

**ALGONQUIN TRIBUNAL**

**RE: Inquiry conducted by the Algonquin Tribunal pursuant to Article 76(d) of the Special Resolution of the Algonquin Negotiation Representatives on the Algonquins of Ontario Enrolment and Appeal Board (approved on April 20, 2021) regarding the historical person known as MARY PETRIN (RIN #4762)**

**DETERMINATION AND REASONS FOR DETERMINATION  
REGARDING THE ALGONQUIN TRIBUNAL'S INQUIRY INTO  
MARY PETRIN (RIN #4762)**

Hearing Date:	May 5, 2023, Pembroke, Ontario
Date of Determination and Reasons:	July 7, 2023
Hearing Panel:	Ralph Lance (Chairperson), Shelley Holmberg, Jan Leroux, Robin McLaren, Robin Tinney
Legal counsel:	Ben Mills (Advisory Member) Angel Li
Persons filing written submissions:	Joan Holmes (Enrolment Officer) Robert Campbell Sherri Crawford Neil Giroux Brenda Higson Mallorie Mitchell Richard Tooley
Persons making presentations at hearing:	Joan Holmes (Enrolment Officer) Chief Clifford Bastien Robert Campbell Ron Crawford

Neil Giroux

Brenda Higson

Richard Tooley

**ALGONQUIN TRIBUNAL'S DETERMINATION REGARDING THE  
INQUIRY INTO MARY PETRIN (RIN #4762)**

The Algonquin Tribunal, pursuant to the provisions of Special Resolution of the Algonquin Negotiation Representatives on the Algonquins of Ontario Enrolment and Appeal Board (approved on April 20, 2021) and at the direction of the Algonquin Negotiation Representatives' Motion 20220422-01, has conducted an inquiry to determine whether Mary Petrin (RIN #4762) is identified in a historic record or document dated on or before December 31, 1921, in such a way that it would be reasonable to conclude that she was considered to be an Algonquin or Nipissing, or a sibling of such a person. A "sibling of such a person" means a person with a common Algonquin parent.

Further to its inquiry, the Algonquin Tribunal determines that Mary Petrin (RIN #4762) is identified in a historic record or document dated on or before December 31, 1921, in such a way that it would be reasonable to conclude that she was considered to be an Algonquin or Nipissing, or a sibling of such a person.

Ralph Lance (Chairperson)  
Shelley Holmberg  
Jan Leroux  
Robin McLaren  
Robin Tinney

## REASONS FOR DETERMINATION

**REASONS DELIVERED BY:**

**Lance (Chairperson), Holmberg, Leroux,  
McLaren and Tinney.**

### **A. Introduction and Background**

#### **1. Tribunal's Mandate**

1. The Algonquin Tribunal (the “**Tribunal**”) was established by the Algonquin Negotiation Representatives (the “**ANRs**”) pursuant to the Special Resolution of the Algonquin Negotiation Representatives on the Algonquins of Ontario Enrolment and Appeal Board (approved on April 20, 2021) (the “**Special Resolution**”).
2. By way of Motion 20220422-01, the ANRs directed the Tribunal to conduct inquiries into fourteen historical persons who are presently on the Schedule of Algonquin Ancestors with a view to determining whether those historical persons are identified in a historic record or document dated on or before December 31, 1921, in such a way that it would be reasonable to conclude that the person was considered to be an Algonquin or Nipissing, or a sibling of such a person. A “sibling of such a person” means a person with a common Algonquin parent.
3. These criteria are taken from the definition of “Algonquin Ancestor” as that term is used in the Special Resolution of the Algonquin Negotiation Representatives on the Proposed Beneficiary Criteria (approved on January 22, 2020) (the “**Proposed Beneficiary Criteria**”).<sup>1</sup>
4. Included amongst the fourteen historic persons referred to the Tribunal for inquiry was Mary Petrin (RIN #4762).<sup>2</sup>

---

<sup>1</sup> Being a lineal descendant of an “Algonquin Ancestor” is one element of the Proposed Beneficiary Criteria. For the other elements, reference should be made to the Algonquin Negotiation Representatives on the Proposed Beneficiary Criteria (approved on January 22, 2020).

