

February 21 , 2022

**Response regarding the Algonquin Tribunal review of root ancestor Michel McDonald**

Submitted by Heather Majaury.

Great great granddaughter of  
Michel McDonald & Eliza  
Arkal/Arcand

**“Where common memory is lacking, where people do not share in the same past, there can be no real community. Where community is to be formed, common memory must be created.”**

**George Erasmus**

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## Introduction

My name is Heather Majaury, DOB 1965. I was born in Calgary, Alberta. I grew up just outside of Perth Ontario within the Rideau watershed in Lanark County, from the age of 1 until the age of 18 when I went away to university. I have lived both in the Ottawa Valley and other places outside of the territory over my lifetime, but I have never lost contact with my nuclear, or core extended family, who remain in the territory.

I have been enrolled in the Algonquin land claim since 2000. I also worked for the Algonquin Nation Negotiation Directorate as a member of the Algonquin negotiating team from November 2001 until March 2002 and lived at Pikwakanagan First Nation while fulfilling the terms of that contract.

I am submitting this response to your report on Michel McDonald in defence of the retention of his name on the Algonquin schedule of ancestors. Hopefully I can fill in some gaps and offer an enhanced perspective as a direct descendent of Michel McDonald. I also want to thank Joan Holmes and Associates for their work in this process to uncover what records are available in our case as well as all the people over the years that have recovered records and protected those records so that they can be reviewed and interpreted in the service of recuperating a neglected and even submerged and important part of our shared history. I acknowledge that our case is complex. I am also including an impact statement.

## Process So Far

We were invited to enroll in the Algonquin land claim in 1999 by Doreen Davis through my grandmother Frances Dobbie formerly Majaury nee McDonald. We received notice in 2000 of our acceptance. I have included that letter later in this document written to my father. Unfortunately, I did not save mine, but he did save his. You can assume we received similar correspondence.

We were enrolled to be consulted on claim negotiations with Sharbot Lake originally. At the time I felt my Indigenous heritage was being affirmed. I was honoured to be invited to participate and I wanted to belong. I think I was like many people who saw this as a form of recognition as Indigenous people. It verified what we already knew informally and amongst each other but now it was being given the social weight of formal recognition. It was a form of legally legitimizing myself and my family as Indigenous people with inherent Indigenous rights and it felt good.

I was not sophisticated in my analysis of legal nuances, anthropology, or sociology, and I had a limited knowledge of Algonquin dispossession historically. My university education was a fairly liberal general arts degree in Communication Studies and Dramatic Arts. A.K.A. (Storyteller) Other than a general sense that we had been stolen from as Indigenous peoples I was quite ignorant of the nuanced history of where I am from. Therefore, I trusted Algonquin leadership to guide me through this process when I enrolled within the context of my extended family.

I have always valued my intuition as a way of knowing. And there were aspects or fragments of culture that sat in my subconscious and felt familiar. As far as land-based practices go I am the daughter of a hunter and I had an uncle who trapped and we as a family would forage, pick mushrooms and berries at different times. And I remember Dad also spearing fish. I also now play hand drum and hold quite a few contemporary traditional songs in my bundle as well as some original songs that have come to me over time.

I also trusted what my family, who were still living in the valley, were sharing with me. It was Sharbot Lake that had the records that proved who we were and wanted us to enroll. I took the steps required to enroll. I purchased my long form birth certificate that linked me through my father to my grandmother, filled out the paperwork and waited. I also went home at least once a year but usually more often than that. Now my trips home included learning about myself and my family within a more recognized Algonquin context by attending events and meetings.

I made sure I attended whatever social, cultural, and informative events that were happening to help me to understand this process. I attended a cultural gathering at Pikwakanagan called Honouring Tessoaut. It was an emotional experience. Upon hearing the big drum, I was one of those people who cried. It was truly a feeling of my spirit coming home. A shedding of intergenerational mystery and even trauma known and unknown.

That is the best way I can describe it. And inside that feeling was an incredible amount of loss that erupted in a flood of tears. It surprised me. The emotional response was deep. It felt like it transcended my own lived experience and came from a place of generational knowing. I had no other explanation. Therefore, I simply allowed myself to experience it. I later learned about a concept called blood-memory from Anishinaabeg teachings. In my spirit and mind this helped explain my all-pervasive emotional response.

I had attended with my uncle who introduced me to some folks including Wendy Jocko although I am sure she wouldn't remember because there were many people attending and returning. My uncle explained that we were related to Jockos as well. Not necessarily her specific family but I remember feeling like I was part of this bigger whole and it felt good.

I listened to both Greg Sarazin and Kirby Whiteduck speak. Greg spoke technically and Kirby shared a joke about the Algonquin name. I still remember it. And then he talked about the missteps of history and how we were misnamed collectively and it stuck. How Algonquin was a

misnomer going back to Champlain. How it may have been referring to us dancing etc. And was mostly like the reflection of a different people observing us and sharing their name for us with Champlain. Or this name likely referred to how we speared fish from the back of a canoe. I thought hmmmmm, "I think the spearing from the back of the canoe sounds right."

