

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 Joseph Paquette (RIN #11371)

**DETERMINATION AND REASONS FOR DETERMINATION
REGARDING THE ALGONQUIN TRIBUNAL'S INQUIRY INTO
JOSEPH PAQUETTE (RIN #11371)**

Hearing Date: May 4, 2023, Pembroke, Ontario

Date of Determination and Reasons: July 7, 2023

Hearing Panel: Deborah Moore (Chairperson), Connie Deroneth, Jan Leroux, Robin McLaren, and Robin Tinney

Legal counsel: Ben Mills (Advisory Member)
Angel Li

Persons filing written submissions: Joan Holmes (Enrolment Officer)

Persons making presentations at hearing: Joan Holmes (Enrolment Officer)
Charles Paquette (in support)
Darryl Leroux (against, representing AOPFN Chief in Council)
As invited by the Chairperson, other individuals in attendance made brief submissions in support and also asked questions.

**ALGONQUIN TRIBUNAL’S DETERMINATION REGARDING THE INQUIRY INTO
JOSEPH PAQUETTE (RIN #11371)**

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 Joseph Paquette (RIN #11371) 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 he 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 has determined that Joseph Paquette (RIN #11371) is not 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 he was considered to be an Algonquin or Nipissing, or a sibling of such a person.

Pursuant to Article 100 of the Special Resolution of the Algonquin Negotiation Representatives on the Algonquins of Ontario Enrolment and Appeal Board (approved on April 20, 2021), the Tribunal directs that Joseph Paquette (RIN #11371) be removed from the Schedule of Algonquin Ancestors.

Deborah Moore (Chairperson)
Connie Deroneth
Jan Leroux
Robin McLaren
Robin Tinney

REASONS FOR DETERMINATION

REASONS DELIVERED BY:

**Moore (Chairperson), Deroneth,
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**”).¹
4. Included amongst the fourteen historic persons referred to the Tribunal for inquiry was Joseph Paquette (RIN #11371).²
5. The ANRs referral of Joseph Paquette (RIN #11371) (and other historical persons) to the Tribunal was made pursuant to Article 76(e) of the Special Resolution, which provides that the

¹ 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).

² 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.

“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 Joseph Paquette (RIN #11371) 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 Joseph Paquette (RIN #11371) would remain on the Schedule of Algonquin Ancestors.
8. If the Tribunal determines that Joseph Paquette (RIN #11371) does not meet the above noted criteria, then Joseph Paquette (RIN #11371) 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 Joseph Paquette (RIN #11371) from the Schedule of Algonquin Ancestors and 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 that 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 reports from the Enrolment Officer 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. The Tribunal understands that participants in this inquiry availed themselves of these resources.
17. Specifically with respect to the Tribunal's inquiry into Joseph Paquette (RIN #11371), 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 Joseph Paquette
 - b) Document 2 – Initial Submission by C. Paquette
 - c) Document 3 – Responding Submission by V. Coburn
 - d) Document 4 – Enrolment Officers Reply to Initial Submissions Regarding Joseph Paquette (RIN 11371)
 - e) Document 5 – Enrolment Officers Reply to responding submission re #11371
 - f) Document 6 – Reply Submission by C. Paquette
 - g) Document 7 – Submission by Chief W. Jocko on behalf of her community
 - h) Document 8 – Enrolment Officers Reply Report to Paquette Reply submission re #11371
 - i) Document 9 – Enrolment Officer's Reply to submission 7 re 11371
 - j) Document 10 – Enrolment Officers Supplement Presentation for Joseph Paquette (Note that Document 10 is a copy of the power point presentation made by the Enrolment Officer at the hearing on May 4, 2023. This presentation was posted on the Tribunal's website subsequent to the hearing.)