<sup>2</sup> As noted in the Enrolment Officer’s Report, an “RIN#” is a randomly generated number assigned by the Legacy Genealogical database to each individual person entered in that database. The use of a RIN # is not indicative of whether a historical person is, or is not, an Algonquin Ancestor or is otherwise suspected of being Algonquin. It merely means that the historical person has been entered into the Legacy Genealogical database. RIN #s are used to assist in the identification and tracing of family trees and are particularly useful when a historic person may be identified by different names or spelling conventions or when several individuals have the same or similar name.

5. The ANRs' referral of Mary Petrin (RIN #4762) (and other historical persons) to the Tribunal was made pursuant to Article 76(e) of the Special Resolution, which provides that the "Tribunal has jurisdiction to hear and determine ... such other matters as may be referred to the Tribunal by the ANRs or may be necessary to carry out its functions under this Special Resolution."
6. In short, the Tribunal's mandate is to determine whether Mary Petrin (RIN #4762) is properly considered an "Algonquin Ancestor" for the purposes of the Proposed Beneficiary Criteria (which is also sometimes known as the "Enrolment Criteria").
7. If the Tribunal determines that the criteria are met, then Mary Petrin (RIN #4762) would remain on the Schedule of Algonquin Ancestors.
8. If the Tribunal determines that Mary Petrin (RIN #4762) does not meet the above noted criteria, then Mary Petrin (RIN #4762) would be removed from the Schedule of Algonquin Ancestors. As a consequence of that decision, the Enrolment Officer would review the Enrolment List to identify those individuals who no longer qualify for enrolment as a result of the Tribunal's decision to remove Mary Petrin (RIN #4762) from the Schedule of Algonquin Ancestors and would remove those individuals from the Enrolment List. This would be done pursuant to Article 103 of the Special Resolution.
9. Article 101 of the Special Resolution provides that the Tribunal's determination, its reasons for determination and any accompanying order or recommendation are to be provided to those participating in the inquiry, the Enrolment Officer and the ANRs. Also, the Tribunal is to provide these documents to the AOO Consultation Office for public posting.

## **2. Procedural Background**

10. Once the Tribunal was constituted and a Chair and Vice-Chair appointed, the Tribunal undertook various efforts to ensure that interested parties were informed: a) that the Tribunal was undertaking inquiries as directed by the ANRs; b) that interested parties could participate in the inquiries; and c) how interested parties could access information relevant to the inquiry and file evidence or submissions in support of their respective positions.
11. The Tribunal's efforts to inform interested parties of the inquiries and how they could participate in the Tribunal's inquiry process include, but are not limited to, the measures described below.

12. First, the Tribunal sent a letter to all enrolled members of the AOO whose enrolment is based on them being a lineal descendant of one or more of the fourteen historical persons referred to the Tribunal for inquiry. This letter informed recipients that their enrolment as proposed beneficiaries may be affected by one or more of the Tribunal's inquiries and that they are being afforded an opportunity to participate in the inquiries. This letter directed affected persons to the Tribunal's website, which is <https://www.tanakiwin.com/tribunal/>.
13. Second, the Tribunal sent a letter to all other enrolled members of the AOO whose enrolment is not based on them being a lineal descendant of one or more of the fourteen historical persons referred to the Tribunal for inquiry. This letter informed recipients of the fact that the Tribunal had undertaken the inquiries and that they may participate. This letter also noted the removal of Algonquin Ancestors may result in persons who are presently enrolled as proposed beneficiaries no longer being eligible for enrolment. This letter also directed recipients to the Tribunal's website. This letter was sent to individuals who are enrolled through the AOO application process and to individuals who are enrolled on the basis of being members of the Algonquins of Pikwakanagan First Nation (the "AOPFN").
14. The Tribunal notes that members of the AOPFN are not directly affected by the Tribunal's inquiries as their enrolment is based on them being on the AOPFN's membership list. Nonetheless, the Tribunal wanted to ensure that members of the AOPFN were specifically informed of the Tribunal's inquiries and also understood that they are welcome to participate in the inquiries. The Tribunal recognizes that the proper and dutiful application of the Proposed Beneficiary Criteria is of great importance to everyone involved in the treaty process, including the members of the AOPFN.
15. In addition to the above noted letters, the Tribunal also undertook its best efforts to send letters to individuals who are not presently enrolled but are known to be interested in the Tribunal's inquiries. These individuals included, but are not limited to, people who sought enrolment on the basis of one or more of the above noted historical individuals but were not enrolled for some other reason. Recipients were informed of the Tribunal's inquiries and their potential interest in one or more of the inquiries and were also advised to visit the Tribunal's website for additional information.

