

## **The Silence of Urban Aboriginal Policy in New Brunswick**

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### **Introduction**

My oral paper presentation will summarize findings from this longer written version, which will be included as a chapter in an edited volume entitled *Urban Aboriginal Policy Making in Canadian Municipalities*, edited by Evelyn Peters (Montreal-Kingston: McGill-Queen's University Press, forthcoming). The paper comprises part of a larger project that I'm working on that examines in historical perspective the government of poverty in urban areas.

In Canada, urban poverty has taken on a growing centrality in policy discourses and programs. One manifestation of this is the emergence of a terrain of "urban Aboriginal policy." Urban Aboriginal policy is typically understood as a field comprising governmental responses to issues arising from the growing number of Indigenous peoples<sup>2</sup> in cities, often as a result of migration from "reserves," Crown lands set aside for the exclusive use of Status Indians (Canada 2008a; Graham 1999; Graham and Peters 2002; Hanselmann 2001; Peters 2000 and 2002). The federal government's flagship urban Aboriginal program, launched in 1997 and known as the Urban Aboriginal Strategy (Canada 2008b), reinforces this understanding. The strategy, aimed at improving the social and economic conditions of urban communities, is based upon eligibility criteria that, in effect, exclude New Brunswick. For instance, cities with populations larger than 15,000 are eligible, but only where Indigenous peoples constitute at least 5 per cent of the population. Additionally, a substantial "need" among Aboriginal peoples must be evident. Finally, there must not only be a willingness on the part of the provincial and municipal governments to partner with the federal government but also a demonstrated desire among a "significant" number of Aboriginal peoples "to work together" (Canada 2008c). These expectations de facto disqualify New Brunswick's three largest cities because the municipal governments of Fredericton, Moncton, and Saint John have very limited jurisdictional or fiscal competency for joint-undertakings and Census-defined urban Aboriginal populations fall short of the 5 per cent minimum, constituting, in 2006, 2.8 per cent (2,375) in Fredericton (population 85,688), 0.9 per cent (1,175) in Moncton (population 126,424), and 1 per cent (1,250) in Saint John (population 122,384)

(Statistics Canada 2006a). As shall be explained later in this paper, British and [later] Canadian colonial laws,<sup>3</sup> policies, and practices fostered legal, political, and spatial divisions among Indigenous peoples that render the expectation of Indigenous peoples uniformly desiring or having the means to “work together” problematic (Canada 2008c). Moreover, the constitutional and economic context of the early twenty-first century has dissuaded the provincial government from expanding its reach into the off-reserve urban Aboriginal policy setting.

Michel Foucault’s understanding of discursive silences is instructive for evaluating a part of the country where an express urban Aboriginal policy field is almost completely absent. Foucault defined discourse not as synonymous with language, but rather as a form of “power/knowledge” inherent in practices, spaces, effects, and *silences*. As Foucault (1978) wrote in volume one of the *History of Sexuality*, silence is not the end of discourse but rather the beginning of:

a new regime of discourses. Not any less [will be] said about [a particular matter]; on the contrary. But things [would be said] in a different way; it [would be] different people [saying] them, from different points of view, and in order to obtain different results. Silence itself – the things one declines to say, or is forbidden to name, the discretion that is required between different speakers – is less the absolute limit of discourse, the other side from which it is separated by a strict boundary, than an element that functions alongside the things said, with them and in relation to them within over-all strategies. (27)

Policy silences, in short, “are an integral part of the strategies that underlie and permeate discourses” (Foucault 1978, 27).

The silence that defines urban Aboriginal policy in New Brunswick follows a long history whereby governments have been preoccupied with shaping the relationship between urban spaces and reserves. The aim of this paper is to understand this preoccupation in historical perspective. An historical vantage point allows a way to grasp how the lack of urban Aboriginal policy in the contemporary setting emerged and the political and governmental implications arising from this absence. In this manner of analysis, urban and reserve spaces are not hermetically sealed entities defined by demographic, geographical, functional, legal, or administrative boundaries. They are mutually constituted domains of ever-changing relationships, representations, contestations, and identifications (Parker 2004, 149; Peters 2002) shaped by official actions and inactions (Pal 1992, 2) and their effects.

Several interrelated questions are posed: How have British and [later] Canadian colonial authorities defined urban space and Indigenous peoples as interlocking governmental concerns? What were the predominant presuppositions, objectives, and mechanisms brought to bear to address the “problems” relating to the urban-reserve relationship? What conditions gave rise to discursive regime variations? Finally, what were the broader ramifications of each regime? The focus is on British and [later] Canadian official viewpoints and governmental mechanisms pertaining to urban space and reserves, as well as the predominant political, economic, legal, and racial processes

to which they gave rise. Such a focus is inherently limited because it leaves out a detailed assessment of the refusal of indigenous peoples to accept colonial and settler policies and conditions. Nevertheless, tracing the surfaces and surfacing of urban Aboriginal policy silence brings out the discursive complexities and multiplicities shaping policies relating to Indigenous peoples on their lands that colonial officials named New Brunswick.

The source materials informing this analysis include findings from interviews conducted with twenty-three people between June and September 2008. Interviewees included past and present leaders and activists (4), front-line service providers (4), as well as academics (2) and municipal (5), provincial (5), and federal authorities (4).<sup>4</sup> Participant selection began with a conspicuous sampling method, whereby individuals known to have knowledge of the history of indigenous peoples and policies relating to urban space in New Brunswick were deliberately chosen. The interview list expanded through a snowball sampling technique, whereby each person interviewed provided the names of people whom she or he felt fit the key informant criteria. Interviewees were ensured confidentiality to the fullest extent possible by law, that their privacy would be protected, that their names would not be released to anyone, and that information obtained in interviews would be compiled and reported in such a manner so as to avoid identifying any specific respondents. In New Brunswick, where the number of possible participants was small, many of the interviewees would have attended meetings and other events together and would be keenly aware of each other's views. For example, even a reference to a "federal official" or "activist" could potentially reveal a person's identity based on the content to which it refers. For this reason, a numeric coding system is used (i.e., Interview 1, Interview 2, etc.).

Interviewees were asked open-ended questions about their knowledge of the historical relationship between urban space and Aboriginal policy. Through such questions, they drew attention to the crucial significance of the urban-reserve imbrications that define Aboriginal policy in the province. Interview data also served as signposts to specific governmental activities, which were examined in greater depth by drawing upon additional primary and secondary evidence. The collective historical memory of interviewees was vital to the present analysis. Participants, in effect, offered an oral history that made it possible for me to move beyond the simplistic demographic imperative argument that permeates many evaluations of urban Aboriginal policy towards an understanding of the complex, contingent, and problematic political dynamics underlying this largely hidden field of policy in New Brunswick. The people interviewed for the project not only highlighted predominant systems of governance but also directed me to and often generously shared obscure written materials that were not self-evidently relevant to the research questions (for example, program and service pamphlets, etc.). Many of them also read and commented on an initial draft of this report. The data were ordered diachronically as a way to bring into visibility emblematic moments, episodes where predominant policy definitions linking questions of urban space and reserves gave way to new sensibilities. Consideration was given to how these transformations took shape and how they affected the ordering of spatial relations of power with respect to reserves and cities.

In the analysis to follow, I show how the silence of urban Aboriginal policy in New Brunswick constitutes the fourth in a succession of discursive spatial regimes.<sup>5</sup> The first dates back to the pre-Confederation setting, when the “town-reserve” relationship became a matter of official concern and close *proximity* was considered preferable. The second was already in effect by the late nineteenth century, when industrialization gave rise to *segregation* mentalities and techniques aimed at distancing the city from reserve. The end of the Second World War saw the emergence of attempts at reserve system *eradication* and Indigenous peoples’ integration into urban labour markets. The fourth was a new spatial regime evident as early as the late twentieth century. This *trans-spatial* regime modeled the relationship between cities and reserves as constitutionally and economically interdependent. This paper concludes by assessing some of the broader implications of these findings.

### **Proximation**

For thousands of years, the Mi’kmaq, Passamaquoddy, and Wolastoqiyik<sup>6</sup> have lived in territories of what became known as Quebec, Prince Edward Island, Nova Scotia, and New Brunswick as well as areas in Maine, Vermont, and New Hampshire (Bartlett 1986, 13-14; Leavitt 1995, 1996, 2000; McGee 1983; Wiseman 2005).<sup>7</sup> In contemporary New Brunswick, Mi’kmaq traditional lands are located in the eastern part of the province, the Wolastoqiyik’s along the St. John River and its tributaries, as well as above Lake Temiscouata along the south shore of the St. Lawrence River, and the Passamaquoddy’s territories are close to the St. Croix River and its streams and coastal areas bordering Passamaquoddy Bay. The Mi’kmaq and Passamaquoddy are maritime-oriented and the Wolastoqiyik river-oriented people with semi-nomadic traditions that rely upon hunting, fishing, and trapping for survival. The Europeans who first encountered these three Algonquian-speaking groups referred to them all as “Indians” (Virginia Miller 2004; Prins 1996; Speck and Hadlock 1946; Upton 1974, 5-6; Wallis and Wallis, 1957; Wicken 2002, 8).

In New Brunswick, the reserve system would become an integral part of British and (later) Canadian officials’ attempts to define and address the relationship between cities and towns (Bartlett 1986, 13-20). Reserving lands for “Indians” was part of British war strategy to regulate the Mi’kmaq, Passamaquoddy, and Wolastoqiyik, who were seen as posing a military threat to the British until the end of the War of 1812 (Oliver and Sturgeon 1983, 10-13; Upton 1973, 51, 55; Upton 1974, 4). Reserves also offered a means to dampen land conflicts between the burgeoning Loyalist population and the indigenous peoples after the American Revolution (Krueger 1975; Upton 1979, 98). The promotion of New Brunswick’s agricultural sector, considered vital to the colony’s economic future, was also a key colonial technique for discouraging Indigenous peoples from pursuing their semi-nomadic traditions (McNutt 1984; Upton 1974, 26). Farming, the British maintained, would “civilize” Indians (Parenteau 1998; Parenteau and Kenny 2002, 51; Upton 1974, 7; Upton 1979, 106).

