MEMO

TO: Joan Holmes

FROM: Bob Majaury

Date: August, 22, 2022

SUBJECT: Document related to the upcoming Tribunal hearing.

You sent a fairly long document to Lynn Cloutier ANR dated July 27, 2020, and Lynn forwarded it to me and Heather.

Your document was in response to our emails dated July 22, 23, 25 and 27, 2020.

The information that you included was extremely helpful, and I want to let you know that it was, and is appreciated.

For the most part it was accurate to the best of my knowledge, and certainly better than I could have done. I did find an error, and some omissions that the person doing the research made, and it is perfectly understandable, since this probably wasn't the only file they would have been working on.

In the attached document, I have highlighted items of concern, and provided clarification and explanation as appropriate.

The 1881 Census shows that Michel McDonald was born in "O".

The 1871 and 1901 Censuses show that Michel McDonald was born in "Manitoba" and "Man". Manitoba, as a province, was created and named on July 15, 1870.

The 1901 Census states that Michel McDonald did not read or write.

Elizabeth McDonald died of a postpartum hemorrhage, the day Joseph McDonald was born, July 19 1893.

Peter McDonald had three children with his first wife, Catherine Pierre, and six children with his second wife, Annie Payea.

I have also included information that shows that the Michel McDonald family had contact with, and relationships with, other Algonquin family lines.

I'm hoping that this will assist you in preparing the Enrolment Officer's Report on Michel McDonald, scheduled for the week of October 28, 2022.

I do have a question that I hope you can answer for me.

On what grounds are the ANRs asking the Tribunal to question the 2013 decision of Superior Court Justice James Chadwick (retired) of accepting Michel McDonald as an Algonquin root ancestor?

- Is there proof of fraud?
- Is there new information?
- Was there a serious error in Justice Chadwick's decision?

Please let me know if I'm following proper procedure, because I find the process a little confusing.

Respectfully submitted by,

Robert (Bob) Majaury

Observations and response to Joan Holmes Email Dated July 27, 2020

August 12, 2022

I want to make it clear that the information in the document dated July 27, 2020 is informative and in my opinion mostly correct.

I will go page by page pointing out anything that I think needs clarification, and supply supporting documents etc.

Page #1. "We have no documented information about Michel McDonald's parents". Then you make reference to the 1871 Census record and the 1901 Census that say he was born in Manitoba. In 1871 he was living in Renfrew County, and was thirty one years of age. Manitoba was officially named and made a province on July 15th 1870. Exactly how would a man who has no record of his parents, spoke broken English, possibly French and who could communicate in Algonquin, and who may or may not have been able to read or write, know that he was born in a province that didn't exist when he was born?

Your document also states that the 1881 Census says he was born in Scotland, when in fact the 1881 Census states that he was born in "O" for Ontario. The fact that there are references to several dates of birth for Michel McDonald, makes it even more likely that he wouldn't know that he was born in a faraway province that was only named and became a province months before the 1871 Census was taken.

Page# 4. Elizabeth died on the same day baby Joseph was born. Will include a copy of the death record.

The fact that Sarah (Serry) Whiteduck was in the Michel McDonald home looking after the children after the death of their mother in 1893, proves a relationship between her and all of the children during the petitioning period. Since Sarah was the first cousin of Michel's first two wives, there can be little doubt that there had been a long term relationship with the family. The only record is the 1901 Census. In the 1901 Census Michel and Sarah are both identified as Cree fb, but in the 1911 Census, that was corrected, and Sarah was identified as Algonquin, speaking Indian and Michel had died in 1907. To quote your document. "This suggests an on-going relationship between Michel McDonald's family, that (sic) these other Algonquin family lines".

Brent Whetung, the grandson of Elizabeth Whetung nee McDonald, testified during the 2013 hearing in front of Superior Court Justice James Chadwick (retired), that his grandmother was fluent in the Anishinabemowen language, because she and her husband, Edgerton Ryerson Whetung, used to converse in that language, when they didn't want the children to know what they were talking about. They did not teach the children that language.

Brent has also stated that his grandmother said her father Michel McDonald had deep scars on his back from being beaten as a child.

Page #5. In the case of my grandfather John Christmas McDonald, he would have had the required relationship with another Algonquin line, while his father Michel McDonald would have had the required twenty years in the territory during the petitioning period.

The following is a quote from your document on page five. "In regard to the other children (the most relevant being Peter and John Christmas), none has a documented relationship in the petitioning period,

and they are born too late to fulfill the 20 year requirement." This seems to contradict your previous statement, "This suggests an ongoing relationship between Michel McDonald's family that (sic) these other Algonquin family lines".