16. The Tribunal's website was (and continues to be) publicly available. Through the website, interested parties were able to access additional information regarding the Tribunal's process, scheduling information and relevant documents. Individuals were encouraged to sign-up for updates from the Tribunal and were encouraged to state their interest in participating in one or more of the inquiries. As information became available and the Tribunal's website was updated (such as posting the Enrolment Officer's report or submissions from participants), the Tribunal would send an email to those who indicated their interest in receiving up-dates. Also, the Tribunal maintained a telephone number so that interested parties could speak with the Tribunal's legal support team to ask questions regarding the Tribunal's process and their Algonquin ancestry.
17. Specifically with respect to the Tribunal's inquiry into Mary Petrin (RIN #4762), the Tribunal notes that the following documents were filed with the Tribunal and made available on its website:
  - a) Document 1 – Enrolment Officer's Report Regarding Ancestor Mary Petrin;
  - b) Document 2 – Initial Submission by M. Mitchell;
  - c) Document 3 – Initial Submission by R. Campbell;
  - d) Document 4 – Initial Submission by R. Tooley;
  - e) Document 5 – Initial Submission by N. Giroux;
  - f) Document 6 – Initial Submission by R. Tooley;
  - g) Document 7 – Initial Submission by B. Higson;
  - h) Document 8 – Initial Submission by S. Crawford;
  - i) Document 9 – Enrolment Officers Reply to Initial Submissions Regarding Mary Petrin (RIN 4762); and
  - j) Document 10 – Enrolment Officers Supplement Presentation for Mary Petrin. (Note that Document 10 is a copy of the power point presentation made by the Enrolment Officer at the hearing on May 5, 2023. This presentation was posted on the Tribunal's website subsequent to the hearing.)

18. The schedule for filing materials, the hearing date and the materials noted above were all made available on the Tribunal's website in a timely manner and were also the subject of the Tribunal's update emails that were sent from time to time.
19. In addition, the Tribunal held a hearing on May 5, 2023, at the Best Western Hotel in Pembroke. The hearing was open to any interested parties. The Enrolment Officer gave a brief oral presentation supplemented with PowerPoint visuals. She answered questions from the panel and from those in attendance. After the Enrolment Officer presented and answered questions, the Tribunal invited those in support of the inclusion of the subject ancestor to make oral presentations.
20. Ms. Higson made a brief presentation on the basis of her written submissions. R. Campbell spoke on behalf of the Petrand family and made a brief presentation on the basis of his written submissions, noting that inconsistencies in census records should not undermine the "Algonquin nature" of his family line.
21. Chief Bastian spoke briefly concerning the list of ancestors for the Tribunal's present inquiry and provided context as to the challenges related to the Petrin/Polson line. R. Crawford, N. Giroux, and R. Tooley all spoke briefly concerning the impact of the Tribunal's review on their families and community, the importance of the Enrolment Officer's research, and the importance of the Tribunal's work.
22. The Tribunal then invited interested parties opposed to the inclusion of the subject ancestor to speak. Although given an opportunity to make written or oral submissions in opposition to Mary Petrin (RIN #4762) remaining on the Schedule of Algonquin Ancestors, no opposing submission were received. The Tribunal notes that the fact that opposing submissions were not received does not change the Tribunal's mandate to make an independent evidenced based decision regarding this matter.
23. The panel reserved its decision at the hearing until the release of these written reasons.