The British established reserves without any regard for eighteenth century agreements they had made with the Mi'kmaq, Passamaquoddy, or the Wolastoqiyik (Canada 2006a; Nurse 2004; Saunders 1970; Wicken 1994 and 1995). Authorities saw land access for Indigenous peoples as a privilege not a right, a position supported by early treaty jurisprudence (Bartlett 1986, 41; Nicholas 1986, 217).<sup>8</sup> In this setting, the Mi'kmaq, Passamaquoddy, and the Wolastoqiyik had little choice but to accept government land grants that entitled them, not to own property outright, but "to occupy and possess" reserves "during pleasure," the latter expression referring essentially to the pleasure of the Crown (1838 Schedule of Indian Reserves quoted in Bartlett 1986, 42). Loyalist squatters routinely encroached upon reserve lands. Officials did very little to stop them (Bartlett 1986, 30-33; Parenteau and Kenny 2002, 51). The Mi'kmaq, Passamaquoddy, and Wolastoqiyik requested assistance in transitioning to agriculture. Authorities did very little to help them (Parenteau and Kenny 2002, 55). In the mid-nineteenth century, when British officials found that few reserves had become viable agricultural ventures, they blamed Indigenous people for leaving the land in an "uncultivated state." In 1838, the New Brunswick Legislative Assembly urged a greater "disposition of land" to settlers, who were considered more likely to make the desired "permanent improvements" (Bartlett 1986, 30).

In the mid-nineteenth century, many Mi'kmaq, Passamaquoddy, and Wolastoqiyik were faced with limited land access, limited assistance with farming, and limited defenses against threats to their traditional ways of life. They were pushed to the point of starvation and left with no other choice than to seek help from the British Colonial Office, which, in response, sent a directive to New Brunswick in 1838 asking for recommendations for addressing the "Indian problem" (McNabb 1983, 280-81; Redmond 1998; Upton 1974, 7-14; Upton 1979, 101). As part of its colonial policies more generally, the British pondered "extermination, slavery, insulation, and amalgamation" as solutions to such matters, but only the latter two were deemed practical; local officials, including authorities in New Brunswick, were directed to determine how to proceed. By then, many assumed that Indigenous peoples in New Brunswick were on the verge of extinction. For instance, in his *Journal of a Mission to the Indians in the British Provinces*, John West (1827), a Church of England missionary, wrote that with respect to the "Indians of New Brunswick ... it is a question ... of extinction of the remnant of a people, who were once sovereigns of the soil, at no very distant period" (252-3). This assumption was evident in the emergence of markets for Wolastoqiyik goods and services that were geared towards assisting European goals or aimed at selling "Indianness" as a passing artifact of history. Parenteau offers a compelling image of these sensibilities when he describes the example of "elite anglers [who] wanted ... not simply someone to help them catch fish, but an authentic 'primitive' man to guide them into an imaged world of primeval wonder – someone to legitimize their adventure as a true wilderness experience" (Parenteau 1998, 2). Markets such as these construed Indigenous peoples as "pre-modern" (Tully 1995, 62-70) incongruities in the march of progress. The way of life *and* the bodies of Indigenous people were accorded market value for their assumed rarity and finitude.

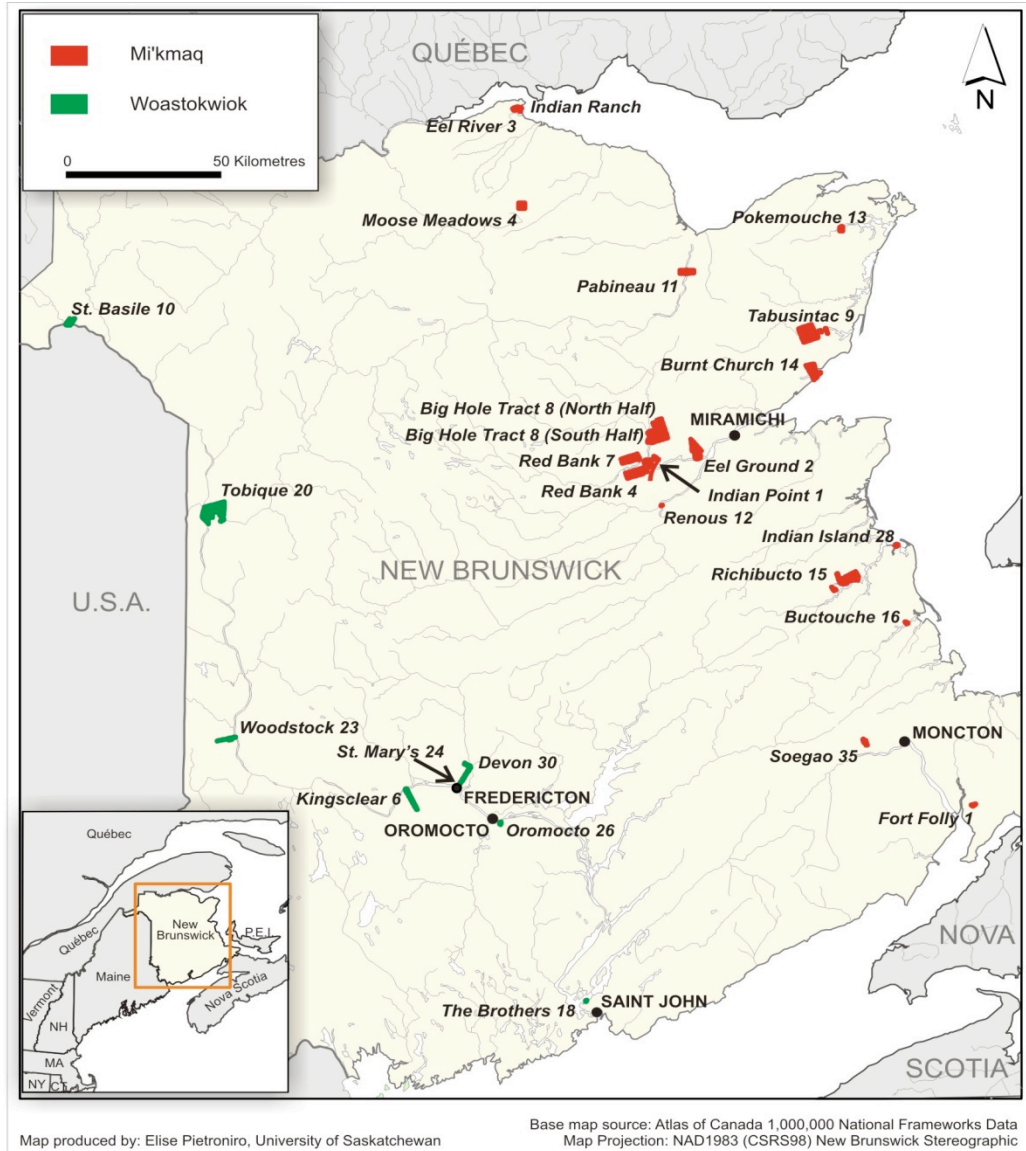
Moses Perley, a lawyer and “sportsman,” was recruited for the task of reporting on the situation of the New Brunswick Indians (Harring 1998, 182) and he had specific remarks about the location of the French Village reserve and its proximity to Fredericton. French Village (later renamed Kingsclear) was established in 1792 roughly twenty-six kilometres southwest of Fredericton (see Map 1), a small town and a strategic military site. Both town and reserve were in the heart of fertile Wolastoqiyik territory (Oliver and Sturgeon 1983, 10; Squires 1980; Upton 1974, 98).

After visiting every reserve in the province, Perley concluded that Indians were generally: “gradually frittering away from the absence of superintendence, and the want of authority of one person or persons to watch over and protect the rights of the unlettered people who, from their situation and utter ignorance of business, are peculiarly open to the schemes of designing persons” (Perley 1841, 3). At French Village, however, Perley saw an anomalous situation. There he found a reserve with sufficient arable land to render farming feasible; it lay in close proximity to a nearby town, a fact that allowed for the supervising of Indians (Parenteau and Kenny 2002, 53). He explained:

the Indians at the Village near Fredericton have of late years become rather industrious; the women work early and late at the manufacture of baskets, while the men provide the materials, and also till the soil with their own hands. They do not follow the chase as ardently, or for so great a part of the season, as they used to do, and they lead much more settled lives than formerly. Hence, it may be inferred that this would be the most eligible place, for the establishment of a School, and for making the attempt to civilize them. The Village is in a respectable neighbourhood, near the Seat of Government, and could always be kept under effectual supervision, and the immediate eye of the Executive. (Perley 1841, 3)

The Wolastoqiyik at French Village, while near the town, were not to be of the town. Like other legally and politically disadvantaged groups, such as women and non-property holders, Indigenous peoples would be denied the right to vote, run for office, own property, or sit on juries (not that Indigenous peoples necessarily wanted such things) (Krueger 1975; Lawrence 2004, 36). Assimilation was a distinctly racialized process (Upton 1979, 106) that, in effect ensured that the Wolastoqiyik’s existence did not interfere with White propertied-class objectives. In this regard too, the British deemed a degree of insulation necessary. As Perley explained, “Indians [would] be benefited by the practical experience and example of the white Settlers,” but kept “far removed from town as to prevent their intercourse with the idle and depraved [Whites] as much as possible” (Perley 1843, 87).