Page #5. I have sent you a picture of Peter McDonald and Catherine Pierre nee Jocko. My mother always referred to her as Jocko. The picture included their three children, Andy who drowned in Sunday Lake, Bill, and Mary whose 90th birthday I attended some years ago in Gananoque.

I will include an obituary notice for Peter McDonald's daughter, Margaret, from his second marriage, and you will see that there were six daughters from this union. Mary that is listed is from his first marriage.

Page #6. Phoebe Peters nee Kelford #15193. She is the mother of Mary Anne Peters, wife of John Christmas McDonald. Phoebe is the daughter of Jane also recorded as Mary Kelford and the older sister to Joe Whiteduck known as Kelford. I have no record stating who Phoebe's father was, but I have a marriage record for her younger brother Joe to Loretta Manion dated 1914, stating that his father was Joe Whiteduck. There is reference to Joe Whiteduck called Kelford in the Rosenberger papers on "Whiteduck" on page 231.

The most recent available Census for 1921 lists my mother Frances Majaury nee McDonald, her sister and her father, John Christmas McDonald, "Indian"

To summarize:

Michel McDonald has only been recorded as being in Algonquin territory. He and his descendants have been identified as Indigenous on multiple documents.

There have been many documented relationships with Algonquin people from other family lines.

Mary Peters' uncle is documented as being the son of an Algonquin, and there is the possibility that her mother, Pheobe was the product of a long term relationship between her mother Jane (Mary) Kelford and the same Joe Whiteduck. Unfortunately I have no documentation on that birth, or the birth of her brother Joseph for that matter. What I have is the before mentioned record of marriage.

My older brother and I remember our mother Frances Majaury, nee McDonald, visiting Joe Whiteduck known as Kelford.

In your document, under the heading <u>Kelfert</u>, you state with reference to Mary Ann Peters "She is shown with her parents on the 1901 census living next door to the Michel McDonald family in Palmerston and Cononto"

Jane Kelford, the mother of Pheobe and Joe Kelford (Whiteduck), was the midwife for the birth of my brother Gerald David Majaury in 1938. Since the McDonalds, Kelfords, Peters and Whiteduck families all lived in such close vicinity to each other, and with so much interaction, there should be no doubt that there was a relationship during the petitioning period between the McDonald family and the Whiteduck family.

Available documents:

Death record for Elizabeth McDonald 1893

Death record for Michel McDonald 1907

Marriage record for Joe Whiteduck known as Kelford and Loretta Manion 1914

1921 Census identifying my mother Frances Majaury, nee McDonald, her sister and her father as "Indian".

Obituary for Margaret Yellen nee McDonald

I hope this is helpful.

Chi Miigwetch

Bob Majaury

REPLY to Majaury Family

Thank you for your e-mails of July 22, 23, 25 and 27 and the information and questions contained therein. For efficiency sake I am replying to all of your e-mails in this e-mail. You have raised many issues so the reply is attached as a Word document.

Development of Proposed Beneficiary Criteria

The Proposed Beneficiary Criteria were developed over several years of extensive consultation with the ANRs and community members with the aid of expert legal, historical and genealogical advice. The Proposed Beneficiary Criteria were designed to assess not only Algonquin heritage but also Algonquin Aboriginal rights in the Settlement Territory through time. Establishing Algonquin Aboriginal rights through time is measured in the Proposed Beneficiary Criterial by both documented relationships with other Algonquin family lines and presence in historic Algonquin collectives, from which it can be inferred that members of a family line were part of an Algonquin collective through time.

The Proposed Beneficiary Criteria were not designed to deliberately exclude any particular family lines but to include applicants who are descended from family lines that could demonstrate that, on the balance of probability, they were members of Algonquin collectives through time. All of these terms and requirements are outlined in the Special Resolution Motion 20200122-01 and associated guidelines which were included in the April 2020 package from the Algonquins of Ontario Chief Negotiator, Bob Potts.

Stage 1 of the Enrolment process, now currently underway, involves the evaluation of three categories of applicants under the revised criteria. The first category consists of Voters in the AIP ratification process; the second consists of Pending Applicants who have submitted application forms that have not yet been evaluated and the third consists of New Applicants who are applying now for the first time. The Stage 1 process requires the Enrolment officer to assess all of these applicants based on written documentation such as birth, baptism, marriage, death, burial, and census records.

