

APPENDIX K

MI'KMAW KNOWLEDGE STUDY

Mi'kmaw Knowledge Study



MI'KMAQ ENVIRONMENTAL SERVICES

Highway 104 Twinning Project New Glasgow to Aulds Cove

MI'KMAW KNOWLEDGE STUDY

Highway 104 New Glasgow to Aulds Cove

Prepared for the Nova Scotia Department of Transportation and Public Works

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1.0 INTRODUCTION

1.1 Mi'kmaq Environmental Services

Mi'kmaq Environmental Services (MES) is a program operated by the Lands, Environment, and Natural Resources Directorate of the Confederacy of Mainland Mi'kmaq (CMM) that provides fee for service environmental consulting services. CMM provides advisory services to six Mi'kmaw communities in the province of Nova Scotia – the Paq'tnkek First Nation, Annapolis Valley First Nation, Bear River First Nation, Glooscap First Nation, Millbrook First Nation, and Pictou Landing First Nation.

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1.2 Project Description

Provincial Highway 104 links Amherst via Truro, New Glasgow, Antigonish, and Port Hawkesbury to Sydney. Portions of the highway have been twinned to provide a four-lane divided highway and plans are underway for further twinning and upgrading. The ultimate design standard is a four-lane divided wide median highway with grade-separated interchanges and crossings. It is intended to increase safety and accommodate increasing traffic volumes.

Twinning and upgrading is proceeding in phases. The New Glasgow to Aulds Cove section is divided into four sub-sections:

- 1) New Glasgow to Sutherlands River is a 20 km long, definitive alignment on the south side of the existing highway crossing Sutherlands River along the existing route;
- 2) Sutherlands River to Addington Forks is a non-definitive alignment with a possible southerly by-pass option between Barneys River Station and Glen Bard (33km long);
- 3) Antigonish area from Addington Forks to Taylor Road is a 21 km long, definitive alignment that crosses Trunk 4, West River, and Beech Hill between 300m and 600m south of the existing Highway 104. Just west of the South River structure the alignment crosses from the south to the north side of the existing Highway 104 to Taylor Rd (also known as the ‘Antigonish bypass’); and
- 4) Taylor Rd. to Aulds Cove is a non-definitive alignment (39 km long).

2.0 DEFINITION OF TERMS

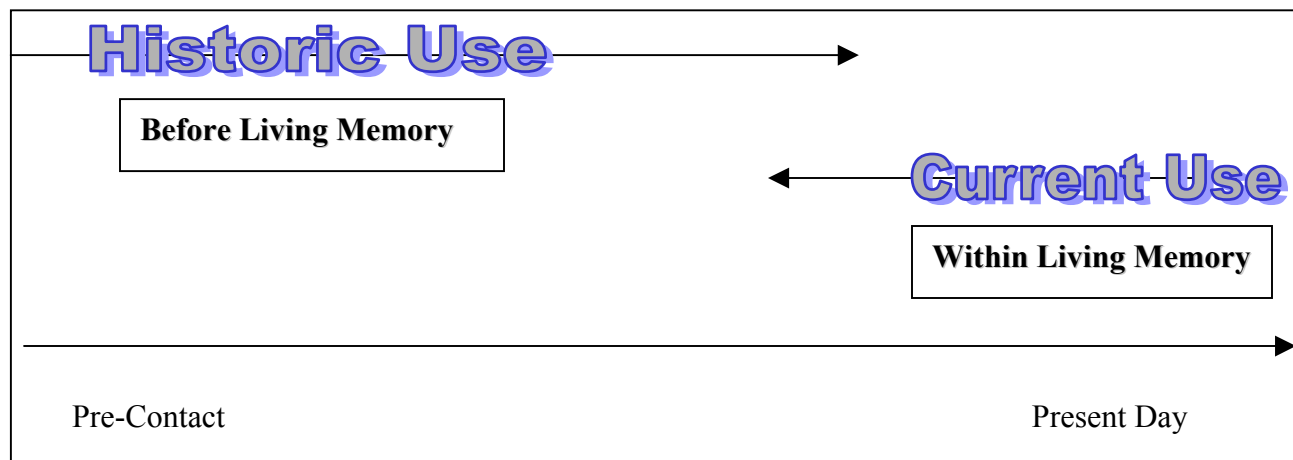
CMM/UNSI Technical Committee is chaired by Dan Christmas and comprises representatives from various Mi'kmaw organizations including the Negotiations Office. The role of the Technical Committee is to advise the Assembly of Nova Scotia Mi'kmaq Chiefs on all rights-based issues.

Living Memory is the memory of living Mi'kmaw. The period of time included in living memory varies from knowledge holder to knowledge holder. Living memory often extends to the father and grandfather of the knowledge holder and can be estimated at 3 to 4 generations.

Current Mi'kmaq Land and Resource Use occurred within living memory or is occurring at the present day (Figure 1)

Historic Mi'kmaq Land and Resource Use occurred before living memory (Figure 1)

Figure 1: Historic and Current Use Timeline



Mi'kmaw Ecological Knowledge is the collective body of knowledge which Mi'kmaq possess based on their intimate relationship with their natural surroundings, which involves exploitation, conservation and spiritual ideologies, and has been passed on from

generation to generation, “*kisaku kinutemuatel mijuijij*”, elder to child.

Mi’kmaq Land and Resource Use Sites are locations where Mi’kmaq land and resource use activities have taken place or are taking place at present day. These sites may or may not display physical evidence of Mi’kmaq use.

Mi’kmaw/Mi’kmaq *Mi’kmaq* means the Family and is an undeclined form. The variant form, *Mi’kmaw*, plays two grammatical roles: 1) it is the singular of Mi’kmaq and 2) it is an adjective in circumstances where it precedes a noun.

Mi’kma’ki is the Mi’kmaw homeland (Atlantic provinces and Gaspé peninsula)

Specific Land Claim arises when a First Nation alleges that the federal government has not honoured its treaties, agreements or legal responsibilities. According to federal policy, a valid specific claim exists when a First Nation can prove the government has an "outstanding lawful obligation". The Mi’kmaq are currently pursuing several specific land claims in Nova Scotia.

Comprehensive Claim is based on underlying Aboriginal Title to traditional territory that has not been dealt with by treaty or other means. Aboriginal Title to lands exists as a legal right derived from First Nations historical occupation and possession of their tribal lands. The process of negotiating the settlement of comprehensive claims, which is known as modern-day treaty making, clarifies access and ownership to land and resources. Currently, the Mi’kmaq have a comprehensive claim to all lands within the province of Nova Scotia including all inland and adjacent waters.

3.0 PURPOSE AND SCOPE OF THE MI'KMAW KNOWLEDGE STUDY

3.1 Purpose of the Mi'kmaw Knowledge Study

The purpose of the Mi'kmaw Knowledge Study is to support the integration of Mi'kmaw knowledge of use and occupation of Mi'kma'ki into development decisions via the environmental assessment process.

3.2 Scope of the Mi'kmaw Knowledge Study

The MKS includes:

- 1) a study of historic and current Mi'kmaq land and resource use;
- 2) an evaluation of the potential impacts of the Project on Mi'kmaq use and occupation and constitutionally based rights;
- 3) an evaluation of the significance of the potential impacts of the Project on Mi'kmaq use and occupation; and
- 4) recommendations to proponents and regulators that may include recommendations for mitigation measures, further study, or consultation with Mi'kmaq.

3.3 Not included in the scope of the Mi'kmaw Knowledge Study

3.3.1 Section 35 Consultation

This study is not consultation for justification of the infringement of constitutionally protected aboriginal and treaty rights. If the project involves possible infringements of Mi'kmaq constitutional rights, the MKS recommends further action.

3.3.2 Archaeological Screening and Resource Impact Assessment

The study is not an Archaeological Screening or Archaeological Resource Impact Assessment. Results presented in the study can inform and be informed by archaeological screenings and assessments.

3.3.3 Notification of Mi'kmaw individuals or communities of the Project

The study is not intended to inform or notify Mi'kmaw individuals or communities of the Project, solicit the opinions or concerns of Mi'kmaw individuals or communities on the Project, or promote the Project to Mi'kmaw individuals or communities.

4.0 METHODOLOGY

4.1 Historic Mi'kmaq Land and Resource Use

Historic Mi'kmaq land and resource use occurred before living memory. The study of historic land and resource use paints a broad portrait of Mi'kmaq use and occupation of Mi'kma'ki in centuries past.

4.1.1 *Study Area*

The study area is a 10km corridor on either side of the definitive route, or the existing highway where no definitive route was proposed, from New Glasgow to Aulds Cove.

4.1.2 *Methods*

Research was undertaken at the Nova Scotia Public Archives, Dalhousie University, Saint Mary's University, St. Francis Xavier University, King's College, and the Nova Scotia Museum. Secondary sources were used principally, although some primary sources from the Nova Scotia Museum and the Nova Scotia Public Archives were employed.

4.1.3 *Limitations*

Recorded documents are the primary source of information for the study of historic Mi'kmaq land and resource use. There are no recorded documents in the pre-contact period and recorded documents in the post-contact period are not comprehensive. Furthermore, existing documentation has largely been written by people of a different culture. This means that information may either not be completely accurate or may be incomplete.

4.2 Current Mi'kmaq Land and Resource Use

Current Mi'kmaq land and resource use occurred within living memory or is presently occurring. The MKS includes a study of:

- 1) Current Mi'kmaq land and resource use sites
- 2) Plants of significance to Mi'kmaq
- 3) Mi'kmaw communities

4.2.1 Study Areas

The study areas are described in Figure 2, Figure 3, and Figure 4.

4.2.1.1 Current Mi'kmaq Land and Resource Use Sites

The study area for current Mi'kmaq land and resource use sites is a 5 km corridor on either side of the definitive route, or existing highway where no definitive route is proposed, between New Glasgow and Aulds Cove.