**Map 1**  
**NEW BRUNSWICK INDIAN RESERVES 2008**



## Segregation

In the years immediately following Confederation, the constitutional and geographical conditions altered with respect to Fredericton and reserves, and this change fostered a new spatial discourse premised upon segregation. The constitutional setting was transformed with the passing of the *British North America Act* (1867) (hereinafter the *BNA Act*), which established the Dominion of Canada as a federal system that gave the national (hereinafter federal) government legal jurisdiction for and fiduciary duty to

“Indians” (Paul 2006, 219-280). With the presumption that Indigenous peoples would “naturally” die off evidently waning, a new reserve, Devon/St. Mary’s (hereinafter St. Mary’s),<sup>9</sup> was created in 1867 on the opposite side of the Saint John River from Fredericton (see Map 1). Not long after, in 1876, the federal government integrated many pre-Confederation laws written for Upper and Lower Canada into a new federal *Indian Act* (1876), thus establishing the legal category “Status Indian.” The Status Indian classification was legally intertwined with Indian entitlements to lands set aside for their “collective use and benefit,” namely, the Indian reserves (Canada 2008a).

This new constitutional and geographical context gave rise to three distinct governmental orders in the Fredericton area. First, there was the on-reserve governmental setting at St. Mary’s that fell under the federal government’s fiduciary duty to Status Indians under the *Indian Act*. The on-reserve distinction was further entrenched in 1884 with the passing of the *Indian Advancement Act*, which established the terms for municipal-style “band” governments for Status Indians on reserves that had reached a sufficient degree of “civilization” (Shewell 2004, 147). Bands and their respective reserves, including St. Mary’s, nevertheless remained subject to federal authority.<sup>10</sup> Second, there was the off-reserve setting that was defined by both provincial and federal jurisdiction and trained on the settler populations.

Third, there was a governmental field defined by a lack of express political attention. The *Indian Act* shaped this terrain by providing mechanisms whereby Indian status could be lost voluntarily or involuntarily. Importantly, only for women did involuntary means include marrying a person who was not a Status Indian. As the *Indian Act* (1876) stipulated, “any Indian woman marrying any other than an Indian or non-treaty Indian shall cease to be an Indian in any respect within the meaning of this Act.” Research by Gary Gould and Alan Semple attests to some of the effects of this provision on Fredericton’s governmental milieu.<sup>11</sup> In *Our Land: The Maritimes: The Basis of the Indian Claim in the Maritime Provinces of Canada* (1980), they describe how, in 1881, a White man named George N. married an Indigenous woman named Cecilia S. from the St. Mary’s Indian Reserve. Under the *Indian Act*, Cecilia lost her status upon marriage. Soon after, both the Reserve Chief and the federal government’s Indian Agent pressured Cecilia to move off the reserve. After that:

the couple relocated just outside the Reserve, where they built a small log house. They lived their whole life in this location and raised a large family, perhaps as many as twenty-five children, all of whom followed their parents’ footsteps and lived near their mother’s home reserve. They were accepted and mixed with the Indian community, spoke the Malecite language and were indistinguishable from those living on the reserve. From this close association with the reserve Indians nearly all of these children took Indian spouses. Consequently, the next generation of the family had large percentages of Indian blood and lived in an Indian manner. These intermarriages developed complex lines of interrelationship with the St. John River reserves of Kingsclear



[previously known as French Village], St. Mary's, and Oromocto. (Gould and Semple 1980, 95)

People such as George and Cecilia were *in* but not *of* the city, while simultaneously *of* but not *in* the reserve. They found themselves in a constitutional abject zone, excluded from band government and ignored by federal and provincial governments, the latter two of which refused any obligations to Non-Status Indians.

In the late nineteenth century, the goal of "civilizing" Indians endured, although, in 1889, a railway bridge providing direct land egress between town and reserve set the stage for a reassessment of the suitability of St. Mary's location. Farming remained a key assimilation technique, but, until the bridge was built, officials had shown little concern about the lack of agriculture at St. Mary's, where the Wolastoqiyik's subsistence hinged heavily upon "logging, rafting, guiding, trapping, and the making of baskets, moccasins, and canoes" (Cloney 1993, 118). Even until 1891, annual reports for the Department of Indian Affairs spoke favourably about evidence of assimilation among the Fredericton-area Wolastoqiyik, commenting on "marked improvements" (Dominion of Canada 1891, 35) in "dress" and "ideas" (Dominion of Canada 1889, 38), as well as "habits and customs" (Dominion of Canada 1891, 35).

The train bridge symbolically and materially embodied the emergent urban industrial economic order, but it also raised the possibility of a new racial order and rendered the reserve too close to the city for comfort in the eyes of British settlers. From one angle, Fredericton was seen as a place of vice that would hinder efforts to civilize Indians. From a different perspective, the presence of Indians in or nearby the city was regarded as a threat to the city, an emblem of a lack of progress or, worse yet, civilization's decline. These dual concerns were apparent from the late nineteenth century and into the early decades of the twentieth century. In 1889, the federal government's Indian Agent in New Brunswick, James Farrell, wrote in his *Annual Report of the Department of Indian Affairs* that: "[t]he most objectionable feature in connection with [St. Mary's] reserve is its situation and close proximity to Fredericton. Since the prosecution of several parties for selling liquor to the Indians it is difficult for them personally to purchase it, but there are indirect means by which it can be procured, and whilst two-thirds of the Indians never use intoxicants there is one-third that will indulge, much to the annoyance of those who avoid its use; and these, when questioned, will not reveal the names of the offending parties or in any way assist the agent in bringing them to justice" (Dominion of Canada 1889, 38). In 1912, the superintendent of the Indian day schools for New Brunswick, J.J. Ryan, reported that: "[o]wing ... to the proximity of this reserve to the city of Fredericton - the highway bridge only separating the two places, it is extremely difficult to maintain a fair attendance at school. The moving picture shows exercise a weird fascination over the Indian, and I have frequently turned the children back whom I found on the bridge, making their way alone to these shows. When I spoke to the parents about it they acknowledged they knew of the children going, and this during school hours, but made light of the matter" (Dominion of Canada 1912, 315). In 1918, Fredericton's Mayor, R.B. Hanson, grumbled about the reserve being "in the heart of the town" and not adequately "removed from certain evil interests surrounding it." The

reserve, he asserted, was “more or less untidy and uncleanly” and “in fact an eyesore” (quoted in Walls 2008, 8). Such comments no doubt had moral connotations, as cleanliness was a mark of morality in early twentieth-century Canada (Duplessis 1995, 31; Valverde 1991). Other people complained about Wolastoqiyik “parading the streets of Fredericton” (quoted in Walls 2008, 8). Robert John Cloney (1993), in a master’s thesis that focused on how political officials regarded the Wolastoqiyik as a governmental concern, quoted a local observer who claimed the problems were “largely due to the situation of the Reserve. Imagine 120 odd of a population of Indians camped on two acres of land, situated between the rowdy element of Gibson and St. Mary’s villages ... [T]he rowdy elements of Fredericton that has only to cross the bridge leading from Fredericton to the Reserve” (119). Later on, federal officials began to talk about the reserve’s “poor sanitation” (quoted in Walls 2008, 8), but had no regard for their own role in shaping the substandard living conditions of the Wolastoqiyik. Even into the 1960s, for instance, only two houses at St. Mary’s had flush toilets because no level of government wanted to pay for plumbing hook-ups (Maritime Regional Office, 1958; Interview 17).

At the end of the nineteenth century, officials launched the first of numerous attempts to move the St. Mary’s reserve to French Village, which was still valued by officials for its sufficient distance from the city and conduciveness for agricultural undertakings. In 1930, St. Mary’s was repositioned a short distance from its original site but the reserve remained adjacent to the city (Nicholas 2005; Walls 2008, 8-13). Right through to the end of the Second World War, however, successive efforts at physically segregating the reserve from the city were consistently thwarted. Euro-Canadian officials faulted the St. Mary’s Wolastoqiyik, ironically, on their reluctance to “give up their nomadic ways” (Shewell 2004, 108-9). Historian Martha Walls (2008, 8-13) came to a different conclusion, seeing this intransigence as a successful form of resistance. Protecting their land and livelihood, which depended upon (among other things) selling goods and services in the city (La Forest 1980; Parenteau 1998; Parenteau and Kenny 2002), the St. Mary’s Wolastoqiyik asserted their treaty rights to fend off relocation schemes.

Segregation strategies were pervasive throughout the Fredericton milieu. In 1903, a separate Indian entrance and seating area was secured at the newly built Catholic Church in Devon, a project partially funded by the federal government and championed by a local Marysville industrialist who collaborated on the project with a Member of Parliament, Alexander Gibson (Nicholas 2005). At the dawn of the Depression, the opening of the Shubenacadie Residential School launched a sustained period of forced removal of Indigenous children from their families, including children from the Fredericton area. The expulsion of Wolastoqiyik to “Shubie,” as it was called by students, was part of a broad-based effort to erase Indigenous peoples’ ways of living, being, thinking, and speaking, which, in practice, placed indigenous children in the hands of abusers running the school (Knockwood and Thomas 1992), abuse that was evident even in the very early years after its opening in 1930. Around this time, Euro-Canadian contractors hired by the federal government for housing construction at St. Mary’s

refused to give Indians jobs. In a letter to the Indian Agent, band members asked “if the Government don’t give us work we don’t know where we can get work, times are hard and we depend on that work.” The Indian Agent did nothing to help. St. Mary’s residents tried to build their own houses but were told that “no Indian” was “permitted to erect buildings of his own on the new reserve.” Status Indians hired for federal projects were paid in-kind rather than in cash, the latter form being a “privilege” accorded to Whites only. Through to the Second World War, it was common for Indians to be denied store credits, a common courtesy extended to Whites. On-reserve education offered by British settlers to Indians was geared towards agricultural and religious instruction, whereas off-reserve education prepared non-Indigenous students for economic and educational advancement.<sup>12</sup> It would be 1947 before a St. Mary’s reserve student obtained an education beyond grade eight. This state of affairs is easy to understand given that, in addition to a woman marrying a non-Indigenous person, a higher level of formal education was another means by which Indian Status could be involuntarily lost. While a rare occurrence, federal officials needed only to unilaterally decide that White Euro-settler norms had been sufficiently adopted through education for an Indian’s status to be revoked (Cloney 1993, 122, 126, 142, 152, and 155), a process euphemistically termed “enfranchisement.” The cessation of legal status, the end of federal entitlements, and the curtailment of public relief went hand-in-hand. Indian status was vital for piecing together a modicum of subsistence.