**B. The Tribunal's Determination**

24. Upon consideration of the evidence and having reference to the definition of "Algonquin Ancestor", the Tribunal has unanimously determined that Mary Petrin (RIN #4762) is properly



considered an “Algonquin Ancestor” and should remain on the Schedule of Algonquin Ancestors.

25. In coming to its determination, the Tribunal had reference to all of the information before it. Of those materials, the Tribunal notes that the comprehensive report provided by the Enrolment Officer and the definition of “Algonquin Ancestor” were key to making its determination regarding Mary Petrin (RIN #4762).
26. The Tribunal’s reasons for its determination are set out below.

**C. Definition of Algonquin Ancestor**

27. The starting point of the Tribunal’s analysis is the definition of “Algonquin Ancestor”.
28. Broken down into its components, an “Algonquin Ancestor” is:
  - a) a person
  - b) the person must be one who was born on or before July 15, 1897 and
  - c) the person must be identified in a historic record or document
  - d) this historic record or document must be one that is dated on or before December 31, 1921,
  - e) the identification of the person must be in such a way that it would be reasonable for the Tribunal to conclude
  - f) that the person identified in the historic record was considered to be an Algonquin or Nipissing,
  - g) or a sibling of such a person. A “sibling of such a person” means a person with a common Algonquin parent.
29. Elements (a), (b) and (c) confirm that the “Algonquin Ancestor” must be an identifiable historical person. While this may seem somewhat trite, these elements are very important as they confirm that a determination of who is or who is not an “Algonquin Ancestor” requires the Tribunal to focus on a specific historical person who is documented as being an identifiable person who existed in a time and place. This requirement means that the claim to Algonquin ancestry for the purposes of enrolment must be grounded or based on an actual historical person.

30. Element (d) pertains to the historic record itself as opposed to the person under consideration and that the historic record must be one that is dated on or before December 31, 1921.
31. Element (e) describes the standard that Tribunal must apply when making its determination. In this regard, the Tribunal must be satisfied that it is “reasonable to conclude”. As is readily apparent from the words used, this standard is obviously higher than “possible to conclude” or “may conclude” but is lower than being convinced “beyond all doubt”. The “reasonable to conclude” standard requires the Tribunal to conduct a thorough analysis of the evidence and to base its determination on the evidence. In this case, the evidence on which the Tribunal relies is found in the Enrolment Officer’s detailed report and the historical documents attached to it.
32. Element (f) requires the Tribunal to assess what the historical document or documents are telling us about the ancestor and how that ancestor may have been viewed by others.
33. As previously stated by the Tribunal, the application of the phrase “consider Algonquin or Nipissing” is a fact driven exercise that requires an attentive examination of the historical documents and the historical context in which they were created. The Tribunal notes that this is a highly contextual exercise that requires the Tribunal to analyze the evidence on the record before it as it relates to each matter or inquiry. The Tribunal’s task is always to determine whether it is reasonable to conclude that the historical person at issue “was considered to be an Algonquin or Nipissing” on the basis of the historical records.

**D. The Historical Documents pertaining to Mary Petrin (RIN #4762).**

34. The Enrolment Officer’s report is based on historical documents in her possession. No issues were raised with the respect to the authenticity of the documents and their reliability. The records and documents appended to the Enrolment Officer’s report are well-known documents that originate from well-known and reputable sources.
35. As indicated on page 4 of the Enrolment Officer’s report, Mary Petrin (RIN #4762)’s name and there of her husband are spelt in a variety of ways. For ease of reference, the Tribunal will refer to the subject ancestor as “Mary Petrin (RIN #4762)”.
36. In her report, the Enrolment Officer states that Mary Petrin (RIN #4762) was originally included on the Schedule of Algonquin Ancestors on the basis of a board decision on

November 8, 1997. The Enrolment Officer notes that Mary Petrin (RIN #4762) was originally included alongside her husband, John/Johny McIsaac/Washa8. The Enrolment Officer also notes that while John/Johny McIsaac/Washa8 was removed from the Schedule subsequent to a protest in 2011, Mary Petrin (RIN #4762) herself was not protested and thus remained on the Schedule.

