessity to build infrastructure. It argued that the French Canadians lacked financial modernisation, which their minimal debt, and “underdeveloped” institutions exemplified. The Durham Report noted that as early as the 1820s a union would have ameliorated Upper Canada's financial problems through Lower Canada's revenue from custom's duties.¹⁰

At the time of Union, Upper Canada had serious financial troubles not seen in Lower Canada. The ability of the colony to pay even the interest on its massive debt seemed improbable, and because of this the Governor-General of the Province of Canada, Charles Poulett Thomson, or Lord Sydenham, became fearful that interest rates would have to raise from

⁸ Alasdair Roberts, *America's First Great Depression: Economic Crisis and Political Disorder after the Panic of 1837* (Cornell University Press, 2012), 31

⁹ *The Course of the Exchange*, Friday July 13, 1838. Guildhall Library (GL hereafter).

¹⁰ *The Report and Dispatches of the Earl of Durham, Her Majesty's High Commissioner and Governor-General of British North America* (London: Ridgways 1839), 101.

5%-6% to 8%-9% to maintain any semblance of “creditworthiness” on the London money markets.¹¹ Lower Canada owed approximately £6769 in interest payments, which it could pay with a reduction of its expenditure (Sydenham proposed a drastic reduction of money to the rural and urban police force). Upper Canada, however, had a yearly revenue of £122,520 compared to Lower Canada’s £150,140. The balanced owed from the interest of Upper Canada's debt in 1841 was £56,837 with £8,931 owed in the future to make a total of £65,768 of just interest. The interest alone would impact the cost of maintaining its public works, colonial administration, and other government expenditures.¹² Micheal Piva has argued that financial crisis was a “primary motive” for union in Upper Canada.¹³

Despite Piva’s scholarly engagement with Upper Canada's debt little has been said about the significance of the colonial debt itself, or of the particular instance of the Upper Canadian government turning to the London Stock Exchange for alternative financing methods.¹⁴ In the 1830s Upper Canada passed a series of acts that expanded its debt. The government used its debt to provide private companies with funding for “improvement” projects. The effect of Upper Canada taking responsibility for the debts, and investing so much into private companies forced the government in many ways to continuously loan money to the companies such as the Welland Canal Company. Agents generally negotiated the loans, and in 1833 the British Government officially created the Crown Agent Department with two Crown Agents, separate from the Colonial Office until 1880.¹⁵ Crown Agents, among other activities, would negotiate the loans

¹¹ House of Commons, Copy of a Dispatch from the Right Hon. C. Poulett Thompson to Lord John Russell. Government House, Montréal. 27th June, 1840 Correspondence Relative to the Affairs of Canada, 1841 (London: William Clowes and Sons, 1841), 2.

¹² House of Commons, Dispatch C. Poulett Thompson to Lord John Russell, 3.

¹³ Michael J. Piva, "Financing the Union: The Upper Canadian Debt and Financial Administration in the Canadas, 1837-1845," *Journal of Canadian Studies* 25, no. 4 (1991): 93.

¹⁴ Piva, “Financing the Union,” 89.

¹⁵ Davis and Huttenback, *Mammon and the Pursuit of Empire*, 183.

for colonies, and have them issued on the London Stock Exchange to raise the funds.¹⁶ The Receiver General in the colonies, particularly in Upper Canada, negotiated the loans for the colonies. Sometimes the loans would come directly from the British Government to be paid back through the funds raised on the market (an imperial loan guarantee, or grant) as was the case with the Canadian Railway Loan of 1867. These types of loans had guarantees on them from the British government that might make them more attractive to investors. Imperial loans allowed settler colonies to link their credit to Britain, but not all colonies received this aid. As chapter four explains, the imperial government declined Prince Edward Island's request for an imperial loan guarantee.¹⁷ Guarantees through legislation also formed a part of the debt process with the Colonial Stock Act of 1877, which made the colonial market technically more secure as securities could be inscribed. Other loans would be from funds raised based on “creditworthiness” of the government in question.

Despite these guarantees much of the success of the colonial securities had to do with the practice of underwriting them. This indicates the challenges colonial governments had in obtaining investors for their debts.¹⁸ As historians of the London Stock Exchange have found, syndicates or groups of brokers would often underwrite new issues. These syndicates would raise the capital for the debt and then resell the issues. This placed the responsibility for any losses on the syndicate, rather than on the individual investor, which made the debt a “safer” investment. These large syndicate firms bought massive volumes of securities. This practice had

¹⁶ For a history of the Crown Agents see David Sunderland, *Managing the British Empire: The Crown Agents, 1833-1914* (London: Royal Historical Society, 2004); and Arthur William Abbott, *A Short History of the Crown Agents and Their Office* (London: Eyre and Spottiswoode Printers, 1959).

¹⁷ *Canada Railway Loan: A Bill Intituled an Act for Authorizing a Guarantee of Interest on a Loan to be by Canada Towards the Construction of a Railway Connecting Quebec and Halifax* (London : HMSO, 1867).

¹⁸ Lance Davis and Robert Huttenback, *Mammon and the Pursuit of Empire: The British Political Economy of British Imperialism, 1860-1912* (Cambridge: Cambridge University Press, 1986), 185.

a clear influence on the success of stocks. For example, in 1891 no syndicates bid for South Australia, Victoria or Queensland stock, all of which failed.¹⁹ As Lance Davis and Robert Huttenback have found the Crown Agents acting through these few firms, primarily Scrimgeour and Co, between 1860-1914 marketed almost £85 million in long term government loans.²⁰ By the turn of the twentieth century, a select few of these firms had monopolized the colonial securities market with R. Nivison & Co. underwriting Australian, Canadian, and South African government securities.²¹ Without the practice of underwriting and deliberate government intervention in emigration, the settler colonies had neither capital nor labour to develop the lands.

The Receiver General (1820-43) for Upper Canada John Henry Dunn was instrumental in moving Upper Canada's debt to the London money markets. Upper Canada's initial financial backer, Thomas Wilson and Company, had failed in 1837. Dunn travelled to London where he persuaded Glyn, Halifax, Mills, and Company to extend credit to the colony.²² He approached the Baring Brothers as well. After urging the Upper Canadian government to make a deal with the Baring Brothers, both banks agreed to loan to the colony. They divided the Upper Canadian account until 1891 when it was transferred to the Bank of Montréal.²³ As the Receiver General, Dunn took a fee for brokering the debt, which provoked Attorney General John Beverly

¹⁹ Bernard Attard, "The London Stock Exchange and the Colonial Market The City, Internationalisation, and Power," in *The Foundations of Worldwide Economic Integration: Power, Institutions, and Global Markets, 1850-1930*, eds. Dejung, Christof, and Niels P Petersson (Cambridge: Cambridge University Press, 2013), 107.

²⁰ Davis and Huttenback, *Mammon and the Pursuit of Empire*, 185.

²¹ Attard, "The London Stock Exchange," 108.

²² Willaim Newmarch was a member of the London Political Economy Club as the previous chapter discussed. He later became chief officer for Glyn, Halifax, Mills, and Company, which played an important role in lending money to the British North American colonies.

²³ Adam Shortt, "The Financial Development of British North America, 1840-1867," in *The Cambridge History of the British Empire. Canada and Newfoundland. Volume 6*, eds. J Holland Rose, AP Newton, and EA Benians (USA: The University Press, 1930), 375.

Robinson's criticisms.²⁴

From 1837 onward the London Stock Exchange issued the Upper Canadian debt as securities, which technically opened up the buying and selling of this debt globally. Dunn not only negotiated loans in London for the colony, but he also dabbled in "purchasing" land from Indigenous peoples. The colony initially sidestepped bankruptcy with a union with Lower Canada. However, to take out more loans to develop, Upper Canada had to show investors that it had good credit to, paradoxically, take out larger loans to pay for development that would in turn pay for the debt by allegedly generating revenue. This method of paying back a loan with another larger loan had serious consequences for Indigenous lands that became quickly absorbed into many development projects. In fact, public debt financing, British emigration, and the "disposal" of "wastelands" formed a trifecta of settler colonialism. As Mill put it, a "loan on the security of that future fund" could pay for the emigrants and colonial development.²⁵

The British government took seriously the financial problems that Upper Canada faced just before union. During one of Prime Minister Melbourne's private cabinet meetings on the 21st August 1839 the cabinet recommended a proposal to submit to the British Parliament to guarantee for a new loan to Upper Canada. They asked for a loan "for the purpose of diminishing the Interest on the Debt, and of continuing the Public Works" of "a sum not exceeding £1,500,000."²⁶ This attempt to restructure the Upper Canadian debt highlights the struggle the Upper Canadian government had over developing lands, and the economic disadvantage of financing the colony through a public debt. The private meeting noted that "this

²⁴John Ireland, "John H. Dunn and the Bankers," *Ontario History* 62 (1970), 83-100.

²⁵ John Stuart Mill, "The New Colony (2)," *The Examiner*. July 6, 1834, in *Newspaper Writings. Collected Works of John Stuart Mill*, eds. John M Robson, and Ann P Robson (Toronto: University of Toronto Press, 1986), 735-7.

²⁶ "A Cabinet Meeting Held at Lord Melbourne's on Wednesday the 21st Day of August 1839," pg. 415. NA PRO/30/22/3C. The National Archives (NA hereafter).

sum will be secured on the Revenues of the Upper Province,” which assumed that the colonial government could appropriate lands to generate revenue for debt repayment.²⁷

Governor-General Sydenham had a part in the negotiation of the imperial loan guarantee. During the 1830s and 40s four Governor Generals served in quick succession because each had died of acutely painful illnesses shortly after their appointments.²⁸ The 42-year-old Sydenham's death came after he had served for only two years. On the 4th of September his horse fell trapping his right leg underneath, and when the horse stood up it dragged him causing a fracture in his leg and a large wound above his knee. After an agonizing two weeks he succumbed to infection on the 19th of September. During his last days he still wrote letters and decided on bills the legislature sent to him.²⁹

While Sydenham was Governor-General he stressed the importance of the Upper Canadian debt as the Speaker of the Assembly at the first session of the Legislative Council of the Province of Canada in 1841. He emphasized the interconnection between paying back the debt, mass scale British emigration, and the “disposal” of “public” lands as “subjects of deep importance” that demanded “early attention.”³⁰ During the session, Sydenham pledged the services of the British Government to ensure that Canada would not only avoid imminent bankruptcy, but prosper. To emphasize the aid from the British government he stressed to the Council and House, that “the eyes of England are anxiously fixed upon the result of this great

²⁷ Melbourne private Cabinet meeting, 1838 - 1839, pg 415. Domestic Records of the Public Record Office, Gifts, Deposits, Notes and Transcripts. PRO 30/22/3C. NA.

²⁸ Between 1838-45 four Governor Generals died from severe illnesses: Lord Durham, Lord Sydenham, Charles Bagot, and Baron Metcalfe.

²⁹ *Memoir of the Life of the Right and Honourable Charles Lord Sydenham, G.C.B With a Narrative of his Administration in Canada*, ed. George Poulett Scrope (London: John Murray, 1843), 259-65.

³⁰ House of Commons, *Correspondence Relative to the Affairs of Canada*.. Great Britain (London: William Clowes and Sons, 1841), 50.

experiment.”³¹ In Canada, Sydenham pleaded with Lord Russell to convince the British government to pass an act for an imperial loan guarantee of £1.5 million. This loan would not grant the newly minted Province of Canada access to immediate money, but it would restore its credit so that it could raise funds on the London money markets once again. With an imperial loan guarantee creditors had assurances that they would receive their payments. The loan guarantee of £1.5 million that Sydenham had worked for received Royal Assent as an “Act to Appropriate Certain Sums of Money for Public Improvements in this Province” on the 18th September 1841. It included a potential loan amount of £1,659,689.³²

On both sides of the Atlantic Ocean, the imperial and colonial governments assumed that the development of lands would pay back these loans. This idea had a few outspoken critics. For example, C. E. Trevelyan, the Chief Secretary of the British Treasury, lambasted the excessive spending on public works that had no guarantee of even paying for themselves. The stimulus of public loans to private companies between 1841 and 1867 contributed to an artificial prosperity followed by economic stagnation and depression when those loans could not be paid.³³ The British Parliament passed the “Canada Loan” to “guarantee the payment of the Dividends and Interest... not exceeding the sum of One Million Five Hundred Thousand Pounds in the whole” as a way to stave off another potential impending financial crisis in the Province of Canada. This effectively ensured that the colonial government could not default on its debt. It also protected government bonds so they would not lose value because shareholders received a guarantee of dividend and interest payments from the British government.³⁴

³¹ House of Commons, *Correspondence Relative to the Affairs of Canada*, 54.

³² Shortt, “The Financial Development of British North America,” 375.

³³ Shortt, “The Financial Development of British North America,” 376.

³⁴ House of Commons, *Canada Loan. A Bill for Guaranteeing the Payment of the Interest on a Loan of One Million Five Hundred Thousand Pounds, to be Raised by the Province of Canada*. 1842.

The Welland Canal and the path to free trade

How exactly did Upper Canada amass such an extensive debt? The history of the Upper Canadian Receiver General, John Henry Dunn, and his involvement with the Welland Canal Company can partially answer this question. In the 1820s the Lieutenant-Governor of Upper Canada, Peregrine Maitland, remarked that Dunn's dual role as Receiver General and president of the Welland Canal Company was "sufficient assurance that everything is intended and carried on in perfect good faith." The Welland Canal Company also had directors who worked in prominent positions in the Upper Canadian Government, for example, the Attorney and Solicitor General, Colonel Wells (a member of the Legislative Council), and a member of the Legislative Assembly. These colonial officials "composed four of the seven Directors." The overlap of public and private interests might be characterized as corruption, but Maitland saw it as the opposite. Oftentimes, the colonial government justified its involvement in private companies with the public "good" in mind.³⁵ Maitland had placed his faith in elite men who negotiated public debts for the "public good" because he believed they would act in "perfect good faith."

Madeline Whetung shows that elite settlers had a vested interest in building the canals because they stood to make a profit.³⁶ Many of these men would have direct political influence, which could lead one to argue that the blending between private and public interests was corruption. For example, John A. Macdonald worked as politician in Kingston for years before he became the first Prime Minister of Canada. The Legislative

³⁵ House of Commons, "Copy of Dispatch from the Lieutenant Governor of Upper Canada to the Secretary of State for the Colonies Upon the Subject of the Welland Canal" (12th March 1827, 28th February 1828) 245.

³⁶ Madeline, Whetung, "(En)gendering Shoreline Law: Nishnaabeg Relational Politics Along the Trent Severn Waterway," *Global Environmental Politics* 19, no. 3 (2019): 16.

Assembly of the Province of Canada between 1845 and 1865 shows that two petitions and seven pieces of legislation amended the charters for companies that Macdonald had direct involvement in. These amendments gave a broader range of operating powers to both the Trust and Loan Company and the Commercial Bank. Except for two occasions, Macdonald introduced these bills.³⁷ As a lawyer, Macdonald's firm's largest client was the Trust and Loan Company, which made up about two thirds of the firm's income, and in some years the entire income for the firm.³⁸ He also bought land with other members of a small land syndicate such as A.T Galt, and advocated for a railway to be built to their land to make it more profitable.³⁹ Dunn's affairs, in particular, could point to the corruption of an individual playing the colonial and imperial government for personal financial gain. However, since stories such as Dunn's and Macdonald's dominate the history of colonial development it might be more accurate to say that Dunn's activities reflected the structural make up of the settler colony. They could work within a system that rewarded such behaviour.

The well known story of the Welland Canal Company provides a pertinent example of how the public funding of private companies opened up a space to appropriate Indigenous territories. In this process, Upper Canada had bound its economy to the success of private corporations. Earlier canals such as the Rideau Canal served imperial military interests, and in this case the British government footed the bill. The Welland Canal on the other hand, was financed largely by the colonial government. The Welland Canal connects Lake Ontario to Lake Erie and travels through land near Niagara

³⁷ J. Johnson, "John A. Macdonald, the Young Non-Politician," *Historical Papers/Communications historiques* 6, no. 1 (1971): 149.

³⁸ Johnson, "John A. Macdonald," 144.

³⁹ Johnson, "John A. Macdonald," 143.

Falls. Albert Schrauwers' provides an excellent detailed synopsis on the founding of the Welland Canal. He notes that the Company moved to incorporation as a way to induce capital investment.⁴⁰ Jeffrey McNairn, on the other hand, argues that this story of private interests backed by public money did not necessarily reflect an un-democratic society. He does make an exception for the "Family Compact working against democracy through a protection of elite privilege."⁴¹ However, expanding the traditional narrative of elites and land development to think carefully about what this meant for Indigenous peoples, even when the documentary evidence does not explicitly refer to Indigenous peoples or their land, significantly complicates this narrative.⁴² Even in a corporate history that accounts for the collective interests of merchants, farmers, and artisans, in a settler state it is difficult to see democratic intentions within corporations of settlers working for their own interests. It is important that they were settlers and that they worked to appropriate Indigenous territories.

Development projects and the public debt did not evoke any substantial partisan sentiment. Both the liberal reformers and the "Family Compact" supported the development and the Welland Canal. However, where to get the money from, the local banks or London financiers did spark some heated debate.⁴³ The Welland Canal

⁴⁰ Albert Schrauwers, "A Terrible Engine in the Hands of the Provincial Administration: Corporate Governmentality and Joint Stock Democracy in the Last of the Atlantic Revolutions," in *Realities of Canadian Democracy*, eds. Julien Mauduit and Jennifer Tunnicliffe (Forthcoming, 2020), 3-8.

⁴¹ Jeffrey L. McNairn, "Incorporating Contributory Democracy: Self-Taxation and Self-Government in Upper Canada," in *Realities of Canadian Democracy*, eds. Julien Mauduit and Jennifer Tunnicliffe (Forthcoming, 2020), 1-2.

⁴² Brian Gettler, "Indigenous Policy and Silence at Confederation." *Early Canadian History*. Accessed 1st January, 2019. <https://earlycanadianhistory.ca/2017/06/26/indigenous-policy-and-silence-at-confederation/letters-from-sydenham>.

⁴³ Denis McKim, "Upper Canadian Thermidor: The Family Compact & the Counter-Revolutionary Atlantic," *Ontario History* 106, no. 2 (2014): 257; and Hugh G.J. Aitken, "The Family Compact and the Welland Canal Company," *Canadian Journal of Economics and Political Science/Revue canadienne de economiques et science politique* 18, no. 1 (1952): 63.

construction began in January 1824 after the Upper Canadian legislature passed an act to incorporate the Welland Canal Company. In this act the government granted the Company permission to not only survey lands around the District of Nigeria and the Grand River, but to also select sites for mills, warehouses, manufacturing, and to purchase those sites. The act also allowed the Company to make reservoirs, tunnels, and aqueducts and to “feed” the canal with “brooks, streams, springs, water courses” within a thousand yards or just under a kilometre from “any part of the Canal” or newly made reservoirs.⁴⁴ The British Crown had initially agreed to grant the Welland Canal Company 1/9 of the estimated costs to build the canal, and this sum along with the money the Company could raise with its own private securities would pay for the canal. The Upper Canadian government approved a second charter that raised the authorized amount of company stock to £200,000.⁴⁵ Individuals subscribed £93,000 of which £10,000 was forfeited due to economic issues in Upper Canada. At the time this stock was not sold on the London Stock Exchange because it would take an impractical amount of time to receive any funds bought by investors.⁴⁶ This left £57,000 out of £200,000 without financial backing.

The inability of the Welland Canal Company to fund itself marked the beginning of its financial troubles. This resulted in a series of interferences from the Upper Canadian government into the Company’s affairs. What this points to is that while a company could sell, or be valued at £200,000, in reality they did not have access to these

⁴⁴ Statutes of the Province of Upper Canada, Fourth Session, 4th Year George A.D 1824, *An Act to Incorporate, Certain Persons Therein Mentioned Under the Style of the Welland Canal Company* (1824), 368.

⁴⁵ Aitken, “Welland Canal,” 142.

⁴⁶ Aitken, “Welland Canal,” 138, note 6.

funds unless investors bought the securities. A year after work began on the Welland Canal in 1826 the Upper Canadian legislature passed an act that enabled it to invest £50,000 of Welland Canal Company Stocks “on behalf of the public.”⁴⁷

It needs emphasizing that the Upper Canadian loan to the Welland Canal Company was from public money. The Upper Canadian government not only invested in the stocks of the Welland Canal Company, they raised a loan to give to the company. “An Act to Authorize the Government to Borrow A Certain Sum of Money, Upon Debenture, to be Loaned to the Welland Canal Company” passed on 20th January 1826. This act allowed the Upper Canadian government to borrow £25,000 for the Welland Canal Company.⁴⁸ After this initial debt, Upper Canada passed “An Act to Grant a Further Loan to the Welland Canal Company, and to Regulate Their Further Operations” passed on the 6th of March 1830.” These debts referred to the authority of a previous act that allowed the government to raise a £25,000 loan at a 6% annual interest rate.⁴⁹ The money from the public debt these acts enabled went to the privately-owned Welland Canal Company. The Acts explicitly raised public money to fund the Welland Canal Company. The 1830 act noted that:

[A]s soon as the said sum of twenty-five thousand pounds, or any part thereof, shall be so raised, it shall be lawful for the Governor, Lieutenant Governor, or person administering the government of this province, to issue his warrant upon the said Receiver General for the same, in favor of the said Welland Canal Company.⁵⁰

⁴⁷ House of Commons, Journals, Appendix B, Ninth year in the Reign of George the Fourth (January, 1828 to 18th December 1828), 698.

⁴⁸ Statutes of the Province of Upper Canada. Chapter XX. Seventh year of George IV. 1826. Ninth Parliament. Pg 423.

⁴⁹ This referenced an earlier public debt (14th year his Majesty's reign) “An Act For Making More Effectual Provision for the Government of the Province of Québec, in North America, and to Make Further Provision for the Government of the Said Province.”

⁵⁰ Statutes of the Province of Upper Canada Chapter XI, Eleventh Year of George IV- 1830, Second Session, (1792-1831), 517-518.

The public money was “granted in aid.” Furthermore, Dunn, the Receiver General, was to pay “into the hands of the president of the said company.” The money was “to be held and applied by him to and for the uses of the said company in the completion of the said canal.”⁵¹ The president of the Welland Canal Company was also Dunn. In sum, the act stipulated that Dunn gave the money to himself. To be clear, these were public debts that the Upper Canadian government raised on its credit to grant to the Welland Canal Company. The act asked the Receiver General to make payments of public money to the president of the Welland Canal Company, and Dunn held both positions.

In so many ways Upper Canada tied its fiscal well being to the success of the Company. If the Company failed the government would lose a significant amount of money, and importantly, could not generate future revenue for debt repayment. As time progressed, the private Welland Canal Company slowly turned public. In 1837 an act passed to raise the capital stock to £597,300, of which the Upper Canadian government held £454,500, (£209,500 was a consolidation of previous loans and subscriptions). After the financial panic of the late 1830s the Upper Canadian government purchased the Welland Canal Company through an act of the legislature. The Welland Canal did not produce a revenue to even pay for itself, and it failed as a private company. Upper Canada “bought it out” in 1841 in the hope that it would still produce a revenue. Despite the shortcomings of the Welland Canal, the Upper Canadian government turned to building the Cornwall canal, the Beauharnais Canal (in which Wakefield, not coincidentally, was involved), and the enlargement of the Lachine canal. By 1845 the Beauharnais Canal enlargement was completed, and the Welland Canal opened. This

⁵¹ Statutes of the Province of Upper Canada, Chapter XI, 517-518.

caused a temporary increase in revenue as more traffic sailed the St. Lawrence.⁵²

The Welland Canal project cut through Indigenous lands, and greatly changed the land and the water around it that fed the canal. Indigenous peoples never consented to forgoing their sovereignty over these territories.⁵³ From the British perspective the Anishinaabeg had ceded their lands in “Upper Canadian Treaty” process beginning in the 1780. The British then granted part of this land to the Haudenosaunee with the Haldimand Tract. However, there is debate about what these treaties meant and if the treaties included waterways, the growth of settlements, and large environmentally damaging development projects such as the Welland Canal. The externalities of the canal project altered the water in and around the land, and evidence has shown that these treaties did not cover aquatic territory.⁵⁴ The Upper Canadian government granted the Welland Canal Company the authorization to reshape the waterways, and the land around it. The colonial government did so under the assumption that the crown was entitled to the water as well as the land. Furthermore, in the case of the Six Nations of the Grand River, land surrenders for places such as some parcels of land to the town of Brantford in 1829 were a part of ongoing negotiations. Importantly, “true value” of land for the Six Nations exceeded its market price.⁵⁵

Dunn was appointed as a manager for the Six Nations Trust throughout the

⁵² Shortt, “The Financial Development of British North America,” 378-79.

⁵³ John Borrows, “Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government,” in *Aboriginal and Treaty Rights in Canada: Essays on Law, Equity, and Respect for Difference*, ed. Michael Asch (Vancouver: University of British Columbia Press, 1997), 161.

⁵⁴ Victor Lytwyn, “Waterworld: The Aquatic Territory of the Great Lakes First Nations,” *Gin Das Winan: Documenting Aboriginal History in Ontario* 14 (1996): 15.

⁵⁵ Susan M. Hill, *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River* (Winnipeg: University of Manitoba Press, 2017), 170.

1830s.⁵⁶ In 1847 the Welland Canal Company received money from the Six Nations Trust. This trust fund, and others like it, held money from land sales and rents from government recognized Indigenous lands. There is no record of this money being paid back.⁵⁷ The Six Nations have been protesting the Welland Canal's damage to the lands that extensive flooding from the Dunnville Dam (named after John Henry Dunn) caused since the 1820s.⁵⁸ The initial Six Nations' petitions against the Welland Canal and the environmental destruction it caused have continued into our present. The Six Nations and the Canadian government are still in the process of settling some of the amount owed for this flooding nearly two hundred years later.⁵⁹ Public debt financing and the case of the Welland Canal sheds light on how settler societies asserted sovereignty over Indigenous lands and peoples through development of "wastelands," and created actual wastelands unfit for human and other than human habitation in the process.⁶⁰ In the case of the Welland Canal, the Upper Canadian government passed acts to authorize it to raise public money to pay for the private development project.

The dream of filling the government's coffers with the revenue from the Welland Canal never happened. This proved true for other canal systems as well. The Trent Severn waterway that would connect Lake Ontario to Georgian Bay provides another example of

⁵⁶ Six Nations of the Grand River, *Land Rights: Global Solutions for the Six Nations of the Grand River*, accessed 3rd March, 2019 (<https://iaac-aeic.gc.ca/050/documents/p80100/130877E.pdf>) 27.

⁵⁷ Phil Monture, *A Global Solution for the Six Nations of the Grand River*. University of Waterloo, accessed 3rd March, 2019 (<http://www.sixnations.ca/SNGlobalSolutionsBookletFinal.pdf>), 44.

⁵⁸ John Brant Letterbooks. Six Nations of the Grand River Fonds. Box Number AFC 406-1/1. University of Western Archives. (WA hereafter).

⁵⁹ Indigenous and Northern Affairs Canada, "Canada's Response to Haudenosaunee Six Nations Counteroffer," accessed 3rd March, 2019. <https://www.aadnc.aandc.gc.ca/eng/1100100016343/1100100016344>.

⁶⁰ For an elegant argument about the settler state's production of "wastelands" unfit for human and other than human habitation, and the apocalyptic fallout for Indigenous peoples see Kristen Simmons, "Settler Atmospherics," *Society for Cultural Anthropology*, November 20, 2017, accessed on 1 July 2019. <https://culanth.org/fieldsights/settler-atmospherics>

this. The first meeting about the proposed waterway occurred in 1833, and the waterway finally opened in 1920. The Trent Severn Canal represents one of the longest lasting public enterprises in the history of Canada. The canal cost \$24,000,000, and by the time it opened only a few, mostly wealthy yacht owners used it.⁶¹ The fact that the entire Trent-Severn Waterway is now a national historic site only serves to emphasize the failure of this canal to generate adequate revenue. The waterway cut through what is now known as the Kawartha Lakes Region, Anishinaabeg homelands. Since time immemorial the Anishinaabe had traversed the interconnected lakes and waterway. They also harvested the *manoomin* that grew in abundance in the region. Whetung shows how the Trent-Severn waterway impacted what she calls the “Shoreline Law” of the Michi Saagiig peoples. This law is a particular type of place-based relationship between water, land, and other than human beings (including *manoomin*), and Michi Saagiig peoples. This practice was greatly disturbed in the wake of the Trent-Severn waterway scheme. She argues that the colonial interpretation of Treaty 20 did not distinguish between land and water jurisdiction, even though the Anishinaabe made requests respecting water tenure, which, ultimately, the colonial government left out of the written record.⁶² As Leanne Simpson points out, Anishinaabeg international relations included both human and other than human beings such as plants and animals, which the Trent-Severn waterway, and consequent dam at Bobcaygeon negatively impacted.⁶³

The gift of hindsight shows the immense failure of the waterway project on a

⁶¹ James T. Angus, *Respectable Ditch: A History of the Trent-Severn Waterway, 1833-1920* (Montréal: McGill-Queen's University Press, 1988), 3.

⁶² Whetung, ““(En)gendering Shoreline Law,” 22.

⁶³ Leanne Simpson, “Looking after Gdoo-naaganinaa: Precolonial Nishnaabeg Diplomatic and Treaty Relationships,” *Wicazo Sa Review* 23, no. 2 (2008): 33.

multiplicity of levels. Not only did it not generate revenue, or did it see any significant usage, it utterly transformed the region as it killed wildlife, and destabilized Anishinaabeg access to their traditional modes of transportation and food sources. The environmental destruction of this waterway cannot be over emphasized, as no eels or salmon can make their homes in the area anymore. The *manoomin* now grows in a strained environment, which the surge of cottagers exacerbate.⁶⁴ Doug Williams, an Elder from Curve Lake First Nation, along with Dave Mowat, Leanne Betasamosake Simpson, and James Whetung currently work to plant *manoomin*, and restore and revitalize their lands. A conversation between Naomi Klein and Leanne Betasamosake Simpson can help settlers and arrivants understand the deep significance *manoomin*, eels, and salmon have for the Michi Saagiig. This conversation also highlights the role of food sovereignty movements, and the importance of rebuilding and revitalizing relationships between the land, water, and other than human beings. Simpson stresses that “colonialism and capitalism are based on extracting and assimilating.” Colonial governments used the Welland Canal, the Trent-Severn waterway and countless other such development projects to produce future revenues to pay back the principal plus interest of the public debt. These examples only serve to prove Simpson's point as she expresses that:

My land is seen as a resource. My relatives in the plant and animal worlds are seen as resources. My culture and knowledge is a resource. My body is a resource and my children are a resource because they are the potential to grow, maintain, and uphold the extraction-assimilation system. The act of extraction removes all of the relationships that give whatever is being extracted meaning.⁶⁵

⁶⁴ Whetung, “(En)gendering Shoreline Law,” 16-32.

⁶⁵ Leanne Simpson, *Common Dreams*, “Dancing the World into Being. A Conversation with Idle No More’s Leanne Simpson,” accessed 3 July 2019. [://www.commondreams.org/ views /2013/03/06/dancing-world-being](http://www.commondreams.org/views/2013/03/06/dancing-world-being).

Many Anishinaabeg activists, scholars, leaders, and Elders are working to change the negative impacts of these development projects. Public debt financing, in many ways, hid the failures of such development projects. It allowed projects that would otherwise end, to continue. As long as financiers saw the future profitability of the “wastelands” they continued to extend credit and give out loans to development projects. The integration between private interests and public money in a settler colonial system made the failure of such development projects paid for through public debt financing the “public’s” problem. This points to a broader issue of debt financing large development projects. For example, the Welland Canal Company never accurately calculated the costs of building the canal, and the actual costs far exceeded their original estimates. At the same time, they received large sums of money from the Upper Canadian government because of the promise of future revenue. However, the cost of the canal outstripped the loan and interest amount, and it could not turn a revenue because of the project's indebtedness that plagued it from the start. This does not mean that the canal was unprofitable to all, as shareholders, at various times could cash out in a bull market. Roger L. Ransom has argued that not all canals failed to finally produce a revenue that exceeded its investment, but the Welland Canal did. In the case of the Welland Canal this capital investment was owed to the Province of Canada's “public.”⁶⁶ This points to a type of contract where the public invested in private development and their “payment” was that they would be able to participate in “civilization,” as John Stuart Mill would put it.

The history of the bond between private companies and colonial governments

⁶⁶ Roger L. Ransom, "Canals and Development: A Discussion of the Issues," *The American Economic Review* 54, no. 3 (1964): 373.

preceded colonial reform, and highlights many of the issues colonial reform meant to fix. For example, the problems with funding the Welland Canal exemplified the lack of accessible capital for land development. In the case of Upper Canada, access to the London money markets after the late 1830s proved a viable solution, and Indigenous lands were leveraged as credit for loans. The waterways would provide the revenue, as they once did for Lower Canada, to ensure prosperity. At the same time, it seemed as though the fate of Canadian trade rested on the British decision to repeal of the Corn Laws, which eventually happened in 1846. Upper Canada's economy was pulled by both Britain's trade decisions, and its competition with the United States. Since much of its hope for revenue depended on the canals the question of free trade with the United States became central to the Province of Canada's desire to make the canals profitable.

The Reciprocity Treaty: Linking the Province of Canada to Prince Edward Island

The policy to join together Upper and Lower Canada meant to ameliorate the debt conditions of Upper Canada through a consolidation of the two provinces' debts and revenues. The centripetal forces that the debt exerted on the colonies in British North America, however, did not end there. Looking at the connections between the Province of Canada and Prince Edward Island shows the strength of the centripetal pressure that the public debt put on the British North American colonies. Examining these threads also shows how it was not just land that gave colonies credit on the London money market, but bodies of water, and waterways as well. The Reciprocity Treaty of 1854 immediately linked the interests of the Province of Canada to the Maritimes. The Reciprocity Treaty

tied the Maritime provinces to a free trade agreement with the other British North American colonies and the United States. The treaty was the first free trade agreement between the United States and the British Canadian colonies. It is an example of one of the ways in which the public debt began to slowly consolidate the provinces into a federation united with the similar goal of developing industries. To put it another way, the public debt created a type of early shared “economy.” Each colony had its own reasons for reciprocity, but they had the same motivation: to induce capital investment into the British North American colonies.

Britain agreed to enter the British North American colonies into a free trade deal with the United States for both commercial and politically strategic reasons. Lord Elgin, the Governor-General of the Province of Canada, made a convincing argument that if Britain did not agree to free trade then the colonies would be susceptible to absorption into the United States.⁶⁷ The treaty brought the British North American colonies together, and also allowed them to remain distinct from the United States. The Province of Canada wanted to develop and make profitable its dismal canal system. The Government of Prince Edward Island wanted to develop its fisheries. Both desires relied on more access to capital through opening up markets to American financiers.

Donald Masters has pointed out that the origin of the treaty began in the colonies.⁶⁸ Prince Edward Island’s Legislative Council and Assembly both supported a free trade agreement with the United States from its earliest days. Philip Buckner argues

⁶⁷ Robert E. Ankli, “The Reciprocity Treaty of 1854,” *The Canadian Journal of Economics / Revue Canadienne D’economique* 4, no. 1 (1971): 2.