4.2.1.2 Plants of Significance to Mi'kmaq

Plants of significance to Mi'kmaq were studied along the definitive routes from New Glasgow to Sutherlands River and from Addington Forks to Taylor Rd (Antigonish bypass).

4.2.1.3 Mi'kmaw Communities

The study area for Mi'kmaw communities is a 5km corridor on either side of the definitive route, or the existing highway where no definitive route is proposed, between New Glasgow and Aulds Cove.

4.2.2 *Methods*

4.2.2.1 Current Mi'kmaq Land and Resource Use Sites

Mi'kmaq Knowledge on current land and resource sites was gathered through a review of information collected during the Aboriginal Title Project and through oral interviews with Mi'kmaw knowledge holders.

All individuals who were interviewed signed consent forms. Knowledge was gathered in accordance with the *Mi'kmaq Ecological Knowledge Protocol* and an application to complete research was submitted to Mi'kmaw Ethics Watch.

Knowledge collected is reported in a general format only. No names or specific locations are published.

4.2.2.2 Plants of Significance to Mi'kmaq

A system of stratified random sampling was employed to identify plants present in the study areas. Surveys were conducted in July and August 2004. Information collected is reported in a general format only. The names of the species are not recorded.

4.2.2.3 Mi'kmaw Communities

All communities within the study area are recorded. If there are no communities within the study area, the nearest communities to the study area are listed.

A review of outstanding specific land claims in the study area was undertaken by The Confederacy of Mainland Mi'kmaq (CMM). Only specific land claims judged by CMM and Mi'kmaq

Environmental Services (MES) to have a potential to impact the project, or, that may be impacted by the project, are described in the report. The specific land claims described in the report may not represent all specific land claims in the study area. The report in no way limits the possibility that other specific land claims, present or future, may have an impact on the Project or may be impacted by the Project.

4.2.3 Limitations

While every attempt was made to document all available Mi'kmaw knowledge, some available Mi'kmaw knowledge may not have been captured by the knowledge gathering process. It is also recognized that over generations of cultural and political suppression, much Mi'kmaq knowledge has been irretrievably lost.

5.0 RESULTS

Results of the study are divided into two categories:

- 1) historic land and resource use, that is, use that occurred before living memory, and
- 2) current land and resource use, or use that occurred within living memory or is occurring at the present day

Land and resource use may be for hunting, burial/birth, ceremonial, gathering, or habitation purposes.

5.1 Historic Mi'kmaq Land and Resource Use

Pictou County lies on the southern coast of the Northumberland Strait, and has a length of about 80km. It extends inward to a distance of over 32km, and is bounded on the south by the Guysborough County, on the east by Antigonish county, and on the west by the Colchester county.¹ Proceeding from Pictou Harbour eastward, along the coast, we pass some small harbours known as Chance, Boat, and Little Harbours, and then meet Merigomish, formed by what is called the Big Island of Merigomish.² This seems to have been the original entrance to the harbour. The early French explorers in the 17th century speak of this as the entrance, but tell of it being choked with sand so that only small vessels could enter at high tide. When the first English settlers arrived, the old Indians could recollect when there was sufficient water to afford passage of their canoes.³

In Merigomish the same thing is noticed, particularly in the eastern portion of the harbour, between French and Barneys River. Residents have observed that the flats are widening and the water upon them becoming more shallow. The bottom too, consists of rich, soft, fine mud, extending up to the beach itself, evidently

¹ Patterson, George. **A History of the County of Pictou**, p. 9.

² Patterson, George. **A History of the County of Pictou**, p. 12.

³ Patterson, George. **A History of the County of Pictou**, p. 12.

brought down by the rivers.⁴ Pictou County has few lakes, compared with some of the other counties in the Province, and these are all small. The principle lakes are Eden, Brora, Sutherlands, and McDonalds Lakes.⁵

Pictou County's geological structure may be described in general terms as follows: Across the whole southern side of the county extends a range of hills of Upper Silurian formation, composed principally of beds of quartzite and slates. This band, which commences on the east at Cape Porcupine and Cape George, is about 24km broad from the east side of the county until it approaches the East River, where it suddenly bends to the south, allowing carboniferous strata to extend far up into the valley of the river. Farther west it again widens and so continues beyond the boundaries of the county.⁶

The remaining portion of the county, stretching along the straits of the Northumberland, consists of newer carboniferous rocks. Copper ores are found at Caribou River, the West River a little below Durham, the East River a few miles above the Albion Mines, and River John.⁷

The county of Antigonish (formerly named Indian Gardens) is situated in the northeast of Nova Scotia. It is nearly triangular in form, the base of the triangle being bounded by the Gulf of St. Lawrence and the Bay of St. George, while the apex is wedged between the counties of Pictou and Guysborough.⁸

Commencing at Cape George, a range of hills composed of syenite and metamorphic rocks extends westward to the upper part of the West River. Another range of similar structure, commencing at Cape Porcupine on the Strait of Canso, runs along the southern border of the county. The triangle thus formed comprises the Carboniferous system of rocks. With the exception of the hills mentioned above, the surface of the county is undulating, intersected with numerous streams and here and there diversified by lakes. From the richness in limestone and gypsum, it has that fertile calcareous soil which, combined with the rich intervals along its many streams, renders it perhaps the best fitted for

⁴ Patterson, George. **A History of the County of Pictou**, p. 16.

⁵ Patterson, George. **A History of the County of Pictou**, p. 17.

⁶ Patterson, George. **A History of the County of Pictou**, p. 18.

⁷ Patterson, George. **A History of the County of Pictou**, p. 19.

⁸ Rankin, Rev. D.J. **A History of the County of Antigonish**, p. 3.

agricultural purposes of any in the province.⁹

Most of the archeological sites occur in the five estuaries along the south side of St. Georges Bay. This large U-shaped bay is connected to the Atlantic side by the Strait of Canso and opens out to Northumberland Strait on the Gulf of St. Lawrence. St. Georges Bay is a shallow, warm bay drawing its water from the Northumberland Strait. The steady current flow in the Strait generates a major clockwise circulation in the bay, but tidal flow also results in an anti-clockwise gyre. By mid-January, the bay is filled with close pack ice with ice conditions being less severe towards the east in the Strait of Canso and Chedabucto Bay.¹⁰

The rivers, although generally larger than those of Cape Breton, are still relatively short such that the Mi'kmaq were never more than two days canoe travel from the sea.¹¹ There are numerous streams and small rivers flowing into the estuaries and harbours on Northumberland Strait and St. Georges Bay—five rivers converge at Antigonish, which is sometimes translated as ‘the place where the rivers meet.’ To the east are several important rivers—the Guysborough, County Harbour, and St. Mary’s Rivers, which discharge into elongated drowned river valleys on the Atlantic Coast. The St. Mary’s river is the largest and most important salmon river. One of its branches has its headwaters in the Pictou-Antigonish uplands, the other flows for a considerable distance along the edge of the escarpment before the two branches converge 17.3km from the sea.¹²

The study area, like the rest of the province, has a mixed boreal type of vegetation. Coniferous forest predominates and consists of species such as balsam fir, white, red and black spruce, white pine, eastern hemlock and tamarack. But with changing elevation, there is a shift in species producing vegetation zones in a “layer-cake” arrangement. Evergreens are found in the lowlands and valley bottoms. Mixed woods higher up on the ridge tops and the upper slopes are deciduous hardwood sugar species—sugar maple, yellow and white birch and beech. Red maple, trembling aspen and gray birch occur in both upland and lowland stands. The hardwoods have been important historically: birch for

⁹ Rankin, Rev. D.J. **A History of the County of Antigonish**, p. 3.

¹⁰ Nash, Ronald J. **Mi'kmaq: Economics and Evolution**, p. 5.

¹¹ Nash, Ronald J. **Mi'kmaq: Economics and Evolution**, p. 5.

¹² Nash, Ronald J. **Mi'kmaq: Economics and Evolution**, p. 7.

wigwams and canoes, maple for bows, and ash for baskets, snowshoes and handles.¹³

5.1.1 Pre-contact Historic Mi'kmaq Land and Resource Use

The following is an outline of the different time periods in which life in Canada existed in early history, taken from Stephen A. Davis' book entitled *Micmac*:

Years Ago	Period	Tradition	Subsistence/ Settlement Patterns
Present	Historic	Micmac	Self-determination Reservations Wars against English Trade with Europeans Hunting/Gathering
400 years ago	Proto Historic	Etchmen	Beginnings of Trade Hunting/Gathering
500 years ago	Ceramic	Maritime Woodland	Hunting/Gathering Coastal, Seasonal Interior activities
2500 years ago	Late Pre-Ceramic	Broad Point Shield Archaic Maritime Archaic Laurentian Archaic	Coastal, south Interior, boreal forest Coastal, north Interior, rivers and lakes
5000 years ago	The Great Hiatus	Archeological record missing	
8000 – 11000 years ago	Paleo- Indian	Plano Clovis	Big game hunters

It is important to take note of the “The Great Hiatus” period. It refers to the time period of about 5000 years ago, where there is no archeological evidence of human habitation in Nova Scotia. Two theories have been created to explain this phenomenon. The first theory is that the environment was completely inhospitable for human habitation. The landscape was changing so rapidly that the resources that humans would have needed to maintain themselves were unreliable and thus people chose not to live in this region.¹⁴ The second theory, and the one thought to be most likely, is that the Maritimes were occupied by people who exploited ocean resources, and thus settled along the coasts. Unfortunately for

¹³ Nash, Ronald J. *Mi'kmaq: Economics and Evolution*, p. 7.

