

R v. Sylliboy: A Persuasive Poster



T10

Overview

In this LE, learners will explore the 1928 Gabriel Sylliboy court case (*R v. Sylliboy*, 1928) using an age appropriate summary from the Canadian Encyclopedia. The case is a touchstone for the Treaty Denial period and demonstrates British and Canadian attitudes about treaty rights, the strength of Mi'kmaw oral histories, and Mi'kmaw persistence within British colonialism. Using identified online resources (images and other historical resources), learners are asked to create a persuasive poster for a public audience that supports Kji-Saqmaw Gabriel Sylliboy.

Learners will...

- Explore a key event in Mi'kmaw treaty history.
- See how oral histories kept treaty promises alive during the Treaty Denial period.
- Witness the persistence of netukulimk through the Treaty Denial period.
- Connect early 20th century decisions by Mi'kmaw leadership to 18th century treaty-making and later 20th century decisions by the Supreme Court of Canada.
- See consistency in Mi'kmaw thought and priorities from 18th century treaties to the present-day.
- Understand that although Kji-Saqmaw Gabriel Sylliboy was convicted, later generations saw his actions as just, resulting in the Province of Nova Scotia granting him a "free pardon" in 2017.
- Encounter a concrete example of how the Treaty Denial period is defined by British governance and culture that denied treaty agreements as well as by an overwhelming colonial experience of environmental and cultural disruption.

Focus

Learners will engage with an age-appropriate summary of *R v. Sylliboy*, 1928, a court case where Kji-Saqmaw Gabriel Sylliboy was convicted under the *Nova Scotia Lands and Forests Act* for hunting fourteen muskrat and one fox out of season. In the case, Sylliboy argued that the 1752–53 Treaty protected his right to hunt and fish out of season.

In 1985, the precedent set by the 1928 decision was overturned by the Supreme Court of Canada in *R v. Simon*. In this case, the Supreme Court upheld the validity of the



Kji-Saqmaw Gabriel Sylliboy



It is important that learners have a clear understanding of the following content:

- *The Mi'kmaq as the indigenous people of Nova Scotia and the Atlantic region.*
- *Mi'kma'kik as the ancestral homeland of the Mi'kmaq.*
- *Understand the concepts of netukulimk and msit no'kmaq. (See LE F4)*
- *Mi'kmaw core cultural values. (See LE F8)*
- *The oral traditions inherent in Mi'kmaw culture and practice. (See LE F10)*

1752-53 Treaty, marking an important shift in the recognition of the treaty relationship. In 2017, the Province of Nova Scotia apologized to Kji-Saqmaw Gabriel Sylliboy's family and issued a free pardon of his earlier conviction. A **free pardon** is granted to recognize that a previous conviction was in error, and that the person convicted is innocent. Free pardons are rare; in its entire history, Nova Scotia has only ever granted two. Before Kji-Saqmaw Gabriel Sylliboy, the first free pardon was granted posthumously to African Nova Scotian entrepreneur and civil rights activist Viola Desmond in 2010.

Learners will explore the facts of *R v. Sylliboy*, 1928 and identify key takeaways, given what they know about 18th century treaty rights. Educators may want to ask older learners to read the original court documents to explore further.

Working collaboratively in groups and using provided documentation and materials found online, learners will create a persuasive poster about the case. The poster can choose a single aspect of this important story, or it can try to draw a broader picture, perhaps tying in other elements of Treaty Denial (e.g., habitat destruction, undermining netukulimk).

Learners should consider design and narrative in their posters. Ideas for using design strategies to accommodate different audience types are included in the supplementary materials.

A potential exit ticket activity for this LE could ask learners to answer the question: Would there be treaty rights today without oral history?



Kji-Saqmaw Gabriel Sylliboy was formally pardoned by the Province of Nova Scotia in 2017. This pardon is the second of the only two free pardons ever granted in Nova Scotia's history. The first was granted to Viola Desmond in 2010.
(Courtesy of Communications Nova Scotia)

Additional Resources

- See the introduction to the **Treaty-Making** section, as well as the **general introduction** to the resource.
- For additional resources, see the digital version of this LE at **Mi'kmawey Debert Cultural Centre website:**
<http://mikmaweydebert.ca/t10>

Teacher Tip



While this LE asks learners to look at a summary of the *Sylliboy* case, the original court transcripts and decision are available online for anyone to consult.

Educators may wish to ask older learners to engage with the full transcript instead of the summary. It is recommended that they exercise caution, however, as much of the language used in the case reflects the blatant racism of the court and may cause harm to readers.

Please note: the free pardon makes Kji-Saqmaw Gabriel Sylliboy unquestionably innocent. This LE is based on the acceptance and understanding of his innocence. This fact is important to remember while reading through transcripts outlining a guilty verdict.