## **Eradication**

After the Second World War, the federal government began promoting urban labour markets as key arenas through which to “integrate” Aboriginal peoples (Walker 2006).<sup>4</sup> This idea was linked to proposals for the eradication of the reserve system, which were evident as early as 1944, when Dorise Nielsen, a member of the socialist-oriented Cooperative Commonwealth Federation Party and Member of Parliament from Saskatchewan, argued before the House of Commons Committee on Postwar Reconstruction and Re-establishment for the need to “[b]reak down a lot of the prejudice, and see that Indian people have the same right of employment as anybody else ... that gradually the younger generation of the Indian people are absorbed into the life of Canada, that they live in cities like the rest of us. I think that speaking of that younger generation of Indian people, we should bring them up to take their part in the general life of this country and forget about the reserves” (Shewell 2004, 149-50). In 1947, the *Report of the Commission on Indian Affairs* echoed Nielsen’s viewpoint and stressed urban migration as a way to promote citizenship norms through employment. The report noted that “Indians” working in urban areas had “no objection, as a rule, to paying taxes so earned” (Canada 1947, 5). That same year, local officials were once again trying to relocate St. Mary’s to Kingsclear (Walls 2008, 22), but at least one member of the Commission saw the contradiction, noting that the “weakness” of the removal scheme was “the idea of taking these Indians back into the hinterland so to speak” (Walls 2008, 30).

Until 1951, individual Indian Agents kept lists that identified who was and who was not an Indian and this fact led to significant variation across the country concerning the basis upon which official status was determined. That year, however, the federal government altered the *Indian Act*. This change was not the first revision to the act, but it was the first time that a centralized national registry was created (Interviews 13 and 15). After the completion of the new national registration process, the federal government's fiduciary duty to "Indians" would only be to people centrally registered. A new classification of "Registered Indian" emerged. On the one hand, direct descendants of, for instance, the Mi'kmaq, Passamaquoddy, or Wolastoqiyik, even if they had been previously identified as Status Indians, could be denied status as "Registered Indians." One's name need only be left off the list to lose legal status as an Indian. Many people lost status this way, sometimes as a result of simply being unaware of the registration process or its significance (Interview 15). On the other hand, people without direct blood links to the Mi'kmaq, Passamaquoddy, or the Wolastoqiyik, such as non-Indigenous women who had married Status Indians, could become Registered Indians if their names were placed on the official register (Interview 13 and 15). Because material benefits could accrue from one's registered status, including, inter alia, the potential for treaty rights, annuity payments, and band revenues (Lawrence 2004, 54; NBAPC n.d.a), legal divisions already apparent among Indigenous peoples in the Fredericton environs were further entrenched. Though not yet apparent in the early 1950s, the next section will show that these changes to the *Indian Act* had major ramifications for urban-reserve governing mentalities.

In 1960, Status Indians obtained voting rights and soon after federal attention turned to the reserve system. In 1966, the Department of Citizenship and Immigration released a report entitled *A Survey of the Contemporary Indians of Canada Economic, Political, Educational Needs and Policies*, commonly known as the "Hawthorne Report." The report reignited the national debate about the potential for urban labour markets to absorb reserve populations. It famously coined the term "citizens plus" to capture two key ideas: recognition of traditional treaties and granting of Canadian citizenship rights and responsibilities to Indigenous peoples. With respect to urban life, the report stated it was essential that "the more specially gifted or qualified Indians [be taken] out of reserves and [brought] into major metropolitan centres to work in a variety of skilled jobs" (Hawthorne 1966, 143). Indigenous peoples were to be in and of the city, where racial divisions would, governmental officials hoped, erode.

Significantly, the Hawthorne Report treated New Brunswick cities as anomalies. Unlike major urban economic hubs, the province's cities were regarded as offering none of the usual benefits of urban living. New Brunswick (along with some other parts of the country) presented a "special problem" that had "no easy solution." As the report explained:

New Brunswick – generally has the highest rates of unemployment and the lowest per capita income in Canada. Here the basic problems are depletion of resources (especially timber), obsolescence (especially coal), and distance and high transportation costs from major potential markets.

Barring massive federal investments and expenditures on an unprecedented scale, coupled with large subsidies and other inducements to entice outside capital to invest in the region, one can see little prospect for substantial improvement in the economic position of the Maritime population, White or Indian. (Hawthorne 1966, 160)

It seems “unavoidable,” the report concluded, “that Indians will need the opportunity to participate with Whites in the general migration of surplus rural population to other regions having more remunerative job opportunities. Otherwise the Indians will remain, as they have for decades, a depressed group having no meaningful economic role to play” (Hawthorne 1966, 159). In effect, Hawthorne envisioned making Indigenous peoples into “citizens plus” in highly differentiated ways according to urban spatial considerations. While the federal government did not accept the Hawthorne Report, some of the mentalities regarding urban space in Atlantic Canada were already circulating in national policy discourses and practices. For instance, in 1965, the federal government purchased property near Halifax known as “Wallace Hill” to “provide a site for the relocation of Indians close to a centre of employment” (Canada 2007a; Interview 10; Proctor 2001). The plan was never implemented but the intention was to facilitate urban migration of Indigenous peoples – not only from New Brunswick but also from across Atlantic Canada – to Halifax by providing housing for Status Indians who wanted to move off reserves (Interview 10).<sup>13</sup>

The discursive ferment that defined the late 1960s was also shaped by the creation of Indigenous peoples’ advocacy groups funded by the federal government, which hoped such entities would contribute to discussions about revisions to Indian policy (Chute 2002, 76; Moore 1983). One such group was the Union of New Brunswick Indians (UNBI), launched in 1967. The UNBI had its headquarters in Fredericton and would later become affiliated with the National Indian Brotherhood (later the Assembly of First Nations), a Registered Indian organization. The UNBI balked when the federal government largely ignored the views of Indigenous peoples in the now infamous *Statement of the Government of Canada on Indian Policy* (hereinafter “the White Paper”) in 1969. In the White Paper, the federal government proposed the eradication of reserves and the migration of Indigenous peoples to cities. As the White Paper put it:

[w]ith the technological change of the twentieth century, society became increasingly industrial and complex, and the separateness of the Indian people became more evident. Most Canadians moved to the growing cities, but the Indians remained largely a rural people, lacking both education and opportunity. The land was being developed rapidly, but many reserves were located in places where little development was possible. Reserves were usually excluded from development and many began to stand out as islands of poverty. The policy of separation had become a burden. (Canada 1969)

The White Paper was ultimately rejected, having been met with mounting resistance by Indigenous peoples (Sappier 1969, 25; Weaver 1981).

Until 1971, it was unclear whether the UNBI represented Registered and Non-Registered Indians. That year, at a meeting at St. Mary's, the matter was settled: the UNBI represented only Registered Indians who descended from the Mi'kmaq and Wolastoqiyik (*Agenutemagen* 1971; Nicholas 1970). The UNBI regarded the *Indian Act* as problematic and was specifically concerned with how it divided Registered and Non-Registered Indians; nevertheless, as UNBI's first president, St. Mary's Chief Harold Sappier asked: "If we did consent to the abolishment of the *Indian Act* ... what would happen to our negotiating position?" (Sappier 1969). The message was clear: Registered Indians were in a stronger political position without Non-Registered Indians. An assertion of political agency and a challenge to federal authority, this decision was, nonetheless, shaped by and adapting to the mainstream constitutional setting and its colonial premises that had been, and continued to be, imposed upon Indigenous peoples.

In 1972, the New Brunswick Association for Métis and Non-Status Indians (NBAMNI) was launched (Interview 2), also in Fredericton, to speak for "biologically or culturally" Indigenous people, generally Non-Registered Indians. NBAMNI would later become affiliated with the Native Council of Canada, now the Congress of Aboriginal Peoples<sup>14</sup> (Interviews 10, 13, and 17; NBAPC n.d.b, 13; Silman 1987). NBAMNI was in a disadvantaged advocacy position relative to the UNBI, which had band-based membership that received federal funding under the *Indian Act* (*Agenutemagen* 1985, 1; La Forest and Nicholas 1999). NBAMNI not only lacked the political clout afforded to the UNBI through the *Indian Act* but also confronted the provincial and federal governments' denial of any *constitutional* obligations towards the Non-Registered Indian members that comprised the preponderance of its membership base.