⁶⁸ Donald C. Masters, *The Reciprocity Treaty of 1854: Its History, Its Relation to British Colonial and Foreign Policy and to the Development of Canadian Fiscal Autonomy* (Toronto Ontario: McClelland and Stewart, 2014) (London, Longmans, Green, and co 1937), xi.

that the debates about reciprocity pre-dated Confederation, and yet they were deeply linked to the reasons why the Island decided to join with Canada. The willingness of the Island government to engage in a shared economy with the other British North American colonies shows how capital investment was a central reason for the Island to join Confederation. Buckner notes that after the American abrogation of the treaty in 1866 because of its Civil War, Canada became the “only game in town” if the Island wished to expand its economy.⁶⁹

The Treaty legislated two primary goals: to make the British North American canals profitable, and to develop the coastal fisheries. The Reciprocity Treaty shows the far reaching consequences of publicly funding development projects that eventually ended in Confederation. The various public debts made such a treaty necessary as a way to generate revenue, or so its proponents thought. The Welland and other canals that cut through the Province of Canada only made a profit if enough ships with cargo passed through. Those on the pro-free trade side of the argument posited that opening up that waterway to the United States would generate revenue from American usage, as well as stream American capital into the British North American colonies. The treaty also entered the British North American provinces into a free trade agreement over the fisheries along the east coast of Turtle Island. It allowed American fishermen to fish, and to land to process their fish in a nearly unrestricted manner.⁷⁰ The treaty would both direct ships through the St. Lawrence, and provide the Island government capital to develop fisheries

The late 1840s were a precarious few years for the Province of Canada when the

⁶⁹ Philip Buckner, “Beware the Canadian Wolf: The Maritimes and Confederation,” *Acadiensis* 46, no. 2 (2017): 181.

⁷⁰ Ankli, “The Reciprocity Treaty,” 2.

1846 repeal of the British Corn Laws took away British colonies' special preferred colonial status. This coupled with a lack of inland transportation and the very beginnings of a railways system left the question of the corn trade in the air. To make matters worse from 1850 to 1859 the government debt increased by approximately 67%, and, in theory, free trade would make the canals profitable.⁷¹ With free trade the Province of Canada granted the same rights as British subjects to American citizens to use the canals.⁷² Rather ironically, after all of the emphasis of reciprocity with the United States as a method to force the canals to generate revenue free trade had the opposite effect. In the first year the St. Lawrence trade fell approximately 47%, and averaged about a 33% loss until the abrogation of the treaty in 1866.⁷³ The solution to allow Americans free trade, however, proved viable for Prince Edward Island who benefited the most out of all the provinces with its oat trade to the United States.⁷⁴

The canals in the Province of Canada, and the 1818 Convention Respecting Fisheries, Boundary and the Restoration of Slaves and the subsequent treaty between Britain and the United States provide the backdrop to the Reciprocity Treaty. The 1818 Treaty limited free trade between British North America and the United States, particularly with respect to fishing and coming ashore to process the fish for transport. In contrast to the 1818 convention, the Reciprocity Treaty allowed American access to all of the east coast north of the 36 parallel.⁷⁵ It also allowed for either British colonists or

⁷¹ Officer and Smith, "The Canadian-American Reciprocity Treaty," 620-621.

⁷² Frederick E. Haynes, *The Reciprocity Treaty with Canada of 1854*, vol. 7, no. 6 (USA: American Economic Association. Publications of the American Economic Association, 1892), 53.

⁷³ Officer and Smith, "The Canadian-American Reciprocity Treaty," 619.

⁷⁴ Stanley A. Saunders, "The Reciprocity Treaty of 1854: A Regional Study," *Canadian Journal of Economics and Political Science/Revue canadienne de economiques et science politique* 2, no. 1 (1936): 43.

⁷⁵ A line significant to the United States. The Missouri Compromise of 1820 divided the country along this

Americans to take any fish except shellfish, and voided the previous restrictions that prohibited fishing inside of three nautical miles from shore. Furthermore, the Reciprocity Treaty allowed American fishermen to shore to process their fish and dry their nets as long as they did not interfere with private property.⁷⁶ It had seven articles. The articles that did not deal with implementation or ratification laid out plans to promote the Canadian canals and to develop Maritime fisheries.

Prince Edward Island presented a particular challenge to development, as unlike Upper Canada, and then the Province of Canada, it did not “own” many “wastelands” or crown lands to garner speculative value for credit on the London money markets. After the shift in European power after the Seven Years’ War the British government divided the Island into 67 lots in 1767 and gave them away in a lottery system. This effectively created a situation on the Island of absentee landlords and proprietors, which reformers argued greatly hindered the development of private property.⁷⁷ As early as June 1849 the Island government requested that the British government go so far as to “suspend” the 1818 Fisheries Convention laws that restricted American fishing.⁷⁸

Alexander Bannerman, a Scottish born merchant, banker, and manufacturer, and the 11th Lieutenant-Governor of Prince Edward Island, diligently advocated for the Reciprocity Treaty. Bannerman frequently wrote to the Secretary of State for War and the Colonies, Lord Howick, who became Lord Grey after his Prime Minister father passed

line between states practising racialized chattel slavery and those that did not.

⁷⁶Fisheries and Reciprocity Treaty MIKAN no. 4004339. Pg 1043. Library and Archives Canada (LAC hereafter).

⁷⁷ Rusty Bittermann, *Rural Protest on Prince Edward Island: From British Colonization to the Escheat Movement* (University of Toronto Press, 2006).

⁷⁸ Journal of the Legislative Council of Prince Edward Island., Bannerman Lieut. Governor to the Right Honourable Earl Grey etc, etc. Government House P.E.Island October 13, 1851, appendix 13, Fifth Session of the Eighteenth General Assembly (Charlottetown: John Ings, “Islander Office,” 1853).

away in 1845. Bannerman expressed considerable anxiety that the British government had delayed in settling the fisheries question on the Island. He felt concerned that Sir. John Harvey, the Lieutenant-Governor of Nova Scotia, knew about the Island government's desire to negotiate free trade with the United States, but did not include the Island in the preliminary treaty discussions. Harvey began negotiations with the British Minister at Washington to discuss reciprocity. Eager to get the Island involved, Bannerman had lobbied the imperial government to coax a free trade agreement between the British North American colonies and the United States. Bannerman stated his intent for opening up the fisheries explicitly: to induce capital investment for development. The Island Assembly had voted to dedicate money to the development of the fisheries, and Bannerman wanted to see this development increased.⁷⁹ At around the same time, the American Secretary to the Treasury produced a subsequent report to the Senate on the Trade and Commerce of the British North American Colonies, which was printed at Washington in 1851.⁸⁰

Lauren Benton has shown how European international law developed in tandem with competition of sovereignty over the seas and oceans. European legal norms about regulating and controlling the seas and oceans were born out of colonial expansion in the early modern period. For Benton, the history of international law over the seas unfolded with acts of piracy. She thinks through the role of piracy in the expansion of international law, where mariners “carried legal strategies around the globe.” She points out that early modern jurists began to consider law over the oceans as a particular aspect of *ius*

⁷⁹ JLC of PEI. Right Hon Lord Grey, from Lt Gov Bannerman, 1851.

⁸⁰ JLC of PEI. Right Hon Lord Grey, from Lt Gov Bannerman, 1851.

gentium, which was the Roman term for law that existed between nations. From this Roman precedent European jurists saw the sea as naturally defying ownership. This “lawlessness” of the seas and oceans gave a space for an expansion of piracy. Piracy should not be understood here as carried out by rogue individuals, but by sovereign nations sanctioning theft and violence towards other sovereign nations.⁸¹ At the same time, however, this “lawlessness” did not extend to the land. This brought up questions about how far land borders should extend into the water. Out of this context European international legal conventions stated that sovereignty over the water extended three nautical miles from shore. Scandinavian countries claimed four nautical miles. These distances were calculated with the intent to avoid conflict. The “canon-shot wide” maximum distance referred to how far out a canon could fire its shot, which approximated to three nautical miles. Fishing disputes between European nations around their own coasts also delineated three nautical miles as the acceptable space for inshore fishing. In sum, the sovereignty European powers expressed over the land extended, in the case of Britain, three nautical miles out to sea. The British brought this convention to the colonies.⁸²

European international legal conventions unfolded in the fisheries conflicts between the Maritime colonies and the United States. The tension between Americans and Islander fishermen became apparent as Bannerman said Islanders threatened that “they would take the law into their own hands” if American fishermen insisted on fishing

⁸¹ Lauren A. Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900*, (Cambridge: Cambridge University Press, 2010), 120.

⁸² Heinz Sigfrid Koplowitz Kent, "The Historical Origins of the Three-Mile Limit," *American Journal of International Law* 48, no. 4 (1954): 539.

off of the Island.⁸³ Bannerman used this anxiety to push the British government to act, arguing that an explosive situation could arise. He explained that the 1818 convention did nothing to enforce the fisheries restrictions and that American fishermen frequently took advantage of this.⁸⁴ Bannerman described the Island as the “head quarters of the American fishermen.”⁸⁵ Between October 3-5 1851 the disastrous “Yankee Gale” provides a moment in time that can sketch an image of their sheer numbers of American fishermen who overwhelmed the coastal Island fisheries. The “Yankee Gale” was the worst storm tragedy in recorded history on the Island. Official reports estimated that the gale destroyed 74 vessels and 160 people perished. However, when under reporting; and lack of official records are taken into consideration estimates put the numbers at 110 ships and 250 lost lives.⁸⁶ Bannerman claimed that these reports were “much exaggerated,” but he still acknowledged that the gale caused a “considerable” loss of mainly American lives and ships.⁸⁷

Bannerman used the disaster of the “Yankee Gale” as a way to reintroduce the issue of the fisheries and free trade to the British government. What he meant to convey with his reiterating of the disaster was the great number of American fishermen off the coast of the Island. A month after his retelling of the “Yankee Gale” he sent to Lord Grey a detailed despatch about the reasons why the British government should attempt to negotiate free trade with the United States. He again pointed out the large numbers of Americans who not only fished, but came ashore. He said that 250 American schooners

⁸³ JLC of PEI. Right Hon Lord Grey, from Lt Gov Bannerman, 1851.

⁸⁴ JLC of PEI. Right Hon Lord Grey, from Lt Gov Bannerman, 1851.

⁸⁵ JLC of PEI. Right Hon Lord Grey, from Lt Gov Bannerman, 1851.

⁸⁶ Edward Macdonald, “The Yankee Gale, The August Gale and Popular Culture on Prince Edward Island: A Meditation on Memory,” *The Dalhousie Review* (2010): 97.

⁸⁷ JLC of PEI. Bannerman Lieut. Governor to the Right Honourable Earl Grey, 1851.

came into Princetown from Malpeque Bay, and landed.⁸⁸ He estimated that about 1500 Americans then went to Princetown for an agricultural show. He mentioned that in that instance no violence occurred. He did, however, strategically stress “where brandy and rum are to be had so cheap,” that might not be the case in the future.⁸⁹

Bannerman offered the British government two possible ways to act in the face of the American fishery competition: to either protect the Island with costly war steamers, or negotiate free trade with the United States. He stressed that the Island could do nothing if the overwhelming hordes of American sailors to the shore of the Island turned violent. Or, worse, “prove too strong for their Ship-building country men,” and overpowered them, and perhaps, even annexed them.⁹⁰ The undercurrent of annexation proved a viable method to induce the British government to respond to the Island’s interests and enter into trade agreements with the United States. The Island Legislative Council and House of Assembly “unanimously agreed” to allow Americans open access to their fisheries, and to land on the Island to process their fish.⁹¹

In Bannerman’s vision, once the New Brunswick railway was up and running to Shediac (across the Northumberland strait from Malpeque Bay, over less than 10 kilometers over land) all of the considerable produce from the developed fisheries could then be shipped, via railway, to Boston. This left the boats available to immediately return to fish. This vision also saw the Island farmers reaping considerable benefit from the

⁸⁸ See Fig. 3 at the end of chapter five.

⁸⁹ JLC of PEI. Right Hon Lord Grey, from Lt Gov Bannerman, 1851.

⁹⁰ JLC of PEI. Right Hon Lord Grey, from Lt Gov Bannerman, 1851.

⁹¹ Journal of the Legislative Council of Prince Edward Island, Bannerman to Grey, Government House, P.E.Island, February 12, 1852. Appendix 13, Fifth Session of the Eighteenth General Assembly (Charlottetown: John Ings, “Islander Office,” 1853).

trade with the United States.⁹² In a way, Bannerman was correct, as during the time of the Reciprocity Treaty the Island's oats yielded large returns.⁹³ At the same time, Bannerman wanted to turn away from the Island's declining industry in shipbuilding. He saw shipbuilding as costly and unprofitable. Instead, he wanted to develop the fisheries commercially. He lamented that the waters around the Island "teems with Fish," but that the government never purposefully attempted to induce growth of the fishing industry. He saw this as a source of wealth generation that could induce capital investment into the colony. So, here, the water became a speculative frontier that generated an aura of "creditworthiness." According to Bannerman, the Island had something special to offer, the chance to give financiers the opportunity to invest in the creation of a massive fishing industry.⁹⁴

Although the Island government did not have crown lands to speculate on, they had bodies of water, waterways, and the potential to commodify other than human beings. The Island had no large land reserves in the same manner as Upper Canada, but they did have fishery reserves. The British Crown established fishery reserves as crown land in the 1760s. The Board of Trade and Plantations wanted to use these reserves as a base for potential Gulf of St. Lawrence fisheries. As Rusty Bittermann points out, land reformers took to debating fishery reserves, and they tried to establish rules about the boundaries of fishery reserves based on the distance of the land to the high tide line. They asked what constituted 500 feet inland from the high water mark of coasts, and what qualified as a "coast." A land reform bill in the late 1830s looked at the right to collect

⁹² JLC of PEI. Right Hon Lord Grey, from Lt Gov Bannerman, 1851.

⁹³ Stanley A. Saunders, "The Maritime Provinces and the Reciprocity Treaty," in *Historical Essays on the Atlantic Provinces*, ed. George A Rawlyk (Toronto: McClelland and Stewart, 2014), 173.

⁹⁴ JLC of PEI. Right Hon Lord Grey, from Lt Gov Bannerman, 1851.

rents on crown lands, which, technically, included the fishery reserves. So, while the Island did not have the extent of Upper Canada's crown lands, it did have some reserve lands.⁹⁵

Bannerman's scheme of connecting the Island fisheries to the United States via a New Brunswick railway reveals how value relied on the plausibility of future revenue, and not calculations of present value. However, the colonial governments could only take out a large loan in the first place if they had the credit to do so. In many ways, Bannerman's speculative scheming pumped up the value of lands and waterways. The Reciprocity Treaty explicitly linked the canals of the Province of Canada, and the fisheries of Prince Edward Island to the same driving force of development, which meant, capital investment through securing credit for loans. The Reciprocity Treaty, however, was not the only treaty over those lands and waterways. Prior to signing the Treaty of Reciprocity, the British signed the Peace and Friendship Treaties with the Wabanaki Confederacy.

The Peace and Friendship Treaties covered land in both Canada and the United States and came to include the Abenaki, the Passamaquoddy, the Mi'kmaq, the Penobscot, and the the Wolastoqiyik. These nations bound together as the Wabanaki Confederacy during the eighteenth-century English incursions into the northern east coast of Turtle Island.⁹⁶ On the 4th of June, 1726 the Wabanaki Confederacy and the British had signed a treaty together that effectively ended a war between the Confederacy and the British named Dummer's War (1722–1725). This treaty would become the the first of several

⁹⁵ Rusty Bittermann, *A Sailor's Hope: The Life and Times of William Cooper Agrarian Radical in an Age of Revolutions* (Montréal: McGill-Queen's University Press, 2010) 98-99.

⁹⁶ 1749 Renewal at Chebucto of the Treaty of 1725. Peace and Friendship Treaties O/S No. 512. Nova Scotia Archives (NSA hereafter).

Peace and Friendship Treaties between 1722 and 1786. In 1748 the Treaty of Aix-La-Chapelle ended a war between England and France. The English then expanded their settlements in Nova Scotia and established a military in Kjiptuk (Halifax). English expansion into unceded Mi'kmaq living spaces led to more violent conflicts. For example, in 1749 the Governor of Nova Scotia, Edward Cornwallis, issued a decree by which he awarded a bounty for every Mi'kmaq scalp he received. The name of the treaties show their intent: to establish peace and friendship between Indigenous peoples and the British. These treaties established a nation to nation relationship between the British and Mi'kmaq in Epekwitk as well. Importantly, the treaties never included land surrenders.⁹⁷ The Mi'kmaq never extinguished their land or water rights to Epekwitk and this complicates the Island government's desire to enter into a free trade agreement with the United States.⁹⁸

Stephen J. Augustine emphasizes that the Peace and Friendship Treaties asserted that “[w]e would not interfere with their conduct and they would not interfere with our way of life; the treaties were never understood as a surrender of our lands or of our Aboriginal rights.”⁹⁹ These treaties ensured Mi'kmaq land, hunting, and fishing rights. However, the Reciprocity Treaty formally allowed American fishermen to fish, and land on shore. Despite the Mi'kmaq and early British acceptance of the Peace and Friendship Treaties as re-affirming Mi'kmaq sovereignty, they did not come into play during the debates about the Reciprocity Treaty. Currently, the government of Canada has

⁹⁷ Printed Proclamation of the 1752 Treaty. Peace and Friendship Treaties. RG 1, Vol. 430, No. 2 NSA.

⁹⁸ William Wicken argues that the signatures of 55 Mi'kmaq leaders from 9 living spaces across Mi'kma'ki reveals the Mi'kmaq political union across their territory. William C. Wicken, *Mi'kmaq Treaties on Trial: History, Land and Donald Marshall Junior* (Toronto: University of Toronto Press, 2001), 27.

⁹⁹ Stephen J. Augustine, “Negotiating for Life and Survival,” in *Living Treaties: Narrating Mi'kmaw Treaty Relations*, ed. Marie Battiste (Sydney, Nova Scotia: Cape Breton University Press, 2016), 17.

acknowledged that the two First Nations of the Island, Lennox Island, and Abegweit have treaty rights under the 1725-1779 Peace and Friendship Treaties, and yet the government does not formally recognize that the Island is, to this day, unceded.¹⁰⁰

In a way, the Reciprocity Treaty informally abrogated the Peace and Friendship Treaties. At its core, the Reciprocity Treaty was supposed to make the canals of the Province of Canada profitable and to create a fishing industry on Prince Edward Island. Neither of these developmental strategies took into consideration the multiplicity of nations or treaties already in place. European conventions about international law that grew out of the Crusades and early colonialism had built-in mechanisms to discredit the sovereignty of any peoples who did not align with European orthodox ways of living, including proper land use. The “doctrine of discovery,” which was a set of beliefs, papal bulls, and treaties between European nations had its roots in mediating inter-European conflicts. For example, Poland and the Teutonic Knights fighting to control the non-Christian Lithuania in the fifteenth century. Such conflicts laid down the principles of legitimate sovereignty. Under these practices and beliefs non-Christians had natural sovereignty, and property rights, but, if they did not conform to European standards of “natural rights” Christians had the right to supercede their sovereignty, and their property could be lawfully seized.¹⁰¹

The ideology that “heathens,” or “pagans,” or “savages” did not have stable sovereignty has a long standing European legal tradition that originated from inter-

European Christian against non-Christian conflicts, particularly with the Crusades. This

¹⁰⁰ Indigenous and Northern Affairs Canada, “Pre-1975 Treaties Map in Atlantic,” accessed 20th January, 2020, <https://www.aadnc-aandc.gc.ca/eng/1371838686166/1371838704914>.

¹⁰¹ Robert J. Miller, et al, *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* (Oxford: Oxford University Press, 2010), 11.

influenced the papal bulls that authorized European colonialism, and created the groundwork for international law between sovereign European nations. In this context, the Reciprocity Treaty had the effect of reinforcing the sovereignty of the United States and Britain, while invalidating Mi'kmaq sovereignty within a British legal framework. European ideology about creating "international" borders extended far back into its history to 1454's papal bull *Romanus Pontifex* that created sea boundaries and exclusive rights where previous Roman custom saw the sea as natural and open commons.¹⁰² This papal bull granted the Portuguese monarchy exclusive rights over parts of Africa that extended into the sea from a specific distance from the shore. It also marked a series of papal bulls that began modern colonialism as well as the racialized chattel slave trade.

The "doctrine of discovery" directly contributed to the development of international law. Elizabeth Mancke has shown how European expansion over oceanic space "was not just a commercial question but part of the construction of power in the European state system."¹⁰³ This history is important when looking at the harsh disconnect between the Peace and Friendship Treaties that asserted Mi'kmaq sovereignty, and the Reciprocity Treaty that attempted to erase it. International law established legitimate sovereignty under its jurisprudence. For example, 1493's papal bull *Inter Caetera* that sanctioned Spain and Portugal to colonise the Americas, did not manage relationships between European powers and Indigenous nations. Instead, it regulated the relationship between Spanish and Portuguese sovereignty.¹⁰⁴

A system of international law reified both British and American sovereignty that

¹⁰² Arvid Pardo, "The Law of the Sea: Its Past and Its Future," *Oregon Law Review* 63, no.1 (1984):7-8.

¹⁰³ Elizabeth Mancke, "Early Modern Expansion and the Politicization of Oceanic Space," *Geographical Review* 89, no. 2 (1999): 233.

¹⁰⁴ Miller et al., *Discovering Indigenous Lands*, 10.

allowed both to conveniently forget about previous treaties with the Wabanaki Confederacy. This process relied on more than just forgetting about previous treaty obligations, but an active British cultural undermining of those treaty relationships as Rachel Bryant has shown. For example, nineteenth-century novels such as Samuel Douglass Huyghue's 1842 novel *Argimou: A Legend of the Micmac* (a sort of Maritimes *Last of the Mohicans*) undermined Mi'kmaq sovereignty. Huyghue's novel depicted the 1761 Mi'kmaq as already conquered and weak, which was far from the reality. However, as Bryant shows the narrative the novel created undermined the authority of the Peace and Friendship Treaties, and provided the cultural space for British settlers to negate their treaty obligations.¹⁰⁵ Despite what Huyghue's novel portrays the gradual erosion of British respect for the Peace and Friendship Treaties had less to do with declining Mi'kmaq prowess, and more to do with the British Loyalist migration into the Maritimes in the early 1780s. This large influx of British bodies into the Maritimes, particularly Nova Scotia, John Reid argues "eclipsed the treaty relationship for some 200 years, during which any active recollection of the eighteenth-century treaties persisted primarily in the Aboriginal record."¹⁰⁶

The eighteenth-century Peace and Friendship Treaties are a reflection of British acknowledgement of Mi'kmaq sovereignty, but by the time of the 1854 Reciprocity Treaty Mi'kmaq sovereignty did not factor into British and American debates about their free trade agreement. The Reciprocity Treaty marked one of many acts of forgetting about previously acknowledged Indigenous sovereignties that characterized the early

¹⁰⁵ Rachel Bryant, "The Last of the Wabanakis: Absolution Writing in Atlantic Canada," *Settler Colonial Studies* 10, no. 1 (2020): 6.

¹⁰⁶ John G. Reid, "Britannica or Pax Indigena? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification," *Canadian Historical Review* 85, no. 4 (2004): 690.

settler state. This process of forgetting sovereignty was essential to the formation of the Canadian settler state. The Canadian settler state relied on universalizing sovereignty, one sovereign (the settler state), under one universal nation (Canada). Audra Simpson describes the sovereignties of settler states as “nested and embedded.” In the case of the Island, Mi'kmaq sovereignty co-exists with colonial sovereignty, even if unacknowledged by the colonial government. The goal of the colonial government was to establish itself as the singular sovereign over the land. Simpson argues that “one proliferates at the other's expense; the United States and Canada can only come into political being because of Indigenous dispossession.” The goal of the colonial government was to establish itself as the singular allowable authority.¹⁰⁷

Forgetting the Peace and Friendship Treaties was impossible for the Mi'kmaq because these treaties were and are living. Marie Battiste points out that today the Canadian government either ignores the Peace and Friendship Treaties or contests them, which leads Canadians to believe that these treaties are something that Canadian courts will sort out.¹⁰⁸ This sentiment does not reflect the original intent of the treaties for newcomers and the Mi'kmaq to live in peace and friendship. Fred Metallic emphasizes what it means to “live treaty.” It is to honour and respect the human to human, nation to nation, and human to other than human relationships.¹⁰⁹ As Metallic explains, the Mi'kmaq Creation Story teaches that the original treaties about land and water tenure

¹⁰⁷ Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press 2014), 12.

¹⁰⁸ Marie Battiste, “Narrating Mi'kmaw Treaties: Linking the Past to the Future,” in *Living Treaties: Narrating Mi'kmaw Treaty Relations*, ed. Marie Battiste (Sydney, Nova Scotia: Cape Breton University Press, 2016), 2.

¹⁰⁹ Gary Metallic, “Treaty and Mi'gmewey,” in *Living Treaties: Narrating Mi'kmaw Treaty Relations*, ed. Marie Battiste (Sydney, Nova Scotia: Cape Breton University Press, 2016), 44.

have to do with the relationship to land and water, and to the land and water beings. This is something remembered through oral teachings, and passed down through time from designated knowledge holders. It is lived, and therefore cannot be forgotten. The ceremony that concluded the treaties with smoking the pipe gave life to the treaty.¹¹⁰

The Reciprocity Treaty, however, could ignore the Peace and Friendship Treaties because developmentalism began to erode, little by little, the nation to nation relationship between the Mi'kmaq and the British, and later Canadian Crown. As the public debt spread across Mi'kma'ki it universalized the value of land and water as property bought and sold on money markets. The concurrent process of rendering the Mi'kmaq, the Wolastoqiyik, the Haudenosaunee, the Anishinaabe, and the many other Indigenous nations and communities as the universal "Indian," erased the particularities of the peoples, but also, importantly, erased their individual treaty relationships with the British and then Canadian Crown. The Indian Act in 1870 refied this processes by creating the universal legal category "Indian," and delegitimizing the nation to nation treaty relationships many Indigenous nations had with the British and then Canadian Crown. Pamela Palmater notes that her sister Patsy spoke of this historical process when she said that the Peace and Friendship Treaties:

[A]re for Mi'kmaq people- not Indians. Canada is unilaterally trying to redefine who is Mi'kmaq by whether or not they are Indian (ie registered under the Indian Act). If they are successful in convincing us that we have to be Indian in order to be Mi'kmaq, that that will mean we will have to prove we are Indians before we can exercise Mi'kmaw treaty beneficiary status.¹¹¹

¹¹⁰ Metallic, "Treaty and Mi'gmewey," 46-7.

¹¹¹ Pamela Palmater, "My Tribe, My Heirs, Their Heirs," in *Living Treaties: Narrating Mi'kmaw Treaty Relations*, ed. Marie Battiste (Sydney, Nova Scotia: Cape Breton University Press, 2016), 30-1.

International law between European nations supported the Treaty of Reciprocity and allowed American fishermen access to fisheries, particularly the Malpeque Bay on the north shore of the Island. The Mi'kmaq had lived in this specific region on the Island since time immemorial. Despite the previous relationship and obligations that the Peace and Friendship Treaties established between the Mi'kmaq and the British the Reciprocity Treaty allowed Americans unfettered access to this important Mi'kmaq living spaces. The north shore of the Island was, and still is, a harsh environment, with gales and storm surges. It is also a resource rich environment, explaining why American fishermen gathered there. The north west corner of Malpeque Bay is also where Lennox Island, one of two First Nations on the Island, is located.

By the late 1850s, the Mi'kmaq presence on the Island was simply invisible to many Islanders and government officials. An 1838 account put the Mi'kmaq at “200 souls” on the Island.¹¹² This, however, is strongly contradicted by oral history accounts. Community members of Lennox Island recall the many families around the Island. As Epekwitk made up a territorial district with Piktuk, across the Northumberland Strait, many families traversed the waterway to visit kin.¹¹³ So, on the one hand, a complete disregard for the Peace and Friendship Treaties could be due to a pervasive belief that the Mi'kmaq did not live on the Island, or the Maritimes in any significant way. These “vanishing” tropes on the other hand, could be deployed as a way to easily elide British responsibilities and ongoing treaty relationships with the Mi'kmaq.¹¹⁴ Whatever the case

¹¹² Journal of the Legislative Assembly of Prince Edward Island, Sir C. A. Fitzroy to Lord Glenelg, 8th October 1838, “Petition of Oliver Thomas Le Bone,” May 1838; Appendix. N, pp. 111-113, 1840.

¹¹³ Interview with Lennox Island Members. Collected by Angela Tozer. November 27, 2019 (Lennox Island, 2019, Tozer hereafter).

¹¹⁴ For more details about how these colonial ideas about the “vanishing Indian” were deployed in the service of colonialism see Thomas King, *The Truth About Stories: A Native Narrative* (Toronto: House of

was, previous treaty obligations, and a consideration of inherent Mi'kmaq rights, did not enter into consideration of Bannerman's pleas to the British government to enter into a free trade treaty with the United States.

This sentiment echoed through time. The idea that somehow the Mi'kmaq ceded the Island or gave up their fishing rights lingers in historical scholarship about the Island.¹¹⁵ Only after Mi'kmaq protests did the government of Prince Edward Island officially recognize Treaty Day in 2019, and acknowledge its responsibility to uphold treaty obligations.¹¹⁶ Battiste remarks on this long standing settler tradition of ignoring treaty obligations when she notes that British written treaties were stored away in the Nova Scotia public archives and forgotten until Mi'kmaq college students began researching the topic in the 1970s.¹¹⁷ The wampum belts that signified the treaties' intent were taken as well, and were lost, stolen, or sold.¹¹⁸ Settler society rendered these treaty rights in the Maritimes, but especially on the Island, as invisible. In 1982, amidst Canadian constitutional reforms, the government of Canada affirmed "Aboriginal and treaty rights," and conceded that these rights must be understood for their true intent as the Mi'kmaq at the time comprehended them.¹¹⁹ However, one should be careful not to fall into the trap of government "recognized" rights according to which the settler government creates the constrained, and self-serving legal identity of "Aboriginal," and

Anansi, 2003), 32-33; Terry Goldie, *Fear and Temptation: The Image of the Indigene in Canadian, Australian, and New Zealand Literatures*, Montréal: McGill-Queen's University Press, 1989; Jean M. O'Brien, *Firsting and Lasting: Writing Indians Out of Existence in New England* (Minneapolis: Minnesota Press, 2010).

¹¹⁵ Chapter five elaborates on the myth of the Island as a Mi'kmaq "summer home," and therefore, not under the permanent tenure of Mi'kmaq communities who live there.

¹¹⁶ Government of Prince Edward Island, "Islanders Celebrate Treaty Day," accessed March 1st, 2020. <https://www.princeedwardisland.ca/en/news/islanders-celebrate-treaty-day>.

¹¹⁷ Battiste "Narrating Mi'kmaw Treaties," 4.

¹¹⁸ Battiste "Narrating Mi'kmaw Treaties," 3

¹¹⁹ Battiste "Narrating Mi'kmaw Treaties," 6-7.

Indigenous rights inherent to Indigenous peoples outside Canadian sovereignty.¹²⁰

Conclusion

The attempt to develop the Island's fisheries undercut the Islander fishing trade, and, importantly, infringed on Mi'kmaq fishing rights. Both the House and Council “unanimously” agreed to open the coasts and the Island to American interests. In the case of the former, arguably, Mi'kmaq sovereignty did not enter into the official debate about free trade. In the case of the latter the Island government made it very clear that they wanted American investment to develop the fisheries. This points to a key issue in the settler colonies that colonial reformers proposed the public debt would solve: the lack of capital investment. The beginning of this chapter examined how the Province of Canada explicitly took out public debts to fund the privately owned Welland Canal Company. This method of funding development meant that the colonial government tied its success to the success of the Welland Canal Company. In this way, it invested more and more public money to develop more land and waterways in order to generate revenue to pay back the principal and the interest of the debt. This chapter has argued that this created a situation of expansion over Indigenous lands.

This chapter has also argued that the public debt played a role in the consolidation of the British North American colonies through a “shared” economy. The 1867 British North America Act brought all of the British North American colonies' debts together as the Dominion debt, but this is not to argue that the public debt caused Confederation. In

¹²⁰ J. Kēhaulani Kauanui, *Paradoxes of Hawaiian Sovereignty: Land, Sex, and the Colonial Politics of State Nationalism* (Durham: Duke University Press, 2018), 26.

Harold Innis's words Confederation was more of a "credit instrument" that extended the credit line of the British North American colonies.¹²¹ The argument of this chapter that the public debt exerted a centripetal force on the British North American colonies suggests that public debt financing needs consideration as one of the many reasons for Canadian Confederation. First Upper and Lower Canada came together in 1841, then the Province of Canada, New Brunswick and Nova Scotia in 1867, and finally the Dominion of Canada with Prince Edward Island in 1873. In each of these three steps of union the debt played a key role. One reason, as was the case for New Zealand, was that a larger government would appear more "stable," and thus more "creditworthy" to investors. In the case of New Zealand the London Stock Exchange would not issue their debt unless the provinces came together and agreed to have one "New Zealand" debt issue.¹²² Sometimes, the London Stock Exchange asked for colonies to join together to make the investment less risky and more stable for investors. Consolidated governments had more credit than smaller colonies.

In several instances the British North American colonies hovered near default, and union became a way to avoid bankruptcy.¹²³ Another reason for consolidation was that each union provided a "bailout" to the previously separate colonies. Lower Canada's revenues and minuscule debt "bailed out" Upper Canada on the brink of default. When the two colonies joined, the small debt of Lower Canada and the extraordinarily large debt of Upper Canada formed an "united debt."¹²⁴ The British North America Act allowed

¹²¹ Harold Innis, "The Penetrative Powers of the Price System," *The Canadian Journal of Economics and Political Science / Revue Canadienne D'economique Et De Science Politique* 4, no. 3 (1938): 311.

¹²² Attard, "The London Stock Exchange," 101.

¹²³ Piva, "Financing the Union," 93.

¹²⁴ House of Commons, "Dispatch C. Poulett Thompson to Lord John Russell," 2.

the Dominion to engage in heavier borrowing. Finally, perhaps most infamously, Prince Edward Island's substantial debt played a key role in the Island joining Confederation. This history shows that the Island was not an outlier, but followed the same trajectory as the other British North American colonies of public debt, near default, and then merging into a larger government system.

The story of John Henry Dunn and the Welland canal shows the ways in which government expenditure was deeply entangled with the success of large development projects. Ending these environmentally destructive development projects meant no less than defaulting on the public debt. This process sheds light on how settler societies asserted sovereignty over Indigenous lands and peoples through development particularly through the intersection of “wastelands” and public debt, and created actual wastelands in the process. The histories of the Welland Canal and the Six Nations of the Grand River, the Trent-Severn waterway and the Anishnaabee, the Reciprocity Treaty and the Peace and Friendship Treaties, and PEI's fisheries development and the Mi'kmaq reveal the influence of public debt financing on the colonial perception of bodies of water, waterways, and borders. Not only did the British, and then Canadian, government make sovereignty claims over bodies of water and waterways they also leveraged them for credit on the money markets, as was the case with the Welland Canal. Borrowed money rested on the hopes of generating a large enough future revenue to pay the principal plus interest of the rapidly snowballing loans.

The crucial few decades before Confederation highlights how the intent and purpose of the Peace and Friendship Treaties lived on through generations of Mi'kmaq,

but, at the same time, gradually eroded in the British imagination. By the 1850s Bannerman and the Legislative Council schemed for free trade as if previous treaties did not exist. Part of the answer to this question lies in the ascendancy of international law and the ways in which it asserted the sovereign rights of nation states, at the expense of Indigenous sovereignty. The Treaty of Reciprocity also fits into this narrative of international law. The treaty affirmed the sovereignty of the British North American colonies and the United States, while, at the same time, denied, in international law, the sovereignty of the Mi'kmaq. International treaties reified state sovereignty and rendered Indigenous sovereignty invisible.

The Peace and Friendship Treaties are distinctly treaties between the Wabanaki Confederacy and the Crown. These are not the same treaty obligations that the Crown has to other Indigenous nations, and should not be generalized from.¹²⁵ What the Reciprocity Treaty points to is a settler colonial move towards universalizing the lands under one treaty between two legitimized nations, British North America and the United States. In the same matter as the debt, the international treaty flattened out all of the particularities in the relationship and responsibilities between Indigenous communities and nations, and the Crown. Along the same lines, the public debt universalized lands and people under the umbrella of market value. Under this logic of sameness the public debt drove the Canadian colonies together, and eventually, bound them as one universal nation. Part of this process “forgot” the particularities of previous British treaty obligations and relationships with the Mi'kmaq.