Your own family line was assessed under these guidelines. As indicated in the July 15,2020 letter from the Enrolment Officer, you have the opportunity to supply additional documentation prior to October 15, 2020. In addition, you will have the opportunity to appeal the decision of the Enrolment Officer in Stage 2 of the Enrolment Process. Stage 2 will commence following the 2021 ANR elections. During Stage 2 applicants will have the opportunity to supply supplementary information, including oral history.

Documentation for Michel McDonald Family Line

Michel McDonald RIN #14703 is on the Schedule of Algonquin Ancestors. We have no documented information about Michel McDonald's parents. He is variously noted as being born in Canada (1866 marriage), Manitoba (1871 and 1901 census), and Scotland (1881 census). His date of birth is unknown though it is most likely around 1839: 1836 (1881 census); 1839 (1871 census); 1839 (1907 death record); and 1840 (1866 marriage). Regardless of these unknown

facts, Michel McDonald was accepted as Algonquin and placed on the Schedule of Ancestors based, in part, on the oral history presented by the family, the identification of him as "Indian", and his associations on Algonquin territory.

Information on file documents his family line, location of family events, and shows that Michel McDonald had several relationships with other Algonquin family lines, was present in a Historic Algonquin Collective, and had 20 years of longevity during the Petitioning Period. All of the events for Michel McDonald took place in a Historic Collective in the Petitioning Period and in the Modern Period. Details of relevant documentation in chronological order are outlined below.

- Michel McDonald married 1st Mary Whiteduck/Wilduck (aka Marie Elisabeth Chapwewitang) RIN #7749 at Eganville on 2 February 1866. Mary Whiteduck was a descendant of well-known Algonquins who are on the Schedule of Ancestors including Joseph Pekakasiketch RIN #6527 and Pierre Louis Constant Pinesi RIN #45169. This is evidence of a relationship event in the Petitioning Period for Michel McDonald.
- On the same day, Michel McDonald witnessed the marriage of Marie Anne Pejiweisitch and Jean Baptiste Chapwewitang, who had just become his brother-in-law. This is evidence of a relationship in the Petitioning Period for Michel McDonald.
- Michel McDonald married 2nd Mary Constan (Constant) at Arnprior on 29 September 1869. Mary Constant RIN #22442 was a descendant of well-known Algonquins who are on the Schedule of Ancestors including Joseph Pekakasiketch RIN #6527 and Pierre Louis Constant Pinesi RIN #45169. She was also a cousin of Michel's first wife, Mary Whiteduck. Michel and Mary Constant had a daughter Margaret in October 1870 at Bagot and Blythefield Townships. These events are evidence of a relationship event in the Petitioning Period for Michel McDonald.
- Michel McDonald appeared on the 1871 census of Blythefield Township, Renfrew County. His wife Mary and daughter Margaret were listed with him on this census.
- Michel McDonald witnessed the burial of Theresa Jacob in July 1876 at Mount St.
 Patrick. Theresa Jacob RIN #18910 was the mother of Sarah/Serry Whiteduck RIN #2339.
 She was the daughter-in-law of Joseph Pekekasiketch RIN #6527 and a descendant of Jacque Kamiskwabininch (aka Pichikiwikijik) RIN #7189 among others who are on the Schedule of Ancestors. John Green RIN #14206 also witnessed this burial. This is evidence of a relationship in the Petitioning Period for Michel McDonald.
- Michel McDonald married 3rd Eliza Arcle RIN #14704 in 1878. She was the daughter of Peter Arcle and Mary (Margaret) Jarbeau and granddaughter of Pierre Arcand and

Marie Helene Morand. The ancestors of Eliza Arcle have been research and no Algonquin heritage has been discovered. Michel and Eliza had eleven documented children between 1879 and 1893.