¹⁴ Davis, Stephen A. *Micmac*, p. 11.

archeologists, the shorelines of 10,000 to 5,000 years ago no longer exist. Their demise was related to ongoing geological events. When the glaciers were at their heights, sea levels dropped dramatically, producing very different shorelines in the Maritimes.¹⁵

Antigonish Harbour is the largest harbour in the county, approximately 9.6km long and from 0.3 to 3.8km wide. The artifacts found in this region represent mostly isolated finds rather than small village sites. The absence of a significant village site is puzzling, although if it was at Indian Gardens, where the historic Mi'kmaq operated fish weirs, then it may have been destroyed with the growth of the Antigonish Town. Some eighty years ago, there were still birch-bark wigwams at Antigonish Landing (Indian Gardens) and sixty years ago, there were tarpaper wigwams near South River Station.¹⁶

In 1979, a survey revealed five sites at Pomquet Harbour, mostly on the shoreline and islands west of St. Anne's church at Summerside and containing merely a few surface finds. The only habitation site is found near the northwest corner of the main harbour, within the sight of the entrance to Pomquet Harbour. This Pomquet Point Site, BjCk-6, extends only a metre above the high tide line and covers an area of about 26 x 21 metres. There is a squarish depression at the site which troweling suggests is likely to date from the historic period. From the narrow beach came flakes, cores, a point fragment, three celts, a gouge and a circular object likely dating from the Woodland Period.¹⁷

Tracadie Harbour is about 3.5km long and 1.9km wide, and like Pomquet Harbour, there is a westerly extension known as Tracadie West Arm. Entrance to the harbour was formerly possible via the West Arm; the present entrance at East Tracadie was only dredged out in 1865. Thus, in earlier times, Tracadie Harbour would have been a hidden harbour behind Delorey Island and the adjacent islands connected by barrier beaches. This factor, along with being further from the open ocean and perceptibly warmer, may account for the higher density of archeological sites.¹⁸

¹⁵ Davis, Stephen A. *Micmac*, p. 11.

¹⁶ Nash, Ronald J. *Mi'kmaq: Economics and Evolution*, p. 16.

¹⁷ Nash, Ronald J. *Mi'kmaq: Economics and Evolution*, p. 16.

¹⁸ Nash, Ronald J. *Mi'kmaq: Economics and Evolution*, p. 18.

In 1973, Stephen Davis recorded seven sites along the eastern and central shores of the harbour and in 1979 Ronald J. Nash surveyed Condon Cove and the interconnected islands at the mouth of the harbour, thereby adding two more sites of considerable importance. Site BjCj-8, on the west side of Condon Cove, is distributed over about 175m on the top of an elongated knoll. Artifacts are plentiful in the gardens 3-6 m above the shoreline and down to the inter-tidal zone. Most kinds of stone tools are represented including a large, thin lanceolate point found at water level. This style of point is not represented at the nearby Delorey Island Site of Woodland Age, but can be found in the largely Archaic occupation at Ingonish Island, Cape Breton. These facts, together with the apparent absence of pottery, may indicate an Archaic Period occupation at Condon Cove.¹⁹

The largest site discovered in the 1979 survey was the Delorey Island Site BjCj-9, which is across the harbour to the north of Condon Cove. Delorey Island is the largest of the islands at the mouth of the harbour and extends for about 1600 metres along the protected south shore. Erosion is probably greatly reduced since the site is on the inside of the island, although artifacts, especially celts, are common on the shore below the site. Some of the site may have been lost and the two tiny offshore islands may once have been connected. Finally, it should be noted that this harbour was at the location of a historic Mi'kmaq village, *Tlagatig*, meaning "the settlement", and that on the small islands off the eastern shore are the "Indian Mounds," a cemetery of unknown age.²⁰

There has been no investigation of the separate harbour of Little Tracadie located 2.4km further east, but there are local reports of a site at Linwood. Closer to the Strait of Canso is Havre Boucher, where Erskine (1969) states that a site once existed on a great kame, prior to its destruction in the course of building the railroad.²¹

The Moodie Point Site, BkCq-20, is near the juncture of Pictou Harbour and the small Moodie Cove and is protected from the rougher waters of Northumberland

¹⁹ Nash, Ronald J. **Mi'kmaq: Economics and Evolution**, p. 18.

²⁰ Nash, Ronald J. **Mi'kmaq: Economics and Evolution**, p. 18.

²¹ Nash, Ronald J. **Mi'kmaq: Economics and Evolution**, p. 18.

Strait by a bar spit some 1500m in length. The point area is good for clams, mackerel, smelt, eels, and many other resources. The site is in a sloping area at the base of a hillside and is subject to constant erosion and human activities such that artifacts can be collected on the upper beach over an east-west distance of 15 or more metres. Other than one large point, all the material seems to be late Woodland in age and thus comparable to components like Delorey Island.²²

Delorey Island is one of three islands at the entrance to Tracadie Harbour in St. George's Bay. Across the harbour from the islands is the town of Tracadie, which is about 40km from Antigonish. These islands, formerly known as the Indian Islands, are now connected by gravel beaches, probably as a result of continued longshore currents in the bay. This coastal part of Antigonish County is a lowland area, and where farming has not yet eliminated the forest, there is a mixed deciduous/evergreen cover with white spruce being common on the Islands.²³

On October 10, 1955, Kenneth Jopps was digging a drain on his property at Lowdens Beach near Pictou, when he discovered a burial ground. The copper-pot burial discovered that day, and the second burial site found nearby a year later, have provided a wealth of information owing to the quality and quantity of both the Native-made and European made grave gifts, and their relatively good state of preservation. In the 1980s, the date of the burials was established as being 1580-1590.²⁴

The Pictou site represents an interesting variation on the Northport type of interment. Both pits contained secondary burials—in which the bodies are first laid out on scaffolding in the open air for a period of months or years, and the bones then buried in the earth. The first pit was presumed, by the grave gifts, to have contained the skeletal remains of an adult male. Only small pieces of bone were recovered. The second pit held skeletal fragments of a child, a woman, and five other adults, whose gender could not be determined.²⁵

The grave's contents included 11 axes, chisels, knives, scrapers, and fleshing

²² Nash, Ronald J. **Mi'kmaq: Economics and Evolution**, p. 19.

²³ Nash, Ronald J. **Mi'kmaq: Economics and Evolution**, p. 21.

²⁴ Whitehead, Ruth Holmes. **Nova Scotia: The Protohistoric Period 1500-1635**, p. 49.

²⁵ Whitehead, Ruth Holmes. **Nova Scotia: The Protohistoric Period 1500-1635**, p. 51.

tools, a reed basket 6 cm long, reed and bulrush mats, about two pounds of red ochre apparently deposited in a leather pouch, a large piece of woolen blanket, thongs of rawhide and woven fabrics, a fragment of a wooden dish, and a rectangular piece of wood about 16 cm in diameter and 3 mm thick, thought to be a fragment of a breastplate. There was also a quantity of beads scattered throughout the find, ranging from about 5 mm to almost 1 cm in size, colored green, turquoise, brown, purple, and purple and white.²⁶

The first burial pit was excavated in 1955, and was divided into two distinct areas or sections. Section One was a circular depression of six feet (1.8 m) diameter and 3 feet (0.9 m) deep. A second depression, Section Two, lay to the north and slightly overlapped the first section. It was of the same depth, covered roughly the same area, but was irregular in shape; this second section was much less carefully prepared. Both portions had nearly vertical sidewalls. The floor of Section One was covered with twigs and small branches. Over these, there was a carefully prepared birch bark sheathing, which covered the entire floor and then reached up along the sides to a height of 45 cm from the bottom. Five layers of pelts lay above the bark on the floor. The final pelt layer lay with flesh side up and was painted red. Three intact, inverted copper kettles lay on the painted skin. Beneath each kettle was a very black layer of decayed organic material. Several grave gifts lay on the black stratum and were protected by the kettles from the earthen grave fill. These included a wooden bow, iron trade axe with handle, awls, fragments of cloth, and a glazed pottery beaker.

Section Two adjoined the first part on the northerly side. Possibly the carefully prepared portion was not large enough to receive all gifts necessitating the hasty preparation of an extension. All the kettles in the second section were mutilated; some were badly crushed by deliberate flattening under heavy pressure and the rest were slashed with an axe. Many French trade objects and some native artifacts thrown into the grave along with the kettles were scattered about in no definite order.²⁷

The second burial pit was a circular excavation with a total depth of 121 cm along

²⁶ Whitehead, Ruth Holmes. **Nova Scotia: The Protohistoric Period 1500-1635**, p. 51.

²⁷ Whitehead, Ruth Holmes. **Nova Scotia: The Protohistoric Period 1500-1635**, p. 53.

the northerly side and 121 cm on the southerly; the floor was level and the difference in depth was a result of the sloping surface of the ground. The sides were virtually vertical to a depth of 86 cm when they sloped inwards to make a pit bottom measuring 173 cm x 160 cm. The lowest 36 cm contained skeletal remains from either three or four bodies together with a compact mass of grave goods. In the next 38 cm were skeletal fragments from a single body together with two inverted copper kettles and stone and earthen fill. The third section, 28 cm deep, showed traces of two fires lit over the grave, evidently of a ceremonial nature.²⁸

Other artifacts that were found included: a porcupine skin, with quills still attached, a hair roach of moose neck hairs, painted with red ochre and slip-knotted at one end over sinew cordage, the cord then coiled into a tubular headdress (probably from the suspected male burial in Pit 1), and a collection of nine beaver molars and pre-molars. Five smooth round pebbles coated with red ochre, labeled “Pit A,” may represent symbolically the firestones dropped into bark containers of water to bring them to a boil. Pelts included moose, deer, bear, and beaver.²⁹

The known archaeological sites of Merigomish harbour comprise 18 shell-heaps, the prehistoric cemetery excavated by Patterson, a modern cemetery, and places that may be, respectively, a modern wigwam site, a burial place of “battle field”, an earthwork, and workshop.³⁰ A single wigwam site is said to be located at Hardwood point, about three quarters of a mile north of Merigomish. The spot is among alders about 150 feet (46 m) back from the beach and about the same distance west of the east line of the Olding farm. It was probably the site of a modern Mi’kmaq Indian camp.³¹

There is a consecrated French and Indian cemetery on the high land at the south side of Big Island on the north side of Savage cove. It is approximately three kilometres northwest of Merigomish. Patterson states that the Mi’kmaq Indians used it as a cemetery until about 1837 but he gives its location at about 800 m west of a prehistoric cemetery. This cemetery was located on the farms of Mr.