18. The Tribunal members have attentively reviewed those materials in preparation for the hearing and in their deliberations regarding this important matter.
19. 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.
20. The Tribunal held a hearing on May 4, 2023 at the Best Western Hotel in Pembroke.
21. The hearing was open to interested parties.
22. The hearing opened with an opening prayer and the Chairperson providing an overview of the order of proceedings.
23. The Enrolment Officer gave an oral presentation supplemented with PowerPoint visuals (which is now posted on the Tribunal's website as "Document 10 – Enrolment Officers Supplement Presentation for Joseph Paquette"). The Enrolment Officer answered questions from the panel and from those in attendance and spoke in response to submissions and comments made by others.
24. Charles Paquette spoke on behalf of himself and his family in support of maintaining Joseph Paquette (RIN #11371) on the Schedule of Algonquin Ancestors. Mr. Paquette spoke from the heart and, amongst other things, described the positive impact that being identified as Algonquin has had on him. He also described the strain that this process has had on him and his family.
25. Dr. Darryl Leroux (PhD) made brief oral submissions against the continued listing of Joseph Paquette (RIN #11371) on the Schedule of Algonquin Ancestors. Dr. Leroux was appearing on behalf of the AOPFN Chief and Council. Dr. Leroux's oral submissions were focused on the historical documents relevant to this inquiry.
26. Other interested parties in attendance at the hearing also spoke in support of Mr. Paquette's submissions and in support of maintaining Joseph Paquette (RIN #11371) on the Schedule of Algonquin Ancestors. These attendees also asked questions, which were addressed by the Enrolment Officer and the Advisory Member.
27. The panel reserved its decision at the hearing so as to deliberate on this important matter and to draft reasons.

B. The Tribunal's Determination

28. Upon consideration of the evidence and the submissions made by participants, and having reference to the definition of "Algonquin Ancestor", the Tribunal has unanimously determined on the basis of the record before it that Joseph Paquette (RIN #11371) is not 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 he was considered to be an Algonquin or Nipissing; nor is he a sibling of such a person.
29. In coming to its determination, the Tribunal had reference to all of the information before it and also considered the oral submissions that were made at the hearing.
30. The Tribunal's reasons for its determination are set out below.

C. Definition of Algonquin Ancestor

31. The starting point of the Tribunal's analysis is the definition of "Algonquin Ancestor".
32. 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.
33. 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.

34. 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.
35. 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 reports and the historical documents attached to it.
36. 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.
37. 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. Bringing the issue in this Inquiry into focus

38. In the present inquiry, there is no issue that the persons who are descended from Joseph Paquette (RIN #11371) are indeed his lineal descendants. The Tribunal makes mention of this point as some of the submissions that it received from participants were focused on establishing that a lineal connection between themselves (or their family members) and Joseph Paquette (RIN #11371).
39. Also, there is no issue that Joseph Paquette (RIN #11371) is an identifiable person.

40. The issue in this case pertains to whether or not Joseph Paquette (RIN #11371) 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 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.
41. The historical record that is at the center of this inquiry is the 1825 Census of the Algonquin and Nipissing villages at the mission of Lake of Two Mountains (which is also known as Oka or Lac des Deux Montagnes). This document is attached to *Document 1 – Enrolment Officer’s Report Regarding Ancestor Joseph Paquette* and has been assigned ALG³ number ALG-07287 (“**1825 Census**”).
42. This is the only historic document that was put before the Tribunal to support the conclusion that Joseph Paquette (RIN #11371) is identified in such a way that he was considered Algonquin or Nipissing.
43. On the basis of the materials filed and the oral submissions made at the hearing, the Tribunal understands that:
 - a) those in support of the continued listing of Joseph Paquette on the Schedule of Algonquin Ancestors submit that the person identified in the 1825 Census is Joseph Paquette (RIN #11371) and that the 1825 Census is a historical document demonstrating that Joseph Paquette (RIN #11371) meets the definition of “Algonquin Ancestor”;
 - b) those that oppose the continued listing of Joseph Paquette on the Schedule of Algonquin Ancestors submit that the person identified in 1825 Census is not Joseph Paquette (RIN #11371) but rather is a person name “Joseph Payette” and also submit that Joseph Paquette (RIN #11371) is solely of European ancestry; and
 - c) the Enrollment Officer’s reports indicate that the genealogical/historic profile of Joseph Paquette (RIN #11371) is not consistent with him being the person named in the 1825 Census and also has raised a concern that the entry in the 1825 Census could be read as

³ 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.

being “Joseph Payette” as opposed to “Joseph Paquette”. The Enrolment Officer also provided a genealogical profile for Joseph Paquette (RIN #11371).