- Michel McDonald and Elizabeth Arcle's first documented son, Xavier Michel, was born on 15 November 1879. The birth registration notes he is "Indian".
- Michel McDonald and Elizabeth Arcle's second documented child, George, was born in September 1880. On 23 March 1881 a Charles A. and Xavier (Michel) were baptized in Palmerston Township. This Charles does not appear on subsequent documents however a George of the correct age does. Confusingly, another birth registration registered a "Michele" on December 10, 1881, again noting the identity as "Indian".
- Michel McDonald appeared on the spring 1881 census of Palmerston and Canonto Townships, Addington County. His sons [Xavier] Michel, 1 year, George, 6 months, and his wife Eliza were listed with him. This confirms that Michel and Eliza had two sons prior to spring 1881 who were known in this and subsequent documents as Michel and George.
- Michel McDonald and Elizabeth Arcle's documented son, Peter Abraham, was born on 10 February 1882 and baptized the following month.
- Michel McDonald and Elizabeth Arcle's documented son, Charles Alexander was born on 18 March 1883 and baptized in May at Ardoch.
- Michel McDonald and Elizabeth Arcle's first documented daughter, Mary Adeline, was born in **1884**.
- Michel McDonald and Elizabeth Arcle's documented son, John Christmas, was born on 24 December 1885.
- Michel McDonald and Elizabeth Arcle's documented son, Edward Albert, was born on 20 April **1887**.
- Michel McDonald and Eliza Arcle's documented daughter, Elizabeth (Eliza), was born on 24 August 1888.
- Michel McDonald and Eliza Arcle's documented daughter, Esther Lenore, was born on 24 February 1891.

¹ Interestingly, Peter Arcle had a half-brother named Jean Noel Arcand, who was born on 24 December 1825. So the name John Christmas (Jean Noel) was in Eliza Arcle's family, who were all noted as French from the Montreal and Montebello area.

- Michel McDonald appeared on the 1891 census of Palmerston and Canonto Townships, Addington County. His wife Eliza and children: Mitchell [Xavier Michel], 11; George, 10; Peter, 9; Charles, 8; and John, 5; Mary, 6; Eliza, 3; and Lenor, [less than 12 months] were listed with him. This census is consistent with birth and baptism records for this family.
- Michel McDonald and Elizabeth Arcle's documented son, Joseph Alfred, was born on 19
 July 1893. He was baptized as Joseph Alfred but registered as Michel, perhaps an error
 on the part of the registrar. Eliza died sometime between the birth of this child and the
 1901 census. We do not have a death or burial record for her.
- Michel McDonald appeared on the 1901 census of Palmerston and Canonto Townships, Addington County. His children: George, 20; Peter, 19; Charley, 18; John, 15; and L. Liza, 12; E. Lenore, 10 were listed with him. The last born child, Joseph Alfred, who would have been 7 or 8 years old, if still living, was not listed. Sarah/Serry Whiteduck RIN #2339 and her infant daughter Mary E. Brown² were recorded in this census as living with Michel McDonald and his children.
- Sarah Whiteduck RIN #2339 was the granddaughter of Joseph Pekekasiketch RIN #6527 and daughter of Therese Jacob RIN #18910, whose burial Michel had witnessed in 1876 (see above). Significantly, Sarah Whiteduck was the cousin of Michel McDonald's first two wives, Mary Whiteduck and Mary Constant who he married in 1866 and 1869, respectively. This suggests an on-going relationship between Michel McDonald's family that these other Algonquin family lines.
- Michel McDonald died on 4 March 1907 in Frontenac County.

Sons of Michel McDonald

Over the life of the AOO Enrolment process, descendants of Michel McDonald and Elizabeth Arcle have applied to be enrolled through three of their sons: George; Peter; and John Christmas:

George McDonald RIN #46005 married Maude Payea³ on 25 July 1904. He is documented in an Historic Algonquin Collective in both the Petitioning and Modern Periods. With a birth date in 1880 and a listing on the 1901 census, he has 20 years of longevity in the Petitioning Period, which can be documented to December 1901. No Voters descend from this son of Michel McDonald although a few individuals have been previously enrolled in his line, so Pending or New Applications from George's descendants may be assessed in the future.

² The birth registration for Mary E. Brown lists her parents as George Brown and Sarah Whiteduck. She was born on 13 February 1901 and registered in Frontenac County. The census give the same date of birth, so this is clearly the same mother and child.

³ Maud Payea was the daughter of George Payea and Dolly (Adelia) Dennis. No Algonquin heritage has been shown for this family.

• Peter McDonald RIN #18305 married Catherine Pierre RIN #19131 on 7 September 1903 at Eganville. Catherine Pierre was the daughter of William Pierre and Marie Anne Jacob. Catherine's mother was the half-sister of Theresa Jacob (see above). Catherine Pierre was a descendant of Ignace Jean Baptiste Kijikomanito RIN #6643, Joseph Pekakasiketch RIN #6527, Mathias Cabakkawatc RIN #6390, and Jacques Kamiskwabininch (aka Pichikiwikijik) RIN #7189, all of whom are on the Schedule of Ancestors. The marriage was witnessed by several documented Algonquins. Pierre and Catherine had children from 1905 to 1910. Peter McDonald married Annie Payea⁴ and had two children in 1922 and 1924.