²⁸ Whitehead, Ruth Holmes. *Nova Scotia: The Protohistoric Period 1500-1635*, p. 55.

²⁹ Whitehead, Ruth Holmes. *Nova Scotia: The Protohistoric Period 1500-1635*, p. 60.

³⁰ Smith, Harian I. *The Archeology of Merigomish Harbour*, p. 7.

³¹ Smith, Harian I. *The Archeology of Merigomish Harbour*, p. 9.

James McGlashan and Mr. Donald McGregor, the McGregor land now being owned by the son, Mr. George McGregor. Patterson claimed that it had been distributed in a search for specimens before he excavated it, and a number of stone axes and arrowheads taken away.³²

A site at the east side of the Barneys River bridge is thought, by Mr. Wallace Copeland of Merigomish, to be a burial place or “battle field” because many bones have been ploughed up at the place.³³ A supposed earthwork, locally known as the “Boars Back”, is near Barneys River. Patterson relates a tradition recorded by Silas T. Rand concerning the last war in the area, in which the Mi’kmaq of the harbour fought other Indians. The Mi’kmaq were entrenched in a blockhouse or a fort at the mouth of Barneys River. These blockhouses were constructed of logs raised up around a vault first dug in the ground. The old Indian fortifications were a sort of palisade enclosure formed of trees and stakes driven into the ground between them, with branches of trees interlaced. In times of war the women and children were always kept in such fortifications. After obtaining axes from Europeans they may have made one like the blockhouse referred to above. This supposed earthwork, however, is probably natural or made by white men, as earthworks of aboriginal origin are not known in the Maritime Provinces or nearer than Massachusetts.³⁴

Many chipped points for arrows and a very great number of chippings have been found on Thomas Patton’s point, now owned by Mr. R. Patterson, at Lower Barneys River. The site may have been a workshop where stone was chipped into points for arrows, knives, and scrapers.³⁵

There are a number of sites on Pictou harbour, at the beaches, and at Fisher’s Grant. There is a small adze made of stone from the beach at Pictou, a fragment of adze made of stone from Town gut, two adzes made of stone, one of them double bitted, from Bug Gut, East River, Pictou. In the same collection from East River are two adzes made of stone, one of them grooved on the rounded side of the head. There is also a shell-heap, which is the site of old campfires, composed of

³² Smith, Harian I. **The Archeology of Merigomish Harbour**, p. 10.

³³ Smith, Harian I. **The Archeology of Merigomish Harbour**, p. 14.

³⁴ Smith, Harian I. **The Archeology of Merigomish Harbour**, p. 14.

³⁵ Smith, Harian I. **The Archeology of Merigomish Harbour**, p. 14.

oyster, clam, and mussel shells on Ives Point, on the east side of East River.³⁶ Stone axes and knives were found a few hundred yards north of Indian Cross point, a little below Ives point.

Many shell-heaps have been found in this area of study including: Quarry Island, Indian Island, Olding Island (Point Betty island), Savage Cove, Big Island, Smashem Head, Finlayson Island, Pig Island, Kerr Point, Smith Point, Barneys River, Central Ponds, Little Harbour, Ives Point, East River, Fraser Point, and Caribou Island.³⁷

According to Rev. George Patterson, there is a tradition from the Mi'kmaq of conflicts between themselves and the Caniba (who are also known as Norridgewock, Kennebec, Camba, Canaba) before European contact. The Caniba Indians are an Eastern Abenaki tribe who originate from the area around Maine. For some time there existed a state of hostility between the Canibas and the Mi'kmaq. Two parties of the former, led by two brothers, had come to Pictou and had fortified themselves in two blockhouses at Little Harbour. These blockhouses were constructed of logs, raised up around a vault first dug in the ground. The buildings were covered over, had a heavy door, and were quite a safe fortification in Indian warfare. At the mouth of Barneys River, near the site of the burying ground, the Mi'kmaq were entrenched in a similar fort. There was no fighting for some weeks, but the parties kept an eye on each other; there was no friendly intercourse between them, but there was no actual conflict.

One night a party of the Mi'kmaq went out 'torching' (catching fish by torchlight). They were watched by the Canibas, who ascertained that they did not return to their fort after they returned to the shore, but lay down on the bank about midway between the fortifications of the hostile parties. This was too powerful a temptation to be resisted. Two canoes came upon them filled with armed men. The Mi'kmaq were surprised and butchered, except two who escaped. They rushed to the water and swam for life and were hotly pursued. While passing a place where a tree had fallen over into the water, they took refuge under the tree and their pursuers missed them in the darkness. After the search was abandoned

³⁶ Smith, Harian I. **The Archeology of Merigomish Harbour**, p. 15.

³⁷ Smith, Harian I. **The Archeology of Merigomish Harbour**, p. 7-15.

and the canoes had returned, the two men came forth from their hiding place and ran home to spread the alarm.

Their dead companions had been scalped and their bodies consumed by fire. This news roused all the warriors and they resolved immediately to attack the party that had committed the outrage and avenge it. They had a small vessel lying inside the long bar that makes out at Merigomish. This was immediately emptied of its weight, drawn across the Big Island beach, and filled with men, arms, and ammunition. They then moved up to the forts of the Canibas, where it was run ashore. The party was led by a “*keenap*”, a ‘brave,’ named Thunder, or *Caktoogow*. They ran the vessel ashore and, in his eagerness for the encounter, Caktoogow jumped into the sea, swam ashore and rushed upon the fort without waiting for his men.

Being a mighty warrior, Caktoogow could render himself invisible and invulnerable, and they fell before him. Having killed them all he piled their bodies into the building and set fire to it, serving them as they had served his friends. When all was accomplished, his wrath was appeased. Caktoogow then, at the head of his men, walked towards the other fort without any hostile display, and the Canabas chief directed his men to open the door for them and admit them in a peaceful manner. This chief had taken no part in the incident. He had disapproved of his brother’s attack upon the torching party, and had endeavored to dissuade the others from it. So when Caktoogow entered the Canabas fort there was no display of hostility. After their mutual salutation, Caktoogow dryly remarked, ‘Our boys have been at play over yonder.’ ‘Serve them right,’ answered the Canabas chief, ‘I told them not to do as they did. I told them it would be the death of us all.’

It was now proposed that they should make peace and live in amity for the future. A feast was made accordingly and they celebrated it together. After the eating comes the games. They tossed the *allestakum*—the Indian dice and play ball.

In all the games the Mi’kmaq got the victory. After the games were over, the Canibas chief gave the word *Novgooelnumook*, ‘Now pay the stakes.’ A large blanket was spread out to receive them and the Canibas stripped themselves of their ornaments and cast them in. The following articles were enumerated by the

historian: epauletts, breastplates, brooches, nose rings, finger rings, a sort of large collar loaded with ornaments, more like a jacket than a collar, hair binders, garters made of silver, and hat-bands. These articles were piled in and the blanket filled so full that they could scarcely tie it. Then another was put down and filled as full. After this the Canibas returned to their own country. A lasting peace had been concluded, which has never yet been violated, and it is not likely it ever will be.³⁸

5.1.2 *Post-Contact Historic Mi'kmaq Land and Resource Use*

When European voyagers first visited our coasts, the walrus was still found in this latitude; and with the memory of the persons still living, the seal was also in abundance. The first visitors to Pictou describe in glowing terms the size and abundance of the oysters to be found in our harbour and the shell heaps on the site of old Indian encampments.³⁹

The Mi'kmaq lived mainly on the coast. Explorers and pioneer settlers found evidence of Mi'kmaw settlements on both the east and west sides of the East River estuaries, at West River, at the Big Island of Merigomish, at the mouth of Barneys River, at Middle River Point, at Cariboo, and Little Harbour. Pictou was the center of the district on Nova Scotia's north shore, those belonging to it being called "Pectougawak" (Pictonians). The Pictougawak tribe's headquarters was probably at Merigomish, and near here they buried their dead on Indian Island, a place which has religious and emotional significance to the remaining Indians who live on the federal government reservation at Pictou Landing. The river mouths on Pictou's coastline were advantageous campsites for the aboriginal inhabitants. The waters were filled with an abundant supply of shell and vertebrate fish, the water surface was filled with wild fowl, and the forests were stocked with small game, moose, and caribou.⁴⁰

The name Pictou was supposed by many to have been a corruption of *Poictou*, the name of an old Province of France. The Mi'kmaq have a traditional story as to the name of Pictou: At one time there had been a large encampment up the West River. On one occasion they all left on their canoes on a cruise down the harbour.

³⁸ Patterson, Rev. George. **A History of the County of Pictou**, p. 34.

³⁹ Patterson, Rev. George. **A History of the County of Pictou**, p. 20.

⁴⁰ Cameron, James M. **Pictou County's History**, p. 1.