Around this time, the provincial and federal governments offered NBAMNI funds for mostly small-scale programs centred in Fredericton in areas of housing, labour market-training, youth programming, and, to a small extent, economic development. A new Native Friendship Center (sic) was also set up (Fredericton Native Friendship Centre n.d.; La Forest and Nicholas 1999, 7; Milne 1994; NBAPC n.d.a, 13, 17-20). Right into the twenty-first century, many of these endeavours would come and go and a few new undertakings were launched. Some were more stable than others, but the field of "urban Aboriginal policy" would always be limited in scope and primarily Fredericton-focused (Canada 2006b; CBC News 2007; Fredericton Native Friendship Centre n.d.; MacCormac 1999; Milne 1994). Significantly, NBAMNI's urban constituents were typically life-long residents of the capital city or from nearby reserves, specifically Kingsclear, Oromocto, and St. Mary's (Interviews 4 and 17). From the start, and unlike many other parts of the country that saw increasing numbers of Indigenous people moving into the city, New Brunswick was different. There was no "demographic imperative."

### **Trans-Spatialization**

In the late twentieth century, a new constitutional order positioned the provincial government as a key player in the formulation of a new urban-reserve model. Until that

time, provincial officials had steadfastly denied any constitutional obligation for Indigenous peoples, registered or not. The year 1973 was cataclysmic because it witnessed the Supreme Court of Canada decision known as *Calder v. British Columbia*, which struck a lethal blow to the assumption that Indigenous treaty rights had been extinguished (Coates 2000, 76) and set the stage for the entrenchment of Aboriginal and treaty rights in the *Constitution Act* (1982). From that point on, a new sphere of jurisprudence took form that extended various resource entitlements to Aboriginal peoples and imposed upon the provincial and federal governments a duty to consult and accommodate where such rights existed or might exist (Chute 2002, 75; Interview 8; J. R. Miller 2004; Thomas 2003). Across a different plane, the Supreme Court of Canada, in the 1999 case of *Corbiere v. Canada* (Minister of Indian and Northern Affairs) (“*Corbiere*”) extended voting rights in band elections to off-reserve Registered Indians. Prior to *Corbiere*, band governments assumed that their constituencies ended at the reserve boundary. After *Corbiere*, some band governments saw off-reserve Registered Indians as political constituents (Interview 2; Isaac 1994). As a practical matter, the plight of off-reserve Registered Indians, including treatment by provincial authorities, was potentially a concern for band governments.

In this new legal context, the provincial government began to embark upon a modern-day treaty-making process and to generally rethink its relationship with Indigenous peoples (Canada 2010). In spite of this new orientation, provincial officials continued to view the situation of Indigenous peoples who were not legally “Indian” as a minor, non-pressing matter. Indigenous peoples who lacked Registered Status were, as far as the province was concerned, politically and legally the same as all other New Brunswickers – a status beyond the scope of Aboriginal and treaty rights.<sup>15</sup> The non-reserve setting, therefore, endured into the twenty-first century as a zone outside of the federal government’s fiduciary duty and beyond the scope of what the provincial government saw as within its constitutional remit.

The provincial government’s new focus on Aboriginal policy was also shaped by economic concerns<sup>5</sup> and principally an acute urban labour shortage. In 1996, a Province of New Brunswick discussion paper on demographic issues raised concerns about declining birth rates. “New Brunswick’s fertility rate,” it stated, “is at a very low level of 1.5. The replacement level is 2.1. In short, we are not replacing ourselves, a trend that is to have significant implications” (New Brunswick 1996). By the new millennium, it was widely acknowledged that birth rates among indigenous peoples were going against wider trends. This younger and growing population offered a solution to labour shortages for key urban economic projects, including, in Saint John, the refurbishment of the Point Lepreau nuclear plant, and the building of Irving Oil’s new liquefied natural gas facility and its second oil refinery (Canada 2007b).

Registered Indian workers, and by extension Registered Indian women giving birth to future workers, became important because provincial officials could argue that labour cost training fell under the federal government’s fiduciary duty under the *Indian Act*. This view was stated as early as 1997, when the provincial government’s Select Committee on Demographics reported that higher fertility rates among Indigenous

peoples compared to non-Indigenous peoples could “contribute to the labour force at a time when the growth of the labour force [was] expected to slow.” The report elaborated that: “[e]ffective provincial approaches to Aboriginal issues require a partnership approach with Aboriginal people themselves, and with the federal government. In many cases, the federal government has the primary jurisdiction, and the programs and resources to address the issues. However, there are many areas where the provincial government can assist in accomplishing Aboriginal goals. Although the population is small, statistics show that Aboriginal people will form a larger percentage of New Brunswick's population and workforce in the future” (New Brunswick 1997). In 2007, it was reported in the *Telegraph-Journal* that the Minister of Aboriginal Affairs, Bernard Thériault, said that there was “some grey area in native jurisdiction” upon which “certain provinces [were] capitalizing” (Casey 2007), including, it was evident, New Brunswick. That same year, the provincial government and reserve Chiefs (Mi’kmaq and Maliseet - New Brunswick 2007) signed a bilateral agreement that committed the parties to, among other things, collaborate on the development of the province’s first casino slated for the City of Moncton. Marking the provincial government’s first foray into modern-day treaty making, this agreement had the indelible stamp of urbanism (Canada 2007b).

A *trans-spatial model* of the urban-reserve relationship was brought into visibility as the federal government began praising “urban reserves” as “quiet success stories” (Canada 2008d). In New Brunswick, this model did not hinge on reserves and cities being adjacent to or geographically overlapping each other, as is the case in dominant understandings of “urban reserves.” Rather, the new spatial regime was defined by interlocking constitutional and economic relationships between city and reserve. In this trans-spatial model, urban space emanated from and in conjunction with reserves. Indigenous peoples would be in and of city *and* reserve. Crucially, the future of cities was deemed to hinge on an inherent Indigenous identity tied to the reserve system.

Over the latter years of the twentieth and into the twenty-first century, St. Mary’s reserve saw pronounced effects of this new trans-spatial discursive regime (Interview 12). St. Mary’s band government entered into resource agreements with municipal, provincial, and federal authorities in areas such as commercial fishing (Canada 2007c; McGraw 2003; Wildsmith 1995), wood harvesting (Blakney 2003), land purchases (Canada 2002; *Telegraph Journal* 2002), and taxation (Canadian Press 2004a and 2004b). The band developed a new shopping mall and office centre that drew non-Indigenous peoples to the reserve, a complete reversal of the nineteenth century patterns of exchange whereby the Wolastoqiyik crossed the river to sell their goods and wares (Nicholas 2005). The band council pursued an autonomous policy agenda for “social policy, health delivery, educational strategies, economic initiatives, environmental management, resource allocation, land use, transportation, public works, housing and so on.” It resisted provincial imposition of child welfare standards (St. Mary's First Nation Wolastoqiyik n.d.), defined a new role for on-reserve policing (Interviews 3, 5, and 9), determined its own smoking laws in the face of provincial government resistance (St. Mary's First Nation Wolastoqiyik n.d.), and secured substantive input over curriculum and pedagogy



for Indigenous students in provincial schools (Canada and New Brunswick 2007; Interview 14). For over a century, Canadian political officials had seen St. Mary's reserve as worthless and troublesome. They now viewed it as vital to the city itself (Interview 12). Then Prime Minister Paul Martin captured this attitude in a speech delivered at St. Mary's in 2005 when he declared St. Mary's was a "kind of model that ... ought to be ... raise[d] in every province and territory in the country" (Chiarelli 2005). The trans-spatial urban model had, politically, arrived.

## **Conclusion**

This paper demonstrates that a focus on "urban Aboriginal policy" in the narrow sense, that is to say, defined in terms of responses to urban migration, marks a space of discursive silence in New Brunswick that has been shaped by a long history of governmental attempts to address shifting "problems" pertaining to the relationship between cities and reserves.

Proximation, segregation, eradication, and trans-spatialization comprised four distinct discursive regimes, each of which was premised upon a particular set of assumptions about Indigenous peoples. At different moments and in different ways, these regimes also rested upon presuppositions about the political, economic, and racial benefits to be gained by promoting particular types of spatial relations between city and reserve. Mutations in spatial discourses were not ever, nor are they today, innocent. By marking out these spatial frames, we can begin to ponder, for instance, how race, gender, and class relations have been shaped and reshaped in terms of the urban Aboriginal policy nexus; we can reflect upon the proliferation of silences as certain questions have remained untouched, and as different Aboriginal policies have been included, excluded, and reshaped in political discussions; and we can take seriously the ramifications of past and current colonial practices, laws, and policies. This paper has only scratched the surface of such matters, but it shows that the piercing silence of urban Aboriginal policy in New Brunswick is not only impossible to ignore but also and a crucial entry point for assessing colonial modes of rule in past and present.

## List of Interviews

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Interview 18, Moncton, 15 June 2008

## References

- Abele, Frances, Katherine Graham, and Allan Maslove. 1999. "Negotiating Canada: Changes in Aboriginal Policy over the Last Thirty Years." In *How Canada Spends, 1999-2000*, ed. Leslie Pal, 251-92. Toronto: Oxford University Press.
- Agenutemagen*. 1971. Execs Meet with St. Mary's Band. December.
- Agenutemagen*. 1985. Provinces Shouldn't Handle Indian Affairs. April/May.
- Alfred, Taiaiake and Jeff Corntassel. 2005. "Being Indigenous: Resurgences against Contemporary Colonialism." *Government and Opposition*, 40 (4): 597-614.
- Anderson, Chris. 2008. "From Nation to Population: the Racialization of 'Métis' in the Canadian Census." *Nations and Nationalism*, 14 (2): 47-68.
- Bartlett, Richard H. 1986. *Indian Reserves in the Atlantic Provinces of Canada*. Studies in Aboriginal Rights No. 9, Saskatchewan: University of Saskatchewan Native Law Centre.
- 1983. "Indian and Native Law: Survey of Canadian Law." *Ottawa Law Review* 15 (2): 431-502.
- Blakney, Sherrie. 2003. "Aboriginal Forestry in New Brunswick: Conflicting Paradigms." *Environments* 31 (1): 61-78.
- British North America Act*, 1867.