Development through public debt financing tells one story of the centripetal force

¹²⁵ Palmater “My Tribe, My Heirs, Their Heirs,” 31.

the debt exerted on the British North American colonies. However, there is also resistance to this legal framework, and to an ideology of a universal nation. James Whetung ensures that *manoomin* grows in its natural habitat as he carefully seeds the waterways the Trent-Severn project threatened to completely destroy. He enters into a symbiotic relationship with the plant, and in doing so calls attention to the particularities of the land, water, and other than human beings.¹²⁶ In an effort to render the “wastelands” productive development through public debt financing threatened to leave the lands in actual waste, no longer fit for human and other than human habitation. However, as Nēhiyaw philosopher Erica Violet Lee reminds us, these lands cannot be left to this fate. Reclamation and restoration of the post development “wastelands” is possible. She argues that:

[T]he heart of wastelands theory is simple. Here, we understand that there is nothing and no one beyond healing. So we return again and again to the discards, gathering scraps for our bundles, and we tend to the devastation with destabilizing gentleness, carefulness, softness.¹²⁷

¹²⁶ For a beautiful exegesis about the relationships between plants and humans see Robin Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teaching of Plants* (Canada: Milkweed, 2013).

¹²⁷ Erica Violet Lee, “In Defence of the Wastelands: A Survival Guide,” 30th November 2016, accessed September 15, 2019, <http://gutsmagazine.ca/wastelands/> Erica Violet Lee.

Chapter Four

No lands, no credit? The origins of Prince Edward Island's public debt

Introduction

The previous chapter has argued that the Prince Edward Island government wanted a free trade deal with the United States to funnel capital into developing Island fisheries. At the same time, the Province of Canada wanted a free trade agreement as a way to make the costly canal system profitable. The similar economic goals manifested in the Treaty of Reciprocity that linked the economic interests of the Province of Canada with the Island. This chapter will explore the implications of the Island government seeking capital investment in the years preceding Confederation in 1873. Unlike the Province of Canada, the Island government could not legally produce a revenue from lands because after 1767 they did not have enough crown lands to do so. The Island government only had the small fishery reserves around the coasts, and a few reserves for towns. Under British jurisprudence nearly all of the land on the Island “belonged” to British landlords and proprietors. However, despite the stark contrast in colonial land tenure between the Province of Canada and Prince Edward Island in the first half of the nineteenth century, the Island government still attempted to implement reforms in the same manner as other Canadian colonies.

After the 1767 lottery the land on the Island under British legal conventions “belonged” to the proprietors and landowners. This began what was colloquially known as the “land question” on the Island. As this chapter will show, the Island government

attempted to use the law of escheat to revoke landlord or proprietor land title, but it repeatedly failed. The Island government then focused its efforts on securing legal ownership of the land, which meant purchasing the land outright from the proprietors and landlords. Without the British acknowledged legal ownership of the lands they could not develop the fisheries or other sectors of industry to animate the Island's economy. This became an increasing concern after the turn of the century. Scholars have interpreted the "land question" as a classic battle between two competing models of British good governance, one that sought landed elites to govern over a people, and the other a "liberal order" that sought an orderly state funded through an economy based on private property to govern people.¹ Broadly, the question about land ownership became a dialogue between three parties: the Island government, tenants or settlers, and the land owners.

In a settler colony, however, the "land question" always must be one about the appropriation of Indigenous lands. Indigenous peoples had lived on the Island for ten thousand years, and the Mi'kmaq had lived there for several thousand years.² However, the 1763 Royal Proclamation of King George III "solved" the original land question in that it wrote a legal fiction of British land ownership over Epekwitk, and opened a path to mass appropriate Mi'kmaq lands. The nineteenth-century Island debates about the "land question" worked to further normalize the idea that the Island had come under British possession.

The primary reason the Island government could not initially take out a public debt to develop its own industries was because they did not "own" the land. This chapter

¹ Ian McKay, "The Liberal Order Framework: A Prospectus for a Reconnaissance of Canadian History," *Canadian Historical Review* 81, no. 4 (2000): 620-1.

² Tammy Macdonald, "Mi'kmaq History. Mi'kmaq Confederacy of Prince Edward Island," accessed January 1 2019. <http://mcpei.ca/wp-content/uploads/2019/04/Mikmaq-History-on-PEI-Apr-2019.pdf>.

examines how the Island government eventually procured a public debt. It took out a public debt to initially purchase lands from landlords and proprietors. This chapter argues that the Island government taking out a public debt to buy lands directly from landlords and proprietors constituted a second mass land appropriation. Furthermore, British society valued land as private property, and private property made land “real,” which gave it a value. Even then, however, this asset was not liquid. Land as illiquid value meant that it could not be traded as stocks, or moved around a market. The price of land also greatly depended on the position of that land in a matrix of value it was situated in. In order to “free” land from its low value and illiquid status there needed to be a way to trade it on the London money markets. This was the innovative crux of Wakefield's theories. Arguably, the public debt became the tool that transformed land into a liquid asset. Debentures and bonds literally made the illiquid asset liquid. The credit from Indigenous lands imbued the debentures with speculative value, and the mobility of the debentures allowed them to circulate freely through the London money markets.

The public debt literally transferred the wealth from Indigenous lands into the hands of global financiers. This chapter shows how the Island government first took out a public debt as a way to purchase land from British landlords and proprietors. In doing so it attached government debentures to land value. The debentures could then circulate the value of the land to investors outside of the small colony, and, in theory, bring in capital for development. A close examination of the Island government provides a salient example of how the wealth of Indigenous lands was transferred to money markets.

Much of the historiography of Prince Edward Island from 1767 to 1873 centres on

the “land question,” since the Island government's land tenure (or lack thereof) posed challenges unique to the Island. Rusty Bittermann and Margaret McCallum have both written extensively about the complex relationships between the landlords, proprietors, tenants, and the Island government. Bittermann has primarily focused his writing on the Escheat Movement and William Cooper, the movement's leader. Escheat reverted land titles to the Island government if the landlord or proprietor did not adequately follow the terms of the land grants such as bringing a specific number of British emigrants to the Island, or respecting agreements to “improve” the land. Both the imperial and Island landed elite class had a great disdain for escheat, and only a few acres were ever successfully escheated³

Ian Ross Robertson's focus on the Island Tenant League in the late 1860s argues that this league played a key role in the change of land tenure on the Island.⁴ However, as Daniel Samson points out, Robertson fails to place this movement into the broader context of changing land tenure.⁵ This dissertation takes a decidedly different approach than Robertson, and instead chooses to describe the broader historical context of changes in public debt financing before narrowing in on the Island government's own public debt.

One of the few works that tackles public debt financing in the Maritimes, or even in British North America more generally, is Rosemarie Patricia Langhout's PhD dissertation. In it she draws some interesting parallels between New Brunswick, Nova

³ See Bittermann, *Rural Protest on Prince Edward Island*; and *Sailor's Hope*; Bittermann and McCallum, *Lady Landlords of Prince Edward Island: Imperial Dreams and the Defence of Property* (Montréal: McGill-Queen's Press, 2014).

⁴ Ian Ross Robertson, *The Tenant League of Prince Edward Island, 1864-1867: Leasehold Tenure in the New World* (Toronto: University of Toronto Press, 1996).

⁵ Daniel Samson, “The Tenant League of Prince Edward Island, 1864–1867: Leasehold Tenure in the New World by Ian Ross Robertson” *The Canadian Historical Review* 79, no.1 (1998): 134.

Scotia, and Prince Edward Island particularly with respect to the role of responsible government and “public finances.”⁶ Langhout is clear that the Island government used its public funds for the explicit purpose of purchasing land. This history, however, is devoid of any analysis of territory appropriation, the Mi'kmaq, and settler colonialism. This dissertation takes a different perspective and centres the changes of land and water tenure when examining the emergence of the Island government's use of public funds to purchase lands. This view emphasizes that the public debt was a tool that facilitated settler colonialism, and linked the Island government to broader changes in finance capitalism.

Furthermore, this dissertation stresses that although the railway debt “caused” the near bankruptcy of the Island government, a view long held in PEI historiography including Langhout's view, arguably, the borrowing process began with the Island government using public funds to purchase land. However, the Island government struggled to have its debt issued on the London Stock Exchange because it had poor credit from not owning lands. The Island government finally had enough credit to have its debt issued on the London Stock Exchange in the early 1870s. Arguably, this credit came from value derived from railway speculation.

Whose Sovereignty?: Mi'kmaq petitions to the Queen

In 1767 the British government divided its newly acquired colonial possession the Isle Saint-Jean, now Prince Edward Island, into 67 roughly 20,000 acre lots and gave

⁶ Rosemarie Patricia Langhout, “Public Enterprise: An Analysis of Public Finance in the Maritime Colonies During the Period of Responsible Government,” (PhD Diss., University of New Brunswick, 1989), 22.

them away as grants in a “lottery” in London. Except for a few crown reserves such as the fishery reserves, and “wastelands” the entire Island essentially became private property in one day. This began what is colloquially known as the “land question” on Prince Edward Island. The “land question” triangulated the question of land ownership on the Island between landlords and proprietors, the Island government, and tenant farmers. Many of the landlords and proprietors of the Island were absentee. The “land question” centred on the key issue of who had ownership rights over the Island. The British settler tenant farmers farmed, cut down forests, built houses, and made “improvements” to the colony. The Island government did not hold the land title as many other settler colonial governments did, but as the government it had particular land administration powers.

The Island's demographics changed significantly over the course of the eighteenth century, and new British settlers wanted land. The 1755 British Expulsion of the Acadians removed a strong French presence on the Island. This French presence persisted in enclaves, particularly in the western portion of the Island. The American Revolutionary War, and the influx of British Loyalists into the Maritimes greatly changed the demographics of the Island. Nova Scotia and New Brunswick had courts of escheat to reclaim crown ownership over lands granted out to absentee landlords and proprietors, and this freed up land to grant to British Loyalist settlers. For example, between 1783 and 1788 Nova Scotia escheated nearly two and a half million acres of land. The Island of St. John, renamed Prince Edward Island in 1798, did not have the same legal structures that allowed them to escheat large tracts of land. Unlike in Nova Scotia and New Brunswick the land was not returned to the crown, but simply changed ownership. The resistance to

escheat on the Island from proprietors and landlords hindered any chances to escheat.⁷

This “land question” of placing land under the ownership of the crown would plague the Island until after Confederation in 1873.⁸

The British possession of the Island after the Seven Years’ War joined it with Nova Scotia until 1769 after pressure from proprietors. In 1773 the King George III issued instructions to bring together a Legislative Assembly with a constitution for the Island. Generally, the Assembly took on the interests of the tenants, and the appointed Executive Council took on the interests of the landlords and proprietors. The Council was responsible to royal authority. Pressure to escheat the lands to the Island government began in this early period. Island politics of the 1830s continued this “land question.” One side argued that the proprietors and landlords made no effort to develop lands. The other side argued that the colonial government sought to infringe on British property rights. Liberal reformer Lord Durham sided with the land reformers. He opined that the British land tenure system on Prince Edward Island had the effect of keeping the lands “in a state of wilderness.”⁹ His sentiments reflected the major reason why liberal reformers wanted colonial government control of the land so that development could transform “wilderness” into revenue.

In 1839, the Island's Legislative Council split into the Executive Council and the Legislative Council, giving the Island government a tripartite system of government, namely the Lieutenant-Governor and the Executive Council, the Legislative Council, and

⁷ With the notable exception of Lieutenant Governor Charles Douglass Smith's small successes with escheat in the early nineteenth century.

⁸ J.M. Bumsted, *Land, Settlement, and Politics on Eighteenth-Century Prince Edward Island* (Montréal: McGill-Queen's Press, 1987), 102.

⁹ Quoted in Duncan Campbell, *History of Prince Edward Island* (Charlottetown: Bremner Brothers, 1875), 89.

the House of Assembly. These changes in government led to the session of 1840 that discussed both the “land question” and the constitution of the Island.¹⁰ The question of land ownership on the Island was the key problematic for the developing colony. Many debates on the Island hence foregrounded the “land question.” For example, land reformers argued that the absentee landlords impeded the development of the colony. At the same time, the question of land ownership and proper land use never considered Mi'kmaq sovereignty and their land and water rights on Epekwitk.

When the British granted large swaths of land on Epekwitk after the Seven Years' War they did not make any concessions for the Mi'kmaq. King George III's Royal Proclamation of 1763 shows that the British understood themselves as the exclusive sovereign over the lands after they defeated the French. This logic that understood sovereignty in terms of two European nations, did not extend to Indigenous peoples. However, John Borrows argues that the “bare language” of the Royal Proclamation does not capture the nation to nations agreements ratified by the Treaty of Niagara in 1764.¹¹ At its core, the Royal Proclamation both assured Indigenous peoples that they had rights to land and affirmed that neither settlers nor the colonial government could infringe on these rights. At the same time, however, it also set up an official method of extinguishing Indigenous title to land through public purchases.¹² The Treaty at Niagara the following year saw the gathering of approximately 2000 Chiefs with colonial officials. During the negotiations the British exchanged and accepted wampum belts that ratified Indigenous

¹⁰ Walter Ross Livingston, *Responsible Government in Prince Edward Island: A Triumph of Self-Government Under the Crown* (USA: University of Iowa Press, 1931), 11-5.

¹¹ John Borrows, “Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government,” in *Aboriginal and Treaty Rights in Canada : Essays on Law, Equity, and Respect for Difference*, ed. Michael Asch (Vancouver: University of British Columbia Press, 1997), 156.

¹² Borrows, “Wampum at Niagara,” 160.

sovereignty.¹³ The Royal Proclamation delineated a clear line west of the Appalachians as belonging to Indigenous peoples, but what did this mean for the Mi'kmaq on Epekwitk whose lands lay east of this line? The British had unilaterally assumed territorial control of the Island after the Seven Years' War, and did not acknowledge Mi'kmaq sovereignty, or even reserve land for them.

Neither eighteenth and nineteenth-century debates about the “land question,” nor the current historical scholarship on the “land question” designate the “ownership” of the Island to the Mi'kmaq, the seemingly invisible fourth party in the question of Island land tenure. Prince Edward Island, formerly L'île Saint-Jean, had been known by its Mi'kmaq name for thousands of years before the first European had arrived. Epekwitk made up one of the seven, or sometimes eight, territorial districts of Mi'kma'ki along with Piktuk (Pictou in northern Nova Scotia). This could be spelt as Epegwitg aq Pigtu depending on orthography. The districts of Mi'kma'ki, or Mi'gma'gi, comprised of Gespugwitg (Annapolis Valley), Sugapune'gati (the middle portion of Nova Scotia), Esge'gewa'gi (Halifax and the eastern part of Nova Scotia), Unama'gi (Cape Breton), Signigtewa'gi (southern New Brunswick), Gespe'gewa'gi (primarily Gaspé Peninsula or Gaspésie), and sometimes the eighth district, Gtaqamg (Newfoundland). According to Chief William Benoit Paul's 1933 recorded teaching the Mi'kmaq name for the Island, *Epe'kwitk* means “the-side-of-a-boat-when-you-see-it-along-way-off-and-it-seems-to-be-low-in-the-water.” He also spoke of an older name for the Island, “Ookchiktoolnoo” (*Kjiktu'lnu*), which means “Our Great Boat.”¹⁴

¹³ Borrows, “Wampum at Niagara,” 163.

¹⁴ Chief William Benoit Paul, “Big Water Drowned the World,” in *Mi'kmaq and the Crown: Understanding Treaties in Maritime Canadian History*, ed. Keptin John Joe Sark. (2000), 4.

The teaching about the origin of the Island intimately links its name to Mi'kmaq presence on the land. The teaching emphasizes just how long the Mi'kmaq had lived on Epekwitk. The story of Sebanees, as told by Chief William Benoit Paul, shows how the Mi'kmaq came to know the Island. A Voice from the sky warned Sebanees of a great flood, and gave him instructions on how to make a great boat out of ice "big enough to hold all your people and birds and animals." The flood came. A year later when the waters went down the ice boat stayed in place. This teaching also gives an explanation about the Island's red soil: Sebanees' ice boat brought it there. Keptin John Joe Sark suggests that the name of the Island links the Mi'kmaq to that place from the last Ice Age about 10,000 to 12,000 years ago- a time when, western scientists have confirmed, that the Island was, in fact, covered in ice.¹⁵ Archaeological evidence in the now Greenwich area of Prince Edward Island National Park includes objects that date back 10,000 years to present, which suggests continual occupation.¹⁶ In fact, the Island only became an Island about 5,000 years ago as the waters of the Northumberland Strait deepened. Other English translations of Epekwitk are translated as "lying in the water." Some come from the story of the Mi'kmaq significant teachings of Glooscap who lay down the Island "like a cradle in the waves."¹⁷

The closing of the Seven Years' War and British victory over the French allowed European wartime protocols about land transfers to facilitate the British in claiming the Island as a British possession, despite Mi'kmaq presence, and in violation of the Peace

¹⁵ Chief William Benoit Paul "Big Water Drowned the World," 4.

¹⁶ A.B.J. Johnston and Jesse Francis, *Ni'n na L'nu: The Mi'kmaq of Prince Edward Island* (Charlottetown: Acorn Press, 2013), 18.

¹⁷ Johnston and Francis. *Ni'n na L'nu*, 30.

and Friendship Treaties. The perception of the “land question” in both the literature about the “land question,” and contemporary British settler and imperial understandings of it set up a dichotomy between an agitation for settler sovereignty with responsible government and the land rights of British elite landowners. Landowners blocked efforts of settlers, including the settler government to escheat lands or to impose a tax on either proprietors or landlords. For example, the question to escheat pitted landlords and proprietors against settler tenants, and even the Island's colonial government. International legal declarations such as the Royal Proclamation of 1763 in many ways formalized the relationship between European nations as sovereign, and some Indigenous nations as lacking sovereignty. While the Royal Proclamation did enter into a nation to nation agreement with some Indigenous nations, all land east of the boundary line of British possession, east of the Appalachians, became de facto British territory. Ironically, the Proclamation did not outright deny Mi'kmaq, Wolastoqiyik, or other Indigenous nations' sovereignty, but it meant to impose British authority over previous French possessions. The Royal Proclamation proclaimed British sovereignty over French colonial “possessions,” and in doing so wrote out Indigenous land rights. It did stipulate that only the Crown could purchase lands from Indigenous peoples as a “protection” against settler incursion, but in doing so the Crown also claimed the highest title in land.¹⁸

The assertion that France lost its sovereignty over the lands, and Britain established its authority over the lands it “won” at the end of the war reified the two European nations as sovereign entities. As was the case with the Treaty of Reciprocity,

¹⁸ Royal Proclamation, King George III of England Issued October 7, 1763. Broadside. E010778430, AMICUS no.7468714. Library and Archives Canada (LAC hereafter).

international law upheld the sovereignty of European nations at the expense of Indigenous nations. This sentiment echoed in the way the Island government handled the “land question.” Mi’kmaq nationhood and sovereignty did not enter the debate despite an elaborate land and water tenure system and mapping of territorial boundaries of Mi’kmaq homelands, Mi’kma’ki, of which the territorial district Epekwitk aq Piktuk formed an important.

For these reasons, Prince Edward Island’s quest for settler sovereignty, or responsible government had deep connections to the “land question,” and the public debt. Settler sovereignty versus British elite sovereignty excluded a consideration for Mi’kmaq sovereignty, and framed the “land question.” The tension between settlers and British rule was a central reason why the imperial government delayed granting the Island responsible government. At the end of the 1840s the Island experienced a great increase in population. Between 1841 and 1848 the population of the 225 kilometre long Island increased by 15,644. The 1849 Assembly heard the bad news from the Lieutenant-Governor that the imperial government had refused to grant responsible government, despite having just done so for the Province of Canada and Nova Scotia in the previous year. Prince Edward Island, the Lieutenant-Governor informed the Assembly, had had a fortunate increase in population, but its population consisted of poor, Irish settlers. Until more British settlers who met property, education, and even ethnic standards could inhabit the Island the government would remain responsible to the imperial government and not to the people.¹⁹ The class issue centred liberal reformers' questions of responsible government as well. Wakefield and other colonial reformers sought to mold the character

¹⁹ Livingston, *Responsible Government in Prince Edward Island*, 46-47.

of settlers to make them ready for responsible government. Settlers had to be the right type of settlers, and in this way colonial reformers theorized the settler colonial project itself as a “civilizing mission” for both undesirable white settlers and Indigenous peoples.²⁰

Eventually the imperial government conceded and granted responsible government in 1851. One of the main points the Assembly argued was that with responsible government the “land question” could be effectively solved. Through legislation they could facilitate tenants in holding lands as fee-simple instead of as leaseholds²¹. It became clear that they intended to do this through debt financing. George Coles, the liberal reformer who agitated for so long for responsible government, centred debt financing in his Land Purchase Act, which Dominick Daly oversaw during his time as Lieutenant Governor.

Despite both imperial and colonial efforts to reform Epekwitk, the Mi'kmaq continued to express their sovereignty over the lands and water in a variety of ways. Chapter five looks at how Mi'kmaq movement to their various living spaces could sometimes defy colonial efforts to “settle” them, and make their lands into private property. Petitions to the imperial government were another important aspect of Mi'kmaq asserting rights to their living spaces. Through such actions they declared their authority over their land and water tenure. It is important to understand these expressions of sovereignty as manoeuvring around settler colonial structures. Sometimes this would result in a continuation of “traditional” political, economic, and governance systems.

²⁰ Edward Gibbon Wakefield, *A View of the Art of Colonization : With Present Reference to the British Empire In Letters Between a Statesman and a Colonist* (London: John W. Parker, 1849), 39.

²¹ Livingston, *Responsible Government in Prince Edward Island*, 69.

However, the severity of the destruction that settler colonialism caused cannot be underestimated in any discussion about Mi'kmaq “agency.” The conclusion shows how contemporary Mi'kmaq communities on the Island still fight for their land and water rights, so this argument does not deny Mi'kmaq influence in historical changes, far from it.²² This argument does, however, caution against underplaying settler colonial structures that attempted (and attempt) to erase the Mi'kmaq from Epekwitk with a variety of tools such as Residential Schools. Cree/Métis writer and director Danis Goulet's statement “Indigenous existence is resistance” shows the resilience of Indigenous peoples in the face of an unrelenting global system of capital set on their destruction.²³

Early nineteenth-century British “politics of protection,” in theory, allowed any “British subject” access to the imperial government through the mechanism of the petition. The protectionist aspects of British imperialism declined with the ascension of liberalism that focused on individuals rather than a larger government responsible for their well being. Prior to the mid-nineteenth century, however, petitions, both colonial and imperial were a primary way “subjects” could express their grievances to both the colonial and imperial governments. As Amanda Nettelbeck notes, the “politics of protection” orbited around “sentiments of obligation, compensation and fellow feeling.” People felt as if their grievances could be heard, and furthermore, ameliorated if they petitioned.²⁴ Alan Lester and Fae Dussart argue that this “humanitarian governance” still

²² Robin Brownlie and Mary-Ellen Kelm, “Desperately Seeking Absolution: Native Agency as Colonialist Alibi?” *The Canadian Historical Review* 75, no. 4 (1994): 556.

²³ Danis Goulet and ImagineNATIVE, “The Initiative for Indigenous Futures, and Pinnguaq to Present 2167,” *Toronto International Film Festival*, accessed April 1, 2020. <https://www.tiff.net/the-review/indigenous-existence-is-resistance>.

²⁴ Amanda Nettelbeck, “We Are Sure of Your Sympathy’: Indigenous Uses of the Politics of Protection in Nineteenth-century Australia and Canada,” *Journal of Colonialism and Colonial History* 17, no. 1 (2016).

sought to impose a colonial agenda, even if, on the surface, it did so in a “soft” way.²⁵

Despite the goals of the imperial and colonial governments, Indigenous peoples used petitions as a tool. Petitions were one of many strategies Indigenous peoples used to assert their sovereignty in the face of ever encroaching settler colonialism.

Unsurprisingly, many Mi'kmaq asserted pressure on the colonial and imperial governments to cease interfering with their land and water tenure, or to ensure for them a space free of settler incursions. Jennifer Reid tracks written documents produced by Mi'kmaq petitioners, who spoke out against transgressions of their rights. She notes the petitions and the letters to the British Crown, as well as individual confrontations with settlers. Several Mi'kmaq petitions from Epekwitk in the first half of the nineteenth century asserted rights over “lands once our fathers.” For example, some wanted lands returned to them to “raise our wigwams without disturbance.” In 1838 Chief Thomas LeBone sent a petition to London, and in 1840 Chief Peminuit sent a letter to the Queen to advocate for Mi'kmaq rights to Epekwitk. Reid even shows how the celebrations of St. Anne's day also acted as a space for political organization.²⁶ St. Anne's day was on 26 July. French Catholic missionaries introduced Saint Anne to the Mi'kmaq in the seventeenth century. Saint Anne, the mother of Mary, and grandmother of Jesus, had an impact on Mi'kmaq communities. The Grandmother, also known as Bear Woman, is a complex and powerful figure in Mi'kmaq knowledge systems. Anne-Christine Hornborg suggests that the Catholic Saint Anne as a significant grandmother allowed for a

²⁵ Alan Lester, and Fae Dussart, *Colonization and the Origins of Humanitarian Governance: Protecting Aborigines Across the Nineteenth-Century British Empire* (Cambridge: University Press, 2014), 89.

²⁶ Jennifer Reid, *Myth, Symbol and Colonial Encounter: British and Mi'kmaq in Acadia, 1700-1867* (Ottawa: University of Ottawa Press, 1995), 78-9.

“syncretistic patchwork” of understandings of Catholicism and Mi'kmaq knowledges.²⁷

Historians such as Jennifer Reid, L.S.F Upton, and Rusty Bittermann have used these petitions to rightly show Mi'kmaq assertions of their sovereignty on Epekwitk.²⁸ A closer look at Chief Thomas LeBone's 1838 petition can reveal some important aspects of mid century Mi'kmaq concerns about settler colonialism. The petition opens with a firm reminder that:

[M]ost respectfully shewith; That in former times our fathers were the owners of this Island and fully enjoyed their acquried Resources thereof until they were visited by people of the French nation.²⁹

Chief LeBone chose to open his petition with a clear statement of Mi'kmaq land tenure on the Island that predated both French and British presence. This set the tone for the rest of the petition. He made a clear reference to the end of the Seven Years' War, and the signing of the Treaty of Paris between the British and the French. Chief LeBone wrote that after French surrender:

[A] treaty entered into by that nation with Your Majesty's Government, our people became British subjects- since which our tribe has been deprived of their hunting Grounds without receiving any remuneration for the loss they sustained.³⁰

He clearly understood the transfer of European sovereign power from the French to the British after the Seven Years' War. By showing the transfer of French to British power he could then place the responsibility for the harms colonialism caused the

²⁷ Anne-Christine Hornborg, "St. Anne's Day: A Time to 'Turn Home' for the Canadian Mi'kmaq Indians," *International Review of Mission* 91, no. 361 (2002): 238.

²⁸See Rusty Bittermann, "Mi'kmaq Land Claims and the Escheat Movement in Prince Edward Island," *University of New Brunswick Law Journal* 55 (2006): 172; and L.S.F. Upton, "Indians and Islanders: The Micmacs in Colonial Prince Edward Island," *Acadiensis* 6, no. 1 (1976): 21-42.

²⁹ Journal of the Legislative Assembly of Prince Edward Island. Sir C. A. Fitzroy to Lord Glenelg, October 8, 1838. "Petition of Oliver Thomas Le Bone," May 1838; Appendix. N, pp. 111-113. 1840.

³⁰ JLA of PEI, "Petition of Oliver Thomas Le Bone."

Mi'kmaq on the British. It seemed as though he played into British rhetoric of “protection” of its subjects. Chief LeBone used this as a reminder to Britain of its responsibility to its “subjects.” However, prior to this discussion of British subjects he clearly established Epekwitk as a Mi'kmaq place and used by his ancestors. Next he argued that his specific community made:

[A] steady application to farming pursuits and a settled mode of life, thereby has made a frequent application to the House of Assembly of this Island to obtain a Grant of Land on which our People could permanently reside without fear of molestation a favour though earnestly sought is yet denied us.³¹

This petition suggest that Chief LeBone did not assume what Elsbeth Heaman has called a “self-civilization” mission.³² He clearly attempted to appeal to imperial authority to subvert the continual colonial encroachment on Mi'kmaq jurisdiction. He explicitly stated that he wanted the imperial government to establish a reserve that both settlers, and the colonial government, could not infringe upon. This petition is not evidence of the Mi'kmaq desiring to “settle” themselves. Instead, it should be read in its historical context as a Mi'kmaw Chief who clearly understood European sovereignty claims. He intentionally appealed to the British imperial power in a voice that it could hear- through the language of duty to protect British subjects, and imperial authority over colonial governments. Chief LeBone's overall narrative also subtly positioned the British as antagonists through an inclusion of French non-interference in Mi'kmaq traditional land and water tenure. If the British imperial government decided not to intervene, the subtext suggests, French colonialism treated them more fairly than the British.

³¹ JLA of PEI, “Petition of Oliver Thomas Le Bone.”

³² Elsbeth Heaman, “Space, Race, and Violence: The Beginnings of 'Civilization' in Canada,” in *Violence, Order, and Unrest: A History of British North America, 1749-1876*, eds. Elizabeth Mancke, et.al (Toronto: University of Toronto Press, 2019), 149.

Far from begging the British for protection this petition showed a careful understanding of how to balance between three foreign and occupying powers, the French and British imperial powers, and the local colonial government. This petition also highlights the strategies some of the Mi'kmaq leaders on Epekwitk used to negotiate with colonialism. In this case Chief LeBone asserted Mi'kmaq land and water tenure and a natural right that predated French and British colonialism. However, in the end these petitions did not stop the intense land appropriation the Island government would undertake by the mid-nineteenth century. When the Island government decided to take out a public debt to purchase lands from the landlords and proprietors, the Mi'kmaq on Epekwitk saw their living spaces further restricted, and experienced a second great land appropriation.

1853 Land Purchase Act, and Prince Edward Island's public debt

When it comes to Prince Edward Island and its public debt the definitive historical interpretation of the Island's history links the debt to the government's folly in pursuing railway development. This narrative sees the railway failure, and the massive debt the Island incurred because of it, as a major reason why the Island joined Confederation in 1873. Recently, Philip Buckner has challenged this idea and suggested that the Island government had an eye to expand its economy with links to the mainland long before Confederation.³³ The argument that the development of the railway on the Island caused it to go bankrupt and forced the Island to seek a "bailout" from the Canadian government is

³³ Philip Buckner., "Beware the Canadian Wolf: The Maritimes and Confederation," *Acadiensis* 46, no. 2 (2017): 180.

so widespread it is a kind of folklore on the Island. Many Islanders know it, and government heritage plaques that surround failed railroad stations, such as the one in Kensington, explain the significance of the Island railway and debt to tourists. This interpretation, while technically not incorrect, does not reveal the entire story behind the Island's debt, and how the Island government used it to legally codify Epekwitk as government owned property.

Most of the Island's land became British private property in 1767, which marked the first mass appropriation of Indigenous lands on the Island. However, the Island government's struggle to usurp control of the lands from the landlords and proprietors marked the beginning of a second mass land appropriation. The Island government could not just escheat the land for a variety of reasons, most notably because it was very unpopular with the Island's landlord and proprietor class. The Island government could also not forcibly remove landlords or proprietors because they adhered to the same British legal codes as the landlords and proprietors. British landlords and proprietors had legal recourse if the Island government threatened to escheat their lands, or even taxed their lands. They appealed to the imperial government who could, and did, block the Island government from interfering with the landlords' and proprietors' lands. The imperial government consistently blocked the Island government from seizing the land from the landlords and proprietors, with compensation or not, from escheat or land sales. This was starkly contrasted with how the British and Island governments dealt with Mi'kmaq land and water tenure. Both the imperial and the colonial governments believed, and acted, as if the Mi'kmaq had no legal claim to the land after 1767. Unlike

the British landlords and proprietors the Mi'kmaq could not appeal to the imperial government in the same way, and argue that the colonial government infringed upon their land rights. According to British jurisprudence the Mi'kmaq did not legally have property rights.

The Island government did not have any interest in simply settling disputes between tenants and landlords. It wanted the land for itself. More importantly, it wanted the extensive credit that came with a government “owning” land. As was the case with Upper Canada, the Island government had no credit except for its lands and waterways. However, the Island had an additional step it had to take as the lands the British government first appropriated from the Mi'kmaq now “belonged” to British landlords and proprietors. Unlike the case with development projects in Upper Canada, such as the canal system development, the Island had to secure credit directly through promises of buying and selling land first, and then developing them second. In order to secure credit for a loan the government had to “pledge and render liable” all future sales and rents of land along with all public funds, moneys, and securities of the Island.³⁴

The Island government chose to buy the lands from the proprietors and landlords with a public debt. The Island government had other sources of revenue besides developing commercial projects. For example, the 1856 act to “raise a revenue” focused on import duties from rum, wine, tobacco, and other merchandise. This act that continued year to year in a series of revenue acts sought to raise revenue from import duties on

³⁴Acts of the General Assembly of Prince Edward Island, 1853-1862, *An Act for the Purchase of Lands on Behalf of the Government of Prince Edward Island, and to Regulate the Sale and Management Thereof, and for Other Purposes Therein Mentioned*, passed, April 16, 1853, amended by 20 Vic c. 20 (1857) and 23 Vic c 21 (1862); and amount of loan extended by 23 Vic.c 25 (1862), 36.

certain items such as hemp.³⁵ However, and this is where it was clear that the Island's revenue was inextricably linked to the "land question," even acts raising the import duties and fines for failure of compliance did not raise the same revenue as developing lands potentially could.

1851 marked the beginning of the Island government's venture into public debt financing. The first bill passed a few months before the official imperial granting of responsible government for Prince Edward Island. While government loans existed prior to 1851 with financial instruments such as warrants, these warrants acted differently from debentures and other methods to secure funds. Warrants could be used by governments to make payments in lieu of a cheque. This was not an uncommon way for colonial governments to make payments as George Washington issued many warrants during the American Revolutionary War.³⁶ Debentures, on the other hand, explicitly raised funds through debts. Warrants did act as a debt instrument, but not to explicitly raise funds in the manner of debentures.

The 1851 "Act to Authorise a Loan for the Use of this Island, and Also to Make Provisions Respecting the Payment of Treasury Bonds and Warrants and the Interest Thereon" made it lawful to open a loan account of £10,000 with the treasury and borrow at a 5% per year interest rate.³⁷ Unless otherwise specified as pounds sterling, these

³⁵ Acts of the General Assembly of Prince Edward Island, "Act to Raise the Revenue of This Island," nineteenth Victoria, chapter 17. (1838), 440.

³⁶ George Washington Papers, Series 5, Financial Papers: Revolutionary War Warrant Book 4, July, 1779 - January, 1780. series: Series 5, Financial Papers, 1750-1796 MSS 44693: Reel 116. Library of Congress. (LC hereafter).

³⁷ General Assembly of Prince Edward Island, from the Establishment of the Legislature in the 13th year of the Reign of his Majesty King George The Third" AD 1773 to the 15th Year of the Reign of Her Present Majesty Queen Victoria AD 1852. Vol. 1. 1851 14th Victoria Chapter 20 (Printed by John Ings, at the "Royal Gazette" Office, 1862), 727.

amounts are in legal Island tender. £1.5 of Island money during the 1850s and 60s amounted to approximately £1 sterling.³⁸ All persons, corporations, or companies were allowed to invest in the Island government. The act earmarked this money for the payment of previous warrants, and this effectively accrued a debt to pay for a debt. The act set the payment of the warrants from the treasury in succession of when they were issued according to their date priority.³⁹ These acts laid down the legal framework for paying back the loans.