44. The Tribunal notes that no party is questioning the authenticity of the 1825 Census itself – it is the 1825 Census and has been verified as such. For clarity, the entry on the 1825 Census is as follows:

<i>Louis Miffisselima Kotte</i>	8	2	1	1			1	1		1	1	1	1
<i>Michél Chichaybad</i>	6		2	1				2		2		1	
<i>Joseph Payette</i>	6		1	1	1				1	1	1	1	
<i>Jacques Commescaut</i>	12	3	2	3			1			3	2	1	10
<i>Constant Piniudy</i>	3	1								1	-		1

45. In light of the above, the issue then becomes whether the “Joseph” (whether his last name is spelt Paquette or Payette) identified in the 1825 Census is Joseph Paquette (RIN #11371).

E. Comment on Name Variations

46. The Tribunal recognizes that Joseph Paquette (RIN #11371) and his documented children’s surname “Paquette” is spelt in various ways on documents that pertain to them, including as “Paquette”, “Paquet” and “Paquette”. In addition, those in support of keeping Joseph Paquette (RIN #11371) on the Schedule of Algonquin Ancestors submit that his name is also rendered as “Paquette”. For ease of reference, the Tribunal has simply used Joseph Paquette (RIN #11371) when referring to the ancestor in these reasons.

F. Initial Comment on Tribunal’s Jurisdiction

47. The 1825 Census was the basis on which Joseph Paquette (RIN #11371) was originally included on Schedule A of the Algonquin Enrolment Law (May 31, 1994). Schedule A was created by Chief and Counsel of the AOPFN early in the present effort to advance treaty negotiations with the Governments of Ontario and Canada. Schedule A included the names of historic persons that appears on petitions to government from the Algonquins and Nipissings claiming rights to the Ottawa Valley and also included names of persons named on various census records for the Algonquin and Nipissing villages at the mission of Lake of Two Mountains. Schedule A identifies a person named “Joseph Paquette” and indicates that he was included in that schedule as a result of being listed in the 1825 Census. Schedule A came to be the basis for the Schedule of Algonquin Ancestors.

48. The only basis on which “Joseph Paquette” could have been included on Schedule A is the excerpt from the 1825 Census reproduced above. In this regard, the Enrolment Officer has confirmed that there is no other person named “Joseph Paquette”, “Joseph Paquet” or “Joseph Paquette” on the 1825 Census. No other party has contested the Enrolment Officer’s position in that regard.
49. The Tribunal recognizes that a previous enrolment process found that the “Joseph” listed on the 1825 Census was “Joseph Paquette”. The Tribunal also recognizes that this “Joseph Paquette” was understood or accepted as being Joseph Paquette (RIN #11371). This is evident from the fact that people were enrolled, from time to time, in the Algonquins of Ontario on the basis of Joseph Paquette (RIN #11371).
50. With respect to previous enrolment or review processes, Article 77 of the Special Resolution⁴ provides that:
- Any matter brought to the Tribunal for determination shall be heard and be determined as a new proceeding, but this does not preclude the Tribunal from considering decisions made by other decision-making bodies including with respect to past enrolment processes.
51. As such, while it is clear that past enrolment processes have accepted, or otherwise proceeded on the basis that, the “Joseph” listed on the 1825 Census is Joseph Paquette (RIN #11371), the Tribunal is not bound by those decisions but is empowered to make its own findings and conclusions.
52. Furthermore, the previous enrolment processes by which Joseph Paquette (RIN #11371) was identified as an Algonquin Ancestor was not as robust as is presently the case. For example, the previous enrolment processes did not benefit from a genealogical or detailed historical analysis of documents that was conducted by experts. Also, access to computers and the digitization of records has increased the efficiency and reliability of historical research of this nature. This is not to be critical of past enrolment processes. Rather, it is simply to note that research techniques and access to information has advanced significantly since Joseph Paquette (RIN #11371) was originally included on Schedule A of the Algonquin Enrolment Law (May 31, 1994).