During their short absence, the whole encampment was burned up, including the woods surrounding it. No person could tell how the fire originated. They always spoke of the event as the “*Miskeak Bucto*”, or big fire, which naturally became associated with the place. When the whites came, hearing the Mi’kmaq speak of it in this way, they corrupted the name and called the whole north side of the harbour Pictou, because they could not pronounce it correctly.⁴¹

Of the seven divisions, Pictou was the centre of the district extending along the north shore of Nova Scotia. Merigomish however, seems to have been their headquarters. This was a favourable position for them because it was near the fishery of the Gulf, the islands abounded in wild fowl, the rivers swarmed with fish, and the woods in rear were plentifully stocked with game.⁴² Their principle place of encampment was at the foot of Barneys River, on the east side, where they had some clearings on which they grew Indian corn and a few beans, at the time of English arrival. Other places such as the Big Island, some of the smaller islands in the harbour, and some of the points on the shore, were also sites of their encampments.⁴³

Their burying ground, when the English settled, was near the west end of the Big Island on the south side, a short distance east of Savage Point. They used this until about forty years ago, and a number of crosses stood at this site until recently. All the Indians of the county now bury on Chapel Island or Indian Island, an island in the harbour donated to them by Governor Wentworth.⁴⁴

The mouth of the East River is marked as the site of an Indian village. There, close to the river is a beautiful flat where the land was cleared when the English settlers arrived. When it was ploughed, various articles were turned up such as broken pieces of cookery, a gun barrel, and on one occasion a pewter basin (which was about 16 cm in diameter, with a narrow rim), and five or six tablespoons. Quite a number of stone hatchets and oyster shells have also been found. These artifacts show that the Mi’kmaq occupied this place both before and

⁴¹ Patterson, Rev. George. **A History of the County of Pictou**, p. 23.

⁴² Patterson, Rev. George. **A History of the County of Pictou**, p. 23.

⁴³ Patterson, Rev. George. **A History of the County of Pictou**, p. 27.

⁴⁴ Patterson, Rev. George. **A History of the County of Pictou**, p. 27.

after the arrival of the Europeans.⁴⁵

On a point a little lower down the river was another burying place. A large iron cross about 3 m high stood here at the arrival of the English settlers. Hence the place is still known as Indian Cross Point, though the locality is known among the Mi'kmaq, as *Soogunagade*, or rotting place. Erosion is wasting away the bank, so at times human bones may be found exposed on the shore.⁴⁶

Mr. Donald McGregor of the Big Island was ploughing a spot on his field when he turned up a human skull. Upon examination, he found a mass of decayed human bones among them a skull, transfixed by a flint arrowhead that yet remained in its place. Along with these remains were a large number of ancient implements, stone axes, flint arrowheads, etc., but none of them showing contact with Europeans. The transfixed skull, and the whole appearance of the place, plainly showed that these were the bodies of those who had fallen in some battle and had been heaped together, “in on red burial blent.”⁴⁷

The burial ground was very shallow, being no more than 30 – 40 cm deep. At the bottom there were decayed fragments of birch bark, in which, according to the custom of the ancient Mi'kmaq, the dead were laid. The shallowness of the pit also indicates that this burial took place previous to the coming of Europeans, when sharpened sticks of wood were the only instruments of digging.⁴⁸

Upon examining the ground in the area, it was found that it was the site of an ancient cemetery, in which we found, in addition to such implements as already mentioned, bone spearheads and small copper knives. The burying ground was used by the Mi'kmaq until about forty years ago and was about half a mile further to the west. Some of the belongings seemed to indicate that they belonged to another race, a people of small size, like the Esquimaux. The Algonquin race came from the southwest is now the general opinion of American antiquarians and there are also strong reasons to believe that the Esquimaux occupied the shores of North America to a point much farther south than they now do. Charlevoix

⁴⁵ Patterson, Rev. George. **A History of the County of Pictou**, p. 27.

⁴⁶ Patterson, Rev. George. **A History of the County of Pictou**, p. 29.

⁴⁷ Patterson, Rev. George. **A History of the County of Pictou**, p. 29.

⁴⁸ Patterson, Rev. George. **A History of the County of Pictou**, p. 30.

describes the Mi'kmaq in his day as maintaining a constant warfare with the Esquimaux, and the probability is that the Mi'kmaq, on first occupying this region, drove out the Esquimaux, and these remains may be the relics of their conflicts.⁴⁹

One curious fact was found in this cemetery that has not generally been noted in connection with Mi'kmaq customs, that is, the use of fire in some way in connection with the dead. Some of the graves give no indication of this, and in one it was possible to trace the position in which the body was laid – on its side in a crouching posture. But in other cases the remains were mixed with ashes, small pieces of charcoal, and burnt earth showing the use of fire for some unexplained purpose. In another case, a quantity of ashes with small fragments of burnt bones had been found. The whole had been carefully buried, and was probably the remains of some captive whom they had burned.⁵⁰

The earliest settlement by Frenchmen in the County of Antigonish was about the year 1776, when a number of colonists, among them Peter Benoit and Charles Delore, settled at Tracadie. Pomquet (from the Micmac, *Pogumkek*, meaning dry sand) was settled about the same time by Louis La Mort, Cyprian Dorion, Peter Brussard, Simon Vincent, Charles Melanson, and Joseph Dorion.⁵¹

It is said that Captain Timothy Hierlihy was sent to recapture four or five deserted soldiers. He landed at Pictou, took an Indian guide to Merigomish, and cruised along the shore to Guysboro where he overtook the deserters. It was on this expedition that a circumstance arose which led to the settlement of the county. A boat approached the mouth of Antigonish Harbour and Captain Hierlihy observed a number of Indians running down to the shore. At this time they were very numerous and not overly friendly towards the British. Suspecting some treachery, Captain Hierlihy drew his sword and told his Indian guide that if the Indians fired a shot he would run him through. The Indian shouted to those on shore and in an instant the beach was covered with the natives who had been hiding behind stones and sandbanks. Upon seeing that the strangers were friendly, they came and welcomed them. The boat then proceeded up the harbour. It was in the month of

⁴⁹ Patterson, Rev. George. **A History of the County of Pictou**, p. 31.

⁵⁰ Patterson, Rev. George. **A History of the County of Pictou**, p. 31.

⁵¹ Rankin, D.J. **A History of the County of Antigonish**, p. 4.

June, and seeing the shores so beautifully wooded, Captain Hierlihy was pleased with the place and made up his mind that as soon as the war should end, he would take up a grant of land in that locality. In the autumn of 1783, the regiment was called to Halifax and disbanded. A grant of 26,600 acres (10,765 hectares) was made to Colonel Hierlihy and 88 others.⁵²

On one occasion Captain Hierlihy and his men were invited by the Indians to cross the harbour to their encampment at a place called Gafford's Rock, now called Mullin's Rock, to witness an Indian dance. The invitation was accepted and all seemed to be going along well. After a time, however, Captain Hierlihy observed that the Indians were getting their guns ready and suspected that all was not right. He collected his men and they marched to their boats. The Indians, shouldering their guns, marched beside them saying "Me soldier too, me soldier too." When the boats were pushing off, their aspect became more threatening. Pointing to the other shore they said: "That your side of the water, this Indian's side, don't you come back here again." Few in number and almost unarmed, it was useless for the settlers to show any resistance. The next morning, however, Captain Hierlihy collected as strong a force of soldiers as he could muster, crossed to the Indian encampment, and began to drill his men. They went through the exercise of firing blank cartridges and gave the Indians a scare. After this they gave the settlers no further trouble.⁵³

Zephaniah Williams employed an Indian named Joe Snake to guide him by the shortest route from William's Point to the Hartshorne Grant. Setting out one morning they made a blaze upon the trees as they went along. This became a guide for the travelers until a footpath became a cart road. Clearings were made along this road and houses built. The path taken by Williams and Joe Snake has become the principle street of the town of Antigonish.⁵⁴

There is a tradition that happened just before the arrival of the Europeans between the Mi'kmaq and the Mohawk in Pictou County. The Mi'kmaq had concealed themselves in the woods on Little Caribou Island. Between this and the mainland, the passage is very narrow, not 200 yards (183 m) wide. The Mohawks had

⁵² Rankin, D.J. **A History of the County of Antigonish**, p. 5.

⁵³ Rankin, D.J. **A History of the County of Antigonish**, p. 8.

⁵⁴ Rankin, D.J. **A History of the County of Antigonish**, p. 11.

detected the hiding place of the Mi'kmaq and resolved to cross by night and attack their enemies while they were asleep. But the tide was too powerful for any man to swim across it. The Mohawks, not knowing this, had plunged in and the tide swept them away. In the morning the returning tide brought back their dead bodies, each with a tomahawk tied on his head. The Mi'kmaq coming out of their place of concealment were filled with joy at the sight of their dead foes and danced in triumph for their deliverance. At the time of the arrival of the English settlers the affair was still fresh in the memory of the Mi'kmaq and was represented as having taken place during the wars between the English and the French. The place is still named by the Mi'kmaq *Tedootkesit*, meaning the place of running to the bushes from the Mi'kmaq taking refuge in the woods.⁵⁵

The settlement of Pictou County by English and Gaelic speaking settlers began after French power in Nova Scotia had ceased, and with it the Indian opposition to the British. Mi'kmaq leaders in 1760 appeared before the Legislative Council in Halifax to make peace. In 1762 a proclamation was issued to prevent encroachment on Indian lands, which was a follow up to a ten-year-old statute that forbade acts of aggression against the Indians.⁵⁶

As the settlers fanned out from Pictou, they found Indians with small plots under primitive cultivation at Middle River Point and Barneys River. These and others were purchased from the Mi'kmaq for a meager amount by the whites. The Indians' principal district, Merigomish (an Anglicized spelling and pronunciation of the Indians name for the district "Mallogomichk", meaning a hardwood grove) was taken over entirely by the whites, except two small islands.⁵⁷

At the time of Confederation, some Indians were living on the land later called Chapel Cove, one of the smaller Indian camping places in use before the whites had arrived. It was first designated by the whites as Fisher's Grant, later known as Pictou Landing. It was recognized as Indian land by the Province of Nova Scotia and was transferred to the Dominion at Confederation in keeping with the BNA Act, which put administration of Indian Affairs within the jurisdiction of the Federal Government. Following Confederation, a number of land parcels at Pictou

⁵⁵ Patterson, George. **A History of the County of Pictou**, p. 33.

⁵⁶ Cameron, James M. **Pictou County's History**, p. 2.

⁵⁷ Cameron, James M. **Pictou County's History**, p. 2.