Peter McDonald is documented in a Historic Algonquin Collective in both the Petitioning and Modern Periods. With a birth date in 1882 he does not have 20 years longevity in the Petitioning Period. The marriage to Catherine Pierre gives a relationship event to Peter in the Modern Period. Descendants from the marriage of Peter and Catherine can also trace their events through Catherine Pierre. A number of Voters have been certified through Catherine's line. They are all members of Shabot Obaadjiwan. One voter, a descendant of Peter McDonald and his second wife, Annie Payea, was not certified.

John Christmas McDonald #14633 married Mary Ann Peters on 15 November 1917
at Plevna. He is documented in a Historic Algonquin Collective in both the
Petitioning and Modern Periods. With a birth date in 1885 he does not have 20 years
longevity in the Petitioning Period. A total of 20 Voters have not been certified
based on descent from this line. Of the 20, 10 declared an affiliation with the
Ottawa community and 10 with the Shabot Obaadjiwan community.

Conclusions regarding Michel McDonald and his descendants

Based on the above documentation it is clear that Michel McDonald meets the criteria for longevity on the Beneficiary Data Area (BDA), presence in a Historic Collective and Relationship. All of the children count for an additional person in the Petitioning Period all being born prior to 1897 on the BDA and have, in addition, a presence in a Historic Collective. Only his two oldest sons, Xavier Michel and George, are sufficiently old to have 20 years in the petitioning period. In their cases, the sons can be counted for the 20 years and Michel for the Relationship therefore not requiring any additional persons in the Petitioning Period.

In regard to the other children (the most relevant being Peter and John Christmas), none has a documented Relationship in the Petitioning Period and they are born too late to fulfill the 20 year requirement. In the absence of identifying Michel's parents and documenting them on the BDA, or finding Algonquin heritage for Eliza Arcle and documenting her line on the BDA, the only other avenue is to find convincing proof of relationships with other Algonquin Family Lines on the BDA for these two sons.

⁴ The parentage of Annie Payea has not been established.

Additional information as per queries in e-mails

John Green and Susan Elizabeth Jacob

John Green RIN #14206 and Susan Elizabeth Jacob RIN #14207 are both documented as descendants of recognized ancestors. John Green was a descendant of Pierre Louis Constant Pinesi RIN #45169. Susan Elizabeth Jacob (Lamure) was a descendant of Francois Wabikekek RIN #6205, Joseph Pekekasiketch RIN #6527 and Mathias Cabakkawatch RIN #6390. These ancestors are on the Schedule of Ancestors.

John Green was relevant to your inquiry as he was a witness, along with John McDonald at the burial of Theresa Jacob, an event that is noted above.

Kate Pierre nee Jocko (Jacob)

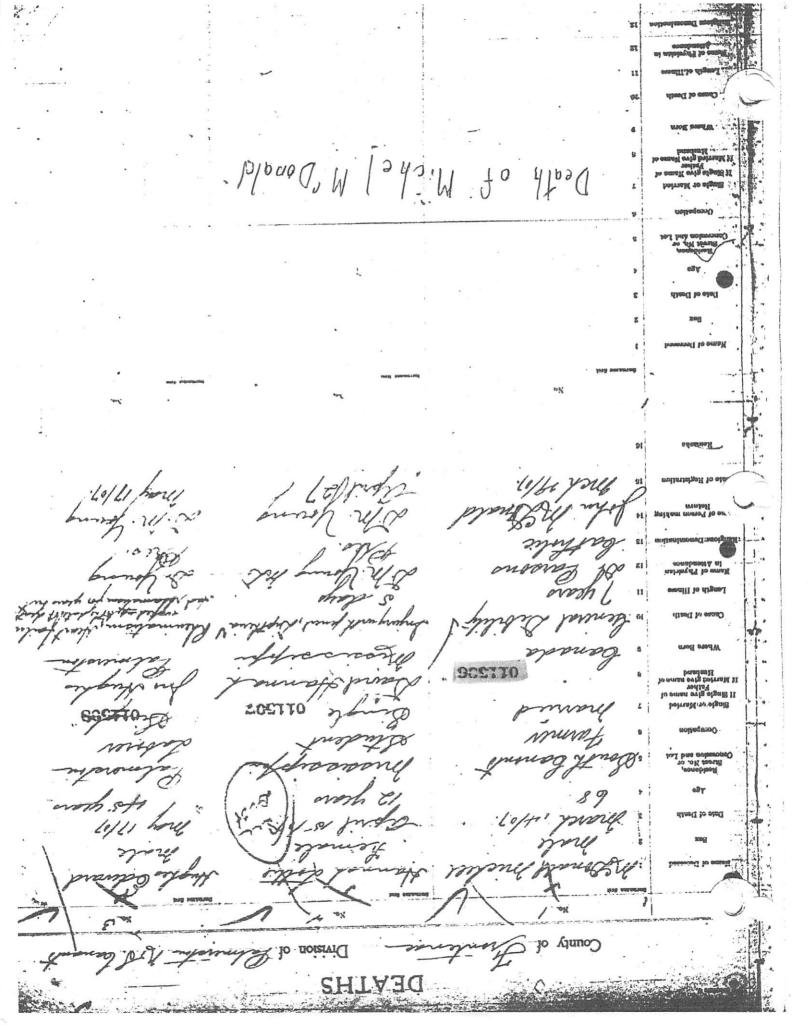
As noted above, Peter McDonald married Catherine Pierre #19131 on 7 September 1903 at Eganville. Catherine Pierre was the daughter of William Pierre and Marie Anne Jacob. Catherine's mother, Marie Anne Jacob, was the half-sister of Theresa Jacob (see above). Catherine Pierre was a descendant of Ignace Jean Baptiste Kijikomanito RIN #6643, Joseph Pekakasiketch RIN #6527, Mathias Cabakkawatch RIN #6390, and Jacques Kamiskwabininch (aka Pichikiwikijik) RIN #7189, all of whom are on the Schedule of Ancestors. Pierre and Catherine had children from 1905 to 1910 before he remarried and had two additional children.