⁴ The Special Resolution is available on the Tribunal website at: https://www.tanakiwin.com/wp-system/uploads/2021/06/Link-3_Motion_20210420-01_AOO-Enrolment-and-Appeal-Board_20210421_Final.pdf.

G. Joseph Paquette (RIN #11371) is not the person listed on the 1825 Census

53. The Tribunal has concluded that Joseph Paquette (RIN #11371) is not the person listed on the 1825 Census.
54. The Tribunal has come to this conclusion based on the following considerations.
55. The “Joseph” listed on the 1825 Census is a person who is the head of a six-person household. Apart from “Joseph”, the 1825 Census does not record the names of the other members of this household. However, the 1825 Census does record other information. In this regard, the 1825 Census provides the following information:
 - a) The head of household was “Joseph”, whether that be Paquette or Payette;
 - b) There were 6 people living in the household;
 - c) There were no children under 6 years of age;
 - d) There was one child between the age of 6 and 14;
 - e) There was one child between the age of 14 and 18;
 - f) There was one married male between the age of 18 to 25;
 - g) There was one unmarried male who was at least 60 years old;
 - h) There was one female, under the age of 14 (note that this entry is likely also capture by the entry of there being a child who is between the age of 6 and 14, as indicated above);
 - i) There was another female who was 45 and unmarried; and
 - j) There was a further female who was under 45 and married (presumably the spouse of the male aged 18 to 25, as indicated above).
56. It is not clear from the 1825 Census whether the “Joseph” who is identified as the head of the household is the man who is enumerated as being 60 or older or the man who is enumerated as being 18-25 and married.
57. If the “Joseph” identified as head of the household in the 1825 Census was the married man aged 18-25, he would have been born sometime between 1799 and 1806. If the “Joseph” identified as the head of household in the 1825 Census was the man who was 60+ and unmarried, he would have been born sometime prior to 1766.

58. Other historical records that pertain to Joseph Paquette (RIN #11371) give the following biographical profile for Joseph Paquette (RIN #11371):
- a) A marriage record (identified as ALG-40016) indicates that Joseph Paquette (RIN #11371) married Marie Helene Barrette in 1783 at St. Vincent de Paul Parish in Laval County, Quebec; and
 - b) A burial record (identified as ALG-40017) indicates that Joseph Paquette (RIN #11371) was buried on November 20, 1818 at St. Martin, Laval.
59. In light of the fact that Joseph Paquette (RIN #11371) was buried in 1818, it follows that he cannot be the “Joseph” identified as the head of household in the 1825 Census as he had died by that point.
60. Also, the information available from *Document 1 – Enrolment Officer’s Report Regarding Ancestor Joseph Paquette* indicates that Joseph Paquette (RIN #11371) is well documented on the basis of records that pertain to him and on the basis of records that pertain to his children. He and his spouse, Marie Helene Barette, had 18 children with baptisms and burials of their children taking place at either the St. Vincent de Paul Parish in Laval County, Quebec or the Parish of St. Martin located in Laval County, Quebec. These records do not place Joseph Paquette (RIN #11371) as having any life events at the Algonquin and Nipissing villages at the mission of Lake of Two Mountains.

H. Other potential “Joseph Paquet/Paquette”

61. In *Document 1 – Enrolment Officer’s Report Regarding Ancestor Joseph Paquette*, the Enrolment Officer considers whether the “Joseph” listed in the 1825 Census may be another person who is related to Joseph Paquette (RIN #11371), such as his father, son or some other relation by the same or a similar name.
62. The father of Joseph Paquette (RIN #11371) was named also Joseph Paquette (RIN #310074). The registry of the parish of St. Martin located in Laval County, Quebec (which is identified as ALG-40024 in *Document 1 – Enrolment Officer’s Report Regarding Ancestor Joseph Paquette*) indicates that Joseph Paquette (RIN#310074) died in 1813. On that basis, Joseph Paquette (RIN #310074) could not have been the “Joseph” enumerated in the 1825 Census.

