

Acknowledgments

It is normal for authors to turn PhD dissertations into books. I chose not to do so and instead, soon after arriving at York University, embarked on the rather foolhardy project of writing an entirely new manuscript. My thesis and this book share a common subject – the Mi'kmaq. But the similarities end there.

Even so, I owe a great deal to the people who guided me through my graduate degrees. I benefited at McGill from the assistance of Pierre Boulle, Catherine Desbarats, Ella Laffey, Stephen Randall, and John Herd Thompson. For my PhD I worked with two consummate scholars – Toby Morantz and the late Louise Dechêne. Professor Morantz provided me with a grounding in social and political anthropology that has deeply influenced my scholarship. Professor Dechêne helped me appreciate the difficulties of understanding the past and the sources that illuminate it.

I could not have conducted my research without the help of the archivists at the National Archives of Canada in Ottawa, the Archives nationales de Québec and Archives du séminaire de Québec in Quebec City, the New Brunswick Museum in Saint John, and the Public Archives of New Brunswick in Fredericton. However, I did most of my research at the Public Archives of Nova Scotia in Halifax. Over the years I have benefited from the friendly and scholarly atmosphere the archive's staff have created. I would especially like to thank Barry Cahill, John McLeod, Julie Morris, and Gary Shutlack for their assistance over the years. My thanks also to David Christianson of the Nova Scotia Museum and Judy Deetz and Diane O'Neill of the Art Gallery of Nova Scotia, each of whom helped me locate the artwork and photographs for this book.

In the final stages of my dissertation, I moved to Halifax, where I began working as a researcher for the Aboriginal Title Project, an initiative overseen by the thirteen Mi'kmaq communities of Nova Scotia. Over the next two years I learned more about Mi'kmaq history than I had during my years in graduate school. At the Treaty Rights and Aboriginal Research Centre at Indian Brook, I was fortunate to work with Gillian Allen, Bob Beal, Laverne Copage, Denise MacDonald, Jim Michael, and Wallace Nevin, each of whom was involved in some way in the Marshall case as well as later cases.

I would also like to thank James Youngblood Henderson and Don Julian, who at various times shared with me their thoughts on Mi'kmaq history.

While I was working for the Mi'kmaq community, and later while I was a post-doctoral student, the Gorsebrook Research Institute of Saint Mary's University provided me with much-needed office space, a computer, access to university libraries, and much else. Jackie Logan facilitated my entry to Saint Mary's, and throughout the years of the Marshall trial provided the defence team with a convenient meeting place. Thérèse Arseneau, Colin Howell, and Madine Vanderplatt also deserve special mention for their assistance.

In 1996 I left Nova Scotia for York University. Over the past five years I have been lucky to work alongside some of the finest scholars in the country. I owe my greatest debt to my co-instructors in History 1050, a first-year course that introduces students to the social history of Western Europe and North America from 1700 to 1920. I have learned much from Stephen Brooke, Douglas Hay, Kathryn McPherson, H.V. Nelles, Adrian Shubert, and Marc Stein. Each of them, in very different ways, has contributed to my understanding of the past.

Though the research for this book was conducted for the most part at universities, it is based on events that took place in court rooms. Since 1993 I have spent much of my time either testifying as an expert witness or preparing to do so. Stephen Augustine, a member of the Mi'kmaq Grand Council and a researcher with the Canadian Museum of Civilization, John Reid from Saint Mary's University, and Stephen Patterson from the University of New Brunswick contributed in different ways to my understanding of the treaties between the Mi'kmaq and the British. Though Professor Patterson and I have often disagreed in the courts about how the treaties should be interpreted, I have learned much about the eighteenth century by listening to his testimony. I expect that Patterson will also disagree with much of this book. Perhaps he and I

have opposed each other too long to make mutual comprehension possible. Or perhaps, the courtroom has allowed us to see our differences so clearly. Regardless, I hope that Professor Patterson will sometime soon write his own book-length interpretation of the treaties.

I have benefited as well from the persistent questioning of lawyers in various court cases over the past seven years: lawyers including Juli Abouchar, Don Burrage, Paul Carver, James Clarke, Ed Hearn, Peter Leslie, Shayne McDonald, Bob Matthews, and Michael Paré. My special thanks to Keith McCormick of the New Brunswick Prosecution Office for his engaging cross-examination of my evidence in *R. v. Bernard* and for later, in September 2000, sharing his understanding of New Brunswick's history during a drive from Fredericton to Newcastle. But I owe my greatest debt to Bruce Wildsmith and Eric Zscheile. Throughout the Marshall trial, Eric's intelligence, diplomatic skills, and wonderful midwestern humour were a source of strength for us all. Bruce deserves special mention, as much for his collegiality as for his brilliance. Over the years he has demonstrated both his skill as a trial lawyer and his uncanny ability to fit history and the law together. At no time did he reveal all of this more brilliantly than during the oral arguments before the Supreme Court in November 1998.