- CBC News. 2007. Children's Program Aims to Preserve Maliseet. Available: <http://www.cbc.ca/canada/new-brunswick/story/2007/03/22/nb-maliseet.html>. Accessed 25 August 2008.
- CBC News New Brunswick. 2003. "No Métis Rights Here: Green." Available: <http://nben.ca/environews/media/mediaarchives/03/sept/metis2.htm>. Accessed 18 August 2008.
- Calbrick, Mary L. 1997. "Locke's Doctrine of Dispossession and the Dispossession of the Passamoquoddy." Master's thesis, University of New Brunswick. Available: <http://www.collectionscanada.gc.ca/obj/s4/f2/dsk2/ftp01/MQ29975.pdf>. Accessed 21 September 2008.
- Canada. 2010. "Fact Sheet – Progress Report on Aboriginal and Treaty Rights Negotiations in the Maritimes and the Gaspé." Available: <http://www.ainc-inac.gc.ca/al/hts/tng/ecn/fs-eng.asp>. Accessed 29 January 2011.
- 2008a. Terminology. Indian and Northern Affairs Canada. Available: <http://www.ainc-inac.gc.ca/ap/tln-eng.asp>. Accessed 7 March 2009.
  - 2008b. Urban Aboriginal Strategy: Background. Indian and Northern Affairs Canada. Available <http://www.ainc-inac.gc.ca/interloc/uas/index-eng.asp>. Accessed 18 August 2008.
  - 2008c. Office of the Federal Interlocutor for Métis and Non-Status Indians, e-mail reply to author concerning a question about location of research materials, 6 November
  - 2008d. "Urban Reserves: A Quiet Success Story." Indian and Northern Affairs Canada. Available: <http://www.ainc-inac.gc.ca/ai/mr/is/urs-eng.asp>. Accessed 7 March 2009
  - 2007a. First Nation Members and Indians (as defined in section 2(1) of the *Indian Act*). Flyer distributed by the Atlantic Regional Office of Indian and Northern Affairs Canada re: Attention First Nations. Author's personal files.
  - 2007b. Aboriginal Human Resource Council. *Workforce Connex: New Brunswick Forum, Building Strong Aboriginal and Private Sector Partnerships*. Available: [http://www.workforceconnex.com/planning/documents/NB\\_WFC\\_Report.pdf](http://www.workforceconnex.com/planning/documents/NB_WFC_Report.pdf). Accessed 25 August 2009.
  - 2007c. Fisheries and Oceans Canada. Marshall Response Initiative – St. Mary's: One Year Fisheries Agreement 2000-2001. Available: [http://www.dfo-po.gc.ca/communic/Marshall/Fish\\_Agreement/new\\_fa/SaintMarys\\_e.htm](http://www.dfo-po.gc.ca/communic/Marshall/Fish_Agreement/new_fa/SaintMarys_e.htm). Accessed 25 August 2008.
  - 2006a. *Peace and Friendship Treaties in the Maritimes and Gaspé*. Indian and Northern Affairs Canada. Available: [http://www.ainc-inac.gc.ca/ps/clm/atr/wkn\\_e.html](http://www.ainc-inac.gc.ca/ps/clm/atr/wkn_e.html). Accessed 25 August 2008.
  - 2006b. Completed Projects: Aboriginal Head Start Projects: Under One Sky Development Phase, Fredericton and Saint John. Canadian Public Health Agency. Available: [http://www.phac-aspc.gc.ca/canada/regions/atlantique/project/a\\_1\\_comp.html#under\\_one\\_sky](http://www.phac-aspc.gc.ca/canada/regions/atlantique/project/a_1_comp.html#under_one_sky). Accessed 25 August 2008.

- 2002. “Expanded Land Base for Saint Mary’s First Nation.” Indian and Northern Affairs Canada. Online. Available: [http://www.ainc-inac.gc.ca/nr/prs/s-d2002/2-02205\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/s-d2002/2-02205_e.html). Accessed 25 August 2008.
  - 1969. *Statement of the Government of Canada on Indian Policy* (The White Paper, 1969). Available: <http://www.ainc-inac.gc.ca/ai/arp/ls/pubs/cp1969/cp1969-eng.asp>. Accessed 23 November 2008.
  - 1947. *Report of the Commission on Indian Affairs*. Indian Affairs Branch.
  - n.d.a. “First Nation Profiles.” Indian and Northern Affairs Canada. Available: <http://sdiprod2.inac.gc.ca/FNProfiles/>. Accessed 25 August 2008.
  - n.d.b. “Fact Sheet: Aboriginal Rights in BC.” Indian and Northern Affairs Canada. Available: <http://www.ainc-inac.gc.ca/ai/mr/is/abr-eng.asp>. Accessed 22 April 2011.
  - n.d.c. “Fact Sheet: Treaty Negotiations.” Indian and Northern Affairs Canada. Available: <http://www.ainc-inac.gc.ca/ai/mr/is/trn-eng.asp>. Accessed 23 January 2009.
- Canada and New Brunswick. 2007. “Memorandum of Understanding Concerning Education and First Nation Students and Communities in the Province of New Brunswick.” Indian and Northern Affairs Canada. Available: <http://www.ainc-inac.gc.ca/nr/prs/j-a2008/2-3025-eng.asp>. Accessed 25 August 2008.
- Canadian Press*. 2004a. “Tax Sharing Gas Prices Plunge at N.B. First Nations Stations As Tax Dispute Heats Up.” 10 December.
- 2004b. “N.B. Plans to Review Tax Rebate; Gaming Deals with First Nations Communities.” 16 April.
- Casey, Quentin Casey. 2007. “Erasing the Jurisdictional Divide: Talks Time to Stop Expecting Ottawa to Carry all Responsibility for Aboriginal Issues: Premier.” *Telegraph-Journal*, 9 August: A1.
- Chiarelli, Nina. 2005. “Prime Minister Feted by First Nations.” *Telegraph Journal*, 1 January.
- Chute, Janet E. 2002. “Algonquians/Eastern Woodlands.” In *Aboriginal Peoples of Canada: A Short Introduction*, ed. Paul Magocsi, 38-81. Toronto: University of Toronto Press.
- Cloney, Robert John. 1993. Doctor, Lawyer, Indian Chief ... : Dependency Among the Maliseet and the Impact of the *Indian Act*. Master’s thesis, Saint Mary’s University.
- Coates, Kenneth. 2000. *The Marshall Decision and Native Rights*. Montreal: McGill-Queen’s University Press.
- Constitution Act*. 1982.
- Dominion of Canada. 1889. *Annual Report of the Department of Indian Affairs for the Year Ended 31 December 1889*.
- Dominion of Canada. 1891. *Annual Report of the Department of Indian Affairs for the Year Ended 31 December 1891*.
- Dominion of Canada. 1912. *Annual Report of the Department of Indian Affairs for the Year Ended 31 December 1912*.

- Duplessis, Antoinette Mary. 1995. "The 'Civilization' Program of the Department of Indian Affairs on New Brunswick Native Reserves, 1867-1932." Master's thesis, University of New Brunswick.
- Fort Folly First Nation. n.d. Fort Folly First Nation Land Claim. Available: <http://www.fortfolly.nb.ca/landclaim.html>. Accessed 17 September 2008.
- Foucault, Michel. 1978. *The History of Sexuality. An Introduction. Volume 1*. New York: Vintage Books.
- Francis, Vera. 2008. "Defending the Rights of the Passamoquoddy." Public lecture delivered at the New Brunswick Social Forum, The New Brunswick Sports Hall of Fame, Fredericton. Video recording available at: <http://nbsf-fsnb.org/?q=node/14>.
- Fredericton Native Friendship Centre. n.d. "Fredericton Native Friendship Centre: Respect, Honesty, Caring, Sharing." Available: <http://www.fnfenb.ca/>. Accessed 25 August 2008.
- Gould, Gary P. and A. J. Semple. 1980. *Our Land: the Maritimes: The Basis of the Indian Claim in the Maritime Provinces of Canada*. Fredericton: Saint Anne's Point Press.
- Graham, Katherine A. H. 1999. "Urban Aboriginal Governance in Canada: Paradigms and Prospects." In *Aboriginal Self-Government in Canada: Paradigms and Prospects 2nd edition*, ed. John Hylton, 377-91. Saskatoon: Purich Publishing.
- Graham, Katherine A.H. and Evelyn J. Peters. 2002. *Aboriginal Communities and Urban Sustainability*. Ottawa: Canadian Policy Research Networks.
- Green, Joyce, ed. 2007. *Making Space for Aboriginal Feminism*. Halifax: Fernwood Press.
- Hamilton, W. D. 1986. *The Federal Indian Day Schools of the Maritimes*. Fredericton: Micmac-Maliseet Institute, University of New Brunswick.
- Hanselmann, Calvin. 2001. *Urban Aboriginal People in Western Canada: Realities and Policies*. Calgary: Canada West Foundation.
- Harring, Sidney L. 1998. *White Man's Law: Native People in Nineteenth-Century Canadian Jurisprudence*. Toronto: University of Toronto Press for the Osgoode Society for Canadian Legal History.
- Hawthorne, H.B., ed. 1966. *A Survey of the Contemporary Indians of Canada Economic, Political, Educational Needs and Policies*. Ottawa: DIAND. Available: <http://www.ainc-inac.gc.ca/ai/arp/l/phi-eng.asp>. Accessed 22 August 2009.
- Indian Act*. 1876. Part 1, Chapter 81, 15 (2).
- Isaac, Thomas. 1994. Case Commentary: Corbiere v. Canada. *Canadian Native Law Reporter* 1.
- Klodawsky, F. 1999. "'Housing Need,' 'Neighbourhood Improvement', and the Contributions of 'Experts' in North Point Douglas, Winnipeg, 1971-1981: A Gender and 'Race' Sensitive Analysis." *Research in Community Sociology* 9: 255-83.