Colonial legislatures had to enact a public debt through an act of the legislature. For this reason, looking through colonial legislation can thoroughly outline the amount of the debts, the number of acts, and what they were used for. However, if an act authorized the government to raise £10,000 it does not mean that this full amount was raised. To get a full picture of amount owed both the provincial treasury records, and banking house records would need to be consulted. This complex calculation is beyond the scope of this study, but it would make for an interesting future study of the economic history of the Island government's actual investment and revenue profile. These acts contained important information about how these loans would be paid. For example, the government could cancel interest if they called in a debenture and advertised it in the *Royal Gazette* for a specified period and no one came to claim it. At the same time, some of these acts meant to pay back previous debts now due, and, in a way, obscured the actual deficit the Island government ran because, technically, it avoided default and therefore bankruptcy through the issue of more debts to pay for old debts. This method of

³⁸ These numbers are based on estimates. House of Commons, "Papers on the Subject of Affording the Imperial Guarantee to a Loan for the Service of Prince Edward Island," in *Accounts and Papers: Thirty volumes 9th Volume* (Session December, 3 1857- August 2, 1858), 21.

³⁹ GA of PEI, "From the Establishment of the Legislature," 727.

paying for old debts with new debts worked for a time, as long as the Island government had good credit.

After 1851, the first major act about land reform the newly responsible government passed was the Land Purchase Act of 1853. This act opened a debt account for the explicit purpose of purchasing land. Debt financing existed on the Island prior to the Land Purchase Act, but this act set the Island government on a downward spiral into a deep government deficit that they would eventually attempt to solve through joining Confederation in 1873. The legal framework of the Land Purchase Act allowed for intensified borrowing well into the late 1860s, and may well have set up the precedent of heavy borrowing for the railway that ultimately bankrupted the Island. Liberal politician George Coles, who fought for responsible government, also implemented the Land Purchase Act as a part of the Island's land reform policy. It was the first major land reform policy the Island's nascent responsible government passed. The 1853 Land Purchase Act quite explicitly highlights the entanglement between public debt financing and colonial desire to control lands.

The Land Purchase Act had the clear intent to reform land tenure on the Island for the goal of "prosperity." The act ordered a loan account to be opened in the Island treasury, and authorized the Treasurer to borrow up to £30,000. The act set the limit on debenture amounts that the Treasurer could issue, and made their interest due biannually. With this money the Island government would buy lands from landlords and proprietors, and then sell those lands to tenants or developers. It claimed that the tenants needed something to aid them in purchasing the lands they worked on. In theory, the act would

remove the obstacles in the way of the tenants that allegedly prevented them from purchasing the land. The act claimed that it would allow for the sale of lands at an “easy rate,” and “on fair terms.” Aside from helping tenants to purchase land from the government, the act would give “settlers” easier access to purchase “the wilderness and unoccupied lands.” However, in order to do so the act argued that the government first had to purchase the fee simple title of the lands.⁴⁰

Escheat leader William Cooper criticized the Island government taking out a debt to purchase lands stating that they would “incur a debt of £300,000 to be paid by labouring people.” Cooper suggested that the government take the time to investigate the original titles to understand which titles could be revoked, or escheated, to the Island government for reasons such as failing to fulfill emigration or improvement agreements.⁴¹ Time proved Cooper nearly right, as from land purchases alone the Island government ended up owing £229,000 in public debt. And, technically, the labouring people did owe that money via their social contract with the government as “the public.” Importantly, the Land Purchase Act also created the office of the Commissioner of the Public Lands, which gave him the authority to purchase and sell lands, and the jurisdiction to handle money for land sales. The commissioner of the public lands could also determine the price of land to sell as well. However, he was responsible to the Council and the Lieutenant Governor. He also worked with the Treasurer who dealt with opening a debt account and paying it off, as well as issuing debentures.⁴²

The act had many important measures. For example, the Island government would

⁴⁰ GA of PEI, “An Act for the Purchase of Lands,” 28.

⁴¹ Quoted in Rusty Bittermann. *A Sailor's Hope: The Life and Times of William Cooper Agrarian Radical in an Age of Revolutions* Montréal: McGill-Queen's University Press, 2010), 203.

⁴² GA of PEI, “An Act for the Purchase of Lands,” 29-31.

not buy land for more than seven shillings and six pence per acre. The act created a ceiling for land purchases, but this did not quite constitute price fixing lands because the rate could vary. On top of this, the Island government wanted to sell the lands “at as low a rate as possible.”⁴³ The act made the object of the Island government quite clear: they wanted to own and then manage the land. They did not intend to make a profit from this act, but simply to convert all proprietor and landlord land into Island government land. This sentiment did not align with Wakefield’s promotion of price fixing of lands at a high cost to make colonial land more valuable. The Island government could not do this because that would mean it too would have to pay a high price for the land. The Island, in fact, enacted the opposite of Wakefield’s price fixing of land principle that meant to drive up the value of land. So, in a way, it benefited the Island government to devalue the land so it could purchase the land at a discounted rate from proprietors and landlords.

The Commissioner of the Public Lands would take the public debt money to buy land. The debt would pay for land purchases, and the security for the borrowed money came from the “sale, rents, and profits of lands purchased thereunder and paid into the Treasure.” The act earmarked the money from land sales, rents, and profits “in the first instances” as “pledged and rendered liable, and the other public funds, moneys, and securities of this Island shall be, at the same are hereby in the next place pledged and rendered liable.” The promise of future value from land gave the Island credit to take out a loan, but the Island also used all of its public funds, money, and securities as collateral if the government could not pay its debt.⁴⁴ Once again the promise of future value of land

⁴³ GA of PEI, “An Act for the Purchase of Lands,” 32.

⁴⁴ GA of PEI, “An Act for the Purchase of Lands,” 35-36.

sales and rents justified taking out a public debt.

The Island newspaper the *Islander* showed quite a considerable opposition to the Coles and the Liberal Party's Land Purchase Act. In one article it stated that “the Bill is not simply an electioneering humbug- it is something worse.” It pointed out that the Island government would have £30,000 issued in debentures with £10,000 afloat, which pushed the loan to £40,000 with an annual interest of £2,900. It accused members of the Island government of forming a “compact” and “clique” harkening to Upper Canada's Family Compact and Lower Canada's Château Clique. The article asserted that a scheme with the public debt revolved around selling bog land that certain government members had for sale. They then passed an act to raise a public loan to purchase this land “to draw from the Treasury a price for their worthless land of more than ten or twenty times its value.” The Land Purchase Act set the values of lands to be purchased and the *Islander* claimed that members of the Liberal party did this intentionally to raise the value of their own “worthless” lands.⁴⁵

Nonetheless, the Island government did first use the debt to buy the massive Worrell estate that reached over 100,000 acres at its peak in the northeast of the Island.⁴⁶ They bought part of the estate with the money raised from the Land Purchase Act loan in 1853. Part of this estate included lot 40, which is now Greenwich national park where 10,000 year old to current Indigenous and Mi’kmaq artifacts have been found. Charles Worrell owned one of the largest estates on the Island thanks to his family’s wealth

⁴⁵ Parliamentary Reporter, or, Debates and Proceedings of the House of Assembly of Prince Edward Island, for the Year 1867, Being the first Session of the Twenty-Third General Assembly (Charlottetown J. Ings, 1867), 20-1.

⁴⁶ Rusty Bittermann and Margaret McCallum, “The Pursuit of Gentility in an Age of Revolution: The Family of Jonathan Worrell,” *Acadiensis* 43, no. 2 (2014): 1.

generated from exploiting enslaved racialized peoples for sugar production in Barbados.⁴⁷

The Island has a complicated history of racialized chattel slavery. The connection between the West Indies sugar plantations and the Island made the Island distinctly connected to racialized chattel slavery.⁴⁸ Harvey Armani Whitfield has also pointed out that the Island government passed a particular act on the baptism of slaves that essentially legalized slavery on the Island.⁴⁹

Historians can only glimpse at Black Islander life through colonial archival sources. Only sometimes was it clear when someone appeared in a historical record if they were of African descent. And usually the context of this had to do with racialized chattel slavery in the few cases of court proceedings. For example. The history of Jupiter Wise shows up in the colonial archival record. He became the first Islander who pleaded the “benefit of clergy,” which allowed people who were convicted of their first crime to escape the death penalty by hanging.⁵⁰

Aside from a few court proceedings a 1935 Department of Fisheries map that showed the oyster leases of Malpeque Bay, one of the regions the last chapter focuses on, records “N****r Point” on the northern tip of Lennox Island. This map refers to a white colloquial place name of both a place where Black families had lived on Lennox Island, and a place where the white settler George Hardy had murdered the legally enslaved Thomas Williams in 1787. The Supreme Court ruled that the murder was actually self defence. As Jim Hornby notes “a disturbing sub-theme across to centuries of Island black

⁴⁷ Bittermann and McCallum, “The Pursuit of Gentility,” 38.

⁴⁸ Bittermann and McCallum, “The Pursuit of Gentility,” 31.

⁴⁹ Harvey Amani Whitfield, *North to Bondage: Loyalist Slavery in the Maritimes* (Vancouver: University of British Columbia Press, 2016).

⁵⁰ Jim Hornby, *Black Islanders: Prince Edward Island's Historical Black Community* (Charlottetown: Institute of Island Studies, 1991), 19-21.

history is the number of accounts, both legendary and documented, of blacks being murdered.”⁵¹ The historical records show Black history of the Island a history of slavery, and court documents records Black peoples only when they are implicated in crimes. The colonial archives greatly obscures the “voices” of Black Islanders because the records themselves recorded such “voices” in a white supremacist context.⁵²

Chattel slavery violently reshaped Black lives, but it was not the only aspect of Black Islander life. Black peoples did not just live on the Island as enslaved labour, they had lives, and grew communities in places such as Charlottetown. Known as “The Bog,” and like the more well known Africville of Halifax, Black peoples joined together in community, and to attempt to escape the structures and impacts of white supremacy on their lives.⁵³ “Josephine's Shore” across from N****r Point is a reminder of the several Black families who lived on Lennox Island, particularly in Big Cove with Mi'kmaq families. Black Sam's Bridge in Charlottetown marked these places as having a distinct Black presence.⁵⁴ Prince Edward Island harboured an environment of white supremacy that ranged from legal codes that overwhelmingly devalued Black lives and favoured the perpetrators of their murders such as the Hardy case, to flagrant use of dehumanizing language to describe Black peoples and the places in which they lived such as N****r Point. Nineteenth-century Charlottetown, for example, had advertisements for “N****r chasers,” or fireworks. The intent behind the jovial cadence of the advertisement hid the actual violence Black Islanders experienced in their lives. These fireworks were sold to

⁵¹ Hornby, *Black Islanders*, 19-21.

⁵² Ann Laura Stoler, "Colonial Archives and the Arts of Governance," *Archival Science* 2, no. 1-2 (2002): 93.

⁵³ Hornby, *Black Islanders*, 44.

⁵⁴ Hornby, *Black Islanders*, 81.

white Islanders for celebrations. The “fun” of these fireworks came from the idea of pointing and shooting them at Black Islanders. This normalized such behaviour to white children who were presumably a part of the “celebrations.”⁵⁵ The place names around the Island reflected both the presence of Black peoples on the Island, and also the white supremacist society in which they lived.

Black peoples lived on the Island, and pre-dated the mass immigration from Britain that characterized the mid to late nineteenth-century. Other racialized peoples lived on the Island as well. The first person of Chinese decent, in this case a woman recorded as Louisa Maria, arrived on the Island in 1850 and lived there until her death in 1888.⁵⁶ Her story complicates the usual narrative about an Asian population on the Island, that it began as mostly male settlements beginning in 1891 as laundry business owners.⁵⁷ Although this dissertation focuses specifically on Islanders of British decent who formed the Island government, and Mi'kmaq communities around the Island, it is important to remember that other racialized peoples lived there, and in the case of descendants from Africa, for centuries. The history of Black and Indigenous communities, such as the one that existed on Lennox Island is a remarkable history that needs further historical research.

The Worrell estate that the Island government purchased comprised of 70,539 acres the estate encompassed lots 38, 39, 40, 41, 42, and parts of 43 and 66 at 4 shillings sterling, or 6 shillings Island currency, with an estimated 35,000-38,000 acres under

⁵⁵ Hornby, *Black Islanders*, 82

⁵⁶ It was not uncommon for non-Western European names to be changed in records in Canada. This practice persisted into the 20th century. For example, my mother's Tamil name had been Anglocized when she immigrated to Canada in 1975.

⁵⁷ Hung-Min Chiang, *Chinese Islanders: Making a Home in the New World* (Charlottetown: Island Studies, 2006), 17-18.

lease. Two years later the Island government purchased another 12,720 acres with lot 11.⁵⁸ The government purchase of the Worrell estate has gone down in history as the “Worrell job,” an infamous swindle. The Bedeque-born lawyer Henry William Pope became a land agent for Charles Worrell who had left the Island to retire in England. Pope’s father-in-law lied and advised Worrell that the Island government would not buy the estate as a part of the Land Purchase Act. Worrell then sold the estate at the significantly reduced price of £14,000 to Pope, and his associates, including his father-in-law. They then sold the land to the Government for £24,100.⁵⁹

The Worrell estate created other problems for the Island government as landlords criticized the purchase of the Worrell estate as evidence that such tampering in landownership resulted in a reduction in the “value of real estate.”⁶⁰ They reasoned that the government purchasing lands would lower the value of lands. Understandably, the Island government wanted to pay the lowest possible price for lands (or so they thought), but in doing so they drove down the market value. In a market system all lands only had value through its relation to other lands. This rendering of land made its price precarious because value only existed in its speculative form. As soon as someone paid a concrete price for one tract of land this act of real payment would modify the value of all of the other tracts of land around it. Value only existed as a social idea, and the purchase of land made its value real, and no longer speculated on. This perhaps contributed to the fact that

⁵⁸ Commission Under Land Purchase Act, Prince Edward Island, “Report of Proceedings Before the Commissioners Appointed Under the Land Purchase Act of 1875” (Charlottetown: P.R. Bowers, printers, 1875), 11.

⁵⁹ Bittermannn and McCallum, “The Pursuit of Gentility,” 54.

⁶⁰ The petition was entitled: “To the Queen’s Most Excellent Majesty. The Humble Petition and Remonstrance of the Undersigned Proprietors and Agents of Land in Prince Edward Island.” House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 9.

not enough land sales were made to cover the costs of the debt. A low price paid would lower the price of all lands. Buying lands from a public debt raised three serious issues for the Island government that would put them in major financial trouble: the lands became devalued through the government buying at low cost, not enough people purchased the lands to generate enough liquidity from land, and the interest on the debt seriously hindered the government's ability to pay the principal.

The promise of future revenue derived from land sales allowed the Land Purchase Act to pass. However, people did not immediately respond to the opportunity to purchase the newly required government land. In the years 1855-57, 69 people bought lands, and not all of them paid in full. For example, tenant Thomas Gleason purchased 41 acres of land at two different rates based on the assessment of land quality, and James MacIssac purchased 25 acres.⁶¹ For the most part men bought the lands. The Commissioner of the Public Lands accounts recorded predominately male first names, with a few exceptions where the ledger listed no first name. Many of the men buying lands did so modestly at around 50 acres, some purchased more, and some less. Taking 50 acres as a generous estimate of the median of lands purchased per person this would mean that between 1855 and 1857 individuals purchased approximately 3450 acres of land. Multiplying this by the higher rate of sale for lands at 12 shillings 6 pence this makes it about £2165 bought, or 7.21% of the £30,000 debt the Land Purchase Act created. Even if higher numbers are used to calculate what percentage of the debt the land purchases actually covered, it would be difficult to come to a number even close to the full amount of the debt including

⁶¹ Commissioner of Public Lands Fonds, RG 15. Series 12 Financial Records, Sub Series 1 Bonds, vol 1 1855-57. pg 7, 43 Public Archives and Records Prince Edward Island (PA of PEI hereafter).

its annual interest.⁶²

Clearly, the promise of future value from the sale of lands did not come to fruition as the Island government had hoped. According to the 1848 census the Island had 6,099 tenants in leasehold. Nearly half of those held 999 year leases, and the rest held 30, 50, and 100 year leases.⁶³ Such long leases point to one of the reasons why tenants could not outright purchase the land in fee simple from landlords, and had to keep on paying rents. They did not have the upfront money to buy land. However, this was not the entire reason why the Island government pursued a public debt to buy out the land from both proprietors and landlords. They made it clear that they wanted to own the lands themselves to then sell to individuals. Under British legal codes the Island government needed to own the land in order to institute plans such as fishery development that would generate both revenue and speculative value. Clearly, they assumed that the revenue and increase in land value would be more than enough to pay back the principal and the interest of their public debt.

The more inexpensive avenue that the Island government could pursue (cheaper than buying all of the Island's lands outright in one fell swoop) would be to facilitate the ability of individual tenants to convert their leaseholds to fee simple, and purchase the lands directly from the landlords and proprietors. The Island did try this with the 1855 "Act to secure Compensation to Tenants in Prince Edward Island, and Thereby to Promote the Improvement of the Soil." Couched in the title of the act was the desire of the Island government to "improve" the colony, which it believed could not happen when

⁶² Commissioner of Public Lands Fonds, RG 15. Series 12 Financial Records, Sub Series 1 Bonds, vol 1 1855-57. PA of PEI.

⁶³ House of Commons, "Imperial Guarantee to a Loan for the Service of Prince Edward Island," 9.

proprietors and landlords technically owned most of the lands. Lieutenant Governor Dominick Daly saw this act as necessary protection for British settlers, and defined them as “whose lives must be spent in the arduous task of reclaiming forests and swamps from their state of primitive nature.”⁶⁴ For Daly, the act to support the tenant settlers against landlords and proprietors incursions on their “improvements” also worked to normalize the Island land as belonging to those who “improved” it, or rescued the land from a “primitive state of nature.”

The act to secure tenant rights addressed two major concerns, that tenants who cleared land, who built a house on land, or made other improvements would be compensated if the landlord evicted them from the property. Unfortunately, this measure was necessary as tenants would increase the value of the land through their improvements, landlords would evict them and then raise the rent for the next tenant who moved to the land. This measure acted as a type of tax on landlords to pay for the improvements tenants made. The act also gave tenants legal recourse to claim compensation for their improvements. The act stipulated that the calculation for the compensation would be based to the increase in “real value” of the land, that is a conversion of the land from “waste” to “real estate.”⁶⁵ Daly did not seem surprised that this act elicited petitions from the landlords and proprietors themselves, and ventured to include the petitions in his correspondence with the Colonial Office as he tried to secure royal assent for the bill.

Fortunately for the landlords, the act to secure compensation contained a clause

⁶⁴ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 2.

⁶⁵ “An Act to Secure Compensation to Tenants in Prince Edward Island, and Thereby to Promote the Improvement of the Soil [Passed 17 April 1855].” House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 8.

that it needed royal assent before the Island government could put it into law, even if it passed through both the colonial legislature and council. Both male and female landowners petitioned the imperial government to maintain their rights to land.⁶⁶ They petitioned the imperial government that the bill was:

[U]tterly subversive of all acknowledged principles of land and equity, destructive of mutual relations existing between landlord and tenant, as recognised by the common law of England from time immemorial, and directly opposed to the dictates of common sense.⁶⁷

The petitioners' transference of British common law over Mi'kmaq governance, and land and water tenure systems reflects how the petitioners gave no considerations to previous British treaties, and had no understanding of their treaty obligations. They deployed sentiments about British common law since "time immemorial" as justification, and extended this to naturalize the territoriality of settler colonialism. British legal jurisdiction spread over Mi'kma'ki with land rights. As Shiri Pasternak points out, English colonialism is grounded in a specific Norman-derived law that not only assumed that the sovereign possessed all underlying title, but that this common law could be then applied to the colonies as well.⁶⁸

The landlords made the argument that they should not be held accountable for any of the changes the tenant decided to make, often without their consent. They also argued that the tenants did this as a way to pay their rent, and that they had the freedom to raise funds through a mortgage or leasing to others. The landlords viewed the proposed bill as the government forcing them to pay for improvements on the Island, and in violation of

⁶⁶ Bittermann and McCallum, *Lady Landlords*, 3-15.

⁶⁷ House of Commons, "Imperial Guarantee to a Loan for the Service of Prince Edward Island," 9.

⁶⁸ Shiri Pasternak, *Grounded Authority: The Algonquins of Barriere Lake Against the State*. Minneapolis: University of Minnesota Press, 2017), 99-100.

centuries old English common law. The landlords argued that this bill represented nothing less than “class legislation of the most odious kinds.”⁶⁹ The Colonial Office sided with the landlords and denied royal assent to the bill to secure tenants rights. They also denied royal assent to another bill the Island legislature passed that essentially taxed proprietors to supplement military and education costs.⁷⁰

The official response suggested the Island government institute a “general tax” for everyone, regardless of their income, occupation, or if they held lands or not. The imperial government promised that it would support a “general tax” if the Island government decided to undertake such measures to defray the costs of the colony. They strongly objected to the act to secure compensation for tenants because its “direct tendency is to transfer property in land from owner to tenant.” They argued that the tenant would already receive money for improvements because they could always sell their lease at a higher rate because of the improvements.⁷¹ These objections did not take into consideration that the tenants simply might want to stay on the farm they built with their families without being subject to the fluctuating market value of the land on which they worked and lived.

Daly responded to the imperial rejection quite anxiously, and wanted the Colonial Office to understand that he only proposed such taxes on the proprietors and landlords because the Assembly “pledged to escheat.”⁷² The new Secretary of State for War and the

⁶⁹ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 11.

⁷⁰ “An Act to secure Compensation to Tenants in Prince Edward Island, and “An Act to Impose a Rate or Duty on the Rent-rolls of the Proprietors of Certain Rented Township Lands in Prince Edward Island in Order to Defray the Expenses of Any Armed Force Which May Be Required on Account of the Withdrawal of the Troops, and for the Further Encouragement of Education.” House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island.” 1855.

⁷¹ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 11-12.

⁷² House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 13.

Colonies, Henry Labouchere, offered a solution to the “land question” to Daly, or rather two solutions. He first suggested the Island find a way to have the tenants buy the land from the landlords in fee simple. Secondly, he suggested that the Island raise a larger loan which the imperial government would “take into consideration” in December of 1855.⁷³ In 1856 he explicitly mentioned the Island government request an imperial loan guarantee.⁷⁴

The Land Purchase Act did not produce the outcomes the Island government had hoped for. Arguably, it created a system of heavy government borrowing, insolvency, and did not actually induce the tenants to buy government lands at a rate that could come close to paying the principal and interest of the loan. For this reason, the Island government turned to alternative methods of displacing landlord and proprietor land title. Unlike the British government’s continuous attempts to extinguish Mi’kmaq land rights, the Island government could not do the same to the British proprietors and landlords. Instead, they had to extinguish land rights “by purchase the rights of proprietors.”⁷⁵ The British landlords and proprietors land claims existed within the British legal system of property rights generally designed to uphold white male middle and upper-class land rights claims. When they petitioned, they were heard, when they exercised their rights, they were accommodated, and the “class” bills squashed to protect their rights. This context is necessary in understanding why the Island government turned to the question of an imperial loan guarantee by the mid-nineteenth century. This began a borrowing process that would soon spiral out of control.

⁷³ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 14-15.

⁷⁴ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 20.

⁷⁵ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 20.

The Upper Canadian government had their imperial loan guarantee ensuring that their major creditors the Baring Brothers and Glyn, Mills, Halifax and Company would receive their interest payments. Perhaps Labouchere looked favourably on settler colonies taking out massive public debts as he was related to the Baring family, and married Frances Baring in 1840 with whom he had three children. For whatever reason, he proposed a solution to the “land question” to the Island government. He assured that if they wanted to purchase the lands from the proprietors and landlords, which they desperately did, the imperial government would look favourably upon extending to them an imperial loan guarantee. Labouchere proposed a loan guarantee in December of 1855. However, due to seasonal disruption in the mail services Daly did not respond until a month later.⁷⁶ Daly expressed the disappointment, and even the “irritation” that the Assembly had felt that the imperial government rejected the two previous tax bills to reform land tenure on the Island.⁷⁷ He assured Labouchere he would bring up the question of an imperial loan guarantee during the next session of the legislature he had scheduled for the 14th of February.⁷⁸

Labouchere knew why the Island government might want to purchase the lands directly from proprietors and landlords although it would be a costly process. He understood that they wanted the “state” to be in possession “of the fee-simple.”⁷⁹ The Council Chamber and the House of Assembly responded to the Colonial Office that Labouchere appeared unaware of the previous Land Purchase Act that capped the Island

⁷⁶ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” no page number.

⁷⁷ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 20

⁷⁸ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 16

⁷⁹ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 15.

government debt at £30,000. They also warned him that this act dedicated the Island's revenues to the payment of that loan. However, they stressed that this amount was too insignificant to seriously answer the "land question," which by this time meant the Island government holding the land in fee-simple. At Labouchere's suggestion, the Council and Assembly jumped at the opportunity to access larger loans. Positioning themselves as a "loyal colony" they argued that they would finally have the revenue to pay back that loan if the government could buy all the township lands with a large loan. They stated that "the advantages would be incalculable" if the government could own the lands all at once.⁸⁰ The promise of the future value of lands would pay back the principle plus interest, but first the Island government had to own the lands in fee-simple.

Labouchere responded that "adjustments" could be made to the Land Purchase Act to increase the amount of money the Island could borrow. Before that could happen though, he made it clear that the Island would have to propose a loan amount, as well as provide the imperial government with a comprehensive statement of the Island's finances, and a comprehensive plan to pay off the principal and interest of a larger loan. Interestingly, the House and Council did not offer to adjust the Land Purchase Act, nor did they make the initial request for an imperial loan guarantee. Both of those suggestions came from Labouchere. The Island only intended to raise a smaller sum, and then attempt to tax the landlords and proprietors through the two 1855 acts. Both acts which the imperial government refused royal assent.⁸¹

Daly saw the offer of an imperial loan guarantee as a way to make the Land

⁸⁰ House of Commons, "Imperial Guarantee to a Loan for the Service of Prince Edward Island," 11.

⁸¹ House of Commons, "Imperial Guarantee to a Loan for the Service of Prince Edward Island," 2.

Purchase Act successful. Technically, taking out a larger loan with an imperial loan guarantee would pay the Island's debt with an even larger debt, but Daly did not see it that way. He reasoned that the future value of the lands, once the government held them all in fee-simple, would add up to more than enough to pay back the principle plus interest. A committee of the Executive Council looking into the loan guarantee decided that £100,000 sterling, or £150,000 Island pounds would suffice at 4% interest.⁸² Both the Assembly and Council agreed to this and proposed the loan to be paid in 20 years when they officially asked for an imperial loan guarantee.⁸³

To get the loan guarantee the Island government had to first submit reports about its expenditure. The financial reports of the Island to the imperial government claimed that in 1856 the Island had a positive balance of approximately £6,521. However, they arrived at this amount "after taking credit to the colony for the value of government lands estimated at a low rate, and charging it with all debentures afloat, and with £7,666 1 13 s 4 d Treasury notes afloat, not hearing interest." This, they reasoned, made the colony "out of debt," and at a surplus of revenue. Taking into consideration that they claimed a positive balance of over £6000, when their revenue in 1854 was £30,689 makes little sense as the revenue amount did not cover the debt owed from the Land Purchase Act. However, in double entry bookkeeping, and the accounting equation (assets= equity + liabilities) the colonies included the land as a part of their assets. Upper Canada's Receiver General did this, and asking for an imperial loan guarantee the Island government did the same. In fact, the Island government was very much in debt because

⁸² House of Commons, "Imperial Guarantee to a Loan for the Service of Prince Edward Island," and House of Commons, Parliamentary Debates: Official Report (10th May 1858), 403.

⁸³ House of Commons, Parliamentary Debates, 402

it owed, and could not pay for, its previous debentures. Using the lands the government owned as their assets rendered their debts invisible. Furthermore, listing land as an asset, as if they could immediately liquidate it if needed to pay for bills became a colonial economic fiction. Colonial land could not be easily, or at all, liquidated for revenue, and this fact was the primary reason colonial governments needed to finance themselves through public debts in the first place. The Island government claimed richness from land, but had no way of extracting that wealth, until debt instruments such as debentures allowed the value of that land to circulate in money markets.

In the Island accounts their debts represented real money owed plus their interest. Land value, on the other hand, came from a generous estimate, and generated from assumptions of land ownership. The Island government made its assessment that it did not have debt because it included government lands as assets. This also reinforced the idea that if they did purchase the rest of the lands from landlords and proprietors that they could easily pay back any larger loans. To prove the “creditworthiness” of the colony it bolstered its accounts by including “government lands” as a part of their assets.⁸⁴ The 1856 return listed (in sterling) 44,582 acres of public lands at 4s for £8,916.8, 7,392 acres, crown lands, at 3s, 4d for £1,232, and “bonds in hand for public lands” at £1,000. Under liabilities they listed: Treasury notes afloat £7,666.13.4, debentures (Act. 14 Vict.) £6,666.13.4, debentures (Act. 16 Vict.) £12,000, and treasury Warrants of £7,108.18.2.⁸⁵ This would made their liabilities approximately £33,440, and their assets £10,248 plus a claimed approximate £30,000 annual revenue. Including land as assets in this equation

⁸⁴ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 22.

⁸⁵ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 23.

does show the Island to have a small yearly surplus of £6,521.6.2.

The actual revenue the Island government could claim provides a stark contrast to their claims of having a surplus in their accounts. In 1854 they reported an annual revenue of £30,689.1 s sterling, an increase of about £18,000 from 1848. The £30,689.1 made up their entire yearly revenue. It is difficult to make a direct comparison between this revenue and their actual debt from the Land Purchase Act, but, the Island did claim that the costs of running the colony aside, they had a surplus. They made it clear that the current revenues would not pay back the potential £100,000 sterling loan, but the future revenue from land sales would pay back that loan and interest.⁸⁶ To make a possible loan guarantee more viable the Island government also proposed a sinking fund that they would use to deposit money from land sales to pay back the principal by the end of the 20 year loan period. They also “pledged and rendered liable” the sale, rent and profits of lands, and Island public funds, monies, and securities. Labouchere requested as well that the “proceeds of the lands to be purchased, as well as a first charge on the general revenue of the province, should be secured by Legislative enactments for the payment of principal and interest.”⁸⁷ He also requested of the Island government to frame its proposed legislation for an imperial loan guarantee around the 1852 act of the Legislature of Jamaica for the most likely reason that this was the most recent colonial request for a loan.⁸⁸

The Island government, obviously encouraged by their positive correspondence with Labouchere passed, “An Act for the Purchase of Lands on Behalf of the Government

⁸⁶ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 22.

⁸⁷ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 24.

⁸⁸ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 24.

of Prince Edward Island, and to Regulate the Sale and Management Thereof, and for Other Purposes Therein Mentioned” on the 15th of April 1857. They passed this act before they secured imperial permission.⁸⁹ In the act they outlined the duties of agents who would work to raise funds, the parameters of a sinking fund, and how they proposed to pay back the loan. They also laid out the terms of the debentures, which were to be transferable, unlike previous debentures the Island had issued. The Commissioner of the Public Lands would be responsible for land sales money and make payments to the treasurer. At first it appeared as if the imperial government would go along with this act with some minor revisions. For example, it wanted the authority to appoint agents, and the debentures to be worth no less than £300. This contrasted with the Island government who desired a lower amount of £50 for the cheapest debentures.⁹⁰ Cheaper debentures would help sell government “stock,” but they acquiesced to the imperial request. The Island government could not answer how much money they wanted to raise until they could get a clearer understanding of the cost of land purchases. The Island government insisted that they did not intend to raise more than necessary.⁹¹

Labouchere offered the imperial loan guarantee in July of 1856, but by August 1857 the prospect began to sour for the Island. Labouchere vaguely responded to the Island’s requests for confirmation that “circumstances” had made the loan guarantee question impossible to discuss in the present session of Parliament, but that he would try again. Daly responded that the tenantry and others expressed disappointment in the delay. He said that Lord Selkirk’s agents would not consider selling the land or even submit

⁸⁹ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 25.

⁹⁰ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 29.

⁹¹ House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 30.

preliminary papers such as land titles to the Island government until the loan guarantee had been secured.⁹² Months later, after considerable silence from Labouchere, Daly took to writing him again in early January 1858. In May 1858 the imperial government finally denied the Island government an imperial loan guarantee.

The timing for a request for an imperial loan guarantee came at a bad time for the Island government. The Province of Canada's growing debt from its £1.5 million loan guarantee, and the loan guarantee to New Zealand the previous year both with less than ideal outcomes turned the House of Commons against extending imperial credit to the colonies. In fact, a speaker stated that "the general opinion was entertained in the House that Imperial guarantees of loans raised for colonial purposes were objectionable in principle." Loan guarantees became both "dangerous" and "embarrassing to the Imperial finances."⁹³ Embarrassing in this context meant a strain on finances from an inability to pay for debts. Interestingly, the imperial loan guarantees to extend colonial credit acted as a method to induce "self-sufficiency" in the colony, to provide it an "economy." By the late 1850s, however, the Parliamentary consensus looked at loan guarantees as a hindrance to colonial "self-sufficiency."

The Parliamentary debates about the imperial loan guarantee emphasized that the Island obtained responsible government in 1851, and yet made "no attempt" to settle the "land question" until they sent home in 1855 the two tax bills the imperial government found absolutely objectionable as "so bad in principle and defective in machinery."⁹⁴ However, the Island did attempt to solve the "land question" through raising loans, one in

⁹² House of Commons, "Imperial Guarantee to a Loan for the Service of Prince Edward Island," 25.

⁹³ House of Commons, Parliamentary Debates, 401.

⁹⁴ House of Commons, Parliamentary Debates, 402.

1851, and another major loan with the Land Purchase Act of 1853. Despite the fact that the imperial government saw the Island as “free from debt” they still denied the imperial loan guarantee. The reason for the denial was bad timing of the poor outcomes for the Province of Canada and New Zealand, but also they did not understand why the tenants themselves could not purchase the lands in fee simple.⁹⁵ For these reasons they denied the Island access to an imperial loan guarantee.

Even though the imperial government denied Prince Edward Island's request for an imperial loan guarantee it still supported a massive loan to the Dominion of Canada after Confederation. This suggests that, much like the London Stock Exchange, consolidated colonies with larger “economies” were seen as surer bets to extend a line of credit to. The opinion that any colony with self-government had the “duty” to self-support became wide spread. The Prince Edward Island Loan Committee, however, continued their advocacy for an imperial loan guarantee and insisted that the Island faced a unique situation that did not hinder the other settler colonies. They argued that the imperial Legislature had put them into the situation in 1767 by taking 1,500,000 acres and disposing it through a lottery in London in one day. The grants of 67 lots with their annual quit rents, coupled with the fact that the imperial government did not attempt to systematically enforce the payment of such rents hindered Island development. Island acts gradually reduced the amount of quit rents in 1818 and, eventually abolished them in 1830 in favour of a land tax.⁹⁶ The Island government turned from attempting to impose escheat to take lands for non compliance with the terms of the grants to taxing. However,

⁹⁵ House of Commons, Parliamentary Debates, 402-3.

⁹⁶ House of Commons, Parliamentary Debates, 401.

the imperial government rejected the two 1855 tax bills as well. They saw such land taxes as the property-less settlers attempting “to drive out the proprietors by imposing upon them excessive and unfair taxation.” To make matters worse, during this time the Island decided to reduce the value of its currency where every 18 pence became worth one shilling (instead of 12 pence in one shilling), which reduced the rents payable to proprietors.⁹⁷

Loans that financed the colony easily bifurcated into additional loans when the debts became due and the government had no money to pay. The new practice of borrowing money to pay for borrowed money could proliferate because of low interest and long term loans. This was as true in Upper Canada as it was in Prince Edward Island. Colonial governments had little access to capital except through large loans so it made sense that they had no way to pay off both the principal and interest of the loans except through additional loans. If everything worked as the Island government argued that it should then the income from land sales and rents would be more than enough to pay off the initial 1853 loan. However, this did not happen, and individuals did not buy enough land to even come close to paying off the government’s debt.