37. The Tribunal notes that while John McIsaac Washa8 shares certain related documentation with Mary Petrin (RIN #4762), he is not the subject of the Tribunal's present inquiry and was considered only because his appearance on historical records helped identify Mary Petrin (RIN #4762).
38. On the basis of the available historical documentation (which documentation is appended to the Enrolment Officer's report and has been analyzed by the Tribunal members), the Enrolment Officer makes the following observations:
  - a) The earliest record for Mary Petrin (RIN #4762) is the marriage record that documents her marriage to Johny Washa8 in the June of 1871 in Temiscamingue, Quebec.<sup>3</sup> In this record, Mary Petrin (RIN #4762) and Johny Washa8 were both noted as resident in "Temiskaming". This record was recorded in the Indian registers of Marriages, Births, Deaths for the Albany-Temagami-Temiscamingue area, which also included records for the Indian Mission at Fort William where known Algonquins celebrated events at that time.
  - b) This marriage record identifies the parents of Mary Petrin (RIN #4762) as the deceased Bertrand Petrin (RIN #26675) and Jenny Polson (RIN #5270). The marriage was witnessed by Angus McBride and Johny Polson (both of whom are uncles of Mary Petrin (RIN #4762)). The record does not specifically indicate the origins of the bride, groom, parents, or witnesses.

---

<sup>3</sup> ALG-40043 (Note that an "ALG" number is a number that has been assigned to a document in the Enrolment Office database. It is used to help keep track of documents and assist in their identification for research and other purposes. The documents identified by "ALG" numbers in these reasons are appended to Document 1 – Enrolment Officer's Report Regarding Ancestor Mary Petrin.)

- c) Mary Petrin (RIN #4762) was listed on the 1871 Census for Temiscamingue East, North Pontiac, Quebec and living with the maternal grandparents William and Flora Polson, and older brother William Petrin (RIN #10439).<sup>4</sup>
- d) The 1871 census recorded Mary Petrin (RIN #4762) as being of Indian origin and 18 years old (giving her a likely birth year of 1853) and having been born in Quebec. John McIsaac/Washaw<sup>8</sup> was recorded as being aged 22, born in Rupert's Land, which gives him a likely birth year of 1849.<sup>5</sup>
- e) The 1871 census also enumerated William and Flora Polson's adult children, Thomas and John Polson, and Angus McBride (witness to the Petrin/Washa<sup>8</sup> marriage in June 1871). All of the individuals in the Polson and McBride households were identified as "Indian"; all were catholic with the exception of William Polson, who was a member of the "English Church" (Anglican).
- f) Mary Petrin (RIN #4762) and John McIsaac/Washaw<sup>8</sup> relocated to Mattawa. Most of their children were baptized at St. Anne's Church in Mattawa, where many godparents of these children were known Algonquins. In this regard, the following children of Mary Petrin (RIN #4762) and John McIsaac/Washaw<sup>8</sup> have been identified:
  - i) Joseph Washa<sup>8</sup> was baptized at St. Anne's Church in Mattawa in 1872. His godparents were named as Bernard Micmac (RIN #9249) and Philomene Antoine (RIN #57526). Those godparents are descended from Pierre Mikima (RIN #6802) and Francois Antoine Nijkwiwisens (RIN #9069), both of whom are listed on the Schedule of Ancestors.<sup>6</sup>
  - ii) Joseph Richard Isaac was baptized at St. Anne's Church in Mattawa in 1873. His godparents were named as Paul Chevalier (RIN #9690) and Anna McDonald (RIN

---

<sup>4</sup> ALG-29406

<sup>5</sup> The Tribunal notes that based on the Enrolment Officer's Report, at the time of John McIsaac/Washa<sup>8</sup>'s birth, Rupert's Land was the area surrounding Hudson Bay and James Bay. Lake Temiskaming was in the Province of Canada on the boundary between what is now Provinces of Ontario and Quebec.