Landing-Chance Harbour were acquired by the Dominion as a reserve for the Pictou Landing Indians—89 acres (36 ha) in 1874, 16 acres (6.5 ha) in 1876, etc., until the total encompassed 1158 acres (468 ha), classified by the Federal authorities as Fishers Grant Indian Reserve No. 24. Additionally, Chapel Island and Wooley Island, 30 acres (12 ha) and 5 acres (2 ha) respectively in Merigomish Harbour were set aside. In 1960 they were designated Merigomish Harbour Indian Reserve No. 31 for the use and benefit of Pictou Landing Indians.⁵⁸

For the Indians, the white man brought disaster. In 1775 Magistrate Harris reported their number in the County to be 885. The first federal census almost a century later in 1871 reported the County's Indian population to be 125 which was a shocking decline said to have been caused by Indians lacking immunity to the white man's diseases – small pox, and tuberculosis. By 1961 the census showed the Pictou Landing Indian band had increased in the intervening ninety years to over 200. White settlements on the coast and up-river crowded them off their fishing and hunting grounds.⁵⁹ In 1722, there were 93 Mi'kmaq in Antigonish, and 45 in Pictou, in 1735, 127 in Antigonish and 63 in Pictou according to map and census data 1600-1735.⁶⁰

In the mid-seventeenth century, Nicholas Denys wrote that during the spring, families ascended the Pomquet River just to the east of Antigonish to trade their furs with fisherman. In 1716, the French missionary, Antoine Gaulin, established a mission at Antigonish which suggests that the area was the location of an important Mi'kmaq settlement. When English settlers occupied the region in 1784, a burial ground and chapel were discovered on an island in the harbour. On December 18, 1761, a French official traveling from Port Dauphin to Fort Lawrence located near Chignecto saw five Mi'kmaq wigwams at Antigonish. During the early nineteenth century, the Mi'kmaq were living at Pomquet, which lies to the east suggesting that this region had constituted part of their territory. After 1760, habitation of the area continued, as people were encountered along the coastline at Pictou during mid February and early May. In winter, some

⁵⁸ Cameron, James M. **Pictou County's History**, p. 2.

⁵⁹ Cameron, James M. **Pictou County's History**, p. 3.

⁶⁰ Wicken, William C. **Encounters with tall sails and tall tales: Mi'kmaq Society, 1500-1632**, p. 96.

families migrated inland to hunt, as shown by a 1767 census which lists twenty-five individuals in the vicinity of Hopewell on the West River.⁶¹

Their burial ground, when the English settled, was near the west end of Big Island on the south side, a short distance east of Savage Point. Here they buried up until the early part of the nineteenth century. The Mi'kmaq then buried on Indian Island. When the English arrived there was an Indian village at the mouth of the East River.⁶²

Edward Mortimer recommended that part of the Philadelphia grant near Caribou Point be granted to the Indians in the county. He stated: "It would make a good reserve. There is plenty of grass, good soil, no roads, continuous hunting grounds, plenty of timber convenient for water carriage."⁶³ During the years 1819 – 1820 the government of the province finally divided the province into ten areas in which there was to be land set aside for the Indians. Unfortunately for the Indians in Pictou, they were not considered in the plan. In 1828, the Indians were prevented from planting crops and cutting firewood by a Mr. Mudie (to whom the land had been granted) even though the Indians lived on the spot for more than fifty years prior.⁶⁴

In 1842 Robert McKay and some other people of Pictou petitioned the assembly for an allotment of land for the Indians in Pictou and again there was no action. On November 30, 1842 J. Dawson wrote to Joseph Howe asking if the Indians could reasonably expect anything in the shape of "Royal Bounty because the Indians never had more need of it." The Indians at the time were destitute and in need of clothing. On December 5 of that same year Howe replied by sending a few blankets and coats to be given to the aged and poor families only. In addition, Howe asked if there were crown lands available that would suit them for there would be no difficulty in getting a grant of 500 to 1000 acres Mr. Dawson wrote to the government in January of 1843 suggesting that Mr. McArthur at Boat Harbour would be willing to sell his land to the crown to be used by the Indians.

⁶¹ Wicken, William C. **Encounters with tall sails and tall tales: Mi'kmaq Society, 1500-1632**, p. 112.

⁶² Francis, Barry. **Pictou Landing Reserve: A History**, p. 3.

⁶³ Francis, Barry. **Pictou Landing Reserve: A History**, p. 3.

⁶⁴ Francis, Barry. **Pictou Landing Reserve: A History**, p. 6.

The government did not adopt Mr. Dawson's recommendations, and it was some time before land was reserved for the Indians at Pictou.⁶⁵

It wasn't until the eve of Confederation in 1867 that the Indians in Pictou were granted land. The amount of land purchased after more than eighty years was 50 acres. The land was not purchased by government funds, but funds collected from the sale of Indian land, which had been encroached upon in Cape Breton.⁶⁶ In 1874 another 89 acres were purchased from Wm. Ives for \$1157 which became known as Fisher's Grant, 24 A. In 1876, 16 acres were cut off and exchanged for 11 acres of land, which became known as Fisher's Grant, 24 B. The Indians received less in the exchange but it gave the reservation access to both the Northumberland Gulf Shore and Boat Harbour. Additional parcels of land were acquired: In 1888, 30 acres known as 24 C, 35 acres in 1903 known as 24 D, 80 acres in 1907 known as 24 E, 120 acres in 1910 known as 24 F, and 128 acres in 1928 known as 24 G. All these parcels of land were acquired for firewood, which was much needed by the Indians.⁶⁷

Indians from Indian Island moved to Pictou Landing to live where work was available close by. Now the island is uninhabited, but Indians all over the Maritimes visit each year in July to celebrate the "Feast of St. Anne's." Prior to 1838 the Indians used to have a similar celebration, usually in the month of September at Fraser's Point or Middle River Point. There would be about 100-150 canoes drawn up on shore while the two days would be spent in racing and other events.⁶⁸

Archeological site BkCi-1 had three concentrations of flakes found along a 500m stretch of beach. The concentrations were found on the swampy lowland portion of the Troy Recreation Beach, Inverness County, Cape Breton. The entire lowland portion shows clear signs of periodic flooding which probably destroyed any sites situated on them.⁶⁹

⁶⁵ Francis, Barry. **Pictou Landing Reserve: A History**, p. 7.

⁶⁶ Francis, Barry. **Pictou Landing Reserve: A History**, p. 7.

⁶⁷ Francis, Barry. **Pictou Landing Reserve: A History**, p. 9.

⁶⁸ Francis, Barry. **Pictou Landing Reserve: A History**, p. 9.

⁶⁹ Davis, **Canso Survey, 1973**, Nova Scotia Museum Archeological Papers

5.2 Current Mi'kmaq Land and Resource Use

The study of current Mi'kmaq land and resource use is comprised of a study of current Mi'kmaq land and resource use sites, plants of significance to Mi'kmaq, and Mi'kmaw communities.

5.2.1 Current Mi'kmaq Land and Resource Use Sites

Current Mi'kmaq land and resource use activities are divided into five categories:

- 1) kill/hunting
- 2) burial/birth
- 3) ceremonial
- 4) gathering food/medicinal
- 5) occupation/habitation

Table 1 provides a description of activities undertaken at the sites.

Table 1: Description of Activities Undertaken in Current Mi'kmaq Land and Resource Use Sites

TYPE OF SITE	DESCRIPTION OF ACTIVITIES IN STUDY AREA
HUNTING/KILL	Fox, beaver, muskrat, coyote, otter, porcupine, duck, goose, rabbit, partridge, raccoon, deer, salmon, trout, eel, striped bass, gaspereau, crab, lobster, mussel, cod, smelt, mackerel, quahogs, clam, perch, traplines
BURIAL/BIRTH	Burial sites
CEREMONIAL	Ceremony site, sacred area
GATHERING	Specialty wood, food plants, logs, berries, feathers, stone, clay, wild fruit, medicinal plants, firewood, sweet grass, eggs
HABITATION	Group campsites, overnight sites, canoe routes

The sites occur in especially dense concentrations near Tracadie River, Paq'tnkek Reserve and Afton River, West Afton River, and Pomquet Harbour, Antigonish Harbour and South River and West River, Merigomish Harbour and Barneys River, and Pictou Harbour and the East

River of Pictou.

A 6.2 ha food and medicinal plant harvesting area is located on the north side of the existing highway along the western side of the Pomquet River (see Figure 4).

5.2.2 *Plants of Significance to Mi'kmaq present in study areas*

Plants of significance to Mi'kmaq in the study areas are divided into three categories:

- 1) Medicinal
- 2) Food/Beverage
- 3) Craft/Art

The following table describes the number of plants of significance present in the study areas.

Table 2: Number of Plants of Significance to Mi'kmaq Present in the New Glasgow to Sutherlands River Study Areas

TYPE OF USE	NUMBER OF SPECIES PRESENT
MEDICINAL	124
FOOD/BEVERAGE	20
CRAFT/ART	20

Table 3: Number of Plants of Significance to Mi'kmaq Present in the Addington Forks to Taylor Road Study Areas

TYPE OF USE	NUMBER OF SPECIES PRESENT
MEDICINAL	73
FOOD/BEVERAGE	19
CRAFT/ART	21

5.2.3 *Mi'kmaw Communities*

The Pictou Landing and Paq'tnkek First Nations control reserves within the study area. Pictou Landing controls a reserve in Merigomish Harbour consisting of two islands, Merigomish A, with an area of 15.9 ha, and Merigomish B, with an area of 6 ha. Paq'tnkek First Nation controls the Paq'tnkek reserve which consists of three lots, Lot A with an area of 79 ha Lot B with an area of 84 ha and Lot C with an area of 45 ha. The

Paq'tnkek First Nation also controls the Summerside reserve with an area of 43.94 ha. The existing highway intersects the southern portions of Lots A, B, and C of the Paq'tnkek reserve. The locations of the reserves are marked in Figure 2.