63. The son of Joseph Paquette (RIN #11371) was again named Joseph Paquette (RIN #29633). Joseph Paquette (RIN #29633):
- a) was baptized on April 7, 1785 at St. Vincent de Paul parish in Laval County, Quebec (see ALG-40018 in *Document 1 – Enrolment Officer’s Report Regarding Ancestor Joseph Paquette*); and
 - b) married Marie Louise Aube at St. Vincent de Paul parish, Laval County, Quebec in 1812 (see ALG-40019 in *Document 1 – Enrolment Officer’s Report Regarding Ancestor Joseph Paquette*); and
 - c) was buried at St. Vincent de Paul, Laval County, Quebec in 1832 (see ALG-40026 in *Document 1 – Enrolment Officer’s Report Regarding Ancestor Joseph Paquette*).
64. There is no basis to conclude that Joseph Paquette (RIN #29633) is the “Joseph” listed in the 1825 Census as his biographical details do not match those ascribed to “Joseph” in the 1825 Census. In this regard, Joseph Paquette (RIN #29633), having been born in 1785, is too old to be the younger man enumerated in the 1825 Census by at least 15 years and is too young to be the older man enumerated in the 1825 Census by at least 20 years. Also, the Enrolment Officer notes in *Document 1 – Enrolment Officer’s Report Regarding Ancestor Joseph Paquette* that the children of Joseph Paquette (RIN #29633) in 1825 do not match the descriptions of the children enumerated in the 1825 Census. On the basis of the available historical records, the only surviving children of Joseph Paquette (RIN #29633) in 1825 was a son born in 1817 and a daughter born in 1824.
65. In addition to considering the relations of Joseph Paquette (RIN #11371) who have the first name “Joseph”, the Enrolment Officer also considered whether Jacques Paquette (RIN #14047) and certain children of Alexis Paquette (RIN # 14050) could be the “Joseph” enumerated in the 1825 Census. Jacques Paquette (RIN #14047) was the son of Joseph Paquette (RIN #11371). Alexis Paquette (RIN # 14050) was the nephew of Joseph Paquette (RIN #11371) and named two of his children “Joseph”.
66. The information set out in *Document 1 – Enrolment Officer’s Report Regarding Ancestor Joseph Paquette* (including the attached historical documents) does not provide a basis on

which to conclude the “Joseph” listed in the 1825 Census is either Jacques Paquette (RIN #14047) or the children of Alexis Paquette (RIN # 14050).

67. The Enrolment Officer indicates on the basis of the available records that Jacques Paquette (RIN #14047) was not living in, or was otherwise associated with, the Algonquin and Nipissing villages at the mission of Lake of Two Mountains.
68. With respect to Alexis Paquette (RIN # 14050), the Enrolment Officer indicates that he had two children that were named “Joseph”. However, both of those children were deceased prior to 1825, with one child having died within a few weeks of being born (March 8, 1797 to March 26, 1797) and other only being buried on February 12, 1813.
69. The Tribunal notes that the additional research undertaken by the Enrolment Officer should be commended. It was a good faith effort on the part of the Enrolment Officer to determine whether there might be some basis on which to conclude that the “Joseph” listed in the 1825 Census could be linked to Joseph Paquette (RIN #11371) and his lineal descendants. Despite these good faith efforts, the research conducted by the Enrolment Officer did not uncover historical documentation that would support a connection between Joseph Paquette (RIN #11371) and the “Joseph” identified in the 1825 Census.

I. Responses to the Enrolment Officer’s Report

70. Interested parties had an opportunity to provide a response to the *Document 1 – Enrolment Officer’s Report Regarding Ancestor Joseph Paquette*.
71. The Tribunal has read these materials in detail.
72. The central issue in this matter is whether or not Joseph Paquette (RIN #11371) 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 the person was considered to be an Algonquin or Nipissing, or a sibling of such a person.
73. Apart from pointing to the 1825 Census, those in support of keeping Joseph Paquette (RIN #11371) on the Schedule of Algonquin Ancestors did not identify another historic record that would serve as a basis for concluding that Joseph Paquette (RIN #11371) is an “Algonquin Ancestor” as that term is defined in the Proposed Beneficiary Criteria.