Prior to the railway debt of the 1870s, the Island government’s debt increased exponentially through an effort to purchase lands directly from proprietors. On the 3rd of April 1865 the Island passed another act to raise more money through debt “to assist leaseholders in the purchase of the fee-simple of their Farms.” Many of the acts to raise money directly had to do with the original Land Purchase Act, to pay back its debentures or to increase the amount of the debt. However, not all of the acts that created a debt had

⁹⁷ House of Commons, Parliamentary Debates, 401.

a direct tie to the Land Purchase Act, such as the assistance to leaseholders. This act justified another loan to save the colony from checks on the “progress” of the colony, mainly that without individuals holding their lands in fee simple there could be no development or “improvements” made to the Island to bolster its economy.⁹⁸ This act made it lawful for the government to raise £50,000 at 6% yearly interest due ten years after the act. For this amount alone the compounded interest would be nearly £39,550, making the total amount owed £89,550 without including payments made to reduce the principal. These numbers do not quite accurately reflect exactly the amount of debt a £50,000 entailed because steady interest payments would reduce the amount, as would payments to the principal. However, this amount gives a general idea about how costly paying a government expenditure through debt financing could be. The interest rates played a large role in the inability of the colony to pay back the debt, and in this case the interest compounded yearly over a ten year period would nearly amounted to the initial loan amount itself.⁹⁹

This act had several interesting attributes aside from the amount of money it authorized raising. First, the act established that leaseholders should purchase the lands in fee simple from their proprietor or landlord. This appears to go against the Island government’s quest to legally acquire all of the lands for itself. The imperial government rejected the loan guarantee request for this major reason, that the Island government had not given an adequate reason for why the tenants did not buy the lands directly. This had to do with the fact that the Island government wanted first to purchase the lands, and then

⁹⁸ General Assembly of Prince Edward Island, *An Act to Assist Leaseholders in the Purchase of the Fee-Simple of their Farms* (passed 3rd April 1865), 90.

⁹⁹ GA of PEI, “An Act to Assist,” 90-5.

sell them back to individuals. The act to raise money to assist tenants in purchasing lands seems to contradict this principle. However, the act also stipulated that the surplus money from the sale of lands “purchased under this act” would repay all of the money borrowed, and the interest. The leaseholder could then borrow from the government one half the purchase money they agreed to pay the landlord or proprietor “for the purchase of the reversion in fee simple of his farm.” The act forbade any leaseholder to buy lands at a price higher than 16s 8p of Island money, and therefore it had the consequence of price fixing land to a certain degree. Each leaseholder who agreed to these terms could make an application to the Commissioner of the Public Lands, who would then investigate the title and value of the lands. Once the Commissioner deemed everything acceptable, and the tenant gave him half of the agreed upon money, the Commissioner would then pay the whole amount by a cheque or, if the Treasurer agreed, the full amount. The Commissioner would then issue a deed of conveyance with a memorandum or defeasance specifying the amount the tenant now owed to the Island government, with an interest rate of 6% per year. Under this act the Commissioner of the Public Lands sold the land, and the tenant, now landowner, was to pay ten equal annual instalments, with interest paid annually with each instalment, with the option to pay the amount in full, to the Island Government.¹⁰⁰

Ideally, the new private property owner would be able to pay off the amount owed to the government by the end of the ten year period. This act, however, did not entail a direct land transfer from the proprietor or landlord to the tenant. The Island government took one half of the payment from the tenant, and then bought the full property from the

¹⁰⁰ GA of PEI, “An Act to Assist,” 90-5.

proprietor or landlord itself, and the tenant became indebted to the Island government. An alternative to this type of land purchase would have the tenant borrow from a bank and then pay the proprietor or landlord. In this case, the contract of borrowed money would remain between the bank and tenant. In this act, however, the contract between the creditor and debtor was between the government and the tenant. This dynamic made it possible for the Island government to first purchase the lands in full from the proprietors or landlords, and then “sell” to the tenant. To supplement its land purchasing the Island government first took one half of the land cost from the tenant, and then paid the full amount to the proprietor or landlord. In many ways the circular debt logic of colonial governments becomes clearest with this act. The Island government took out a debt to raise money to lend to leaseholders so that they could purchase lands. However, the government used the public debt to raise money so they could purchase lands in the first place. In a way lending borrowed money to the leaseholders stimulated the purchasing of lands that the government owed money on.

On 2nd of May 1860 the Council and Assembly passed an act to raise the amount of money borrowed that the Land Purchase Act authorized by £10,000 of Island money, making the total amount that could be raised under the Land Purchase Act £40,000.¹⁰¹ One immediate issue the Island faced after the imperial government rejected their request for a loan guarantee stemmed from the 1853 The Land Purchase Act. The act legally allowed the government to raise £30,000 and of this amount they successfully sold £18,000 worth of debentures, £12,000 of which went to purchase approximately 84,000

¹⁰¹ GA of PEI, “An Act to Assist,” 167.

acres of the Worrell estate.¹⁰² However, the future crept up fast, and these debentures became soon due. The lack of interest from tenants to purchase land as fee-simple made it impossible for the Island government to pay back the £18,000 owed. Just a half a year before the debentures would be due in May 1864 the Island government passed another act to borrow money. This “Act to Provide the Payment of Certain Debentures” made it clear that the debentures used to purchase the “Worrell estate” from Charles Worrell could not be paid in December. The act noted that the sales from lands had not “yielded sufficient” revenue, and the Island government could not pay the debentures. To solve this problem, the act allowed the government to raise £19,000 at 6% interest to pay back the original £18,000 of the 1853 £30,000 loan.¹⁰³ The government paid the interest on such debentures half yearly, and when the debenture became due, or in some cases called in, either the treasurer or Commissioner of the Public Lands would pay off the principal.

On the 11th of May 1866 the Island government passed “An Act in Addition to and In Further Amendment of the Land Purchase Act.” These acts allowed the Lieutenant-Governor to borrow from any persons, or bodies corporate or politic. The act’s first statement did not waste time in getting to the core of the issue with the “land question.” they needed more money to buy lands. The act authorized that the government could raise £110,000 of Island money in addition to the £30,000, and £10,000 in the previous two amendments to the Land Purchase Act.¹⁰⁴ Thus, from the amendments of the Land Purchase Act alone public debt the Island could raise amounted to £150,000. This

¹⁰² House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 22.

¹⁰³ Acts of the General Assembly of Prince Edward Island, “An Act to Provide for the Payment of Certain Debentures, passed May 2, 1864. 27th Victoria, Chapter 33 (1864), 50.

¹⁰⁴ The Acts of the General Assembly of Prince Edward Island: 1863-1868. Revised Statutes, Chapters 18, 19. 1866), 174.

does not count the 1851 act to raise a loan for £10,000 to pay for warrants, the separate 1864 act to raise money for debentures to pay for Land Purchase Act debentures of £19,000, or the act to raise money to assist tenants in buying land in 1865 at £50,000. Altogether the Island government raised its ability to debt finance from £10,000 to £229,000 from 1851 to 1866. It needs emphasizing that these acts minus the £10,000 in 1851 act to pay for warrants all passed to purchase lands from proprietors and landlords. These debts accumulated before the railway became a serious question on the Island.

It was not until the 23rd of May 1871 that the government issued the “Notice to Contractors” that advertised that the Island governed needed “[t]enders for the construction and equipment of a Railway of 3 feet 6 inches gauge, from Cascumpec to Georgetown,” which ushered the age of railway speculation on the Island.¹⁰⁵ The history of the Island's public debt before the railway reveals many of the complexities behind public debt financing that led to Confederation. The question of Prince Edward Island's global credit pushed it towards Confederation. Confederation advocates did not hide the fact that the Island's credit had nearly dried up, and that they could not even secure an imperial loan guarantee. When the Island Liberal party, with their leader George Coles, won the 1867 election, the 19 Liberals elected gave them the majority. Edward Palmer wrote to Joseph Howe that this was a victory for the anti-Confederates. This government had the distinction as well as every candidate was “pledged on the hustings not to vote for any measure of Union without referring it to his constituents.”¹⁰⁶ Coles anti-

¹⁰⁵ Prince Edward Island Railway, *Correspondence in Relation to a Railroad in Prince Edward Island* (Charlottetown: John Ings, 1871?), 3-4.

¹⁰⁶ Quoted in David Kenneth Fieldhouse, *Settler Self-Government, 1840-1900: The Development of Representative and Responsible Government* (Canada: Greenwood Publishing Group, 1990), 751.

Confederation stance, and his advocacy of settling the land question with a public debt and not a “bailout” from Canada resulted in, perhaps, one of the most ironic moments in Island history. Taking out a public debt to buy land from proprietors and landlords put the Island in a situation of bad credit and in need of a “bailout,” which Canada offered them with the condition of Confederation.

Attorney General Hensley sailed to England in June of 1867 with the intent to secure a public loan for the Island government. However, once there he realized that the inability of the Island government to settle the “land question” with landlords and proprietors made investment into the Island distasteful. Clearly, the fact that the Island did not “own” the lands meant that it could not develop the lands to pay back the principal plus interest of a loan. This greatly damaged the Island's credit on London money markets.¹⁰⁷ “An Act to Authorize the Government to Raise a Loan of Money for the Public Service of the Island” allowed the Island government to raise £100,000 sterling. During the debate over this loan those who opposed it such as did so on pro-Confederation lines. The debates about a public loan to purchase lands show how much the consensus of public debt financing had changed.¹⁰⁸ Pro-Confederation arguments such as the one from a “father of Confederation,” William Henry Pope, made it very clear that the failure of the Island's Liberal government to secure a loan in Britain or elsewhere would mean Confederation. He went to great efforts to make the imperial government see that the Island was unfit for investment.¹⁰⁹ The ill advised purchase of the Cunard Estate only worked to prove his point. The Commissioner of the Crown Lands estimated that the

¹⁰⁷ Francis W.P. Bolger, *Prince Edward Island and Confederation 1863-1873* (Canada: St. Dunstan's University Press, 1964), 170-1.

¹⁰⁸ Bolger, *Prince Edward Island and Confederation*, 186.

¹⁰⁹ Bolger, *Prince Edward Island and Confederation*, 170.

Island government would lose about £30,000 from that particular purchase alone. The inability of the Island government to effectively buy and sell land because it had to purchase cheaply, and lacked interest from buyers, significantly impacted the Island's credit.¹¹⁰

When the Land Purchase Act passed through government the Liberal party claimed that it had the unanimous support of both parties. However, a decade later, the Conservatives saw taking out a loan on the global market as too risky. Instead they favoured solving the “land question” through Confederation.¹¹¹ Some argued that the recent purchase of the Cunard estate caused the current economic downturn, while others disagreed that purchasing lands through a public debt had a depression effect at all, and instead blamed it on the Island's declining shipping industry.¹¹² The reasons for opposing another loan for purchasing lands did not just simply land on either side of a pro-Confederation/ anti-Confederation binary. The practicality of even securing a loan of that size with the Island's failing credit had some weight as well. After all, the imperial government had rejected a proposed imperial loan guarantee to much disappointment of the Island government. This coupled with the fact that the imperial government just guaranteed the Dominion of Canada a £3,000,000 sterling loan for an intercontinental railway made it even more unlikely that they would do the same for the Island.¹¹³ The line of reasoning that distinguished those who wanted a loan financed in Britain, or paid to the Island from the Dominion of Canada had another dimension as well that had to do with interest. If the Island government obtained the loan from Britain they would have to send

¹¹⁰ *Parliamentary Reporter*, 23.

¹¹¹ *Parliamentary Reporter*, 20.

¹¹² *Parliamentary Reporter*, 21.

¹¹³ *Parliamentary Reporter*, 21.

the annual interest payments there as well. If Island, or other local banks, loaned to them the interest would only have to be paid locally. The other concern had to do with capital investment on the Island. There was a possibility that if the Island obtained a loan from Britain then the relatively few local capital investors the Island did have would seek foreign, and not local investments.¹¹⁴

Islanders made no secret about the fact that many of them did not support Confederation. In fact, they voted in an even more anti-Confederate government in the next election. This greatly frustrated Pope, who went so far as to write to John A. Macdonald that the imperial government should just force the Island to join Canada.¹¹⁵ The question of why the Island eventually joined Confederation cannot be easily answered, but generally the Island's poor credit and a desire to build a railway made Confederation attractive when the Dominion government both offered to solve the "land question," and to support a railway. The Dominion of Canada loan to Prince Edward Island was a part of their Confederation agreement. This debt payment agreement had four major components, the Dominion of Canada debt account, the Dominion of Canada subsidy account, money for railway land damages, and a land purchase account.¹¹⁶ Entering Confederation effectively immediately solved the Island's debt problem. The Dominion of Canada allowed them a debt of \$50 per capita, which amounted to \$4,701,050.¹¹⁷ They also received a subsidy that equalled 80 cents per head of the population (94,021 people), along with an annual \$30,000 for legislation, and 5% on the

¹¹⁴ *Parliamentary Reporter*, 23.

¹¹⁵ Bolger, *Prince Edward Island and Confederation*, 215.

¹¹⁶ RG8: Provincial Treasurer fonds. Series 2. Accounting Records. Sub-Series 4: Ledgers. Volume 6: 1873-1880 [199A]. PA of PEI.

¹¹⁷ RG8: Provincial Treasurer fonds. Series 2. Accounting Records. Sub-Series 4: Ledgers. Volume 6: 1873-1880 [199A]. Pg 2. PA of PEI.

railway debt. However, the railway made only a portion of the combined debt as the Dominion government pledged 5% interest for the purchase of lands an account of \$900,000, which made the interest \$22,500 per year. After these numbers were calculated with the difference between the Island's public debt, the Dominion deposited \$140,841.50 to the Island account.¹¹⁸ The debt was not as simple as a \$800,000 loan, it included payment of interest methods, money to purchase land, and money for railway damages.

Not until the early 1870s did the Island government have a public debt issued on the London Stock Exchange. This was late compared to the other Maritime Provinces. Also, compared to the other Maritime provinces the Island government had a massive debt for its size and ability to generate revenue. The Island had no mines, no mass lumber, and no other means to increase speculative value as private capital bid on lands to produce a future revenue. The Island's bad credit because of the unresolved "land question" was not the only reason they turned to public debt financing in London so late. Opposition to securing a foreign loan on the basis of meeting annual interest payments and supporting local banks also contributed to a reluctance to issue a public debt on London money markets.

Conclusion

If 1767 marked the first mass land appropriation from the Mi'kmaq, than the 1853 Land Purchase Act began the second. Neither claims to the Island's lands considered the

¹¹⁸ RG8: Provincial Treasurer fonds. Series 2. Accounting Records. Sub-Series 4: Ledgers. Volume 6: 1873-1880 [199A]. Pg 50-52. PA of PEI.

treaty relationship laid out in the Peace and Friendship Treaties. The desire to buy lands from proprietors and landlords turned the Island government towards public debt financing. However, unlike the Province of Canada, in order to make the lands profitable the Island would first need to “own” the lands, and this meant purchasing them directly from landlords and proprietors. The Island government attempted to remove landlord and proprietor claims to the lands with escheat, but this proved only a very modest success.

“An Act to secure Compensation to Tenants in Prince Edward Island, and Thereby to Promote the Improvement of the Soil” and “An Act to Impose a Rate or Duty on the Rent-rolls of the Proprietors of Certain Rented Township Lands in Prince Edward Island” both passed on the 17th April 1855 in an attempt to tax landlords and proprietors.¹¹⁹ The imperial government, however, denied to give these bills royal assent. The landlords and proprietors enjoyed the immense privilege of having their property rights upheld in British legal codes, and they appealed to the imperial government to block the Island government from taking away their land grants.

The Mi'kmaq did not have the same legal recourse as proprietors and landlords. Debt mechanisms such as debentures became a way for the Island government to take the wealth from Mi'kmaq land and in doing so, convert land into a liquid asset. The Prince Edward Island public debt played a significant role in the conversion of land into private property. Informed by Mi'kmaq oral histories and knowledges, chapter five will examine the making of Lennox Island into a reserve for the Mi'kmaq, as well as the colonial

¹¹⁹ Both, “An Act to secure Compensation to Tenants in Prince Edward Island, and “An Act to Impose a Rate or Duty on the Rent-rolls of the Proprietors of Certain Rented Township Lands in Prince Edward Island in Order to Defray the Expenses of Any Armed Force Which May Be Required on Account of the Withdrawal of the Troops, and for the Further Encouragement of Education.” House of Commons, “Imperial Guarantee to a Loan for the Service of Prince Edward Island,” 1.

government's and Island reformers' efforts to “settle” Mi'kmaq families. The Mi'kmaq had established a land and water tenure system on the Island that both settlers and the Island government infringed upon. In fact, as the following chapter will address, the public debt system restricted their land and water tenure as it closed land around them into private property.

Chapter Five

The public debt and the disruption of Mi'kmaq land and water tenure on Epekwitk

Introduction

For more than a decade I have run a circuit along route 20 from Kensington, Prince Edward Island to Malpeque Bay, and back to Kensington. Sometimes, on longer runs, I take the turn east at Malpeque corner (formerly Princetown), and run to the beach in Darnley. In April, a few potato trucks, large farm equipment, and several cars might pass in an hour. As the weeks go by, the number of vehicles creeps steadily higher. The RV's begin in June, and by the end of August the traffic reaches a peak. This is usually when I keep my runs to the railway line on the Island, now converted into the Confederation Trail (complete with historical plaques about the Island's debt and the railway). Many Canadians and Americans make a claim to the Island in the summer months. The temperate summer climate, and extensive sandy beach shoreline appeal to middle-class aesthetics of a summer home. The Island is where I met eminent Canadian historian Micheal Bliss, one of many Canadians and Americans who “summered” on the Island. By the end of the summer season of 2016, 938,277 tourists stayed overnight in both roofed accommodations and campgrounds.¹ The history of Island tourism is bound to the history of the Island establishing a permanent link to the mainland. The advent of

¹ Terrence McEachern, “P.E.I. Tourism Industry Projecting Record Numbers for 2017,” *The Guardian* November 27, 2017, accessed April 1, 2020. <https://www.theguardian.pe.ca/news/pei-tourism-industry-projecting-record-numbers-for-2017/164939/>.

reliable steamships, the railway (and eventually the Confederation Bridge) had an impact on the increasing Island tourism.²

Perhaps the Islander experience with having a million summer visitors shapes the narrative about “summer homes.” The Island’s tourism may make the story of Epekwitk as the “summer home” of the Mi’kmaq ring true, but modern tourism did not begin the myth of the Island as the Mi’kmaq “summer home.” This chapter will address this “summer home” myth with the support of Mi’kmaq oral histories from Elders, as well as from community members from Lennox Island First Nation. In doing so the chapter will look at Mi’kmaq land tenure on the Island. The Island government solved the “land question” with a public debt, and this directly contributed to the appropriation of Mi’kmaq land. This chapter argues that the “fallout” from public debt financing had an effect on reforms directed at Indigenous peoples. These reforms had two goals: to remove Indigenous peoples from arable land that could produce a revenue to pay the debt, and to “settle” Indigenous peoples to restrict their movements, and therefore make more of their homelands available to British settlers.

The public debt exerted pressure on settler colonial policy to open up land for revenue, and to create a “settled” Indigenous population. As this chapter will detail, Mi’kmaq Elders recounted their land and water tenure around the Island that defied this attempted “settlement.” This involved having several different living spaces around Epekwitk that Mi’kmaq families would inhabit depending on what way of living they decided to pursue. At the time of Confederation there were about 50 Mi’kmaq living

² Edward Macdonald and Alan MacEachern, “Rites of Passage: Tourism and the Crossing to Prince Edward Island,” *Histoire sociale/Social history* 49, no. 99 (2016):293.

spaces around Epekwitk.³ For example, some families would move to Malpeque Bay to live for the winter while others would live in places that had materials for basket making, or sugar bushes. Mi'kmaq families had their own distinct places around the entire Island. British settlers, and the Island government wanted to use those lands and waterways for agriculture and revenue production.

This chapter begins in the 1840s to look at “Indian policy” that influenced the Island government's reforms they directed towards the Mi'kmaq. This chapter argues that the “fallout” from public debt financing resulted in reforms direct towards Indigenous peoples that spanned across the British North American colonies, with key differences for each colony. The Province of Canada's “Report on the Affairs of Indians” shows the origins of the dual policy of remove and settle. The chapter then looks at how this played out on the Island. I use oral histories from both Mi'kmaq Elders and Lennox Island community members to expand on this. Importantly, the creation of the reserve Lennox Island on the north shore in the late nineteenth century shows the ways in which public debt financing shaped colonial policy, and highlights the clear cross colony political connections between the Province of Canada and Prince Edward Island that pre-dated Confederation. Finally, I then turn to Mi'kmaq land and water tenure on Epekwitk to show the ways in which the public debt disrupted traditional movements around the Island.

Dominick Daly, “The Report on the Affairs of Indians,” and debt financing

³ Carolyn Taylor, *Our History, Our Stories: Personal Narratives and Urban Aboriginal History in Prince Edward Island*, ed. Lisa Jodoin, accessed May 30, 2020. <https://uakn.org/wp-content/uploads/2016/02/Our-History-Our-Stories-PEI-online.pdf>.

Dominick Daly became the Lieutenant Governor of Prince Edward Island in 1854, and he retired in 1858. Prior to this, in 1827, the Governor-General of Canada, the Earl of Dalhousie, appointed him as provincial secretary for Lower Canada. From here, on the 1st of January 1844 Daly became the provincial secretary for the united Province of Canada. Daly held many colonial positions. He counted among his political friends Edward Gibbon Wakefield. Wakefield went so far as to publicly defend Daly against his political opponents. In the 1830s-40s Governor-Generals Durham, Sydenham, Charles Bagot, and even Metcalf all counted Daly as a valued member of their governments. From 1854 onward Daly administered the Land Purchase Act (1853) on Prince Edward Island, and opened up the colony to a large public debt that the previous chapter has detailed. This suggests that the normalization of public debt financing began to flow out of the original Upper Canadian debt and into the other Canadian colonies. Colonial administrators such as Daly, apparently, easily carried the lessons learned in one colonial government, and brought them to the next.⁴

Public debt financing settler colonialism had certain “fallout” effects on the colonial environment. Its presence shaped the way colonial governments, and individual humanitarian reformers, interacted with Indigenous peoples. In July 1847 Daly made "A Statement of the Amount of Indian Monies invested in Government, or other Debentures." Daly presented the statement of investments made with “Indian monies” in

⁴ There is an intriguing literature that traces families, and professionals across Empire. See, for example, Alan. Lester, *Imperial Networks: Creating Identities in Nineteenth-Century South Africa and Britain* (London: Routledge, 2001); Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780–1850* (USA: Routledge, 2013); and Elizabeth Elbourne, “The Bannisters and Their Colonial World: Family Networks and Colonialism in the Early Nineteenth Century,” in *Within and Without the Nation : Canadian History As Transnational History*, eds. Karen Dubinsky, Adele Perry, and Henry Yu (Toronto: University of Toronto Press, 2015).

an 1847 return. As chapter three has shown the colonial government invested this money into funding such development projects as the Welland Canal, the City of Toronto, and the Bank of Upper Canada to name a few.⁵ Daly's fiscal knowledge of the Province of Canada and its methods of public debt financing draws another line between the Province of Canada and Prince Edward Island.

The period in the late 1830s to the late 1840s marked the first time any government in the British North American colonies made a strategic colonial assessment of Indigenous peoples. This assessment resulted in the "Report on the Affairs of the Indians in Canada," in the mid to late 1840s, colloquially known as the Bagot Report, named after Governor General Charles Bagot.⁶ The Bagot Report illuminates the relationship between colonial rule and public debt financing in two key ways: first, Indigenous peoples had to be "settled," and secondly, the colonial government had to assert legal control over the lands in the form of licensing to seek revenue. Licensing resource extraction became a key method for the colonial governments to extract revenue from resources.⁷ Exploring the logic of the Bagot Report reveals the twin concerns of

⁵ Legislative Assembly of the Province of Canada. "Report on the Affairs of the Indians in Canada." Appendix to the of the Journals of the Legislative Assembly of the Province of Canada : [Appendix EEE] to the fourth volume of the journals of the Legislative Assembly of the Province of Canada 28th day of November, 1844, to the 29th day of March, 1845, eighth year of the reign of Queen Victoria: being the first session of the second Provincial Parliament of Canada (Montréal: R. Campbell, 1845) (LA of PC hereafter).

⁶ For a more detailed understanding of the Bagot Report see , J. Leslie, "The Bagot Commission: Developing a Corporate Memory for the Indian Department," *Historical Papers/Communications historiques* 17, no. 1 (1982): 31-52.

⁷ Settler state licensing and closing off "forest" spaces to Indigenous peoples also had another manifestation with the rise of the "sportsman," and the construction of "hunting" as a gendered and racialized "civilized" space for leisurely sports. See Bill Parenteau, "'Care, Control and Supervision': Native People in the Canadian Atlantic Salmon Fishery, 1867-1900," *Canadian Historical Review* 79, no. 1 (1998): 1-35; and A.L. Smalley, "Our Lady Sportsmen": Gender Class, and Conservation in Sport Hunting Magazines, 1873-1920," *The Journal of the Gilded Age and Progressive Era* 4, no. 4 (2005): 355-380; and Theodore Binnema and Melanie Niemi, "'Let the Line be Drawn Now': Wilderness, Conservation, and the Exclusion of Aboriginal People from Banff National Park in Canada," *Environmental History* 11, no. 4 (2006): 724-750.

mid-century reformers that extended to Prince Edward Island: the removal of Indigenous peoples from viable land, and the attempts to “settle” Indigenous peoples.

The 1845 Legislative Assembly of the Province of Canada included the first two of the three sections of the Bagot Report, and the 1847 Legislative Assembly contained the last section. Sidney Harring notes that the Province of Canada published the first sections of the Report immediately because they provided major policy considerations. The last section contained 100 appendices of evidence that supported the previous sections, which made its inclusion in the Legislative Assembly less urgent.⁸ The extensive testimonials, questionnaires, and descriptions relating to Indigenous peoples and their place in an imagined scale of “civilization” epitomized British colonial knowledge consolidation, a feature of British colonial rule across Empire. As Bernard Cohn has argued, the official colonial government reports and the process of knowledge collection “objectified” colonial spaces. Colonial tools and methods rendered colonised peoples “knowable” through university lectures, museums, statistics, and other academic activities. This gave colonial governments information on how to govern and suppress colonised peoples understood as “populations.”⁹ This opened up a space for colonization, as Nicholas Dirks has remarked.¹⁰

The desire to make Indigenous peoples into settlers had to do with the worldview of many British reformers about what constituted a “civilized” society. For example, Superintendent of Indian Affairs, Samuel P. Jarvis, referred to Indigenous peoples as the

⁸ Sidney L. Harring, *White Man's Law: Native People in Nineteenth-Century Canadian Jurisprudence* (Toronto: University of Toronto Press, 1998), 309.

⁹ Bernard S. Cohn, *Colonialism and its Forms of Knowledge: The British in India* (USA: Princeton University Press, 1996), 82.

¹⁰ Nicholas B. Dirks, “Foreword,” in *Colonialism and its Forms of Knowledge*, by Bernard S. Cohn (New Jersey: Princeton University Press, 1996), xv.

"children of the forest."¹¹ A myriad of other officials in the Bagot Report advocated for extensive measures that attempted to disentangle the lives of Indigenous peoples from the forest, and in the process to "civilize" both people and place.¹² The infantilization of adults worked to deny Indigenous governance systems, but it also cast "the forest" as an "uncivilized" space.¹³ Thus, reformers collapsed both Indigenous peoples and the environment into a state of being that needed the "saviour" of "civilization." In theory, both people and place would be "civilized," Indigenous peoples through settlement, and the forest through resource extraction.

Interestingly, the Bagot Report began with a history of "Indian Policy" in the Canadian colonies, and restated the principles of the 1763 Royal Proclamation of King George III. It noted that the Proclamation "furnished them with a fresh guarantee for the possession of their hunting grounds and the protection of the crown."¹⁴ It then criticized this principle and called the protection of hunting rights a "serious obstacle to the improvement of the Christian, as well as the heathen Indian."¹⁵ According the Bagot Report the Indian Department:

[M]ust form a principal agent in rendering them [Indigenous peoples] independent of the precarious subsistence procured by the chase, and

¹¹ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix EEE." For a more thorough look at Jarvis' life see Cecilia Morgan, "In Search of the Phantom Misnamed Honour': Duelling in Upper Canada." *Canadian Historical Review* 76, no. 4 (1995): 529-562.

¹² Legislative Assembly of the Province of Canada, "Report on the Affairs of the Indians in Canada." By D.Daly, "Appendix T," in Appendix to the Sixth volume of the Journals of the Legislative Assembly of the Province of Canada, from the 2nd day of June to the 28th day of July, 1847, and in the Tenth and Eleventh Years of the Reign of Our Sovereign Lady Queen Victoria, Being the Third Session of the Second Provincial Parliament of Canada, session 1847 (Montréal: R. Campbell, 1847).

¹³ The idea of the "wilderness" as an "uncivilized" place has a long history, particularity in Christian ideology. Where the "wilderness" was linked to the corrupting forces of the devil. See Carole Blackburn, *Harvest of Souls: The Jesuit Missions and Colonialism in North America, 1632-1650* (Montréal: McGill-Queen's University Press, 2000), 42-69.

¹⁴ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix EEE."

¹⁵ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix T."

gradually withdrawing them from their wandering habits, and disposing them to the adoption of those of civilized life.¹⁶

The classification of groups dependent on "the chase," and those who did not hunt, contributed to a growing list of distinctions between "civilized" and "uncivilized" with the binary logic of settled/wandering. The language of wandering was juxtaposed with the language of settlement. The categories were mutually exclusive. One was either "settled" and "civilized," or "wandering" and "uncivilized."

Brian Gettler has drawn together the striking similarities in the ways in which reformers wrote about the poor in Britain, and Indigenous peoples in the colonies. They focused on how "poor" Indigenous peoples were because they did not adhere to the living style of a market society.¹⁷ For example, the Bagot Report catalogued the "Pottawatamies" (Potawatomi of the Anishinaabe Nation) of Walpole Island who "long depended solely on the chase" as "wild, turbulent, mendicant, and dishonest." It stated that "they prefer remaining poor, ragged and filthy to the restraint of civilized life."¹⁸ Similar monikers would be applied to the "wandering" Mi'kmaq of Epekwitk. The Bagot Report went on to record the behaviour of the "Chippewas," stating that there was "very little decrease in the partiality of these Indians for hunting and fishing... they also spend about a month during each spring in the chase. They resort to the unsettled lands in the London and Western Districts." The Bagot Report speculated that "it is probable that as soon as those lands are occupied, they will be compelled to abandon the chase." The motif that British settlement would "civilize" both the land and Indigenous peoples

¹⁶ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix T."

¹⁷ Brian Gettler, "En espèce ou en nature? Les présents, l'imprévoyance, et l'évolution idéologique de la politique indienne pendant la première moitié du XIXe siècle." *Revue d'histoire de l'Amérique française* 65, no. 4 (2012): 411.

¹⁸ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix EEE."

accented the Bagot Report. It went on to argue that “[t]he effect of the gradual settlement of the country has been to assimilate their habits to those of the whites, and to attach them to their homes.”¹⁹ Sentiments that insisted that hunting took Indigenous peoples away from their sustenance farming, or “settlements” echoed throughout the Bagot Report. It argued that extensive hunting trips took Indigenous peoples away from a fixed geographical location, or “home,” and hunting directly interfered with the “civilization” process.²⁰

Unilaterally categorizing Indigenous peoples as “uncivilized,” the logic in the Bagot Report effectively foreclosed Indigenous interpretations of “home” and land and water tenure. As William Wicken points out, in the late nineteenth and early twentieth-centuries Mi’kmaq use of the forest grew in opposition to the Canadian state, and “the chase” exemplified this conflict as it interfered with mid-nineteenth century British conventions of land use.²¹ The “unsettled” lands could not remain wild as a habitat for game animals as the commissioners and officials in the Bagot Report designated this land for agricultural “improvement” and resource development.²² This worldview saw agriculture and the forest in tension with one another, one coded as “civilized” land use, the other “uncivilized” and in need of “improvement.” Here, the Bagot Report cast Indigenous peoples who did rely on hunting as being in an “inferior condition,” and

¹⁹ LA of PC, “Report on the Affairs of the Indians in Canada,” “Appendix EEE.”

²⁰ For a discussion on the association of civilization and the “home” in mid-nineteenth century British culture see Seth. Koven, *Slumming: Sexual and Social Politics in Victorian London* (Princeton: Princeton University Press, 2004), 61.

²¹ William C. Wicken, *The Colonization of Mi’kmaq Memory and History, 1794-1928: The King V. Gabriel Sylliboy* (Toronto: University of Toronto Press, 2012), 67.

²² Daniel Samson, *The Spirit of Industry and Improvement: Liberal Government and Rural-Industrial Society, Nova Scotia, 1790-1862* (Montréal: McGill-Queen's Press, 2014), 54-79.

argued that people who did not "wander" or hunt were "civilized."²³

However, not all Indigenous peoples were labelled as “uncivilized.” Those whose modes of life fulfilled the fundamental categories of civilization (especially people "with education") were "equal, in every respect, to their white associates."²⁴ The acknowledgement of the "equality" of Indigenous peoples to the British commissioners on the surface appears like an act of tolerance and even benevolence. However, this tolerance marks the insidious nature of colonialism and exposes the process of coding people and places as available for colonization. A proclamation of equality hides the "shape-shifting" nature of colonial power, and its deeply racist logic.²⁵ Only people who conformed to British cultural, political, legal, social, and economic values could be said to be “equal.”

The way in which some Indigenous peoples were upheld by colonial structures highlights how people who looked as if they exhibited “civilized” qualities could participate in the colonial structures. Ann Laura Stoler cautions against mining colonial archives solely for content and emphasizes the need for scholars who use colonial sources to acknowledge that even the archives are themselves sites of knowledge production.²⁶ Transparently using testimony from Indigenous peoples located in official sources ignores how these testimonies were selected, doctored, and included in such a way as to support the claims of colonial officials. Selecting Indigenous “voices” from written documentation as representative of entire communities, or even nations also ignores that

²³ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix EEE."

²⁴ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix T."

²⁵ Taiaiake Alfred and Jeff Corntassel, "Being Indigenous: Resurgences Against Contemporary Colonialism," *Government and Opposition* 40, no. 4 (2005): 601.

²⁶ Ann Laura Stoler, "Colonial Archives and the Arts of Governance," *Archival Science* 2, no. 1-2 (2002), 87.

Indigenous peoples were not one homogenous group, even within distinct nations and communities. Historical sensitivity to individuals, the same sensitivity afforded European politicians, for example, must be a priority in order to understand the diversity and complexity of settler colonialism. For example, Kahkewāquonāby (Peter Jones) appears in works of Canadian history as the “Indigenous perspective.”²⁷ Kahkewāquonāby left behind an extensive written record including his testimony in the Bagot Report. His written documents make his “voice” easily accessible to historians who, for whatever reason, do not work with Indigenous communities, but who still want to write Indigenous histories.

According to Donald B. Smith, Kahkewāquonāby spent the 1840's advocating for Indigenous education, with one key difference to the way the Bagot Report represented his testimony: he wanted Indigenous people to direct their own education, so that they had a say in the way their children were taught. Kahkewāquonāby also wanted this education reform for his community, the Michi Saagiig of the New Credit. The intense British settlement of this area that would become southern Ontario made it difficult for the Michi Saagiig to live as they had always done.²⁸ In Kahkewāquonāby's testimony he established the opposition between agricultural "improvement" and hunting in the forest—a sentiment present throughout the Bagot Report. He stated that the efforts to "civilize the r**man of the forest...produced Indians who are industrious, and cultivate their farms to the best of their knowledge. Such persons have been induced, from religious principles,

²⁷ Elsbeth Heaman, "Rights Talk and the Liberal Order Framework," *Liberalism and Hegemony: Debating the Canadian Liberal Revolution*, eds. M. Ducharme, and J.F. Constant (Toronto: University of Toronto Press, 2009), 147-175.