Kelfert

Our record on this family only goes back to Phoebe Kelfert RIN #15193 who married Stephen Peters RIN #12878 at an unknown place and date. They were the parents of Mary Ann Peters RIN #14634, who was born in Ontario in 1894, married John Christmas McDonald in 1917 at Plevna, and died in 1960. She is shown with her parents on the 1901 census living next door to the Michel McDonald family in Palmerston and Canonto. We did a very preliminary look at this family back at the time of the appeal board and did not see any obvious Algonquin heritage. If this family is Algonquin, it would give another line to the descendants of John Christmas and possibly show Relationship events prior to July 16, 1897.

Marie Mitewamewkwe and Marguerite Pigarouche are on the Schedule of Ancestors. Some of their descendants are documented as being on the Settlement Territory in the Petitioning Period (1728-1897) and/or the Modern Period (1897-1991). Like all applicants, the descendants of these two women had to meet all of the criteria in order to be certified. If you believe that these two women should not be on the Schedule of Ancestors you can protest them and bring forward your evidence in Stage 2 of the Enrolment Process.

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Margaret Yellen

Marg passed away peacefully on May 20th, 2022 at Lanark Lodge, Perth, surrounded by her family, just 3 days before her 95th birthday. She was predeceased by her loving husband Hobart (Hobie) Yellen (2000). She will be sadly missed by her much loved daughters Debbie (Terry Shea) and Mary (Dave Boldt). Grammie to her adored grandchildren Tori Shea (Ammon Quartey) and Carter Shea. Also Mother to Charlie. Marg was predeceased by her parents Peter and Annie McDonald, as well as her much loved sisters Mary (Roy Payea), Ellen (Graydon Hamilton), Annabelle (Andy Pepper), Ida (Larry Lalonde), Ina (Richard Payea) and Rita Hampton. Also predeceased by Hobie's sisters and brothers (William-Byron Yellen, Marjorie (Arthur) Budd, Frank (Doris) Yellen, Catherine Yellen, and Hugh Yellen. She was the last Aunt to many adoring nieces and nephews, whom she loved dearly.

Born
May 23, 1927
Portsmouth Township,
Ontario

Entered into rest May 20, 2022 Perth, Ontario **Visitation**

Friday, May 27, 2022 2:00 p.m. - 4:00 p.m. & 6:00 p.m. - 8:00 p.m.

Mass of Christian Burial
St. Francis de Sales Church

Saturday, May 28, 2022 11:00 a.m.

Luncheon Smiths Falls Civitan Club 12:15 p.m. - 2:15 p.m.

Burial St. Francis de Sales Cemetery 2:30 p.m.

Margaret Yellen

These are the children of Peter McDonalds
second marriage to annie Payer

I will have a picture of Peter, his first wife Kate Pierre
The Jacks and their three children