The Paq'tnkek First Nation submitted a specific land claim dealing with a breach of fiduciary trust responsibility for the Trans-Canada highway right of way in September 1968. The claim deals with a lack of provision of highway crossings in Lot A and B to permit access to lands on the south side of the highway. The claim has not yet been settled and will be resubmitted in the near future. There are also two specific land claims dating to 1932 and 1938 dealing with surrenders for highway road allowance that are currently on the Specific Claims Inventory List but have not yet begun the research stage.

There is a specific land claim for the loss of reserve land in Lot C of the Paq'tnkek Reserve near Heatherton. The reserve is plotted on older Canada Land Surveys Records as having an area of 120 acres (49 ha). The current Canada Land Surveys Record depicts a total area of only 105.5 acres (43 ha). The claim is currently in the research stage and has not yet been submitted.

6.0 POTENTIAL PROJECT IMPACTS ON MI'KMAQ LAND AND RESOURCE USE

The following table presents potential project impacts on historic and current Mi'kmaq land and resource use.

Table 3: Potential Project Impacts on Mi'kmaq Land and Resource Use

POTENTIAL IMPACTS ON MI'KMAQ LAND AND RESOURCE USE	
6.01	The historic review of Mi'kmaq use and occupation documents considerable historic Mi'kmaq use and occupation in the project area. A potential impact of the project is the disturbance of archaeological resources.
6.02	Numerous identified Mi'kmaw hunting/kill sites are located within the project construction corridor of the definitive route. A potential effect of the project is the temporary and/or permanent loss of access to these sites.
6.03	A 6.2 ha food and medicinal plant harvesting area is located on the north side of the existing highway along the western side of the Pomquet River. A potential effect of the Project, if the highway is twinned on the northern side of the existing highway across the Pomquet River, is the permanent loss of some of the harvesting area.
6.04	277 plant species of significance to Mi'kmaq have been identified in the study areas in the New Glasgow to Sutherlands River and the Antigonish sections of the twinning project (<i>i.e.</i> , sections with definitive alignments). Permanent loss of some specimens is an impact of the Project.
6.05	The existing highway intersects the southern portions of Lot A, B, and C, of the Paq'tnkek reserve. The project has the potential to effect land use, the local transportation network, the economy, human health and safety, the community lifestyle, green space, and specific land claims.

7.0 SIGNIFICANCE OF POTENTIAL PROJECT IMPACTS ON MI'KMAQ LAND AND RESOURCE USE

The concept of significance in the Mi'kmaw Knowledge Study is distinct from the concept of significance under the *Canadian Environmental Assessment Act* or the *Nova Scotia Environmental Assessment Regulations*. Significance to Mi'kmaq is evaluated only in accordance with the criteria listed below. The MKS evaluation of the significance of the potential project impacts on Mi'kmaq should be used by regulators to inform their determination of the significance of the environmental effects of the Project.

7.1 Significance Criteria

The following criteria are used to analyze the significance of the potential project impacts on Mi'kmaq use:

- 1) Uniqueness of land or resource
- 2) Culture or spiritual meaning of land or resource
- 3) Nature of Mi'kmaq use of land or resource
- 4) Mi'kmaq constitutionally protected rights in relation to land or resource

7.2 Evaluation of Significance

Table 4: Significance of Potential Project Impacts on Mi'kmaq Land and Resource Use

POTENTIAL IMPACT		EVALUATION OF SIGNIFICANCE	
6.01	The historic review of Mi'kmaq use and occupation documents considerable historic Mi'kmaq use and occupation in the project area. A potential impact of the project is the disturbance of archaeological resources.	7.2.01	Mi'kmaw archaeological resources are extremely important to Mi'kmaq as a method of determining Mi'kmaw use and occupation of Mi'kma'ki and as an enduring record of the Mi'kmaq nation and culture across the centuries. Archaeological resources are irreplaceable. Any disturbance of Mi'kmaw archaeological resources is significant.
6.02	Numerous identified Mi'kmaw hunting/kill sites are located within the project construction corridor of the definitive route. A potential effect of the project is the temporary and/or permanent loss of access to these sites.	7.2.02	Hunting/kill sites identified within the project construction corridor of the definitive route exist within the surrounding area. The temporary and/or permanent loss of access to these sites does not pose a threat to Mi'kmaw use within the surrounding area. The impact of the temporary and/or permanent loss of access to identified hunting/kill sites within the construction corridor of the definitive route is evaluated as not likely significant.
6.03	A 6.2 ha food and medicinal plant harvesting area is located on the	7.2.03	The gathering area is used by several members of the Paq'tnkek

POTENTIAL IMPACT	EVALUATION OF SIGNIFICANCE
<p>north side of the existing highway along the western side of the Pomquet River. A potential effect of the Project, if the highway is twinned on the northern side of the existing highway across the Pomquet River, is the permanent loss of some of the harvesting area.</p>	<p>First Nation. The permanent loss of some of the harvesting area is potentially significant.</p>
<p>6.04 277 plant species of significance to Mi'kmaq have been identified in the study areas in the New Glasgow to Sutherlands River and the Antigonish sections of the twinning project (<i>i.e.</i>, sections with definitive alignments). Permanent loss of some species is an impact of the Project.</p>	<p>7.2.04 The plant species of significance to Mi'kmaq identified within the study areas exist within the surrounding area. The destruction of some specimens within the study areas does not pose a threat to Mi'kmaq use of the species. The impact of the permanent loss of some specimens of plant species of significance to Mi'kmaq is evaluated as not likely significant.</p>
<p>6.05 The existing highway intersects the southern portions of Lot A, B, and C, of the Paq'tnkek reserve. The project has the potential to effect land use, the local transportation network, the economy, human health and safety, the community lifestyle, green space, and specific land claims.</p>	<p>7.2.05 The potential impacts of the project may be positive and negative and have the potential to be significant to the Paq'tnkek First Nation.</p>

8.0 CONCLUSIONS AND RECOMMENDATIONS

The following chart outlines Mi'kmaq Environmental Services' recommendations to the Project proponent.

Table 5: Recommendations

RECOMMENDATIONS	
8.01	The results of the Mi'kmaq Knowledge Study should be used during the Archaeological Impact Assessments for the Highway 104 twinning and improvement projects from Sutherlands River to Addington Forks and Taylors Road to Aulds Cove to aid in the identification of sites of high potential for Mi'kmaq archaeological resources and sites of particular sensitivity.
8.02	In the event that Mi'kmaq archaeological deposits are encountered during construction of the Project, all work should be halted and immediate contact should be made with David Christianson at the Nova Scotia Museum and Don Julien at The Confederacy of Mainland Mi'kmaq.
8.03	Nova Scotia Transportation and Public Works should communicate with The Confederacy of Mainland Mi'kmaq during route selection from Sutherlands River to Addington Forks and Taylor Rd. to Aulds Cove. CMM will reevaluate hunting/kill site data collected during the MKS in the context of the potential route selections at that time.
8.04	The location of the gathering area should be taken into account during route selection for the Taylor Rd. to Aulds Cove section.
8.05	A study of plants of significance to Mi'kmaq will be required once the definitive alignments from Sutherlands River to Addington Forks and Taylor Rd. to Aulds Cove are known.
8.06	The proponent should open discussions with the Paq'tnekek First Nation as soon as possible to discuss the potential effects of the project on the Paq'tnekek First Nation.

9.0 SUMMARY OF POTENTIAL IMPACTS, EVALUATION OF SIGNIFICANCE, AND RECOMMENDATIONS

Table 6: Summary of Potential Impacts, Evaluation of Significance, and Recommendations

POTENTIAL IMPACT	EVALUATION OF SIGNIFICANCE	RECOMMENDATION
<p>6.01 The historic review of Mi'kmaq use and occupation documents considerable historic Mi'kmaq use and occupation in the project area. A potential impact of the project is the disturbance of archaeological resources.</p>	<p>7.2.01 Mi'kmaq archaeological resources are extremely important to Mi'kmaq as a method of determining Mi'kmaq use and occupation of Mi'kma'ki and as an enduring record of the Mi'kmaq nation and culture across the centuries. Archaeological resources are irreplaceable. Any disturbance of Mi'kmaq archaeological resources is significant.</p>	<p>8.01 The results of the Mi'kmaq Knowledge Study should be used during the Archaeological Impact Assessments for the Highway 104 twinning and improvement projects from Sutherlands River to Addington Forks and Taylors Road to Aulds Cove to aid in the identification of sites of high potential for Mi'kmaq archaeological resources and sites of particular sensitivity.</p>
<p>6.02 Numerous identified Mi'kmaq hunting/kill sites are located within the project construction</p>	<p>7.2.02 Hunting/kill sites identified within the project construction corridor of the definitive route</p>	<p>8.02 In the event that Mi'kmaq archaeological deposits are encountered during construction of the Project, all work should be halted and immediate contact should be made with David Christianson at the Nova Scotia Museum and Don Julien at the Confederacy of Mainland Mi'kmaq.</p>
<p>6.03 Numerous identified Mi'kmaq hunting/kill sites are located within the project construction</p>	<p>7.2.03 Hunting/kill sites identified within the project construction corridor of the definitive route</p>	<p>8.03 Nova Scotia Transportation and Public Works should communicate with the Confederacy of Mainland</p>