²⁸ Donald B. Smith, *Sacred Feathers: The Reverend Peter Jones (Kahkewaquonaby) and the Mississauga Indians* (Toronto: University of Toronto Press, 1997), 192-193.

to abandon the chase."²⁹ Throughout the Bagot Report, testimony supported the notion that the "fondness of the chase" lured Indigenous peoples into the forest and away from their agricultural plots. To discourage hunting, the commissioners advocated for policy recommendations such as Labour Schools, and state supplied agricultural tools gifted to Indigenous peoples. Policies Major-General H.C Darling first conceived of in his 1828 report.³⁰

The Bagot Report gendered both hunting and civilization. The "uncivilized" peoples allowed women to work on the field. This practice clashed with a British defined gendered division of labour. The Reverend William Case suggested that schools strengthened the proper division of gender on Grape Island, a small island on the Bay of Quinte where some Michi Saagiig lived around the rapidly growing Kingston area. Kahkewāquonāby, in part, had convinced them to relocate there³¹: Case noted that:

For four years past a school, on the manual labour plan has also been in operation. This system combines elementary instruction with domestic economy. The girls are daily taught reading, writing, arithmetic, and geography, together with, house-keeping, spinning, knitting, needle-work, and the management of a dairy. In the latter department belong seven cows. The boys are taught in the same branches as the girls, and in English grammar; and, at stated hours, in the business of farming, as chopping, ploughing, harvesting, etc.³²

The colonial school system consolidated gender difference and schools contributed to the creation of an appropriately gendered population.³³ The Bagot Report

²⁹ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix T."

³⁰ A precursor to Residential Schools, the Bagot Report influenced the 1876 Indian Act.

³¹ Peter Baskerville, *Sites of Power: A Concise History of Ontario* (Oxford: Oxford University Press, 2005), 59.

³² LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix EEE."

³³ Lykke de la Cour, Cecilia Morgan, and Mariana Valverde, "Gender Regulation and State Formation in Nineteenth Century Canada," in *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada*, eds. Allan Greer and Ian Radforth (Toronto: University of Toronto Press, 1992), 163-191.

argued that one of the "evils" of hunting manifested itself when the men left the farm for the forest and consequently women worked in the field. Clearly, Indigenous peoples negotiated around the barriers that settler colonialism presented to them. Women worked the field and men hunted, but this did not measure up to European gendered standards of "civilization." Although the Bagot Report made it clear that Indigenous peoples participated in a gendered division of labour it understood this as an "uncivilized" division because it left women exposed in the fields instead of safe, cloistered inside a house. The colonial officials cast this gender transgression as another mark of the "uncivilized" that stemmed from the practice of going into the forest. The report proposed a remedy for this infraction: the eradication of hunting altogether. Excluding Indigenous peoples from accessing the forest as a part of their land and water tenure system created a perceived emptied forest open for revenue collection through licensing.

The Bagot Report noted that "with respect to the illegal cutting of Timber" the "Agents of the Commissioner of Crown Lands... be empowered to issue Licenses' for the cutting of Timber on Indian Lands, in the same manner as on Crown Lands, and that, if necessary, further Agents be appointed for that purpose."³⁴ The Commissioners suggested the amalgamation of the administration of Indian reserve land with the management of Crown lands. Licensing and regulatory market practices, such as the control of timber price, points to the belief that the colonial government managed and owned natural resources. In this view, only the colonial government had the authority to sell licenses for the use of land to individuals and companies. What the Bagot commissioners recommended took this one step further. They argued that the Commissioners of the

³⁴ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix T."

Crown Lands should be able to issue licenses for resources in government recognized Indigenous territories. They wanted to reform the “Indian reserves” so that they would produce a revenue for the colonial government. This drew both people and place into the growing sphere of the market-economy (that was to encompass all of the forest) buttressed by the an emerging settler state.³⁵ The Commissioners eventually got their wish and several years later the legislature of Canada combined the Department of Indian Affairs with the Crown Lands.³⁶

H.V Nelles points out that in the mid-nineteenth century the "problem of the forests was not that the public drew too little revenue from their exploitation, but rather too much."³⁷ According to Nelles, no matter how much deforestation took place the deforested land "wrenched from the state of nature" appeared insignificant when compared to the vast sea of forests.³⁸ Too much timber availability would drive down the price of the tree as commodity. The Bagot Report desired to close off the forest not only to Indigenous peoples, but, importantly, to anyone who did not buy a licence, ie, anyone who did not use the forest in such a way as to generate a revenue for the colonial government. Both European settlers and "Speculators from the United States” engaged in, as Samuel Peters Jarvis, the Chief Superintendent of Indian Affairs for Upper Canada, stated, "the cutting and lawless removal of Timber.” This caused an issue for the colonial government. Jarvis emphasized that some people bought, and in some cases some people simply took, the timber off of government recognized Indigenous lands, or Indian reserve

³⁵ H. V. Nelles, *Politics of Development: Forests, Mines, and Hydro-Electric Power in Ontario, 1849-1841* (Montréal: McGill-Queen's Press, 2005), 186.

³⁶ Baskerville, *Sites of Power*, 61.

³⁷ Nelles, *Politics of Development*, 183.

³⁸ Nelles, *Politics of Development*, 183.

lands.³⁹

Jarvis did not fear the loss of habitat for other than human beings, or environmental destruction, but he feared Indigenous peoples selling their own resources. Their unregulated sales of timber made timber prices "manifestly injurious to the Indians." The Bagot report deemed this practice more "objectionable" than the selling of "spirituous liquors" to Indigenous peoples.⁴⁰ Indigenous people selling the timber from their forests constituted "one species of fraud which has been successfully, and to a considerable extent, practised on the Indian property." As Sarah Carter has shown, even decades later, the Canadian government undermined Indigenous peoples even when they pursued market-based practices.⁴¹ In the Bagot Report, Jarvis argued that anyone other than the colonial government selling resources constituted as "fraud." In this logic a strict line was drawn between who could collect revenue from the land. Jarvis stated that:

They (unlicensed timber extractors) have proceeded to strip it of all the valuable timber, and up to the present day have not paid one farthing either for the timber or the land. I therefore earnestly solicit, on behalf of the Indians, that the Commissioner of Crown Lands be instructed, on no pretence whatever to confirm such purchases, or receive the considerable money originally agreed upon to be paid; but that the Indian Department be directed to call upon those persons to make immediate payment for the timber thus abstracted, at the established regulated price."⁴²

The Province of Canada already regulated the timber trade on crown and clergy land, and Jarvis, and others in the Bagot Report, wanted to extend this state regulation of the timber trade to "Indian reserve" land. Policies such as the "measures to be taken to foster a lawful trade, by empowering the Deputies of the Crown Land Department to

³⁹ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix T."

⁴⁰ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix T."

⁴¹ Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montréal: McGill-Queen's University Press, 2019), 257.

⁴² LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix T."

issue licenses," ensured that "some pretended license from a Chief, or other individual Indian having no authority whatever to confer it" could not issue timber licenses, or sell timber.⁴³ These jurisdiction issues over licensing under the driving force of resource extraction have constituted a fundamental part of the settler state even in its early development. One where "[t]he landscape was refitted to a new proprietary regime."⁴⁴ The money collected for the licenses went to the "Funds of the Indians," which the colonial government alleged they would use for the management of "Indian Affairs." However, as chapter three explained, the Province of Canada explicitly used this money to further invest in colonial development.

The Bagot Report cast the colonial government's regulation of "Indian reserve" land as a matter of protecting Indigenous peoples because the "[r]eserves contain some of the finest and most valuable land in the Province. Hence they have attracted the attention of the indigent emigrant, and the fraudulent speculator."⁴⁵ The commissioner's regarded the "indigent emigrant," or a squatter on Indian reserve land, as a blessing and a curse to the primary goal of transforming the land into agricultural settlement and site for resource extraction. The commissioners identified two "classes" of squatters, "the first" (the blessing) "were entitled to consideration, as they not only have enhanced the value of their own and surrounding land, but their improvements offered a security for their ultimately making to the Indians full compensation for their temporary usurpation." The second class of squatters (the curse) were those who did not make improvements on the land whom "the Commissioners conceived to be entitled to no consideration, and they

⁴³ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix T."

⁴⁴ Shiri Pasternak, *Grounded Authority: The Algonquins of Barriere Lake Against the State* (Minneapolis: University of Minnesota Press, 2017), 22.

⁴⁵ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix T."

recommended that the Law should be properly enforced against them." With respect to the first class of squatters' who "improved" government recognized Indigenous lands, the Bagot Report stated that:

[S]imilar instances on lands surrendered by the Indians to the Crown, is to have the land valued with the improvements, and to give the intruders the right of pre-emption at the price fixed by the Government. If abandoned, they will, of course, with their increased value, be put up for public competition.⁴⁶

The Commissioners wanted the squatters on government recognized Indigenous lands, if they made a settlement, a chance to outright purchase Indian reserve land from the Crown. If the squatters could not purchase the land it would go to public sale. This policy suggestion casts light on how the Indian Affairs officials did not "protect" "Indian reserve" lands from settlers, despite their flowery rhetoric, but instead, privileged white squatters in land purchases of "Indian reserve" lands provided that the squatters "improved" the land. As Lauren Benton points out, these appeals to the laws of the colonial state often preceded state sovereignty. The fluidity of the law allowed colonial officials to play on local tensions, and to create their own legal strategies.⁴⁷

Land "improvement," land ownership, and the colonial state desire to fix market prices to regulate the value of land exemplified a process that alienated more government recognized Indigenous lands from Indigenous peoples. As Sidney Harring points out, in 1840, John Beverly Robinson used a similar strategy when he ruled in favour of a squatter on government recognized lands on a technicality. Like Robinson before them,

⁴⁶ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix T."

⁴⁷ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge: Cambridge University Press, 2004), 6.

the Bagot Report Commissioners rejected, as Harring has put it, "any aboriginal rights that would impede the orderly settlement of Upper Canada."⁴⁸

On the surface the licensing and colonial regulation of the timber trade could hinder the development of land and the making of agricultural settler space. Placing restrictions on the extraction of timber could delay converting the forest into the ideal agricultural settler space. However, the Bagot Report understood that the official licensing of the timber trade made the forest more available for land development. Therefore, licensing "civilized" the "lands from which this timber [was] taken" because:

[S]o far from being benefited, with a view to being cleared and cultivated, are, in fact, rendered, still less practicable for that purpose- the partial clearings of the lumberers being productive of thick underbrush, more difficult of clearance than the timbered land in its original state.⁴⁹

Within this logic licensing for timber extraction aided land development.

The Bagot Report focused on unlicensed timber extraction as an impediment to agricultural development, and recommended a program that placed government recognized Indigenous lands under regulated market practices. Importantly, licensing established a fixed regulated price for timber, which supported the burgeoning market economy in the Province of Canada. This "price-fixing" can be better understood as a desire for a standard price on timber. Here it is important to understand how liberal market governance played out, as opposed to liberal rhetoric. In theory no person or state had the authority to chose a price for a commodity, yet, this had to be done otherwise prices would fluctuate in undesired ways. Wakefield knew this, which is why he lobbied for a "sufficient price" for settler colonial lands. The desire for a stable market-price for

⁴⁸ Harring, *White Man's Law*, 90.

⁴⁹ LA of PC, "Report on the Affairs of the Indians in Canada," "Appendix T."

timber drew previously off-limits Indigenous forests into the domain of the colonial-state.

John Leslie has shown how the Bagot Report influenced policy and new legislation pertaining to “Indian policy” in the British North American colonies, and in the process reorganized the Indian Department.⁵⁰ For example, Dean Neu shows one major policy shift by the mid century: the change in the practice of gift giving as an annuity. This change in gift giving centred on “settling” or restricting the movement of Indigenous peoples, to free up land for settlers and development. Neu shows how policy in the Province of Canada focused on changing promised annuity payments. Instead of previous gifts, or even money, the new policies would hand out agricultural tools. The new “gifts” even came in the form of funnelling money into proto-residential schools. Some scholars may disagree with this assessment and link to the stoppage of giving gifts to broader considerations of the British fiscal military state that wanted to cut costs in the post-Napoleonic War period.⁵¹ However, major policy reports such as the Bagot Report made it clear that part of this policy to stop gifts had to do with colonial anxieties about Indigenous movement and practices. For example, the Bagot Report sought to discourage the practice of fishing at night by no longer providing “light jacks,” or torches used to draw fish to the surface at night. This move intentionally attempted to stop Indigenous fishing practices.⁵²

Brian Gettler observes that “Ainsi, la description des Amérindiens imprévoyants par nature et affaiblis par l’assistance matérielle offerte par l’État sous forme de présents

⁵⁰ Leslie, “The Bagot Commission,” 31.

⁵¹ Heaman, “Space, Race, and Violence,” 135.

⁵² Victor Lytwyn, “Torchlight Prey: Night Hunting and Fishing by Aboriginal People in the Great Lakes Region,” *Algonquian Papers-Archive* 32 (2001): 310.

persiste jusqu'à l'aube de la Confédération,"⁵³ and suggests that British ideologies about "improvidence" influenced this change in giving gifts. The Bagot Report's conception of gift giving had to do with a broader British liberal ideology about what caused impoverishment, which derived from Poor Law debates in Britain. The liberal political economists who argued for Poor Law reform did not have a conception of unemployment, and believed that "pauperization" came from state support of poor people. In the same manner, the Bagot Commissioners, as Gettler rightly shows, applied this understanding of impoverishment to Indigenous peoples in the settler colonies. The recommendations in the Bagot Report allowed for the distribution of some gifts such as agricultural tools, but they served the specific purpose of "settling" Indigenous peoples. As Cary Miller observes, the concept of gift giving had deeply embedded meanings for Anishinaabe communities. She shows how gifts created "fictive kinship ties" and embodied social responsibilities and respect. The British colonial understanding of the gift saw it as a type of payment, not as an assertion of an ongoing relationship that required respect and honour.

When liberal reformers began to change the gifts they distributed they did so without consideration of the complex meanings and responsibilities bound by the gift exchange. As Miller points out, these gifts were political and could be understood "as treaties."⁵⁴ The changes in gift giving practices that began to characterize the post-War of 1812, and Napoleonic War period meant to "settle" and discourage Indigenous peoples from their traditional land and water tenure, or what British reformers termed, their

⁵³ Gettler, "En espèce ou en nature ?" 435.

⁵⁴ Cary Miller, "Gifts as Treaties: The Political use of Received Gifts in Anishinaabeg Communities, 1820-1832," *American Indian Quarterly* 26, no. 2 (2002): 223

“wandering” lifestyles.⁵⁵ To be clear, this does not suggest that policymakers intentionally changed policy to facilitate public debt financing. However, it does show the pervasiveness of settler colonial logic about development and settlement, which the debt financed. This should be understood as a change in thinking about public debt financing in the colonies.

Finally, the Bagot Report influenced major policy changes. Early Indian Act legislation passed in 1850 set in place the groundwork for the 1856 Gradual Civilization Act, which sought to force Indigenous peoples to assimilate into colonial society. One aspect of this was subjecting Indigenous men to statutory labour on roads on reserve lands.⁵⁶ Colin Grittner has shown the gendered meanings behind this practice of labour. Statutory labour was linked to settler men who participated in public life in Prince Edward Island.⁵⁷ The Bagot Report recommendations led to foundational Canadian Indigenous policy such as Residential school systems. It even went so far as to recommend the break of up reserve land into private property.⁵⁸ The early 1850 Indian Act also influenced the Maritime colonies to reorganize their policy directed at Indigenous peoples, and institute their own Superintendent of Indian Affairs.

Mi'kmaq oral histories of land tenure, and the myth of the “summer home”

The Bagot Report's recommendations to colonial governments to license resource

⁵⁵ David Neu, "'Presents' for the 'Indians': Land, Colonialism and Accounting in Canada," *Accounting, Organizations and Society* 25, no. 2 (2000): 79.

⁵⁶ Leslie, “The Bagot Commission,” 52.

⁵⁷ Colin Grittner, “Working at the Crossroads: Statute Labour, Manliness, and the Electoral Franchise on Victorian Prince Edward Island,” *Journal of the Canadian Historical Association/Revue de la Société historique du Canada* 23, no. 1 (2012): 102.

⁵⁸ Milloy, “Early Indian Acts,” 145-156.

extraction and to “settle” Indigenous peoples extended to Prince Edward Island. The Island now has two First Nations, Abegweit and Lennox Island, and four reserves. The Island government established Lennox Island as a reserve in the nineteenth century. Lennox Island was purchased from a private owner in 1870. The remainder of this chapter will look at what these colonial reforms directed at Indigenous peoples looked like on Epekwitk. First, this section will look at settler perceptions of Mi'kmaq land and water tenure on the Island as a way to highlight how both Island historiography and the Island government viewed ownership of Epekwitk even though it was never ceded. Lastly, this chapter will turn to the history of the making of Lennox Island as a part of the “fallout” from the Island government pursuing public debt financing.

An ubiquitous myth on Prince Edward Island creates a fiction of the Island as a “summer home” of the Mi'kmaq. This narrative lends itself to settler claims that the Mi'kmaq did not have permanent residence there, and therefore, they had no land rights. It would be a stretch to suggest that Islanders use this myth to dispossess the Mi'kmaq of their land and water rights. Nonetheless, it has become a pervasive idea in common knowledge, and some Island historiography has buttressed this idea as well. This section will examine how the myth of the Mi'kmaq “summer home” came to be. It will also use oral histories to show Mi'kmaq land tenure on the Island, and clearly establish that Epekwitk was not a summer home at all.

As someone who “comes from away”⁵⁹ it had always struck me as odd that Islanders would acknowledge the extensive archaeological evidence of Mi'kmaq

⁵⁹ “Comes from away” is a colloquial moniker Islanders give to anyone not born on the Island, racialized or not.

presence on the Island on the one hand, and then, on the other hand, dismiss this evidence as the Mi'kmaq only using the Island in the summer. This contradictory sentiment-yes there are Indigenous artifacts dating 10,000 year BP, and no the Mi'kmaq did not live here full time- can also be found in historiography about the Island. The "summer home" myth in some Island historiography seems to be a modern phenomenon. As recently as the late 1970s Islanders acknowledged the "Indian orchards" around the Island, or the proliferation of food plants that the Mi'kmaq had deliberately cultivated around the Island. Dr. John H. Maloney, a McGill medical school graduate, set up his practice in 1949 in Charlottetown. From there he became a weekend archaeologist and over the years located many Mi'kmaq artifacts. Maloney could look for Mi'kmaq artifacts because he knew from common Islander knowledge that in the summer the Mi'kmaq stayed on the shoreline, and in the winter they moved inland. He knew from common Islander knowledge that the Mi'kmaq lived on the Island all year around. So this idea of the Island as a "summer home" is potentially quite recent in origin, as sources older than the 1980s do not deploy this myth.⁶⁰

I have included below the full text quotes for the major settler historical works about Mi'kmaq land and water tenure on Epekwitk. The quotes are arranged in chronological order, and I included long quotes because it is important to show the narratives and undercurrents about Mi'kmaq land and water tenure in settler history. Including entire quotes of Island historiography to show how oriented it is towards viewing the Mi'kmaq as having an insignificant presence on the Island may seem

⁶⁰ Sarah Henry, "Doctor at Leisure: From Earliest Paleolithic Settlers to the Micmac, PEI's Indian Past Fascinates Doctor-Politician," *Canadian Medical Association Journal* 121, no. 1 (1979): 96-8.

redundant to some. However, understanding the “summer home” myth is important. It is important because it shows the real world impacts that settler historiography has on Indigenous communities. For example, when I interviewed Saul Jacobs, a member of Lennox Island, who attended school off reserve, they said they believed that “really all of PEI was more of a summer camping, more like a vacation spot.” Saul Jacobs learned this from an Islander school, as well as, presumably, from others on the Island as the idea of a “Mi'kmaq summer home” is wide spread across the Island.⁶¹ The idea of the “summer home” is not the work of an individual historian, or settler. It is a belief system that informs how Mi'kmaq land and water tenure is perceived.

An interesting trend emerges looking at Island historiography and the Mi'kmaq: the older works seem to have a more nuanced view of Mi'kmaq land and water tenure while some of the newer works explicitly reference the “summer home” myth. The first quote is from L.S.F. Upton's frequently cited article “Indians and Islanders” (1976). He writes:

Lennox Island, apart from its chapel, was of little importance to the majority of Indians who continued their accustomed way of life as best they could. Only two or three families, principally the Francis family, lived there, while the rest continued to move around, hunting and fishing with diminishing success. Because of the small size of Prince Edward Island and the need to range ever wider in the hunt, it is impossible to say how many resident Micmacs there were. Families made frequent crossings of the Northumberland Straits, keeping in close touch with the Indians of northern New Brunswick and Cape Breton.⁶²

Upton has a more nuanced interpretation of Mi'kmaq land and water tenure that

⁶¹ Interview with Lennox Island Members. Collected by Angela Tozer. November 27, 2019 (Lennox Island, 2019, Tozer hereafter).

⁶² L.S.F. Upton, "Indians and Islanders: The Micmacs in Colonial Prince Edward Island," *Acadiensis* 6, no. 1 (1976): 23.

avoids the idea of the Island as a “summer home.” He remarks about the small number of Mi’kmaq families living on the Island, but he also, at the same time, accounts for their method of land use that included crossing the Northumberland Strait, and their “accustomed way of life.” As with Maloney before him, the idea of the Mi’kmaq only living on the Island in the summer is not present. J.M Bumsted writing in the late 1980s, on the other hand, quite explicitly referred to the Island as a “summer home.” He writes:

In late June 1534, Jacques Cartier sighted and briefly visited what is today known as Prince Edward Island; however, its settled development did not begin in earnest until well into the eighteenth century. Cartier probably was not the first European to view and be favourably impressed by the crescent-shaped wedge of land off the coast of mainland Nova Scotia. Basque and other fishermen had doubtless reached the Island years earlier—perhaps even before John Cabot’s celebrated landfall in Newfoundland in 1497— and the Micmac Indians, of course, had at least summered there for centuries.⁶³

Bumsted’s interpretation of Mi’kmaq land tenure makes use of the contemporary middle-class signifier “summered.” The transition to normalising Epekwitk as the “summer home” appears to have happened sometime after the late 1970s. Aside from the “summer home” idea, another related idea emerges in Island historiography, and that is the “vanishing Indian” trope. Placing focus on the exact number of Mi’kmaq living on the Island serves one main purpose: to show how “few” people lived there. One could ask, few compared to what normal? When historians use descriptions such as few, and scarce, or scattered, they make, intentionally or not, value judgements about the appropriate number of Mi’kmaq who should live on the Island. What does it matter if 500

⁶³ J.M. Bumsted, *Land, Settlement, and Politics on Eighteenth-Century Prince Edward Island* (Montréal. McGill-Queen's Press, 1987), 3. See also Matthew G. Hatvany, “‘Wedded to the Marshes’: Salt Marshes and Socio-Economic Differentiation in Early Prince Edward Island,” *Acadiensis* 30, no. 2 (2001): 44.

or 50,000 Mi'kmaq lived on Epekwitk? The land was and is unceded.

Official counting of people or, the census, relied on counting people settled in place, not people moving through space. Mi'kmaq land tenure made it impossible for liberal mechanisms of population description to locate Mi'kmaq families. Bruce Curtis has pointed out that counting populations became a way to attempt to control them. He calls this the “localization of political subjects in space.”⁶⁴ The rise of liberal governmentality in the colonies exemplified by a turn away from a governance structure oriented around the authority of local landed elites- and British imperial rule, had mechanisms to count, and define populations.⁶⁵ Indigenous peoples came under the scrutiny of the census as one population that colonial governments wanted to define, and therefore exert control over.⁶⁶ Historical scholarship's preoccupation with counting the Mi'kmaq partially comes from western ideologies of knowing the contours of a specific “population,” as well as the conventions of western historical scholarship that relies almost exclusively on written documents. This focus on written sources limits historical research to evidence that is entirely dependent on which documents have survived though time.

Rusty Bittermann recounts the influence of L.S.F Upton's count of how many Mi'kmaq lived on the Island. Most of this historical scholarship is based on a few

⁶⁴ Bruce Curtis, *The Politics of Population: State Formation, Statistics, and the Census of Canada, 1840–1875* (Toronto: University of Toronto Press, 2001), 26.

⁶⁵ While some dispute the idea that there was such a distinct turn towards liberal governmentality in the British North American colonies, other works support this idea. For two major collections that examine liberalism in Canada see Allan Greer and Ian Radforth, eds., *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada* (Toronto: University of Toronto Press, 1992); and M. Ducharme and J.F. Constant, eds., *Liberalism and Hegemony: Debating the Canadian Liberal Revolution* (Toronto: University of Toronto Press, 2009). It should be noted, that scholars such as Elsbeth Heaman have made an interesting case for, not a liberal governmentality, but a distinctly Tory governmentality that manifested in many ways, for example in “civilization.” A discourse generally closely associated with liberal reformers.

⁶⁶ Thomas R. Metcalf, *Ideologies of the Raj* (Cambridge: Cambridge University Press, 1997), 134.

documents, a document from Lieutenant Governor C.A FitzRoy that counted the “scattered” Mi’kmaq, and a few petitions such as one from Mi’kmaq Chief Oliver Thomas LeBone.⁶⁷ In “Mi’kmaq Land Claims” (2006) Bittermann explains:

[T]he documents that [William] Cooper brought to London included a petition Oliver Thomas LeBone, “a Chieftain of the Mic Mac Tribe of the Indian Inhabitants of P.E. Island.”...Oliver Thomas LeBone’s petition provides evidence on a number of matters of interest to those who study the aboriginal history of Prince Edward Island. One of these is the size of the Mi’kmaq population in the colony. According to LeBone, 500 Mi’kmaq lived on Prince Edward Island in the 1830s and they were but “a skeleton” of “our once numerous tribe.” L.F.S. Upton drew from the LeBone petition both to estimate population numbers and to chronicle the story of the establishment of a reserve for the colony’s Mi’kmaq.⁶⁸

Bittermann also makes an interesting comparison between the Escheat Movement goals, and the land rights goals of the Mi’kmaq. Bittermann shows how the Escheat Movement leader, William Cooper, included the Mi’kmaq land petition with other papers he presented to the Colonial Office in London in 1838 about Prince Edward Island’s “land question.” Bittermann sees this moment as one that:

[O]ffers insight into a moment in Prince Edward Island history when non-aboriginal rural leaders on the Island appear to have conceptualized the claims of First Nations residents neither as competitive with the interests of the non-aboriginal rural population nor as a matter for charity.⁶⁹

Arguably, this could also be seen as a moment in which Cooper appropriated the Mi’kmaq petition to support the interests of the Escheat Movement that, in many ways, were at odds with Mi’kmaq land and water tenure as the end of this chapter addresses.

Bittermann also points to the fact that L.S.F. Upton used the LeBone petition as

⁶⁷ Letter of Lieutenant-Governor Charles A Fitzroy to Lord Glenelg. 8th October, 1838. CO 226 55/56. PA of PEI.

⁶⁸ Rusty Bittermann, “Mi’kmaq Land Claims and the Escheat Movement in Prince Edward Island,” *University of New Brunswick Law Journal* 55 (2006): 173.

⁶⁹ Bittermann, “Mi’kmaq land claims,” 174.

the basis for his count of Mi'kmaq people living on the Island. Other historians such as Jennifer Reid have also relied on this petition when writing about Mi'kmaq history on the Island.⁷⁰ Alan MacEachern, however, uses British documentary census sources. In his article for the *Island Magazine* (1990) he examines how settlers started a movement to support Mi'kmaq families in obtaining reserve land. Notably, the land was to be out of the way, and not the arable land for British settlement. MacEachern writes:

On Prince Edward Island, the imperial and local governments had been able studiously to ignore the small Micmac population. Traditionally, the Micmac had migrated seasonally in search of fish and game. When Prince Edward Island was divided by lottery in 1767, this semi- nomadic lifestyle continued as long as there were few settlers to enforce land boundaries. But by 1800 the white population had risen to 5,000, the Micmac numbers having stabilized at approximately 300. In a colony where the entire populace would struggle for a century to free itself from the control of absentee landlords, there was little sympathy — and no land — for a people who felt no obligation to settle down.⁷¹

MacEachern counts 300 Mi'kmaq on the Island. He also comments that there was “no land” in the context of growing British settlement. He aptly points out that in the 1800s British settlers had little patience for Mi'kmaq land rights. However, while doing so he does not gesture towards the historical fact that no formal treaty process ceded Mi'kmaq land to the British. This narrative relies on assumptions about land use and the availability of land. There was, in fact, lots of land for Mi'kmaq use, approximately 5,685 square kilometres according to statistics Canada.⁷² The “land question” on the Island even attested to this, which rested on the knowledge that there existed an abundance of

⁷⁰ Jennifer Reid, *Myth, Symbol and Colonial Encounter: British and Mi'kmaq in Acadia, 1700-1867* (Ottawa: University of Ottawa Press, 1995), 83.

⁷¹ Alan Andrew MacEachern, "Theophilus Stewart and the Plight of the Micmac," *The Island Magazine* 28 (Fall/Winter, 1990): 3.

⁷² *Statistics Canada*, “Focus on Geography Series, 2011 Census,” accessed May 1, 2020. <https://www12.statcan.gc.ca/census-recensement/2011/as-sa/fogs-spg/Facts-pr-eng.cfm?Lang=Eng&GK=PR&GC=11>.

“unused” land tied up in the landlord and proprietor system. An Island population of 5,000 settlers in 1800 could not use 5,685 square kilometres in its entirety to the point that there was “no land” for the Mi'kmaq. MacEachern rightly observes that the Island government ignored the “small” numbers of the Mi'kmaq, but he also, at the same time, unintentionally undermines Mi'kmaq land and water tenure when he labels it as a “semi-nomadic lifestyle” and seasonal migration. Settlers actively sought Mi'kmaq living spaces because, since time immemorial, the Mi'kmaq lived in regions dense with food that provided good shelter. Mi'kmaq families had perpetual living spaces on the Island.

Settler mythologizing (even in settler historiography) of the Island as a “summer home,” and the logic that there were not enough Mi'kmaq on the Island to properly claim land, unfortunately, have made their way into the consciousness of Lennox Island residents. Saul Jacobs, a Lennox Island member who grew up off reserve, recalled to me that in their off reserve education they learned that PEI was only a “summer home.” They noted that “all” of the Island was like a “vacation spot.” When I asked “How were other parts of Epekwitk used?” Saul responded, “I think all of PEI was used, not a whole lot of animals to hunt in the winter, not a lot of lucrative fishing either.”⁷³ Saul recounted the history they learned in a settler Islander school, not on Lennox Island. This highlights how settler and arrivant historians can create harmful narratives. A historian publishes their research, the research is read by a teacher, the teacher teaches Mi'kmaq students, and the students come to believe that the Mi'kmaq only “migrated” to the Island in the summer. The “summer home” myth claims that “the Mi'kmaq were here, the Mi'kmaq lived all over the Island, but...” That “but” pulses through centuries of settler colonial

⁷³ Lennox Island, 2019, Tozer.

discourse about Epekwitk that says “the Mi’kmaq were here, the Mi’kmaq lived all over the Island-but- they do not have legitimate claims to the Island.”

Patrick J. Augustine's Master of Arts thesis for the University of Prince Edward Island Studies program counters many of these harmful narratives.⁷⁴ He notes that “[a]ll islands are within Mi'kma'ki. Mi'kma'ki is inclusive of seven districts that follow hunting rules called Netukulimk. Although islands are cut-off from the land, they remain inclusive of the homeland.”⁷⁵ The European perception of an island as a discrete parcel of land, with natural water borders cannot be applied to Mi’kmaq perceptions of land and water tenure on Epekwitk. Michelle Lelièvre, who has worked with the Pictou Landing First Nation, has made a recent effort to “unsettle” this literature about Mi’kmaq land and water tenure as illegitimate because settlers believe it to be seasonal migration, and therefore, not permanent. She notes that Mi’kmaq land and water tenure centred on mobility. Lelièvre argues that a “sedentarist ideology” began to permeate the British imagination in the nineteenth century that saw mobile peoples as “uncivilized.” In this ideology the binary of settled/ nomadic arises, with British observers often characterizing Indigenous peoples as “nomadic” as a way to destabilize their land and water rights, and render them “uncivilized.” Lelièvre shows how the Mi’kmaq land and water tenure system, which she names as mobility rather than the culturally loaded term “seasonal migration,” provoked an intense anxiety in settlers who wanted to keep track of Indigenous peoples.⁷⁶ Mi’kmaq Elders from Epekwitk describe this mobile land and

⁷⁴ Patrick J Augustine is a 7th generation descendant of a treaty signatory for the Richibucto tribe of Mi’kmaq in New Brunswick, and registered with Elsipogtog First Nation,

⁷⁵ Patrick J. Augustine, “The Significance of Place in Textual and Geographical Representation: The Mi’kmaq on Lennox Island, Prince Edward Island, and the Penobscot on Indian Island” (Master of Arts Thesis, University of Prince Edward Island, 2009), 46.

⁷⁶ Michelle A. Lelièvre, *Unsettling Mobility: Mediating Mi'kmaw Sovereignty in Post-Contact Nova Scotia*.

water tenure system that conceptualized both land and waterways as homelands.

The historical preoccupation with Mi'kmaq “seasonal migration,” and the Island as a “summer home” has had a measurable negative effect on members of Lennox Island. Mi'kmaq Elders' histories about Epekwitk, however, explain a mobile land tenure system that concentrated around two major clusters on the Island, one around Malpeque Bay, specifically off of Indian River, or Gateagoneg, which roughly translates to “the Place of the Eels.” This river emptied into the bay. The other significant Mi'kmaq living space was around the Hillsborough River (see figures 3 and 4). The four reserves are located near or on these rivers. The Abegweit First Nation Reserves: Rocky Point, Scotchfort, and Morell are along the Hillsborough River. Lennox Island, of Lennox Island First Nation, is found in Malpeque Bay, across the water from Indian River, a straight walk across the frozen bay, or a direct sail. Silas Tertius Rand's nineteenth-century work on the Mi'kmaq language noted that the word Malpeque came from the Mi'kmaq word “Makpaak,” which he translated as “Big Bay.”⁷⁷ The Elders' oral history accounts recounted their childhoods from the 1930s and 1940s. These accounts are clear that the mobile land tenure system was passed down from generations through families and communities. Specific Mi'kmaq families would use specific areas. The common Mi'kmaq surnames on the Island, Bernard, Francis, Knockwood, Labobe, Sark, Thomas, Toney, and Tuplin also act as a legend for a map of land and water tenure. Other Mi'kmaq names found on the Island such as Augustine, a common name found New Brunswick, highlight the intermarriage

The Archaeology of Colonialism in Native North America (Tucson: University of Arizona Press, 2017), 53.

⁷⁷ Silas Tertius Rand, *A First Reading Book in the Micmac Language: Comprising the Micmac Numerals, and the Names of the Different Kinds of Beasts, Birds, Fishes, Trees etc. Of the Maritime Provinces of Canada. Also Some of the Indian Names of Places, and many Familiar Words and Phrases, Translated Literally into English*. (Halifax: Nova Scotia Printing Company, 1875), 93.

between people from Epekwitk aqq Piktuk and other districts of Mi'kma'ki.

Two things to note before delving into Elder's oral histories. The first is that archaeological evidence places Mi'kmaq peoples all around the Island, and not just along the two rivers this dissertation focuses on. Second, in the following discussion I have changed all of the names of Lennox Island community members, but not all of the Elders names. Some Elders names have been obscured with the generalized term “Elder” when sensitive information, such as histories of Residential Schools, is presented. I changed the names of all the Lennox Island members where I personally conducted the oral history interviews. I redacted descriptions of abuse, and I have also redacted information that could reveal an individual's identity, such as their age, or where they went to school, or names of their family members.