74. The Tribunal also received submissions from those opposed to keeping Joseph Paquette (RIN #11371) on the Schedule of Algonquin Ancestors, as follows:
- a) The Tribunal received a submission from Chief Wendy Jocko, which attached a position statement drafted by Dr. Daryl Leroux (PhD). In this submission, Dr. Leroux states that the available documentation does not indicate that Joseph Paquette (RIN #11371) meets the criteria set out in the definition of “Algonquin Ancestor”.
 - b) The Tribunal received a detailed submission from Dr. Veldon Coburn (PhD). In his submission, Dr. Colburn comments on various matters, the most relevant being the genealogy of Joseph Paquette (RIN #11371). In Mr. Colburn’s submission, the genealogical information regarding Joseph Paquette (RIN #11371) indicates that he is of European descent (primarily French) and there are no indications of Indigenous ancestry. The Tribunal notes that the Enrolment Officer conducted her own genealogical profile of Joseph Paquette (RIN #11371). Dr. Coburn’s submission is consistent with the genealogical profile provided by the Enrolment Officer.

J. The issue of “Paquette” vs. “Payette”

75. The Tribunal recognizes that both the Enrolment Officer and Dr. Leroux interpret the entry on the 1825 Census as identifying a person named “Joseph Payette” as opposed to a person named “Joseph Paquette”. The Tribunal has not based its decision on that issue. Rather, as set out above, the Tribunal has based its decision on the biographical profile of Joseph Paquette (RIN #11371) and his relevant family members.

K. The connection that individuals have with Algonquin culture and ways

76. Those in support of Joseph Paquette (RIN #11371) gave a heartfelt description of their connection with Algonquin culture and ways and how being identified as part of the Algonquin community is important to them and a point of pride.
77. The Tribunal accepts these statement as being genuine. The Tribunal also accepts that those who were enrolled on the basis of being a lineal descendant of Joseph Paquette (RIN #11371) did so in good faith.
78. The Tribunal recognizes that as a consequence of its determination that Joseph Paquette (RIN #11371) is not properly considered an Algonquin Ancestor, individuals who rely solely on

Joseph Paquette (RIN #11371) as their Algonquin Ancestor may be removed from the Enrolment List. This is the reality of the Tribunal's inquiry process and the fact that this process is being undertaken to ensure that beneficiaries of the treaty being negotiated with the Governments of Ontario and Canada are Aboriginal rights-bearing Algonquins.

79. However, the Tribunal notes that its determination is only with respect to Joseph Paquette (RIN #11371). It is possible that those who rely on Joseph Paquette (RIN #11371) may have an alternative Algonquin Ancestor or may be a descendant of another historical person who may qualify as an Algonquin Ancestor or who may otherwise be Indigenous. These are considerations for those affected by this decision to further explore and research. The Tribunal's present ruling does not preclude Algonquin or Indigenous ancestry by some other historical person.

L. Conclusion

80. The Tribunal has determined that Joseph Paquette (RIN #11371) is not 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 he was considered to be an Algonquin or Nipissing, or a sibling of such a person.
81. Pursuant to Article 100 of the Special Resolution, Joseph Paquette (RIN #11371) will be removed from the Schedule of Algonquin Ancestors.
82. Pursuant to Article 103 of the Special Resolution, the Enrolment Officer will undertake a review of the Enrolment List to identify those individuals who no longer meet Article 2.1(b)(ii) of the Enrolment Criteria and remove the names of those individuals from the Enrolment List. The Enrolment Officer will also provide the names of those individuals to the Tribunal Chairperson who will notify those individuals that they are no longer Enrolled.

TO: The Participants (including Charles Paquette)

AND TO: Algonquin Negotiation Representatives

AND TO: Enrolment Officer

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