<sup>6</sup> ALG-02443

- #2197). Paul Chevalier is the son of Paul Kwiwissens Chevalier (RIN #7883), who is listed on the Schedule of Ancestors.<sup>7</sup>
- iii) Margaret McIsaac was baptized at Sheenboro in 1879. Her godfather was named as Joseph Stevens, who is also known as Joseph Steven Casenipinensi (RIN #5895). Joseph Steven Casenipinensi (RIN #5895) was descended from Pierre Stevens Shawanipinesi (RIN #7960), who is listed on the Schedule of Ancestors.<sup>8</sup>
- i) Thomas McIsaac was baptized at St. Anne's Church in Mattawa in 1883. His godparents were named as Xavier McDougall (as known as Francois Xavier Kitchiganakwaham (RIN #22083)) and Elizabeth Notinons (RIN #22084).<sup>9</sup> Xavier McDougall's father was Pierre Kitchiganakwaham (RIN #6558), who is listed on the Schedule of Ancestors. Mary Petrin (RIN #4762)'s family is demonstrated to be close with Xavier McDougall's family, by the fact that Mary Petrin (RIN #4762) was named as the godmother for Xavier and Elizabeth's daughter Helene, who was baptized at St. Anne's Church, Mattawa in 1884.<sup>10</sup>
- g) The 1881 Census<sup>11</sup> recorded Mary Petrin (RIN #4762) as having been born in Quebec and of "half-breed" origin.
- h) The 1891 Census<sup>12</sup> recorded Mary Petrin (RIN #4762) and her family as being French Canadian in origin with Mary Petrin (RIN #4762) and John McIsaac/Washaw<sup>8</sup> was recorded as being born in Nipissing, Ontario. Mary Petrin (RIN #4762)'s parents were said to have been born in Quebec and John's parents were said to have been born in the North West Territories. Note that this census did not have an "ethnicity" question but did provide a column to indicate whether persons were said to be French Canadian. This column was checked-off for the entire Petrin/McIsaac household.

---

<sup>7</sup> ALG-02465

<sup>8</sup> ALG-30331

<sup>9</sup> ALG-02770

<sup>10</sup> ALG-05845

<sup>11</sup> ALG-29413

<sup>12</sup> ALG-29425

- i) The 1901 Census recorded Mary Petrin (RIN #4762) and her family as “R” for Red (Indigenous), living in the Townships of Clara, Head and Maria, which border the Ottawa River.<sup>13</sup> Mary Petrin (RIN #4762)’s origin was recorded as being French, born in Quebec. John McIsaac/Washaw8 was recorded as being Tête de Boule, which was an imprecise term used at various periods to describe Algonquian-speaking peoples who lived by hunting and fishing in a broad area of the sub-Arctic stretching from Trois Rivières to Lake Superior. At least some Tête de Boule were also referred to as Attikamegues, which apparently was an Algonquin term to denote people who lived adjacent to their Cree, Montagnais, and Algonquin neighbours and who were similar but distinct culturally and linguistically from them. Mary Petrin (RIN #4762)’s children were recorded as Tete de Boule F.B. (French Breed meaning a mix of French and Tête de Boule).
- j) The 1911 Census recorded Mary Petrin (RIN #4762) as being of French origin and born in Quebec.<sup>14</sup> John McIsaac/Washaw8 and their children were recorded as being “Scotch”, with John being born in Hudson Bay and the children born in Ontario. The family was recorded as living in the Townships of Clara, Head and Maria.
- k) The 1921 Census recorded Mary Petrin (RIN #4762) as a widow, being French in origin and born in Quebec.<sup>15</sup> Her daughter and granddaughter were recorded as being Scotch in origin. The women were living at Bissett Creek in Maria Township.
- l) In 1940, Mary Petrin (RIN #4762) was recorded in the civil death record as being French in origin, born at Fort William, Quebec, and resident at Bissett Creek, Ontario at the time of her death.<sup>16</sup> Her father was named as William Petrant, with her mother’s name unknown.
- m) In a 1937 report, Indian Affairs Inspector James McGookin wrote that “...Mary Petrant said to be Indian. Talks the Indian Language, but never belonged to any Band.”<sup>17</sup>

---

<sup>13</sup> ALG-01377

<sup>14</sup> ALG-22737

<sup>15</sup> ALG-22750

<sup>16</sup> ALG-29478

<sup>17</sup> ALG-40063. The Enrolment Officer notes that the reference to “Indian Band” in the 1937 McGookin report means a band under the *Indian Act*.