In 2009 Mi'kmaq community members made oral recordings, both in English and in Mi'kmaq, of Elders' oral histories and knowledges. Many of these Elders have since passed. The Mi'kmaq Confederacy of Prince Edward Island (MCPEI) holds these recordings and translations. MCPEI allowed me to access this priceless archive, and has given me permission to use these recordings in my research. I kept the names of the Elders intact to amplify their knowledges and histories. Some Elders, such as Georgina Knockwood Crane, have been active in fighting for Indigenous rights. Elders' names are important, and they establish a deep connection to the land and water. The connections of Mi'kmaq last names to Mi'kmaq living spaces reveals a history of Mi'kmaq land and water tenure that has been passed down through generations, from a particular place. This history counteracts many of the harmful settler narratives about the Mi'kmaq of

Epekwithk.

In the recordings the Elders' recalled their youth in the 1930s and 1940s, and many spoke about a mobile land tenure. Settler Islanders who grew up in important Mi'kmaq areas, also recalled of the early 20th century that the Mi'kmaq families had lived in that area “ for a long time, in relationship to generations.”⁷⁸ Mi'kmaq Elders and settlers alike both remembered the Mi'kmaq land and water tenure system of the Island, and understood it to be in terms of generations. Contrary to the “summer home” myth, both Islander settlers and Mi'kmaq Elders spoke of having important winter living spaces. Many families left the reservation of Lennox Island in the fall, in October and sometimes in November to pass the season in their winter living spaces. They all recounted how a few weeks before St. Anne's day at the end of July they would go to Lennox Island for the celebrations, only to leave a couple of months later.

Mi'kmaq calendars use moon cycles and seasonal changes. Gatherings for councils, celebrations, and ceremonies occurred based on these calendar cycles. St. Anne's day marked a departure from this as the specific day of the Gregorian calendar, the 26th of July was designated as a day to gather, and this tradition developed throughout the eighteenth century. The Elders of Lennox Island also remembered going to Lennox Island for St. Anne's day because of seasonal changes.⁷⁹ This suggests that, even though St. Anne's day was on the 26 July, traditional movements still played a role in when a family decided when they should travel to Lennox Island.

According to the Mi'kmaq Elders their families would only stay on Lennox Island

⁷⁸ Private Elders Oral History Collection. Mi'kmaq Confederacy of Prince Edward Island Collection (MCPEI Collection hereafter).

⁷⁹ Anne-Christine Hornborg, "St. Anne's Day: A Time to 'Turn Home' for the Canadian Mi'kmaq Indians," *International Review of Mission* 91, no. 361 (2002):238.

for relatively short periods of time to leave for their winter homes where they had access to abundant food and materials for making goods such as baskets to sell in Summerside or Tyne Valley. Families would cross the Northumberland strait to visit kin, and the Mi'kmaq surnames of Pictou Landing First Nation speak to this kinship network of Bernard, Francis, and other common family names. Figure 2 shows a map of the Island that highlights the two major regions that Mi'kmaq families lived in during the winter.⁸⁰ One, along Indian River off of Malpeque Bay, and the other, off of the Hillsborough River that emptied into the Northumberland Strait waterway. The Hillsborough River Mi'kmaq living spaces included Rocky Point, Morell, and Scotchfort. The Malpeque Bay Mi'kmaq living spaces included Alberton, Indian River, Northam, Potrage, and Tyne Valley.

Two burial spaces speak to the generations that have established homes around these two rivers. Elder Georgina Knockwood Crane's history included her recollection of the finding of Mi'kmaq ancestors buried in Savage Harbour, Prince Edward Island. She noted that "down along Savage Harbour banks and they were wrapped up in leather and then birch bark on the top of that and laid into the ground and that's how they found them."⁸¹ Savage Harbour is a few kilometres north of the northern end of the Hillsborough River. According to Elder Methilda Knockwood Snache:

[The] Hillsborough River being so busy that was like the main way of travel a long time ago before the roads, it was up and down the river on the canoes, on their boats and everything, and they had built a fort when the first settlers came which were French.

⁸⁰ All maps were created using data from: L.R.I.S., 20050725, Prince Edward Island Coastline: Prince Edward Island Finance and Municipal Affairs, Taxation and Property Records, Geomatic Services, Charlottetown, Prince Edward Island, Canada.

⁸¹ MCPEI Collection.

She noted that seals and walrus would travel up the river, and the Mi'kmaq would hunt them.⁸² Contrast this with what a settler Island school had taught Saul Jacobs that, “not a whole lot of animals to hunt in the winter, not a lot of lucrative fishing either.” The Mi'kmaq used both seals and, importantly, eels, which were best caught in the winter months. The nineteenth-century linguist Silas Rand noted the name for Lot 49 at the mouth of the Hillsborough River was “Ntooaagwokun,” which he translated as “where seals are caught.”⁸³ The importance of the Hillsborough River for Mi'kmaq travel and livelihoods puts into context the travelling up this river to the north shore to Savage Harbour to lay ancestors to rest.

Settler Peter MacLennan, friends with a few of the Mi'kmaq families in Gateagoneg, what is now called Indian River, recalled how since 1842 “a lot of the Indian people were buried there.” His interview was included in the 2009 oral interviews preserved at the Mi'kmaq Confederacy of Prince Edward Island. The settler-named Indian River was an important Mi'kmaq waterway on the north side of the Island that empties into Malpeque Bay. During MacLennan's lifetime he remembered another burial site made a “few thousand feet” from the Indian River Church. He said he did not know how many people were buried there but he said “there are many- you can tell by the way the land is.” In a “newer” site made in the early twentieth century, Mi'kmaq family members of the deceased had “placed a fence around it [the graveyard] and a small plaque.” The anecdotal evidence makes the proximity of the two Indian River cemeteries unclear, but the older site had “iron Crosses put near their graves.” The sites around Indian River

⁸² MCPEI Collection.

⁸³ Rand, *A First Reading Book in the Micmac Language*, 92.

remains uncovered. Elder Knockwood Crane said of the Savage Harbour site that they held a ceremony for her ancestors in the nearby St. Andrews after the discovery of the site.

The burial sites clearly establish a continued tenure and return to homelands over generations. Both Mi'kmaq Elders and settlers affirm this. On top of this evidence the settler place names of the two Mi'kmaq resting places for their ancestors discussed here, Savage Harbour, and Indian River, obviously refer to the fact that Mi'kmaq people lived there. Settlers gave these places colloquial names for Indigenous peoples, "savage" and "Indian," because the Mi'kmaq lived there. In the same way they gave the name N***** Point, and "Black Sam's" bridge to places where Black Islanders lived. The settler naming of Savage Harbour and Indian River acknowledged these places as belonging to the Mi'kmaq, even if they did not acknowledge their presence on the Island in so many other ways. Settlers understood that the Mi'kmaq made homes on the lands around Indian River and Hillsborough River. Indian River was a Mi'kmaq space as recently as the mid-twentieth century, where Mi'kmaq families lived, and spoke nearly exclusively Mi'kmaq. The settler Peter MacLennan recalled how Mi'kmaq children would play in the bulrushes that lined the river and in the tall grasses of fields. He remembered that whenever they saw "white people and the children were scared of them. The little ones were nicknamed by non-natives as 'snakes in the grass.'"⁸⁴ Settlers called the children this because the children hid from them in the tall grass and bulrushes.

Mi'kmaq families who had living spaces around the Hillsborough River lived in several different spots. Margaret Toney, the grandchild of Bernards, recalled how after

⁸⁴ MCPEI Collection.

her birth on Lennox Island she and her parents moved to Morell. She remembered:

We also did a lot of fishing, for eels, trout, and salmon down at the river. The river was called in those days the Pagosi River, now called the Morell River. I remember when we were going to Lennox Island for St. Anne's Day, it was a long trip in those days by horse and wagon. It seemed it took forever to get there, maybe two days I think, we stayed with family, friends, or relatives.⁸⁵

The Morell river emptied into St. Peter's Bay, and a few kilometres across the bay is now Greenwich National Park. The Canadian Museum of Civilization and Parks Canada conducted many archaeological digs at this national park between 1983 and 2002. Those digs have uncovered traces of artifacts from the Mi'kmaq and their ancestors that date from 10,000 years ago to contemporary times, which suggests continual occupation of that area.⁸⁶ This highlights the ways in which Elder Margaret Toney spoke about her family's use of that region. She recalled the proximity to the river for transportation and as a food source, and a deep cultural knowledge of that specific place. Clearly, Mi'kmaq people did not begin to use that region after "contact," but have lived on those lands for thousands of years. Furthermore, as Elder Margaret Toney and others recalled, those spaces provided homes in the winter, not the summer. In the summer the families gathered at Lennox Island to celebrate St. Anne's Day.

Elder Marie Bertha Labobe, who was born in Northam woods, recalled how her family had a farm on Lennox Island, but still left around November to travel to Northam. She noted that the reason her family stayed in Northam was to get lumber for making baskets. Selling woven baskets provided the family with a source of income. She recalled

⁸⁵ MCPEI Collection.

⁸⁶ Parks Canada, Prince Edward Island National Park, "Greenwich," accessed April 1, 2020. <https://www.pc.gc.ca/en/pn-np/pe/pei-ipe/visit/greenwich>.

that they would travel to Summerside, and up to Tignish selling their wares. When they stayed at Portage she said the priest there told them they could stay as long as they wanted on “church land.” Importantly, she also remembered that at the time she only spoke Mi’kmaw, which points to the how these spaces, even in the twentieth century, were still Mi’kmaq. Traditional historiography of the Island has missed this point, and still writes about the Mi’kmaq on Epekwitk as if they disappeared. The fact that children in the early to mid-twentieth century exclusively spoke Mi’kmaw gives evidence that suggests the presence of an insulated Mi’kmaq community.

Some families would either go to Lennox Island in the summer or go to their kin in New York. Some families had carriages and horses, while others walked. The trip from Lennox Island to Tyne Valley at that time was done with a dory. When Elder Marie Bertha Labobe was asked if she travelled around a lot, she responded, “oh my god did we ever, and we travelled in New Brunswick too. We stayed in New Brunswick in a lot of places. We’ve stayed in Beaumont all them places, god sakes.”⁸⁷ Elder Bertha Labobe also gave the history of the creation of a reserve, a well known story on Lennox Island. She said:

Oh my god there was nobody here but brushes and dumps and everything. So we got the government to clean it up because it wasn’t our dirt, yeah well we, I already thought about my spot and ah but I, I told Jimmy (Sark) that you know as a reserve that nobody ever lived in I says, down in Rocky Point, I said we could be there ourselves I says and nobody would ever have to fight with anybody. And we don’t. We never fight with anybody, don’t hear anybody walking after 8 o’clock, children are off the road and nobody says anything to anybody. We respect each other in this reserve.⁸⁸

⁸⁷ MCPEI Collection.

⁸⁸ MCPEI Collection.

Elder John P. Labobe also spoke of the mobility of Mi'kmaq land tenure as well. He noted that some families had horses and sleighs. He spoke about walking to Grand River, Alberton, to Indian River, and crossing over the ice in the winter. He said the "ice was very thick then, not like now." He said they would walk across the ice to Indian River. It is unclear if he meant from Lennox Island to Indian River across the Malpeque Bay. This certainly would be the most direct route to Indian River where families would go to trap muskrats, minks, and foxes.⁸⁹ Islands off of Lennox Island were also important such as Hog Island. Elder Matilda Lewis (Knockwood) recalled the importance of families using the maple bushes on Hog Island when she said:

At times in the winter we had to walk to Indian River (Gateagoneg), we walked mostly to where ever we went, there were some cases where we were lucky ...trips was taken by dory or sail boat to places like Alberton and Northam...The places that they landed were mainly for the things they needed like wood for baskets and food like eels, clams, partridge, and rabbits...Hog Island (Peteoigeg) was used for wood and maple sugar. It had a very large maple tree area. The family would stay till only a few weeks before St. Anne's day.⁹⁰

Hog Island is still a point of contention between the Lennox Island First Nation and the government of Prince Edward Island. Lennox Island has been seeking to rematriate the land back to the reserve, and the conclusion will discuss rematriation efforts on the Island. Hog Island clearly held both cultural significance, and provided a source of food. Elder Matilda Lewis (Knockwood) shared fond memories of the laborious process of making maple syrup. She told a story of how families would collect the maple sugar:

When Spring would arrive, the sun was warm and the birds were

⁸⁹ MCPEI Collection.

⁹⁰ MCPEI Collection.

returning-the brooks would be full of water. We as a family would get ready for Hog Island. It was maple sugar time. We would go over by dory and set up camp there. As children we loved this time of year because we knew what was in store for us. Father tapped the trees, Mother would begin to make birch buckets for the sap...when they were full we would empty them in a big bucket or barrel and take it to mother, who was busy getting a large fire ready. Pour in the sap in an iron pot. She would boil the sap till we had maple sugar and syrup...We always shared it with everyone on the Island when we returned.⁹¹

Other Lennox Island residents recalled the experiences they had as children, as their families travelled across the Island to traditionally used spaces around Malpeque Bay and the Hillsborough River. Elder Bertha Francis exclaimed that “I just loved it” and that “there are times in my life when I wish I were back in the camps!” She noted the two main types of structures Mi’kmaq families would build for the winter living places: Wigwams, or tar paper tents. Both provided a warm place in the winter with a heating source placed on the inside. She noted that her family would also go to Hog Island for gull’s eggs.⁹²

Mi’kmaq movements around the Island allowed them to trade with both settlers, and (a much older trade) with other Indigenous nations and communities from the mainland. Elder Methilda Knockwood Snache, who lived near Scotchfort on the Hillsborough River, spoke of trading with other Indigenous nations, particularly quahog shells. She recalled:

And after all these years didn't I find out that the quahogs are the wampum shells that are sought by other inland natives over the years, and my people for centuries were picking quahogs, we used to pick quahogs to trade, that was our trading.⁹³

⁹¹ MCPEI Collection.

⁹² MCPEI Collection.

⁹³ MCPEI Collection.

Here, Elder Knockwood Snache pointed to evidence of Mi'kmaq trade with other Indigenous nations. Many Elders recalled only speaking Mi'kmaq, and learned English in a piecemeal way when the Canadian government incarcerated them in the Shubenacadie Residential School in Nova Scotia where they sent Mi'kmaq children from Epekwitk.⁹⁴ Some families even moved to avoid the theft of their children. An Elder recalled when their father had “heard about the people were coming in to gather young children up to take there, he wasn’t going to have any part of it so he just packed us all up and took us to states and that’s where we stayed.”⁹⁵ Another Elder recalled the campaign of terrorism the Canadian state instituted when it kidnapped Mi'kmaq children when they said:

No parents had any say about not going and parents weren't allowed to keep their children, once the Indian agent came that was. You couldn't hide children, you couldn't protect your children, nothing like that...and it wasn't a very good place there at all, in fact, it was horrible. I can remember vividly the [redacted description of abuse] and the [redacted description of abuse], my mother used to try and come a visit me, and they wouldn't let her visit, once a year I think I got to see my mother.⁹⁶

Not long ago prominent Canadian historians such as J.R. Miller who wrote one of the most frequently cited historical works on Residential Schools, *Shingwauk's Vision* (1996), made the case that some parents exercised a degree of influence over the curricula, and the schools actually aided Indigenous peoples to become “literate.” Oral testimonies contradict these Canadian historians. Canadian historians have an alarming

⁹⁴ MCPEI Collection.

⁹⁵ MCPEI Collection.

⁹⁶ MCPEI Collection. This Elder goes into some explicit detail about the mental, physical, and sexual abuse the Residential School priests and nuns subjected Mi'kmaq children to, which I will not retell here. However, I do want to recommend that non-Indigenous peoples do the emotional work to read survivor stories in an attempt to educate themselves about what so many Indigenous children and their families had to go through, and still face the effects of. Residential School survivors have given explicit consent to have their stories published in the 2015 Truth and Reconciliation Report, and made available to the public. See, for example, the “Survivors Speak” section of the final report. <http://nctr.ca/reports.php>.

predisposition in choosing “Indigenous voices” from the past that align with their own Eurocentric ideologies, such as the positive effects of a liberal schooling system.⁹⁷ As Robin Brownlie and Mary-Ellen Helm point out Basil Johnson’s *Indian School Days* gets cited as the “positive” impacts of Residential Schools on Indigenous life. Even though Johnson never condones the schools themselves for any so-called positive effects in the way that Canadian historians do.⁹⁸

Mi'kmaq land and water tenure as mobility allowed families to move freely with their children to find resources, and to gather with other families for celebrations, and ceremonies. When the Canadian government kidnapped Indigenous children from their families they forced movement on Mi'kmaq families; an inverted corruption of Mi'kmaq mobility. Some Elders give a sense of the powerlessness some Mi'kmaq families faced, and described moving to the United States to attempt to escape harm. This forced mobility also changed patterns of Mi'kmaq land and water tenure on Epekwitk. In this context, the Mi'kmaq might be considered refugees, forced off of their homelands in the wake of settler colonial violence.

The following section will detail the centuries long attempts to confine Mi'kmaq families to Lennox Island to “settle” them. However, Elders histories show that they continued to express their sovereignty through a continuation of land and water tenure well into the twentieth century. Mi'kmaq Elders from Epekwitk expressed the importance of places around Malpeque Bay and the Hillsborough River. They also spoke of continuing to use the land, water, and other than human beings. Many winter living

⁹⁷ Robin Brownlie and Mary-Ellen Kelm, "Desperately Seeking Absolution: Native Agency as Colonialist Alibi?" *The Canadian Historical Review* 75, no. 4 (1994): 548-9.

⁹⁸ Brownlie and Kelm, “Desperately Seeking Absolution,” 551.

spaces centred around specific trees used for basket weaving, or places along a river that had an abundant supply of winter foods such as fatty eels. These spaces existed outside of settler and colonial government understandings of the Mi'kmaq, and where they continued to live around state mechanisms such as natural resource licensing.

Attempts to “settle” the Mi’kmaq on Lennox Island

Lennox Island is located on the north shore of Prince Edward Island on the west end of Malpeque Bay (see figure.3). In the 1970s a causeway was built to connect it to the “mainland,” but prior to this, people crossing would have to do so by boat. Lennox Island acted as both a refuge for some Mi'kmaq families, and as a place of attempted confinement as reformers tried to force Mi'kmaq families to settle there and live as farmers. The making of Lennox Island into a reservation turned on the settler logic that informed a broader change in the British North American colonies linked to a desire to produce a revenue from the land and water. This change reflected a prevalent idea that the only way to “save” Indigenous peoples was to “settle” them. Pressures exerted on the land and water from the public debt made less space available for Mi'kmaq land and water tenure. The “fallout” of the public debt put pressure on the colonial government to generate revenue through licensing that restricted Indigenous peoples access to their living spaces.

I have argued in this thesis that the public debt essentially auctioned off the future value of lands on the London money market, which changed the way people could live on lands. On Epekwitk, this meant a disruption to Mi'kmaq land and water tenure. Mi'kmaq

Elders' have recounted that many Mi'kmaq families did not confine themselves to Lennox Island, and continued to practice their land and water tenure. While people could manoeuvre around the structures of settler colonialism that began to spring up all around them, this did not mean they did not experience many negative, and even disastrous outcomes.⁹⁹ Many went to Residential Schools, and the powerlessness of this experience is reflected in Elders' retelling of intensely disturbing histories of abuse. Even the threat of white settlers sending their children to Residential Schools invoked such a deeply distressed response that some Mi'kmaq families chose to escape Canadian Indian Agents by fleeing to the United States.¹⁰⁰

I have argued that the “fallout” from the turn to public debt financing produced a system where lands had to be made profitable. When the Island government turned to public debt financing it created private property that the Island government “owned,” but also owed to the debt market. Unlike absentee landlords and proprietors, the Island government had a vested interest in making the newly converted lands turn a profit. The colonial government had counted their ability to appropriate lands as a part of their assets that established their credit. Lands that did not produce a revenue could lead to insolvency. After the division of the Island into the lot system Mi'kmaq families lived on the lands as they had always done. Landlords and proprietors did not usually enforce strict British based property legal codes onto them. For this reason, many Mi'kmaq families could live on the lands without much harassment from “landowners.” This changed when the Island government took over the lands, as was the case with the

⁹⁹ Brownlie and Kelm, “Desperately Seeking Absolution,” 548-9.

¹⁰⁰ MCPEI Collection.

Worrell estate. When the Island government bought the Worrell estate it removed the Mi'kmaq families living there were families that the Worrell's themselves had not attempted to remove as they had no real reason to do so.¹⁰¹

Historians have provided many details about the establishment of Lennox Island as a reserve for Mi'kmaq families in the late-nineteenth century. The Mi'kmaq Confederacy of Prince Edward Island had researchers comb the Island archives to find all mentions of the Mi'kmaq. From these records they have written a solid account about the creation of Lennox Island. The purchase of Lennox Island has a long history. In 1772 it was attached to Lot 12 and granted to James Montgomery. Many individual Islanders lobbied the Island government to purchase it for the Mi'kmaq. Finally, the Aborigines Protection Society (APS) in London bought the Island in 1870 for the use of the Mi'kmaq.¹⁰² When the APS bought Lennox Island they first requested funds from the New England Company (NEC). The British government had incorporated this company in 1649, and it had the explicit mandate to propagate “the Gospel of Jesus Christ amongst these poor heathen.” It had a clear “civilizing mission.”¹⁰³ The NEC used various tools such as schools to indoctrinate Mi'kmaq children in the Maritimes.¹⁰⁴ In 1867 the APS had applied to the treasurer of the company and asked them to provide £400 to purchase Lennox Island. The APS set out terms that they would hold the island in trust for the

¹⁰¹ MacEachern, “Theophilus Stewart,” 6-7.

¹⁰² Tammy Macdonald, “Mi'kmaq History. Mi'kmaq Confederacy of Prince Edward Island,” accessed January 1 2019. <http://mcpei.ca/wp-content/uploads/2019/04/Mikmaq-History-on-PEI-Apr-2019.pdf>.

¹⁰³ *History of the New England Company, From its Incorporation in the Seventeenth Century to the Present Time. Including a Detailed Report of the Company's Proceedings for the Civilization and Conversion of Indians, Blacks, and Pagans in the Dominion of Canada, British Columbia, the West Indies, and S. Africa During the Two Years 1869-1870* (London: Taylor and Co., 1871), 1.

¹⁰⁴ Judith Fingard, “The New England Company and the New Brunswick Indians, 1786-1826: A Comment on the Colonial Perversion of British Benevolence,” *Acadiensis* 1, no. 2 (1972): 33.

Mi'kmaq. The NEC agreed to lend the money provided that it, not the APS, could hold the land in trust. The NEC also wanted the purchase to be in the corporate name of the company, and not the APS. However, they then withdrew their offer to aid the APS when they realized the title for the land might lead to future litigation.¹⁰⁵ The NEC's predatory business model of acquiring deeds to Indigenous lands extended far beyond the Island. For example, the NEC held land "in trust" for the "Indians" in Chemung where a canal was built.¹⁰⁶ This history of the purchase of Lennox Island shows the complexities of British humanitarians and their "civilizing missions." On the one hand, they wanted to purchase a space for Indigenous peoples, but on the other hand they also wanted the land title.

The Lennox Island purchase and the benevolence of white humanitarians has a different tone on Lennox Island. When I interviewed community members of Lennox Island, I wanted to focus on two main points: how they understood the history of Lennox Island, and how they understood Mi'kmaq land rights. Generally speaking, the history of the making of Lennox Island lines up with the settler telling of the event. However, community members understood the "why" behind the making of the reserve as markedly different than traditional Island historiography. When I asked about the history of Lennox Island and how it came to be I received various responses such as:

Teresa Williamson: I don't know how much I really know, know about it but when Lennox Island was bought it was bought for like 400 pounds or something like that back in the day. That part I think from other people is true, but the history, I guess about why it was bought is wrong, because,

¹⁰⁵ *History of the New England Company*, 224-5.

¹⁰⁶ Madeline Whetung, "(En)gendering Shoreline Law: Nishnaabeg Relational Politics Along the Trent Severn Waterway," *Global Environmental Politics* 19, no. 3 (2019).

well it's not wrong but- So normally Mi'kmaq people would be all throughout Prince Edward Island, and these people just come and say of this little piece of land that's like the last left over basically, out of all of these lots that we split up PEI on is for you guys which is like the least-

Saul Jacobs: swampiest lands.

(agreement around the room)

Teresa Williamson: swampiest grossest land left to the people who were originally here to begin with.

While the settler historical literature stresses a benevolent undercurrent in the Aborigines Protection Society buying the Island government to create the reserve, Lennox Island members expressed a more critical understanding of the history.

Mary Garner: Well, we have artifacts over at the cultural centre that date back 10,000 years, that's a long, long time, 10,000 years. Here on Lennox Island there are two neighbouring islands, Hog Island and Bird Island

Saul Jacobs: If the bridge would have been here before they were setting up lots, we wouldn't be here- it was terribly inconvenient for anyone to get over here, so this is a -

Mary Garner: we're on an Island, on an Island.

Saul Jacobs: I kind of think they thought it might be a good way to wipe everybody out. They got TB and they wouldn't have- (sentence ended).¹⁰⁷

The growing literature about the intentional eradication of Indigenous peoples via disease suggests that Saul William's assertion might not be far off.¹⁰⁸ Mi'kmaq Elders recalled fighting tuberculosis (TB), and the devastation it had caused. The community members reiterated a common knowledge that Lennox Island was given to them to get

¹⁰⁷ Lennox Island, 2019, Tozer.

¹⁰⁸ See Elizabeth A. Fenn, "Biological Warfare in Eighteenth-Century North America: Beyond Jeffery Amherst," *The Journal of American History* 86, no. 4 (2000): 1552-1580; Maureen K. Lux, "Care for the 'Racially Careless': Indian Hospitals in the Canadian West, 1920-1950s," *Canadian Historical Review* 91, no. 3 (2010): 407-434; and Mary Jane Logan McCallum and Adele Perry, *Structures of Indifference: An Indigenous Life and Death in a Canadian City* (Canada: University of Manitoba Press, 2018).

them out of the way. Lennox Island had little prospect as farmland, and was rocky and swampy. It also faced the often severe conditions of the north shore, where storm surges threatened to (and do) erode precious coastline. The community members' history of the creation of Lennox Island lines up with the historical circumstances of the Island government removing Mi'kmaq families from newly acquired estates, such as the Worrell estate. As I have argued, the Land Purchase Act passed into law that the funding of land purchases came from a public debt. To pay back the principal plus interest of the debt, the Island government needed to close off lands into private property to properly develop, and in doing so forcibly removed Mi'kmaq families from their traditional living spaces, and attempted to confine them to Lennox Island, which was just one of many Mi'kmaq living spaces.

At the turn of the nineteenth century, the Abbé de Calonne had tried to convince Mi'kmaq families to “settle” on Lennox Island. This settling meant doing away with their land and water tenure system. In the 1830s Thomas Irwin of Rollo Bay asked the legislature to support a British education for the Mi'kmaq, while Baptist minister Silas Rand began running a mission in Charlottetown for the Mi'kmaq. The short stint of the Native Benevolent Society that had such members as the eventual mayor of Charlottetown, Robert Hutchinson, and the future Premier George Coles, managed to raise some money for the Mi'kmaq. The Island government also made a few attempts to persuade the imperial government to purchase Lennox Island for the Mi'kmaq from landowner David Stewart.¹⁰⁹ All of these attempts to aid the Mi'kmaq were based on a perception of their poverty because of their “small” numbers and mobile land and water

¹⁰⁹ MacEachern, “Theophilus Stewart,” 4.

tenure system.¹¹⁰

Both Mi'kmaq and settlers pressured the Island and imperial governments to provide relief from the beginnings of British settlement. However, each desired different outcomes. Many of the nineteenth-century settlers who involved themselves in the “plight of the Mi'kmaq” did so out of reasons of Christian humanitarianism. They held the belief that the Mi'kmaq on Epekwitk would vanish or continue to live in what they deemed was abject poverty.¹¹¹ Unlike Prince Edward Island, other Maritime colonies had set aside “Indian reserve” land. For example in 1801, Nova Scotia instituted a policy of reserve land with the creation 9650 acres on the mainland and 12,250 acres on Cape Breton. Nova Scotia's “Act to Provide for the Instruction and Permanent Settlement of the Indians” allotted £300 to this end and the speaker for the Assembly Joseph Howe became a part-time Indian affairs commissioner.¹¹² The allocation of money directly to the aid of the Mi'kmaq had some positive intentions behind it as British settlement began to overwhelm Mi'kmaq communities by the mid-nineteenth-century. However, it can also be argued that the intent behind the help was to “settle” them. This help did not attempt to support Mi'kmaq sovereignty, which included a distinct land and water tenure system. At the time, men such as Howe believed that this was one of two ways of “saving” Indigenous peoples. Sir Francis Bond Head's isolation was the other method, which the Bagot commissioners heavily criticized.¹¹³

¹¹⁰ For more details about individual efforts to aid the Mi'kmaq see Upton. “Indians and Islanders,” 21-42.

¹¹¹ Elsbeth Heaman has an interesting discussion about the interaction between poverty/ public order in its Indigenous policy. See “Space, Race, and Violence,” 153-4.

¹¹² Elizabeth Haigh, “They Must Cultivate the Land: Abraham Gesner as Indian Commissioner, 1847-1853,” *Journal of the Royal Nova Scotia Historical Society* 3 (2000): 55.

¹¹³ The Bagot Commissioners stated that Bond Head's policy “which he broached the opinion (happily almost unsupported by other testimony), that it is hopeless to attempt to civilize the Indian tribes in Canada.” (LA of PC, “Report on the Affairs of the Indians in Canada,” “Appendix EEE”). Their directive

Prince Edward Island put an Indian Commissioner system in place after the recommendations from the Bagot Report which inspired several acts to “protect” Indigenous lands. “An Act Relating to the Indians of Prince Edward Island” passed on the 14th of April 1856 appointed “Commissioners for Indian Affairs” who had the responsibility to “take the supervision and management of all lands that have been, are now, or may hereafter be set apart as Indian reservations, or for the use of Indians.” The act covered the past, present and future lands “reserved” for the Mi’kmaq even though Prince Edward Island had no official “Indian reserves” at the time of the passing of the act.¹¹⁴ The protection of lands in the reformers rhetoric always had the goal of “civilizing,” which meant assimilating them into settler society.¹¹⁵

Alan MacEachern notes that the Legislative Assembly provided a £7 allocation to Mi’kmaq families in need, and that the money was “granted and placed in the hands of the Indian Commissioners.” He points out that this passing reference to the Island government’s Indian Commissioners was the first time the government records mentioned

to “uplift” Indigenous peoples to the level of the “whites” reveals how stadial theory informed their policy. They argued contrary to Bond Head’s removal policy, there was “but the one course left, which has been pointed out-to endeavour to raise them to the level of the whites...their powers for imitation are great; neither are they wanting in a desire to improve their condition; they are sensible of the superiority of the whites, and of the disadvantages under which they themselves labour...” (LA of PC, “Report on the Affairs of the Indians in Canada,” “Appendix T”).

¹¹⁴ Acts of the General Assembly of Prince Edward Island, from the Sixteenth Year of the Reign of Her Present Majesty Queen Victoria, A.D 1853 to the Twenty-Fifth Year of the Same Reign, A.D 1862, volume 2 (Charlottetown: John Ings “Royal Gazette Office, 1862), 165-66.

¹¹⁵ See for example, Statutes of Upper Canada, “Act for the Protection of the Indians in Upper Canada,” 1839;

Statutes of the Province of Canada, “An Act for the Protection of the Indians in Upper Canada,” 1850; Statutes of the Province of Canada, “An Act for the Protection of the Indians in Lower Canada,” 1850; Statutes of the Province of Canada, “Act to Encourage the Gradual Civilization of Indian Tribes,” 1857; Statutes of the Province of Canada, “An Act respecting Civilization and Enfranchisement of Certain Indians,” 1859;

Statutes of Canada, “An Act for the gradual enfranchisement of Indians,” 1869;

Statutes of Canada, “An Act to amend certain Laws respecting Indians,” 1874;

and finally, Statutes of Canada, “An Act to Amend and Consolidate the Laws Respecting Indians,” 1876.

such a position. In 1857, the journal mentioned the names of Commissioners as Theophilus Stewart, and Henry Palmer. To his credit, Stewart did work to establish payments for the Mi'kmaq and managed to secure a yearly payment of £100.¹¹⁶ He lobbied the Island government and London in earnest on behalf of the Mi'kmaq. The 1856 act made official the Commissioner of Indian Affairs and gave him, or them, license to communicate with any Chief or Chiefs “of the resident Indians, and explain the wishes of the Governor, and invite his or their cooperation in the permanent settlement and instruction of their people.” To aid in these government attempts to “settle” the Mi'kmaq the Commissioner(s) had the authority to “aid them in the purchase of implements and stock, with such assistance as they may deserve.”¹¹⁷ The act highlights two trends in reformer settler colonial policy: an attempt to “settle” Mi'kmaq families, and vesting power in settler individuals to make moral judgements of those who “deserved” aid.

Stewart believed that Mi'kmaq assimilation into a British way of life was essential to their survival, and he planned to have them settle on Lennox Island as farmers. As he noted:

Now that their position has been altered, and that they are to share or participate in the glory of Canadian policy, the treatment of the Indians, the most ardent aspirations, if not anticipations, maybe indulged with reference to the future progress of these people.¹¹⁸

It is clear that he believed that settled farming was the path to “civilization,” but he also understood that Mi'kmaq families had used Lennox Island for a long time prior to his appointment as Indian Commissioner. As Elders point out, some Mi'kmaq families

¹¹⁶ MacEachern, “Theophilus Stewart,” 5-9.

¹¹⁷ GA of PEI, “From the Sixteenth Year of the Reign of Her Present Majesty Queen Victoria,” 165.

¹¹⁸ Quoted in MacEachern, “Theophilus Stewart,” 10.

lived on Lennox Island, but many did not, and many of the people who did live on Lennox did not make a living farming.¹¹⁹ Lennox Island's terrain made any agricultural pursuits quite arduous, not to mention that Lennox Island faced out into the Gulf of the St. Lawrence on the north shore of the Island, a harsh environment subject to storm surges.

In Stewart's quest to "settle" the Mi'kmaq on Lennox Island he went so far as to devise a way to make a statement before the Land Commission that had been set up to solve the "land question." Under the guise of preparing a defence for Neil Darraoh, a man jailed for nine months "for rent," Stewart made a plea for the Mi'kmaq on the Island. When he asked to "say something about the aborigines of this country" commissioner Howe asked "how many are there?" To which Stewart replied "about 300." In some ways Stewart's testimony before the Land Commission shows that he had some understanding of Mi'kmaq land and water tenure in terms of mobility. He stated:

For many years, they had the range of this Island; but as the Legislature and individuals have extended their power, they have shut the Indians out with little else than the sea before them. Being driven from a small island which they occupied, they took possession of another-Lennox Island. Up to 1856 they were regarded as isolated from the rest of the community...For about 50 years they have been in possession of Lennox Island. About 16 years ago, a gentleman who occupies an elevated position in the present Government, endeavoured to dispossess them. What they complain of is, that they are deprived of the benefit of the marsh upon which about 50 tons of hay are annually cut...the Indians are in danger of becoming extinct.¹²⁰

Stewart hit on many of the issues that the Mi'kmaq faced in the heightened

¹¹⁹ MCPEI Collection.