- Knockwood, Isabelle and Gillian Thomas. 1992. *Out of the Depths: The Experiences of Mi'kmaw Children at the Indian Residential School at Shubenacadie, Nova Scotia*, 2<sup>nd</sup> edition. Lockeport: Roseway.
- Krueger, R. R. 1975. "Changes in the Political Geography of New Brunswick." *The Canadian Geographer*, 19 (2): 121-34.
- La Forest, Gerard and Graydon Nicholas. 1999. *Report of The Task Force on Aboriginal Issues*. Available: <http://www.gnb.ca/0016/task/task.htm>. Accessed 21 August 2008.
- La Forest, Marie W. 1980. "Native Fishing and Hunting Rights in New Brunswick." *University of New Brunswick Law Journal* 29: 111-22.
- La Nation Autochtone du Québec. 2006. East-West Official Statement, 11 October. Available: [http://www.autochtones.ca/documents/20061011\\_east\\_west\\_official\\_statement.pdf](http://www.autochtones.ca/documents/20061011_east_west_official_statement.pdf). Accessed 16 January 2009.
- Lawrence, Bonita. 2004. *"Real" Indians and Others: Mixed-Blood Urban Native Peoples and Indigenous Nationhood*. Vancouver: UBC Press.
- Leavitt, Robert M. 2000. *Mi'kmaq of the East Coast*. Markham: Fitzhenry & Whiteside Ltd.
- 1996. *Passamaquoddy-Maliseet. Munich*. Newcastle LINCOM Europa Materials. Series: Languages of the World 27.
- 1995. *Maliseet and Micmac First Nations of the Maritimes*. Fredericton: New Ireland Press.
- MacCormac, Dan. 1999. "Native Friendship Centre Needs New Board to Reopen: Official." *The New Brunswick Telegraph Journal*, 3 February.
- Maritime Regional Office. 1958. "Memorandum to Indian Affairs Branch, 16 June." Subject: Carleton Ward (St. Mary's Reserve, Fredericton). Library and Archives Canada RG 10, File 8565.
- Mawani, Renasi. 2009. *Colonial Proximities: Crossracial Encounters and Juridical Truths in British Columbia, 1871-1921*. Vancouver: UBC Press.
- McGee, H. F. 1983. *The Native People of Atlantic Canada: A History of Indian-European Relations*. Ottawa: Carleton University Press
- McGraw, Rick. 2003. "Aboriginal Fisheries Policy in Atlantic Canada." *Marine Policy* 27 (5): 417-24.
- McNabb, David. 1983. "Herman Merivale and Colonial 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 A. L. Getty and Antoine S. Lussier, 277-302. Vancouver: UBC Press. Available: <http://www.brandonu.ca/Library/CJNS/1.2/mcnab.pdf>. Accessed 25 August 2008.
- McNutt, W.S. 1984. *New Brunswick: A History, 1784-1867*. 2<sup>nd</sup> ed. Toronto: MacMillan of Canada.
- Mi'kmaq and Maliseet – New Brunswick. 2007. "Relationship Building/Bilateral Agreement." Available: <http://www.gnb.ca/legis/education/070622program.pdf>. Accessed 25 August 2008.

- Miller, J. R. 2004. "History, the Courts, and Treaty Policy: Lessons from Marshall and Nisga'a." In *Aboriginal Policy Research. Vol. 1: Setting the Agenda for Change*, eds. Jerry P. White, Paul Maxim and Dan Beavon, Chapter 2. Toronto: Thompson Educational Publishing.
- Miller, Virginia P. 2004. "The Mi'kmaq: A Maritime Woodland Group." In *Native Peoples: The Canadian Experience*, eds. R. Bruce Morrison and C. Roderick Wilson, 248-67. Don Mills: Oxford University Press.
- Milne, David. 1994. "The Case of New Brunswick-Aboriginal Relations." Research Report. Royal Commission on Aboriginal Peoples.
- Moore, Dorothy E. 1983. *Micmac Culture and the Multiculturalism Policy*. Halifax, International Education Centre, Saint Mary's University.
- Moss, Wendy and Elaine O'Toole-Gardner. 1991. *Aboriginal People: History of Discriminatory Laws*. Ottawa: Depository Services Program, Law and Government Division.
- Murray, Karen. Forthcoming. "Making Space in Vancouver's East End: From Leonard Marsh to the Vancouver Agreement," *BC Studies*.
- New Brunswick Aboriginal Peoples Council. n.d.a. Post Powley. Available: <http://post-powley.nbapc.org/main.asp?pid=1>. Accessed 21 September 2008.
- n.d.b. *Who We Are*. Fredericton: New Brunswick.
- n.d.c. Constitution and by-Laws. Available: <http://www.nbapc.org/pages.asp?pid=300&deptid=0&lid=0>. Accessed 16 January 2009.
- New Brunswick. 2006. "Supreme Court Upholds New Brunswick Courts' Position on Aboriginal Rights." Media Release 7 December. Available: <http://www.gnb.ca/cnb/news/ag/2006e1529ag.htm>. Accessed 25 August 2008.
- . 1997. Select Committee on Demographics, Final Report. Fifty-third Legislature, 2<sup>nd</sup> Session. *The Report on the Select Committee on Demographics* Available: <http://www.gnb.ca/legis/business/pastsessions/53/53-2/journals-e/970226-e.asp>. Accessed 22 April 2011.
- . 1996. *New Brunswick at the Dawn of a New Century: A Discussion Paper on Demographic Issues Affecting New Brunswick* (Fredericton: Province of New Brunswick). Available: <http://www.gnb.ca/legis/business/committees/previous/reports-e/demog/nbdemoge.pdf> (Accessed 22 April 2011).
- Nicholas, Andrea Bear. 2005. "Our History: A Summary History of St. Mary's to 1950." Draft Version No. 3. Available: <http://www.stmarysfirstnation.ca/pages.asp?pid=86>. Accessed 7 March 2009.
- 1986. "Maliseet Aboriginal Rights and Mascarene's Treaty, not Drummer's Treaty." In *Actes du dix-septième congrès des algonquinistes*, ed. William Cowan, 215-29. Ottawa: Carleton University.
- Nicholas, Andrew. 1970. "New Brunswick Indians-Conservative Militants." In *The Only Good Indian: Essays by Canadian Indians*, ed. Waubageshig, 42-50. Toronto: New Press.

- Nurse, Andrew. 2004. "History, Law, and the Mi'kmaq." *Acadiensis* 33 (2): 126-33.
- Office of the Ombudsman and Child and Youth Advocate. 2010.
- Oliver, Bruce and Linda-Ann Sturgeon. 1983. *Dwellers by the Beautiful River: Fredericton's Indian Legacy*. Fredericton: Fredericton Historical Research Project, Department of History, University of New Brunswick.
- Pal, Leslie. 1992. *Public Policy Analysis: An Introduction*. 2<sup>nd</sup> ed. Toronto: Nelson.
- Parenteau, Bill. 1998. "Care, Control, and Supervision: Native People in the Canadian Atlantic Fishery, 1867-1900." *Canadian Historical Review* 79 (1): 1-35.
- Parenteau, Bill and James Kenny. 2002. "Survival, Resistance, and the Canadian State: The Transformation of New Brunswick's Native Economy, 1867-1930." *Journal of the Canadian Historical Association/Revue de la société historique du Canada* 13 (1): 49-71.
- Parker, Simon. 2004. *Urban Theory and the Urban Experience: Encountering the City*. New York: Routledge.
- Paul, Daniel N. 2006. *We Were Not the Savages: Collision Between European and Native American Civilizations*. 3<sup>rd</sup> edition. Halifax: Fernwood.
- Perley, Moses. 1843. "H.E. Perley's Report on the Indians of New Brunswick." In *The Native People of Atlantic Canada: A History of Indian-European Relations*, ed. Harold F. McGee, 81-9. Ottawa: Carleton University Press (1983).
- 1841. Report of Moses H. Perley on the Maliseet/Wulustukieg population of the St. John River Valley. Excerpt from *Report on Indian Settlements*. *Journal of the House of Assembly of New Brunswick* 1842. Available: <http://www.upperstjohn.com/madawaska/perley.htm>. Accessed 25 August 2008.
- Peters, Evelyn J. 2007. *Urban Reserves*. Research paper for the National Centre for First Nations Governance, Ottawa. Available: [http://www.fngovernance.org/research/e\\_peters.pdf](http://www.fngovernance.org/research/e_peters.pdf). Accessed 5 March 2009.
- 2002. "'Our City Indians': Negotiating the Meaning of First Nations Urbanization in Canada, 1945-1975." *Historical Geography* 30: 75-92.
- 2000. "Aboriginal People in Urban Areas." In *Visions of the Heart: Canadian Aboriginal Issues*, eds. David A. Long and Olivia P. Dickason, 305-34. Toronto: Harcourt Brace & Company.
- 1998. "Subversive Spaces: First Nations Women and the City." *Environment and Planning D: Society and Space* 16 (6): 665-85.
- Prins, Harold. 1996. *The Mi'kmaq: Resistance, Accommodation, and Cultural Survival*. Orlando: Harcourt Brace.
- Proctor, Steve. 2001. "Indian Brook to develop large parcel of land; Natives Take Over Former DND Property Oct. 29." *The Chronicle-Herald*, 6 April: A8.
- R. v. Lavigne, 2005, NBPC 8.
- R. v. Powley, 2003, 2 SCR 207.
- Redmond, Theresa. 1998. "'We Cannot Work Without Food': Nova Scotian Indian Policy and Mi'kmaq Agriculture, 1783-1867." In *Earth, Water, Air, and Fire: Studies in Canadian Ethnohistory*, ed. David McNab, 95-113. Waterloo: Wilfrid Laurier University Press.