39. The Enrolment Officer notes that while certain historic documents identify Mary's origins as being Indigenous, they do not specify her origins as being of Algonquin origin.
40. However, the Enrolment Officer observes, and the Tribunal agrees, that: a) the historical documentation indicates that Mary Petrin (RIN #4762) originates from Temiskaming; b) the Temiskaming area was, at that time, an Algonquin area; and c) the available historical records indicate that Mary Petrin (RIN #4762) was closely associated and integrated into the Algonquin community.
41. The Tribunal observes that this association and integration was not of a passing nature, but unfolded over the course of her lifetime, as shown through the pattern of known Algonquins witnessing important life events for Mary Petrin (RIN #4762)'s family, and that Mary Petrin (RIN #4762) herself witnessed life events of known Algonquins.
42. Also, this association continued through the marriage of her son, James, married Angelique Dufond in 1917 at St. Anne's Church, Mattawa.<sup>18</sup> Angelique Dufond was the paternal granddaughter of Amable Inini di Papons (RIN #6437) and the maternal granddaughter of Antoine Simon/Wekimawanotipetch (RIN #1729), both of whom are listed on the Schedule of Algonquin Ancestors.
43. The Enrolment Officer notes, and the Tribunal agrees, that census documents may often record erroneous information regarding an individual's origins. This is evident from a review of the census records noted above. The Enrolment Officer also notes that it was also common for the origin of the children to be noted as being the same as that of the father, regardless of the mother's origin.
44. In addition to historical documents pertaining to Mary Petrin (RIN #4762) and her children, the Enrolment Officer was also able to locate and describe documents that pertain to Mary Petrin (RIN #4762)'s brother and to her uncles.
45. In this regard, the available historical documentation confirms that Mary Petrin (RIN #4762)'s brother was named Willian Petrin (RIN #10439). Willian Petrin (RIN #10439) is documented as being an "Indian" from Temiscamingue<sup>19</sup> and his marriage was record in the Indian registers

---

<sup>18</sup> ALG-13606

<sup>19</sup> ALG-29406

of Marriage, Births, Deaths for the Albany-Temagami-Temiscamingue area.<sup>20</sup> He is later enumerated on the 1921 census as living on the Bear Island Temagami Reserve and is identified as an “Algonquin Indian” who speaks “Algonquin Indian”.<sup>21</sup>

46. Mary Petrin (RIN #4762)’s maternal uncles (that is the brothers of Mary Petrin (RIN #4762)’s mother, Jenny Polson) Johny Polson and Thomas Polson were enumerated on the 1901 Census for North Temiscamingue, Quebec as being Algonquin in origin and as speaking Algonquin.<sup>22</sup> This description provides a basis on which to conclude that Mary Petrin (RIN #4762)’s mother and, hence, Mary Petrin (RIN #4762) herself were Algonquin.

**E. Mary Petrin (RIN #4762) meets the definition of Algonquin Ancestor**

47. The Tribunal concludes that Mary Petrin (RIN #4762) meets the criteria set out in the definition of “Algonquin Ancestor”.
48. The Tribunal recognizes that there is no historical document that specifically and unequivocally identifies Mary Petrin (RIN #4762) as Algonquin.
49. However, the information available from the historical documentation indicates that Mary Petrin (RIN #4762): a) originated from a community (being Temiskaming) which, at the relevant time, was known as an Algonquin area and community; b) lived with Algonquins in Algonquin communities (both in Temiskaming and in Mattawa) her entire life; and c) was a significant part of the lives of known Algonquins.
50. The Tribunal has consistently held that the application of the phrase “consider Algonquin or Nipissing” is a fact driven exercise that requires an attentive examination of the historical documents and the historical context in which they were created. The Tribunal notes that this is a highly contextual exercise that requires the Tribunal to analyze the evidence on the record before it as it relates to each matter or inquiry. The Tribunal’s task is always to determine whether it is reasonable to conclude that the historical person at issue “was considered to be an Algonquin or Nipissing” on the basis of the historical records.