¹²⁰ *Proceedings Before the Land Commissioners' Court. During the Summer of 1860, to Inquire into the Differences Relative to the Rights of Landowners and Tenants in Prince Edward Island* (Charlottetown: "the Protestant" office, 1863), 33.

settlement and development era ushered in with public debt financing. First, that British settlement severely restricted their land and water tenure. Second, that some Mi'kmaq families, on their own accord, chose to live on Lennox Island before the Island government and reformers attempted to “settle” them there as farmers. Lastly, the salt marsh that surrounded Lennox Island had some value. Salt marsh hay was good mulch, and farm animal feed, and it preserved for longer periods of time than regular hay. Settlers continuously attempted to infringe on this salt marsh hay. L.S.F Upton has shown one settler, a Yeo from Tyne Valley, intentionally falsely represented Mi'kmaq interest in settler political meetings so that he could access the revenue from the salt marsh hay. Stewart made the fight over the salt marsh hay the primary reason why the landlord of lot 15 (David Stewart) attempted to remove the Mi'kmaq from Lennox Island. To Theophilus Stewart's plea, however, the Land Commissioners responded that if they found any forfeited lands only then would they consider the case of the Mi'kmaq.¹²¹

The Land Commission, set on settling the “land question” of the Island, sought testimony about settler land use on the Island in the context of proprietors and landlords. They enquired about lot 15- the lot that Lennox Island belonged to, and asked about land use there. Testimony revealed that both Mr. David Stewart and Mr. Yeo “claim the island.” Mr. Yeo was called forth to testify, but he was absent from the court commission that day. Lennox Island had value for both the immense salt marsh and timber. Yeo had obtained a license to take the timber according to colonial laws in a legal manner. The Land Commission noted that “Lennox Island, which has been set apart for the Indians, in not left to them. They are deprived of the hay which grows upon it.” They noted that both

¹²¹ Upton, “Indians and Islanders,” 27.

Yeo and David Stewart “interfere” with the Mi'kmaq families living on Lennox Island.¹²²

When Yeo finally testified at the court, the Land Commissioners enquired into his claims about Lennox Island. When asked “have you ever had anything to do with Lennox Island?” He responded that he rented a “good portion of hay lands from Mr. (David) Stewart to whom it belongs.” He continued that he had rented the lands for about 30 years. The commission went on to ask:

Commissioners: Do the Indians live on the Island?

Yeo: They do.

Commissioners: They lay claim to it?

Yeo: Yes.

Commissioners: Did they ever attempt to prevent you from taking the hay?

Yeo: They did somewhere about 1836 or 1837.

Commissioners: How did they do it? By writ or otherwise?

Yeo: They pushed off my canoe.

Commissioner: Had you to swim for it?

Yeo: No. (court laughter)

The court dropped their enquiry into Yeo and Lennox Island after Yeo's answer elicited laughter from the court.¹²³ According to the Land Commissioners the Mi'kmaq did not express an official claim to Lennox Island for two major reasons, one David Stewart “owned” the island in according to British property law, and two, they did not go through the proper colonial channels to challenge Yeo's official license for the salt marsh hay. They did not obtain a writ, and on one occasion they pushed off Yeo's canoe, according to him.

Theophilous Stewart found his efforts thwarted by the colonial government, so he turned to London. He asked the Aboriginies Protection Society to aid him in the “plight” of the “MicMac.” Stewart had also had a goal to bring Christianity to Mi'kmaq families

¹²² *Proceedings before the Land Commissioners' Court*, 102-103.

¹²³ *Proceedings before the Land Commissioners' Court*, 229.

as well. Finally, in 1870 the Aborigines Protection Society bought Lennox Island for £400.¹²⁴ Much of the established scholarship on what was known as “native-newcomer” relations, and now “settler-Indigenous” relations tries to balance itself in this very precarious place. Between establishing the benevolent works of people such as Stewart, while emphasizing the restrictions colonial governments placed on Indigenous peoples.¹²⁵ Sometimes, however, as Brownlie and Helm point out this literature tends to stress too much of the agency of individuals at the expense of understanding broader settler colonial structures.¹²⁶ The Island government debt financing settler colonialism had broad implications on how reserves such as Lennox Island were created. This reserve, in particular, reflects a certain mid-century British ideology of removal and settlement. Some people such as Stewart had a genuine concern for the Mi'kmaq. At the same time, however, Stewart expressed this concern in his own cultural terms of “settling” Indigenous peoples, and as a path to “civilization” and “progress.” Living as settlers became one point in a broader discourse about proper methods of “civilization.” The Island government, on the other hand, had financial motives to remove Mi'kmaq families living on the newly acquired Worrell estate to make it turn a profit to pay back the large public debt they borrowed to pay for the property in the first place. The Island government had different motivations than Stewart. Nonetheless, confining Mi'kmaq families, year round, to Lennox Island greatly disrupted their tradition land and water

¹²⁴ Theophilus Stewart Fonds. “Consists of a report made by Theophilus Stewart, to the Aborigines Protection Society in London” , circa 1864. CA PCA Acc4660. PA of PEI.

¹²⁵ See, for example, the two edited collections J.R. Miller, *Sweet Promises: A Reader on Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1991), and Celia Haig-Brown and David A. Nock, eds. *With Good Intentions: Euro-Canadian and Aboriginal Relations in Colonial Canada* (Vancouver: University of British Columbia Press, 2006).

¹²⁶ Brownlie and Kelm, “Desperately Seeking Absolution,” 543-545.

tenure. Finally, Mi'kmaq Elders reveal the importance of Lennox Island to many Mi'kmaq families. Contrary to settler, and the Island government belief it was not a place of confinement. It was a place where Mi'kmaq families would return near St. Anne's Day for celebrations, and ceremonies. It was one point in an entire constellation of a Mi'kmaq land and water tenure system that spanned across Epekwitk.

Conclusion

The two clusters of living spaces, one around Malpeque Bay and along Gateagoneg (Indian River), and around the Hillsborough River clearly show the fluidity of Mi'kmaq land and water tenure. A concept of home that nineteenth-century British observers did not conceptualize as a form of mobile land and water tenure. At the same time, dismissing the Mi'kmaq land tenure system as “seasonal migration” has created a harmful narrative on the Island about Mi'kmaq “summer homes.” Scholarship from the 1960s and 1970s clearly acknowledged that the Mi'kmaq lived on the Island year round, but at the same time, it qualified Mi'kmaq land tenure by counting the “low” numbers of Mi'kmaq individuals who lived on the Island.

This chapter relied on oral histories and testimonies from both Mi'kmaq Elders on Epekwitk, and Lennox Island First Nation community members to understand the history of Mi'kmaq land tenure on Epekwitk outside of the established settler historiography. This chapter has shown that the Mi'kmaq did not use the Island as a “summer home.” Part of the responsibility for this myth falls on western historical methodologies that rely nearly exclusively on written documentation. A few documents, such as the 1838 Thomas

LeBone petition, and census records, as well as a statement by Lt. Governor FitzRoy counted the few numbers of Mi'kmaq living on the Island.

This chapter has also sought to explain the politics surrounding the creation of Lennox Island as a reserve. I argued that the public debt “fallout” included two major colonial reforms directed at Indigenous peoples: to remove them from arable land, and make them into “settlers.” The Bagot Report clearly expressed this logic, and influenced policy on the Island, in particular, with the creation of a new Indian Commissioners Office. The Bagot Report also saw an official turn to making government recognized “Indian reserve” lands profitable. The colonial government ensured that only it had the jurisdiction to issue licenses to extract the resources from these “Indian reserves.” Reserve lands, by nature did not allow for speculation to bubble its value. Importantly, the ability of the colonial government to issue licenses, and to show that it could collect revenue from lands contributed to the “creditworthiness” of the colony.

On the one hand, the public debt needed lands, all lands, to contribute to interest and principal payments, on the other hand Indigenous peoples living on this land hindered this process. The colonial move to create a “settled” Indigenous population also reflected the ways in which public debt financing influenced colonial policy. Unlike Sir. Francis Bond Head's plan of complete isolation and removal, the idea of “settling” had Indigenous peoples both cultivating the land as farms, and adding value to it. At the same time, their “settlement” opened up their living spaces to become marketable private property. On Prince Edward Island, Theophilus Stewart was instrumental in the making of Lennox Island for the explicit purpose of “settling” the Mi'kmaq. This does not argue

that Stewart knew about public debt financing and intentionally wanted to settler the Mi'kmaq on Lennox Island, but that his logic reflected a growing reformer mentality in the Canadian colonies. One that was turning towards large scale settler colonialism. One where Dominick Daly's close friend, Edward Gibbon Wakefield, outlined explicitly. This argument does not show the direction of causation of public debt financing from the Province of Canada to Prince Edward Island, but instead, the web of connections between liberal reformers working across two distinct colonies such as the Province of Canada, and Prince Edward Island.

Elders' oral histories and Lennox Island community members have told a different history of Mi'kmaq land and water tenure on Epekwitk. This is a history backed by extensive archeological evidence. Some Mi'kmaq families did use Lennox Island, as well as the other islands such as Hog Island where they had sugar bushes. However, they did not allow themselves to be confined to Lennox Island all year around, and continued to practice their traditional land and water tenure around the Island. This chapter has looked at this movement around two distinct clusters of Mi'kmaq living spaces. Mi'kmaq families, of course, lived outside of these two spaces around Epekwitk as well. Clearly, the Mi'kmaq in the face of intensive settler colonization exercised their sovereignty in many ways including practising traditional land and water tenure around the Island. Mi'kmaq communities on Epekwitk have continued to fight for their living spaces on Epekwitk. A land rematriation movement around the Island highlights this fact, which the conclusion of the thesis will address.

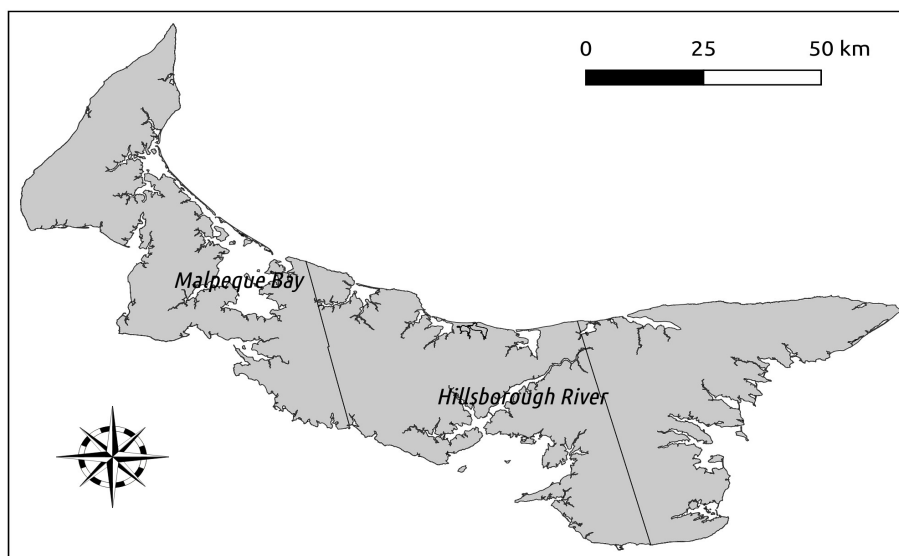


Fig. 2



Fig. 3

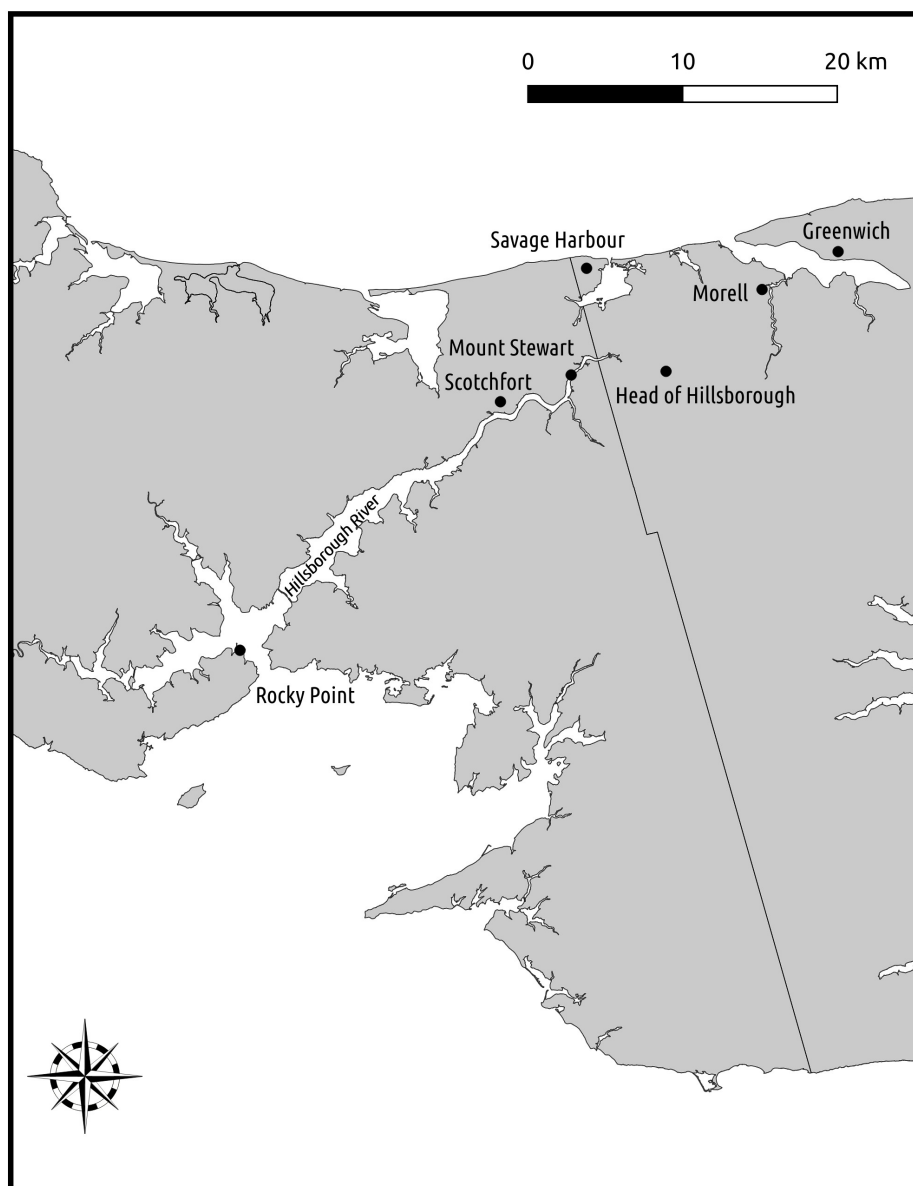


Fig. 4

Conclusion:

Decolonization and a “post-growth” economy?

In a way John Stuart Mill was right. The settler colonial system based on debt financing did create a type of machine, but just not one that could maintain perpetual motion, and achieve “self-sufficiency.” The first and second law of thermodynamics does not allow for any continual motion without an energy source. For the settler colonies, this energy source, so to speak, came from restructuring and taking out larger public debts that have never been paid off. I have claimed throughout this thesis that these colonial public debts that the British North America Act consolidated into the one Dominion of Canada debt needed money to pay for both their interest and the principal loan amount.

The British North American colonies, including Prince Edward Island, chose to generate a revenue to pay the public debt with development projects. In fact, they initially received credit from both local banks and London financiers based on a belief that the lands, in the future, could produce enough revenue to pay the interest and the principal. This created a system in which expansion was not only desired, but became absolutely necessary. The British North American colonies did not implement a way to pay back the principal and the interest if expansion ceased. With no expansion, there would be no revenue to pay the public debt. Upper Canada's near bankruptcy, and Prince Edward Island's “bailout” at Confederation provide two salient examples of the precariousness of debt financing.

This dissertation has shown how the public debt played an important role in the

institution of settler colonialism, and the eventual creation of the Canadian settler state. The use of debt instruments such as debentures allowed the wealth from Indigenous lands to circulate on money markets. This led to mass appropriation of Indigenous lands. In Prince Edward Island the public debt played a significant role in the second mass land appropriation of the unceded and unsurrendered Mi'kmaq territory, Epekwitk.

Arguably, the way in which Indigenous lands are tied to global money markets through the Canadian public debt needs to be considered in decolonization strategies. decolonization is not about “compromise on both sides.”¹ It is a serious materially grounded practice to end Canadian settler colonialism. Eve Tuck and K. Wayne Yang poignantly stress that decolonization is not a metaphor, and that it needs to have tangible outcomes such as land rematriation.² They observe that Indigenous peoples have “creation stories, not colonization stories” about how they came to be in this particular place.³ As the history of the public debt discloses, Canada’s colonization story includes a blueprint to expand over Indigenous lands. Land rematriation, or Land Back movements centre on the imperative that the Canadian government give land back to Indigenous communities and nations. This means that the highest title in land belongs to Indigenous communities and nations, and that Canada must relinquish its sovereignty claims over these lands.

¹ Cole Harris, *Making Native Space: Colonialism, Resistance and Reserves in British Columbia* (Vancouver: UBC Press, 2007), 294. In Harris’ conclusion, “Towards a Postcolonial Land Policy” he envisions a postcolonial future. However, as the field of settler colonial studies attests, for settler states, there is no postcolonial reality; Canada is the colonization. The genetics of the settler state forecloses any possibility of postcolonality. decolonization, on the other hand, provides cultural, economic, political, and social strategies for dismantling the white supremacist hetero-patriarchal settler state.

² Eve Tuck and K. Wayne Yang, “Decolonization is not a Metaphor,” *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012): 1-40.

³ Tuck and Yang, “Decolonization is Not a Metaphor,” 6.

In 2019, the Yellowhead Institute had released a fundamental report about this process. The *Land Back* report on the Yellowhead website home page has an animated map of Canada, which red blocks slowly fill up. At first glance, it appears that this map records land taken away.⁴ However, the red does not represent European settlement, as one might initially think. The red filling up the map through time represents the promised crown lands to development projects. The Canadian government licenced these lands for private development projects. As this dissertation has shown the colonial, and then Canadian, government promised lands as credit to pay back the public debt. The gambling off the future value of Indigenous land on the money markets complicates the issue of land rematriation. These lands have been contracted to, in many cases, development and financing firms outside of Canadian political borders.

Land rematiration is not about “allowing” Indigenous peoples to live on the land. Land rematriation prevents the Canadian government from interfering with Indigenous sovereignty.⁵ Land rematriation movements recognize Canada's historical context to understand the structural changes needed in order to effectively rematriate lands back to Indigenous peoples outside of Crown sovereignty. Indigenous peoples need their land to sustain their communities. Focusing on land as property is only one aspect of rematriation. Mishuana Goeman shows that land means more than just property and revenue production, noting that “[e]xperiences of land become expressions of self, and, through the shared experience of naming, connections to others are formed.”⁶ As Thomas

⁴ Yellowhead Insitute, *Land Back: A Yellowhead Institute Red Paper; Final Report*, October 2019, accessed April 23, 2020. <https://redpaper.yellowheadinstitute.org/wp-content/uploads/2019/10/red-paper-report-final.pdf>2019.

⁵ Tuck and Yang, “Decolonization,” 7.

⁶ Mishuana Goeman, “Land as life: Unsettling the Logics of Containment,” in *Native Studies Keywords*, eds. Stephanie Nohelani Teves, Andrea Smith, and Michelle Raheja (USA: University of Arizona Press,

King has put it, “[l]and contains the languages, the stories, and the histories of a people. It provides water, air, shelter, and food. Land participates in the ceremonies and the songs. Land is home.”⁷ Space assigns meaning to people as the landscape imprints a sense of self, and language blooms through descriptions and relationships to the environment. When land is understood as more than property, rematriation of land has the capacity to heal and to revitalize.

As Chelsea Vowel has shown, settler anxieties about having a “pockmarked” Canada, or spaces of Indigenous self-governments that supersede Canadian sovereignty, simply do not reflect historical or contemporary circumstances. As Vowel quips about a Canada “pockmarked” with Indigenous sovereign governments, “[o]kay, but what is so terrifying about that exactly?” The terrifying part would be that Canada would no longer have absolute authority over land. Without the exclusive rights to land, development projects such as the canals that supported Canada’s economy through capital investment would have no state guarantee.⁸ Currently, land held as private property in Canada can change its legal status in a few ways, such as being converted to a trust, or being given as an “ecological gift.” A trust has legal requirements of incorporation as a non-profit, and this would, in part, place restrictions on any attempts to alienate land to global markets and to remake it into real estate. However, it would not “protect the land in perpetuity.” Legally the land title is still held by the Crown who can appropriate it under a number of circumstances.⁹

2015), 75 and 87.

⁷ Thomas King, *The Inconvenient Indian: A Curious Account of Native People in North America* (Minneapolis: University of Minnesota Press, 2013), 120.

⁸ Chelsea Vowel, *Indigenous Writes: A Guide to First Nations, Métis, and Inuit Issues in Canada* (Canada: Portage & Main Press, 2016), 131.

⁹ Another recent examples of land rematriation is Québec resident Grégoire Gollin’s “ecological gift” of 60

Multiple Indigenous lands, multiple Indigenous legal systems, and multiple Indigenous sovereignties exist in tension with a settler state.¹⁰ From the outset, the settler state had a mandate to eradicate competing governance paradigms with the ultimate goal of appropriating land.¹¹ In this way, the settler state makes sovereignty, and therefore territoriality, a zero sum game - only one governance system can hold the highest title in land. The Royal Proclamation of 1763 established this law in Canada where only the Crown (first British and then Canadian) can hold this highest title for land. This understanding of land title is predicated on a specifically British cultural understanding of land ownership.

These contemporary issues are very much tied to the ways in which Canada grew as a settler state, and attached its economy to development projects where a public debt bloated the market value of land with the promise of future revenue: a historical imagining of the future that persists into our present. As Laura Ishiguro has put it the “British investment in an imagined settler future” manifested in a variety of ways, and she shows one such way in a study of children in a mid-nineteenth-century Royal Engineers camp in British Columbia.¹² British political economists, and the Colonial Reform Movement prioritized this “imagined settler future,” and literally argued for

hectares of lands to Kanesatake. Jessica Deer, “Developer Offers to Give Land Back to First Nation Where Oka Crisis Happened,” *CBC News*, July 11, 2019, accessed October 15, 2019 <https://www.cbc.ca/news/indigenous/kanesatake-pines-gregoire-gollin-1.5204242#:~:text=Developer%20offers%20to%20give%20land%20back%20to%20First%20Nation%20where,federal%20government's%20Ecological%20Gifts%20Program.2019>.

¹⁰ Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press 2014), 12.

¹¹ Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom Through Radical Resistance* (USA: University of Minnesota Press, 2017), 41-2.

¹² Laura. Ishiguro, “Growing up and Grown Up...In our Future City: Discourses of Childhood and Settler Futurity in Colonial British Columbia,” *BC Studies* 190 (2016): 16.

capital investment to make this fantasy a reality. This capital investment came in the form of Canada's public debt.

Indigenous peoples have had to seek redress for Canada's ongoing colonialism by appealing to standards of international law to bind Canada to some form of legal recourse.¹³ They have sui generis land rights. These rights are distinct from the rights of racialized minorities who cannot legally, politically, morally, or ethically challenge the settler state's sovereign claims over lands. Critics of multicultural rhetoric and policies show how categorizing Indigenous peoples as a racialized minority population within the settler state denies Indigenous governance systems that exist outside of Canadian governance, and that pre-date not only Canada, but the formation of European nation states as well.¹⁴ As Audra Simpson has shown in the case of Haudenosaunee assertions of sovereignty, this plays out as a Haudenosaunee politics of refusal of Canadian and/or American citizenship.¹⁵ Canadian jurisprudence does not, as it stands, provide legal recourse for Indigenous peoples to resume their exclusive sovereignty over their lands.¹⁶ The Canadian public debt's historic and contemporary attachment to global money markets creates another such blockage for decolonization.

The “growth” economy that became necessary in the mid-nineteenth century to

¹³ Antony. Anghie, "Francisco de Vitoria and the Colonial Origins of International Law," *Social & Legal Studies* 5, no. 3 (1996): 323-3.

¹⁴ For further discussion about the complexities of Indigenous rights claims within a settler state see Mary Ellen Turpel, "Indigenous People's Rights of Political Participation and Self-Determination: Recent International Legal Developments and the Continuing Struggle for Recognition," *Cornell International Legal Journal* 25, no. 3 (1992): 579-60; Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001); Cindy L. Holder and Jeff J. Cornthassel, "Indigenous Peoples and Multicultural Citizenship: Bridging Collective and Individual Rights," *Human Rights Quarterly* 24, no. 1 (2002): 126-151; and Elizabeth A. Povinelli, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (Durham: Duke University Press, 2002).

¹⁵ Simpson, *Mohawk Inturrptus*,

¹⁶ *Land Back*, Final Report, 24.

pay back the principal and the interest of the public debt continues to expand. The literature on a “post-growth” economy, one that emphasizes an economy that does not have expansion programmed into it offers one way out. The global Covid-19 pandemic has, in many ways, exposed the fragility and unsustainability of a “growth” economy. It has shown what would happen if a “growth” economy is forced to stop. It crashes. The willingness of world leaders, scholars, and others to argue for the opening up of the economy in the face of mass death has led to labelling this sentiment as the “death cult of capitalism.” People willing to sacrifice their lives, and the lives of others so that the economy could continue to expand because people have a basic understanding that if it does not grow, it will crash.¹⁷ Achille Mbembe's description of what he calls

necropolitical power is worth quoting at length here. He explains of liberal democracies:

[S]overeignty consists in the power to manufacture an entire crowd of people who specifically live at the edge of life, or even on its outer edge—people for whom living means continually standing up to death, and doing so under conditions in which death itself increasingly tends to become spectral, thanks both to the way in which it is lived and to the manner in which it is given. This life is a superfluous one, therefore, whose price is so meager that it has no equivalence, whether market or—even less—human; this is a species of life whose value is extra-economic, the only equivalent of which is the sort of death able to be inflicted upon it....To a large extent, racism is the driver of the necropolitical principle insofar as it stands for organized destruction, for a sacrificial economy, the functioning of which requires, on the one hand, a generalized cheapening the price of life and, on the other, a habituation to loss.¹⁸

Necropolitics structures the settler state that built itself on the appropriation and commodification of land within the logic of white-supremacy. Nineteenth-century British

¹⁷ Texas Lt. Gov. Dan Patrick had argued that older people should be willingly sacrifice their lives to keep the economy open. These sentiments sparked the Twitter hashtag #NotDying4WallStreet. Sarah Pulliam Bailey, “Should Older Americans Die to Save the Economy? Ethicists Say it's a False Choice,” *The Washington Post*, March 24, 2020, accessed May 1, 2020. <https://www.washingtonpost.com/religion/2020/03/24/dan-patrick-economy-coronavirus-deaths-notdying4wallstreet/>.

¹⁸ Achille Mbembe, *Necropolitics*, trans. Steve Corcoran (Durham: Duke University Press, 2019), 37-8.

political economists normalized perpetual growth economics within the Colonial Reform Movement, and did so at the expense of Indigenous lives. The public debt that settler colonial governments acquired made growth a necessity. If growth stopped the colonial government would go bankrupt, which would result in British shareholders losing their investments. It also meant the colonial government, who heavily invested public money into development projects, would also default on their debt. Such a system also devalued the life Black peoples, racialized peoples, and white labourers. Nineteenth-century critics of the Colonial Reform Movement knew this, and understood that John Stuart Mill and other reformers wanted to control peoples' movement and lives. Critics of Mill and colonial reform understood that the proper functioning of the economy, which political economist so desperately wanted, has always come at the price of human life.

This dissertation has shown the significant role that public debt financing had in programming an expansionary directive into the constitution of the settler state. In the process this created a “growth economy.” However, this research can also open up questions about what a “post-growth” economy might look like. This project on the public debt in Canada has led to two interrelated questions that require further research, and can only be gestured towards here: is land rematriation possible in a “growth economy” that still seeks to convert Indigenous lands into revenue, and can a transition to a “post-growth” economy facilitate land rematriation?

Land rematriation on Epekwitk

Currently, on PEI there are a handful of efforts to establish Mi'kmaq legal

presence over Crown lands. However, as of the 23rd of April 2020 the Supreme Court of Canada has squashed the Lennox Island and Abegweit First Nations' most recent attempt to pass into Canadian law a modicum of land rights. In 2017 the Island government sold about 130 hectares of crown lands, known as the Mill River lands, to a private citizen. Both Lennox Island and Abegweit First Nations argued that the Island government did not adequately consult them while selling the crown lands. The right to a duty to consult had been previously established in several court proceedings. Notably, the two First Nations did not seek title to the Mill River lands, but wanted to establish a precedent that the Island government must consult with them when selling crown lands.

The Island government, the other hand, said that they did consult. In 2018, the Supreme Court of Prince Edward Island dismissed the First Nations' application for a judicial review of the sale. The provincial Court of Appeal then upheld that decision. After the provincial refusal to hear their case, Chief Darlene Bernard of Lennox Island and Roderick Gould Jr., the Chief of the Abegweit First Nation, agreed to take the case to the Supreme Court of Canada later that year.¹⁹ The heart of the case was a dispute when the Island government sold Mill River to Don McDougall without adequate consultation from the Island's two First Nations. McDougall testified at a judicial review hearing in the PEI Supreme Court in January 2018, stating that the negotiations between the colonial government and the Mi'kmaq was "none of his business."²⁰ David Rosenberg, the lawyer who represented the two First Nations, made a statement about Mill River that highlights

¹⁹ *CBC News*, Prince Edward Island, "The Supreme Court of Canada Will Not Hear Mi'kmaq Appeal of Mill River Sale," April 23, 2020, accessed April 23, 2020. <https://www.cbc.ca/news/canada/prince-edward-island/pei-mill-river-resort-crown-land-indigenous-rights-1.5542249>.

²⁰ Kevin Yarr, "Mill River Owner Testifies He Trusted Province to Clear Title With Mi'kmaq," *CBC News*, January 16, 2018, accessed April 23, 2020. <https://www.cbc.ca/news/canada/prince-edward-island/pei-mill-river-court-challenge-mi-kmaq-don-macdougall-1.4489229>.

many settler anxieties about land rematriation. Note, as well, that the Mill River case was never about land rematriation. The Mi'kmaq did not claim title over the land, but they wanted the Island government to take responsibility for their duty to consult for the sale of crown lands. Rosenberg stated:

What happens when a First Nation gets a declaration of Aboriginal title to land that's privately held, or what would happen, for example, to fee simple title holders who just own their own piece of property in Prince Edward Island or elsewhere in Canada? What happens to their rights when a First Nation comes along and gets that declaration of title from the courts to that land?...That's an unresolved question."²¹

Rosenberg expressed an intense settler anxiety about a loss of land when he said “[w]hat happens to their [settler] rights when a First Nation comes along and gets that declaration of title from the courts to that land?” In other words, what if Indigenous peoples did to us, what we have done to them? Land rematriation is not about taking fee simple title away from individual settler families, although some such as Rosenberg publicly expressed this fear.

Members of Lennox Island First Nation expressed to me that they did not see any evidence of the Island government taking seriously the duty to consult. When the subject of Mill River was brought up many members had clear ideas about the decision:

Jimmy Reese: I think in the last few years we developed a pretty good relationship with the provincial government...like there's a bunch of different properties in the last 10, 15 years that have been turned back...they recognize that they do owe us something.

Saul Jacobs: Anytime they do business with Crown land they're supposed to consult...and we saw what happened at Mill River.

²¹ Shane Ross, “Mill River Appeal Raises Wider Issue of Aboriginal Rights Over Private Land, Lawyer Says,” *CBC News*, May 13, 2019, accessed April 23, 2020. <https://www.cbc.ca/news/canada/prince-edward-island/pei-mill-river-aboriginal-land-claim-1.5129457>.

Anne Warren: I was just about to say Mill River, yeah.

Saul Jacobs: And it was just like dismissed, they had no grounds

(agreement around the room)

Jimmy Reese: They did consult but it just wasn't good enough consultation ...but the judge said they did consult. No one has a definition on what the proper consultation is- (interrupted)

Saul Jacobs: -But they consulted, they informed them that this was going to be done, and they got a letter back that said “no” we want to do more talks about it, but they just went ahead and did it anyway. So is that called consulting?

(laughter around the room)

Anne Warren: that's informing.

Saul Jacobs: That's informing, saying that we're going to do this, and you have no, that's not consultation.

Mary Garner: Then they can check it off in their little boxes, that First Nations were-

(interrupted by room laughter).

Teresa Williamson: yea, check.²²

Clearly, some Lennox Island members did not feel consulted. Of the consultation process Saul Jacobs said “they did have consultations, but I don't know if anybody really understood what they were.”²³ Without a clear understanding of Mi'kmaq land and water tenure on the Island, or the PEI government making a clear statement about the Island as unceded, Lennox Island members expressed that consultation could not be adequately achieved. When I asked what do you think will help more Islanders understand what is

²² Interview with Lennox Island Members. Collected by Angela Tozer. November 27, 2019 (Lennox Island, 2019, Tozer hereafter).

²³ Lennox Island, 2019, Tozer.

happening on PEI with Mi'kmaq land rights, Saul Jacobs responded that the Mill River ordeal "was actually trying to turn the people of PEI, the people of West Prince against the Mi'kmaq...the whole perception is always slanted." Jimmy Reese added "I don't think you can get their attention ...information session and all that stuff, I don't think you'd get a lot of non-natives to come out interested to hear our side of the story, you know, they could care less."²⁴

The community members, however, expressed a hope that Island children would see things differently from their parents. The Lennox Island cultural centre makes visits to Islander schools where Islander children had the opportunity to listen to Mi'kmaq knowledges and history. All of the participants became illuminated when speaking of both Indigenous and Islander youth.

Saul Jacobs: I think um, the kids here are um, have way more pride in their culture, wouldn't you say?

Jimmy Reese: Yep.

Mary Garner: Oh yea definitely, and I'd say that's relatively lately. So [name confidential] she's my sister. We grew up in [location confidential] until we were 14. I know coming down here during the summer times people my age don't have nearly as much pride as our elementary kids do now. I think that's a little bit how much we've been pushing to do cultural teachings.

Saul Jacobs: Plus in the provincial schools children are asking (for Mi'kmaq cultural teachings).

Mary Garner: So [name confidential] and [name confidential] go throughout PEI, and do some cultural teachings. They get excited for the Pow Wow it's nice.

With some changing tides in favour of land repatriation on the Island, what

²⁴ Lennox Island, 2019, Tozer.

would land repatriation look like on Prince Edward Island? When I asked Lennox Island members what they thought about land repatriation they responded:

Saul Jacobs: If they [tracts of land] were money makers they wouldn't offer them.

Jimmy Reese: The land taxes they do collect for these private corporations part of that should go back to the First Nations, just as, you know payment...you're not going to be able to buy all these properties back and give it back to us...we don't have the populations, etc, we don't have the means to make them into anything, so property taxes...I don't know if it's been talked about or suggested.

Saul Jacobs: I don't think you should ever, ever uh give them up, never give them up, but lease them, get some kind of payment for it, but don't ever give it up, because your power lies in land.

Jimmy Reese: Right.

Jimmy Reese: So, like in the Canadian government they say like, oh you just live off the government, you just live off the government, well there would be no country if we didn't have a land base.

Me: Yea, who does the government live off of?

Saul Jacobs: Yea, the land.

Jimmy Reese: That's forgotten, that's long forgotten, "quit your whining about it" you're not going to get it back there ever, don't whine about (inaudible).

Saul Jacobs: They have to say they have treated the Indigenous people bad, they still are...just another method of assimilation.²⁵

Some lands have been given back, but, these lands are not lucrative. Would the Island government ever relinquish title to the revenue dense lands of Charlottetown? One member suggested funnelling some land tax money that the Island government made from the unceded Mi'kmaq lands into the communities. Not from individual Islanders,

²⁵ Lennox Island, 2019, Tozer.

but from private corporations. How much payment could Cavendish farms, for example, pay back to Mi'kmaq communities? Cavendish is a private entity that makes an incredible profit from the land itself with its potato and french fry empire. Others were wary of the Island government making land deals, and expressed a concern of never alienating any land to the Island government. Instead of selling lands, to reiterate what Saul Jacobs emphasized, "lease them, get some kind of payment for it, but don't ever give it up, because your power lies in land."²⁶

²⁶ Lennox Island, 2019, Tozer.

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