- Sappier, Harold. 1969. "Statement of New Brunswick Indians by Harold Sappier, President, to the Government of Canada Indian Policy, 1969." Anglican Church of Canada, 1970.
- Saunders, Douglas. 1970. "Native Rights." *Report of Discussions: Legal Status of Indians in the Maritimes*. Toronto: Indian-Eskimo Association of Canada.
- Shewell, Hugh. 2004. "Enough to Keep Them Alive": *Indian Welfare in Canada, 1873-1965*. Toronto: University of Toronto Press.
- Silman, Janet, ed. 1987. *Enough is Enough: Aboriginal Women Speak Out*. Toronto: The Women's Press.
- Slowey, Gabrielle. 2008. *Navigating Neoliberalism: Self-Determination and the Mikisew Cree First Nation*. Vancouver: UBC Press.
- Speck, Frank G. and Wendell S. Hadlock. 1946. "A Report on Tribal Boundaries and Hunting Areas of the Malecite Indian of New Brunswick." *American Anthropologist*, 48 (3): 355-75.
- Squires, W. Austin. 1980. *History of Fredericton: the Last 200 Years*. Fredericton: Centennial Print and Litho Ltd.
- St. Mary's First Nation Wolastoqiyik. n.d. Child and Family Services. Available: <http://www.stmarysfirstnation.ca/pages.asp?pid=82>. Accessed 21 August 2008.
- Statistics Canada. 2006a. *Census Tract Profiles, 2006*. Catalogue number 92-597-XWE. Online. Available: <http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-597/index.cfm?lang=E>. Accessed 22 January 2009.
- Telegraph Journal*. 2002. "Deal Gives First Nation Land for Project", 25 October: A4.
- Thomas, Isaac. 2003. "The Crown's Duty to Consult and Accommodate Aboriginal People." *The Advocate* 63 (5): 671-90.
- Tobias, John L. 1991. "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy." In *Sweet Promises: A Reader on Indian-White Relations in Canada*, ed. J.R. Miller, 127-44. Toronto: University of Toronto Press.
- Tully, J. 1995. *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge: Cambridge University Press.
- Upton, L.F.S. 1979. *Micmacs and Colonists: Indian-White Relations in the Maritimes*. Vancouver: UBC Press.
- 1974. "Indian Affairs in Colonial New Brunswick." *Acadiensis* 3 (2): 3-26.
1973. "The Origins of Canadian Indian Policy." *Journal of Canadian Studies* 8 (4): 51-60.
- Valverde, Mariana. 1991. *The Age of Light, Soap and Water: Moral Reform in English Canada, 1885-1925*. Toronto: McClelland & Stewart Inc.
- Walker, R. C. 2006. "Interweaving Aboriginal/Indigenous Rights with Urban Citizenship: A View from the Winnipeg Low-cost Housing Sector, Canada." *Citizenship Studies* 10 (4): 391-411.
- Wallis, Wilson and Ruth Wallis. 1957. *Malecite Indians of New Brunswsick*. Ottawa: Northern Affairs and Natural Resources.
- Walls, Martha. 2008. "Countering the 'Kingsclear blunder': Maliseet Resistance to the Kingsclear Relocation Plan, 1945-1949." *Acadiensis* 38 (1): 3-30.

- Weaver, Sally M. 1981. *Making Canadian Indian Policy: The Hidden Agenda, 1968-1970*. Toronto: University of Toronto Press.
- West, John. 1827. *Journal of a Mission to the Indians in the British Provinces of New Brunswick, Nova Scotia, and the Mohawks, on the Ouse, or Grand River, Upper Canada*. London: L. B. Seeley and Son.
- Wicken, William C. 2002. *Mi'kmaq Treaties on Trial: History, Land and Donald Marshall Junior*. Toronto: University of Toronto Press.
- 1995. “‘Heard it from our Grandfathers’: Mi'kmaq Treaty Tradition and the Syliboy Case of 1928.” *University of New Brunswick Law Journal/Revue de droit de l'Université du Nouveau-Brunswick* 44: 145-62.
- 1994. “The Mi'Kmaq and Wuastukwiuk Treaties”. *University of New Brunswick Law Journal/Revue de droit de l'Université du Nouveau-Brunswick* 43: 241-53.
- Wildsmith, Bruce. 1995. “The Mi'Kmaq and the Fishery: Beyond Food Requirements.” *Dalhousie Law Journal* 18 (1): 116-40.
- Wiseman, Frederick M. 2005. *Reclaiming the Ancestors: Decolonizing a Taken Prehistory of the Far Northeast*. London: University Press of New England.
- Woodstock First Nation. n.d. “Welcome to Woodstock First Nation’s History.” Available: <http://www.woodstockfirstnation.com/wfnhistory.htm>. Accessed 17 September 2008.

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<sup>2</sup> Following Alfred and Corntassel, I regard “indigenoussness” as “an identity constructed, shaped, and lived in the politicized context of contemporary colonialism. The communities, clans, nations and tribes [called] Indigenous peoples are just that: Indigenous to the lands they inhabit, in contrast to and in contention with the colonial societies and states that have spread out from Europe and other centres of empire” (2005, 597). I use the term “Aboriginal,” “Indian,” and “First Nation,” when referring to specific official British and Canadian colonial government policies and discourses where such terms are used. Otherwise, I employ the term “Indigenous peoples” or the specific names of the Mi’kmaq, Passamaquoddy, and the Wolastoqiyik as appropriate.

<sup>3</sup> For a timeline of legal discrimination against Indigenous peoples, see Moss and O’Toole-Gardner (1991).

<sup>4</sup> One person was counted in two categories.

<sup>5</sup> On shifting governing mentalities in Aboriginal policy see, for example, Abele, Graham, and Maslove (1999), and Tobias (1991).

<sup>6</sup> Many writers use the term “Maliseet,” but this has fallen into disuse because it has a pejorative meaning in the Mi’kmaq vernacular (Interviews 13 and 15; Oliver and Sturgeon 1983, 2).

<sup>7</sup> Neither the provincial nor the federal government recognizes the historical claims of Passamaquoddy in New Brunswick, but this view is contested (Interview 15; Prins 1986, 265; Interviews 10 and 15; Speck and Hadlock 1946, 362). In 2008, a Passamaquoddy Legal Defence Fund was being established to defend Passamaquoddy rights in New Brunswick (see Francis 2008).

<sup>8</sup> In 1921, the Judicial Committee of the Privy Council in London, then Canada’s highest court, ruled that Aboriginal title “must be presumed to have continued unless the contrary is established” (Canada n.d.b). In 1923, however, the federal government “made it a criminal offence for a First Nation to hire a lawyer to pursue land claims settlements” (Canada n.d.c). This was changed in 1951 under a revised *Indian Act* (Canada n.d.b).

<sup>9</sup> In 1895, the Oromocto reserve was established roughly twenty-two kilometres southeast of Fredericton. For the timeline of the creation of New Brunswick reserves, see Bartlett 1983 and 1986; Calbrick 1997; Canada n.d.a; Fort Folly First Nation n.d.; and Woodstock First Nation n.d.).

<sup>10</sup> For a discussion of band council jurisdiction under the *Indian Act*, see Peters (2007).

<sup>11</sup> The gendered dimensions of discursive spatial regimes in New Brunswick require detailed attention beyond the context of this chapter. For a study of the interconnections between race, gender, and space in the Winnipeg context, see Klodawsky (1999). On the passing of Bill C-31 in 1985, which provided for Indian Status reinstatement resulting from the patriarchal bases of the *Indian Act* see, for instance, Green (2007), Lawrence (2004), Peters (1998), and Silman (1987).

<sup>12</sup> On education at Indian Day Schools in New Brunswick, see Hamilton (1986).

<sup>13</sup> On the growing centrality of urban space in Canadian government policies and programs after World War II see Karen Murray, “Making Space in Vancouver’s East End: From Leonard Marsh to the Vancouver Agreement,” *BC Studies* (forthcoming).

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<sup>14</sup>The importance of context in how race and space are twinned as governmental techniques is brought into sharp relief in this proposed project, which was diametrically opposite to the 1960s wholesale razing of Africville, a community of roughly 400 primarily Black residents on the edge of Halifax.

<sup>14</sup> At the time of the formation of NBAMNI, the notion of “Métis” was considered an apt descriptor for the Non-Status Indian Aboriginal peoples and their descendants, including those who had married outside of the Mi’Kmaq, Passamaquoddy, and Wolastoqiyik. The constitutional meaning of “Métis” has since become a key site of contestation (see CBC News New Brunswick 2003; La Nation Autochtone du Québec 2006; R. v. Lavigne, 2007, CNLR 268, NBQB, [2005] 3 CNLR 176; R. v. Powley, 2003, 2 SCR 207, 2001). In the early 1990s, the NBAMNI changed its name to The New Brunswick Aboriginal Peoples Council (NBAPC n.d.c.).

<sup>15</sup> While the constitutionality of Aboriginal identity is a complex terrain, the exponential increase in people self-identifying as Métis in the Canadian Census is impossible to ignore. As a statistically defined population, the Métis grew by 350 per cent between 1996 and 2006, that is, from 975 to 4,290 people (Anderson 2008, 359). For an insightful assessment of the political dynamics underpinning this statistical revolution, see Anderson (2008).

<sup>16</sup> On the implications of neoliberal governance for Indigenous peoples see Slowey (2008).

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