---

<sup>20</sup> ALG-40047

<sup>21</sup> AGL-40050 – note that the reference to “Algonquin” is made at the top of both the racial identity and language columns.

<sup>22</sup> ALG-40058



51. The historical evidence outlined above leads the Tribunal to find that is reasonable to conclude that Mary Petrin (RIN #4762) “was considered to be an Algonquin or Nipissing.”
52. To the extent that there is any doubt regarding this conclusion, the Tribunal also bases its decision on the fact that that Mary Petrin (RIN #4762)’s full brother, William Petrin (RIN #10439), and her maternal uncles, Johny Polson and Thomas Polson were all clearly identified as “Algonquin” on historical documents dated before 1921 and were themselves considered to be Algonquin.

**F. Comment on family lore and oral history**

53. The Tribunal wants to comment on Oral History in this case to ensure that interested parties have insight into how the Tribunal approached the evidence presented during the course of the inquiry.
54. Those in support of keeping Mary Petrin (RIN #4762) on the Schedule of Algonquin Ancestors recounted a family story regarding an “Indian Princess” that was said to be about Mary Petrin (RIN #4762).
55. The Tribunal wants to be clear in stating that it did not rely on this family story in coming to its determination. The story relayed to the Tribunal was more akin to being family lore, or a fable, as opposed to being something that would properly be considered Oral History.
56. In any event, it is clear that the Tribunal may consider Oral History as part of its evidence-based decision-making process. However, the extent to which the Tribunal may give weight to or rely on such Oral History is guided by the considerations set out in Article 8 of the Special Resolution.
57. Article 8 of the Special Resolution provides that:

When the Tribunal is asked to consider the probative value of evidence presented as Oral History, the Tribunal shall assess whether the Oral History is reliable and what weight is properly assigned to such Oral History by considering all the circumstances relevant to the Oral History and the matter that is sought to be proven by the Oral History, including:

- a) the original source of the Oral History;
- b) how the Oral History has been recorded and transmitted to others over time;

c) whether the person presenting the Oral History is a reasonably reliable source for the Oral History;

d) the degree to which the Oral History is known to members of the Algonquin Collective from which the Oral History is said to originate or otherwise relates; and

e) the degree to which the Oral History is corroborated by or consistent with other evidence that is available to the Tribunal.

58. On the basis of these considerations and to the extent that the family story was presented as Oral History, the Tribunal confirms that it does not attach any evidentiary weight to the family story and did not rely on it in coming to its conclusion. Most importantly, the Tribunal notes that the events described in the story are inconsistent with the historical period in which Mary Petrin (RIN #4762) lived, which was evidenced by the available historical documentation. Also, the story is not corroborated by other information. For example, the story indicates that Mary Petrin (RIN #4762) and her parents were from the Lake of Two Mountains. However, the historical documentation indicates that Mary Petrin (RIN #4762) and her parents were from Temiskaming.
59. The fact that this family story is inconsistent with the historical record does not detract from the historical record. Again, the Tribunal sees the family story as being akin to family lore or a fable as opposed to being an authoritative recitation of facts.

**G. Confirmation of Determination**

60. For the reasons stated above and on the basis of the historical record before the Tribunal, the Tribunal determines that Mary Petrin (RIN #4762) is properly considered an “Algonquin Ancestor” and should remain on the Schedule of Algonquin Ancestors.

**TO:** Algonquin Negotiation Representatives

**AND TO:** Enrolment Officer

**AND TO:** Algonquins of Ontario Consultation Office (for public posting)

**AND TO:** Registered Participants:  
Robert Campbell

Sherrí Crawford  
Neil Giroux  
Brenda Higson  
Mallorie Mitchell  
Richard Tooley  
Chief Clifford Bastien  
Robert Campbell  
Ron Crawford