POTENTIAL IMPACT	EVALUATION OF SIGNIFICANCE	RECOMMENDATION
<p>corridor of the definitive route. A potential effect of the project is the temporary and/or permanent loss of access to these sites.</p>	<p>exist within the surrounding area. The temporary and/or permanent loss of access to these sites does not pose a threat to Mi'kmaw use within the surrounding area. The impact of the temporary and/or permanent loss of access to identified hunting/kill sites is evaluated as not likely significant.</p>	<p>Mi'kmaq during route selection from Sutherland's River to Addington Forks and Taylor Rd. to Aulds Cove. CMM will reevaluate hunting/kill site data collected during the MKS in the context of the potential route selections at that time.</p>
<p>6.03 A 6.2 ha food and medicinal plant harvesting area is located on the north side of the existing highway along the western side of the Pomquet River. A potential effect of the Project, if the highway is twinned on the northern side of the existing highway across the Pomquet River, is the permanent loss of some of the harvesting area.</p>	<p>7.2.03 The gathering area is used by several members of the Paq'tnekek First Nation. The permanent loss of some of the harvesting area is potentially significant.</p>	<p>8.04 The location of the gathering area should be taken into account during route selection for the Taylor Rd. to Aulds Cove section.</p>
<p>6.04 277 plant species of significance to Mi'kmaq have been identified in the study areas in the New Glasgow to Sutherland's River and the Antigonish sections of the</p>	<p>7.2.04 The plant species of significance to Mi'kmaq identified within the study areas exist within the surrounding area. The destruction of some specimens within the</p>	<p>8.05 A study of plants of significance to Mi'kmaq will be required once the definitive alignments from Sutherland's River to Addington Forks and Taylor Rd. to Aulds Cove are</p>

POTENTIAL IMPACT	EVALUATION OF SIGNIFICANCE	RECOMMENDATION
<p>twinning project (<i>i.e.</i>, sections with definitive alignments). Permanent loss of some species is an impact of the Project.</p>	<p>study areas does not pose a threat to Mi'kmaq use of the species. The impact of the permanent loss of some specimens of plant species of significance to Mi'kmaq is evaluated as not likely significant.</p>	<p>known.</p>
<p>6.05 The existing highway intersects the southern portions of Lot A, B, and C, of the Paq'tnkek reserve. The project has the potential to effect land use, the local transportation network, the economy, human health and safety, the community lifestyle, green space, and specific land claims.</p>	<p>7.2.05 The potential impacts of the project may be positive and negative and have the potential to be significant to the Paq'tnkek First Nation.</p>	<p>8.06 The proponent should open discussions with the Paq'tnkek First Nation as soon as possible to discuss the potential effects of the project on the Paq'tnkek First Nation.</p>

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Figure 2

Current Mi'kmaq Land and Resource Use Study Area

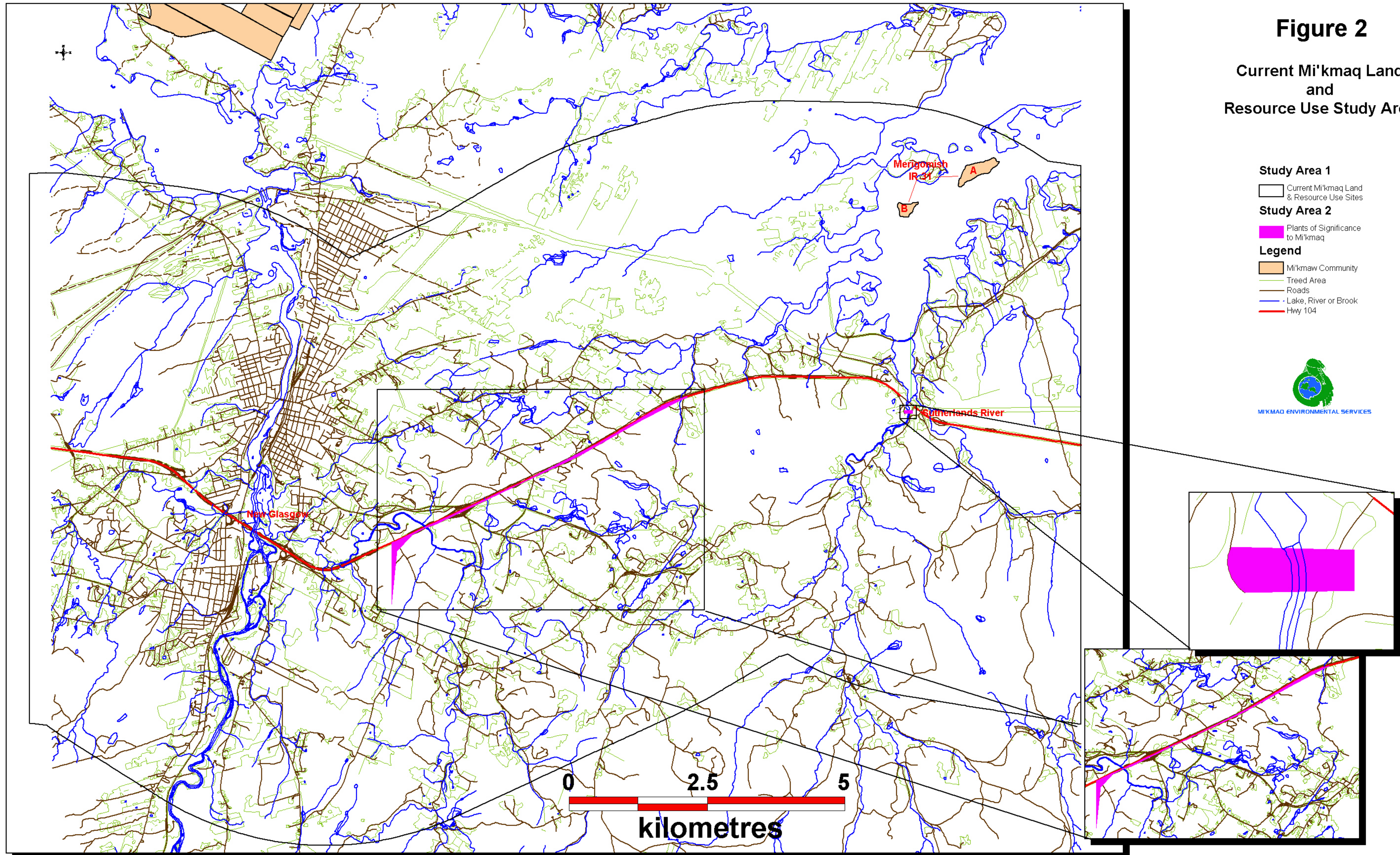


Figure 3

Current Mi'kmaq Land and Resource Use Study Areas

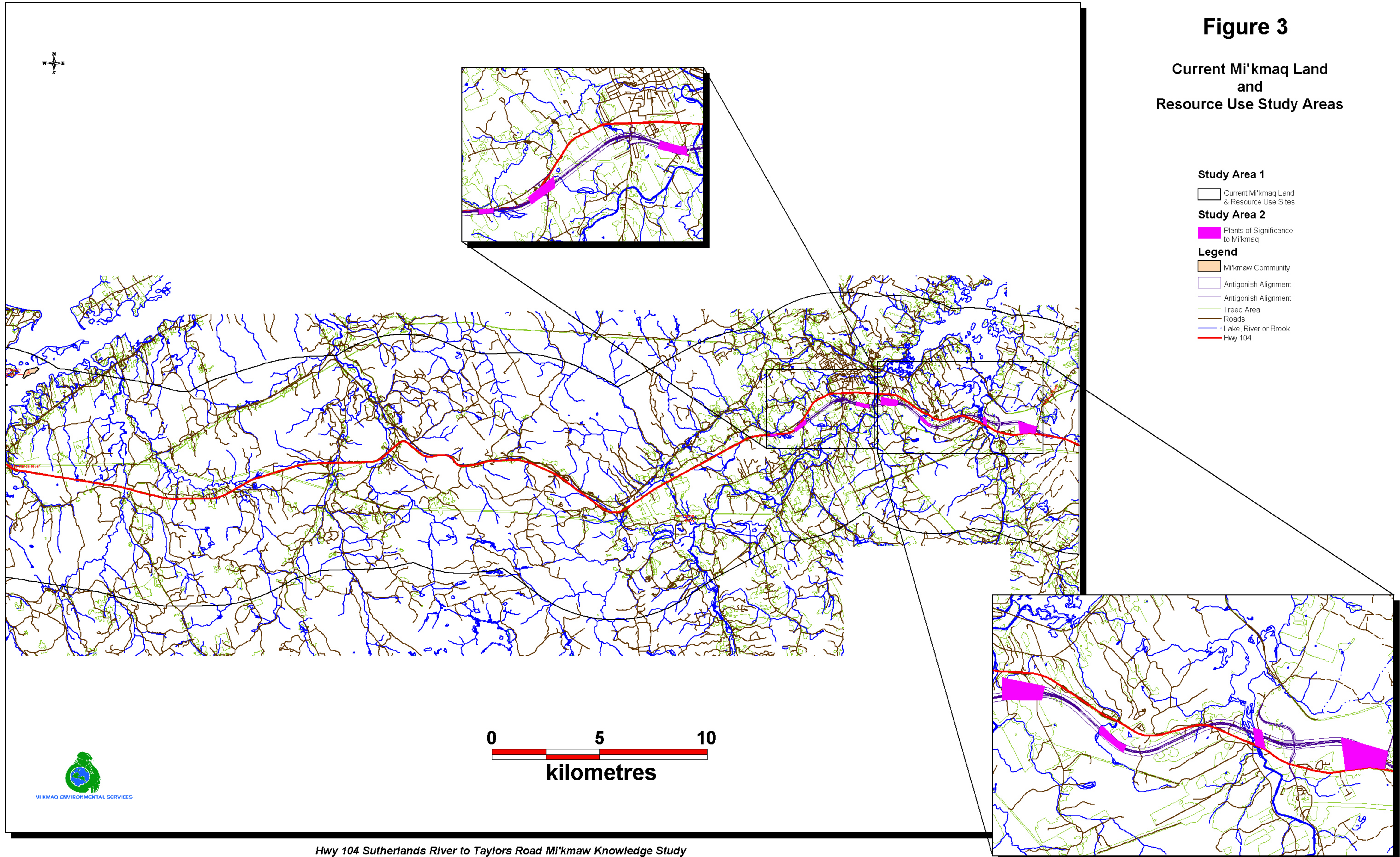


Figure 4

Current Mi'kmaq Land and Resource Use Study Areas