I would also like to thank those judges who sat through my often lengthy testimony and then tried to make sense of it: Justice Leo Barry of the Supreme Court of Newfoundland, Justice E.A. Bowie of the Tax Court of Canada, Justice Patrick Curran of the Nova Scotia Provincial Court, Justice John D. Embree, also of the Nova Scotia Provincial Court, and Justice Denis Lordon of the New Brunswick Provincial Court. I promise to never again bring York's library into the courtroom.

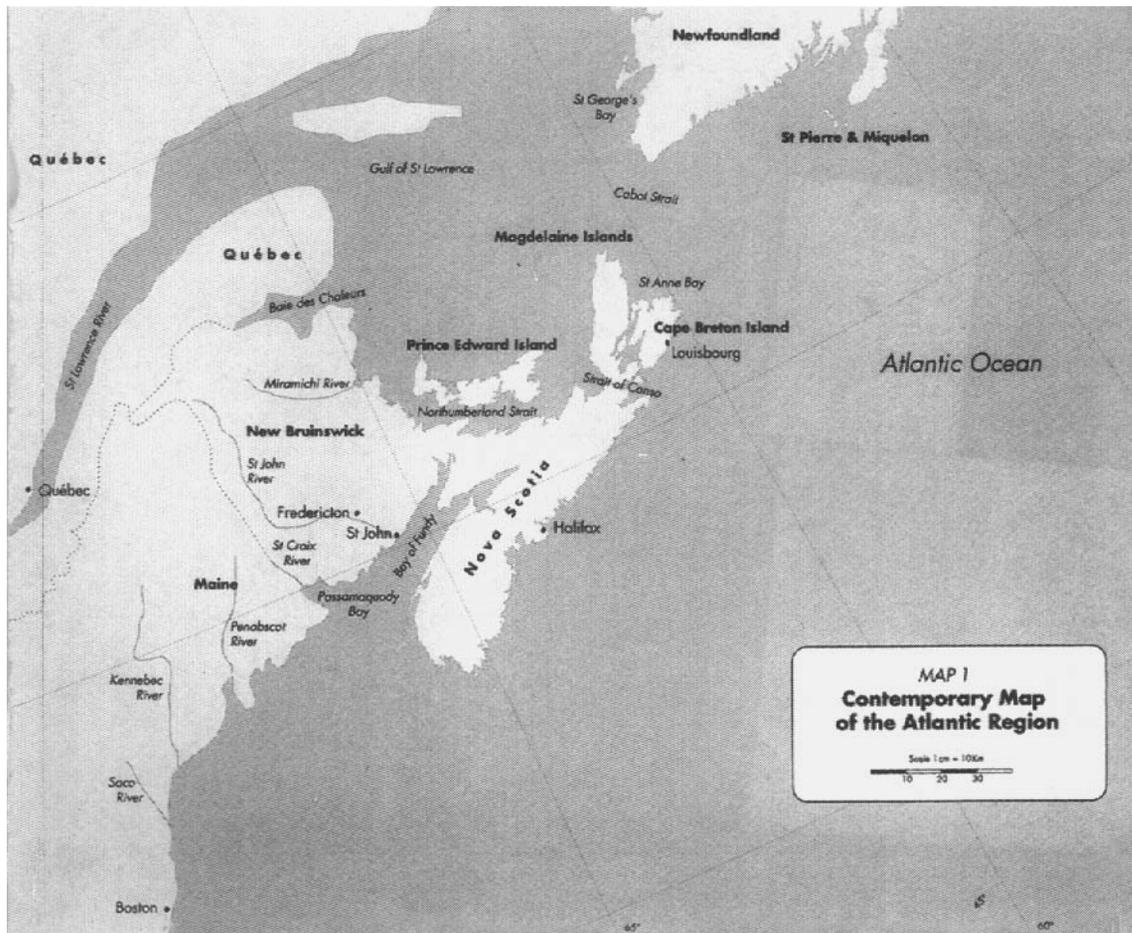
I have also benefited from the comments of a number of scholars who read earlier versions of the manuscript. Both Kathryn MacPherson and John Reid read my very earliest attempts to make sense of the treaties. My thanks also to Marc Egnal for reading two earlier chapters and for his advice that I should start again. His honesty saved me both time and energy. Finally, Robert Sweeny of Memorial University undertook, as always, to read whatever I gave him and then provided cogent and pointed comments. Robert may not agree with the final product; even so, the book is much better than it was when first delivered into his hands.

At University of Toronto Press, I was assisted by Jill McConkey and Frances Mundy. Thank you, Jill, for putting up with my queries and for your enthusiasm. I also would like to thank Matthew Kudelka, whose

careful copy editing has much improved the book. My ego, Matthew, is not bruised.

I owe the most to Donald Marshall Jr and to my family. My thanks to Marshall for deciding to sell the fish he caught in August 1993, and for the strength of his belief that he had a right to do so.

Books are often created from discussions within the family. Before, during, and after the *Marshall* trial, I talked about this book with Jane Greenlaw far too often. Indelibly this book has assumed its present form because of those discussions. Our children, Keelin and Marcus, lived through the *Marshall* trial and afterwards with a father who was more often absent than present. This, above all, has been my greatest sorrow. However, I hope that in some way this book will assist in their own understanding of the past – and of their father's.



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