I understood at the time that there was a process through which my ancestors would be scrutinized in my directfamily line and a waiting period of 90 days where our names would be posted. I have no idea where our names were posted but I assumed at the reserve and at Sharbot Lake. I wasn't that concerned because I trusted the experts and the leadership. I had no reason not to. And if we were not accepted, I assumed it was due to knowledge either I didn't have or a technicality.

It is at that time, I think some sort of counselling could have helped people process what it meant to be enrolled in this claim. And it could have helped everyone understand more fully the unfolding process of identification and acceptance of ancestors and recognition moving forward. Hindsight is often 20/20 but when I worked at Pikwakanagan this became even clearer.

I believe it was the nation-state's responsibility to ensure that kind of counselling was provided and that it was a part of each community's enrolment's responsibility to communicate very clearly and explicitly the three phases of acceptance. 1. Initial enrolment and acceptance. 2. The identification and solidification of beneficiary status, based upon a sliding criterion to be politically determined. 3. A final citizenship criteria to be determined again through a political and legalized framework which could shift over time. For people who have been denied state recognition already, this process is destabilizing when every few years we must face ongoing uncertainty.

I felt then that likely a few innocent folks might be hurt by this process and its outcomes ultimately because many people truly were not aware that they were only being consulted and

that they were not yet really being recognized or accepted. At the community level it seemed that we were being claimed. I am not sure everyone has understood these inherent rights were being limited and defined by this process and not necessarily protected, guaranteed, or ensured.

When I worked at the Mukwa Centre at Pikwakanagan what I learned was there was disagreement about who was and who was not Algonquin and that there were files that were not trusted even then. For my own family I learned we were accepted on the grounds of being Indians inside the territory during the petition period. That and another known Algonquin, Sarah Whiteduck, was found living with us in 1901. I believed that this was considered enough proof to ensure our acceptance.

It is my understanding that demonstrating this continuance across time is an important part of the intended spirit of the most recent and adopted proposed beneficiary criteria. Our family has lived within the traditional territory for 5 generations that we can prove. Although I left the area for work and school, I return often to visit family and to attend important events. As does my daughter who lived with my parents every summer when she was growing up. We also attended land claim meetings, community feasts, ceremonies and pow wows as we were enthusiastic about our invitation to enrol and reclaim our identities as Indigenous people.

Certainly, I was not intending to be in competition with other Algonquin people but in cooperation with them. It was at a pow wow at Silver Lake where I was given a job notice for the Communications Officer for the Algonquin Nation Negotiations Directorate and encouraged to apply. Which I did. I was interviewed by Greg Sarazin and subsequently hired. I started my new job in November 2001. My daughter and I lived at Pikwakanagan from January to March 2002 during one of the most contentious times of these negotiations. While I got settled, she was sheltered by my parents and joined me on reserve that January.

We have been enrolled as Algonquin voters since 2000. Michel McDonald was then reviewed by Justice Chadwick in Pembroke in 2013 and there was no dispute that he was an Aboriginal man and according to the enrolment law at the time it was reasonable to also consider him Algonquin. I think it is still reasonable to consider him to be Algonquin based upon several rationales which I will explain. I am concerned about the current adopted proposed beneficiary criteria and how it is being applied to our ancestral context in a potentially reductionistic framework.

While we have records that show Michel McDonald married to two known Algonquin women, we believe these records represent his life. We cannot be completely sure each is representative of our Michel McDonald. What I do believe is that he was most likely born in 1839-40 because of his death record which was witnessed or authorized by my great grandfather John Christmas.

It does seem that strategies for defining who is and who is not Indigenous legally, at least historically can be fraught with deeply colonial bias and frameworks which I was told this process was intended to remedy. This does not mean I devalue the evidence that has been retrieved, stored, and analyzed so far. I very much appreciate it. According to *The Robinson Treaties of 1850: A Case Study*; Prepared for the Royal Commission on Aboriginal Peoples Treaty and Land Research Section by James Morrison final draft August 31, 1996, we can see a certain bias and strategy on the part of the Canadian Government to limit the power and influence of Indigenous people through containment.

In doing so, colonial politicians advanced many of the same arguments used today to counter Native land claims. Echoing the views of many - though not all - of their constituents, they characterized aboriginal people as uncivilized nomads whose lifestyle was an impediment not only to agricultural settlement but to the new activities of resource development. They therefore demanded that Indian people be removed from the path of settlement - in this case, to the *great Indian reserve* of Manitoulin Island in Lake Huron which had been created in 1836. When this approach was rejected, local politicians came up with a new strategy. They argued that Native people must prove their descent from the aboriginal inhabitants of the lands in question, and that their society must be *organized* in a fashion acceptable to Europeans. Neither of these arguments had ever been advanced before. In the end, the Ojibway people were able to satisfy these criteria. But had it not been for their lengthy protests and the resulting intervention of Governor-General Lord



According to Benedict Anderson,

[http://www.haussite.net/haus.0/SCRIPT/txt2001/01/a\\_censu.HTML](http://www.haussite.net/haus.0/SCRIPT/txt2001/01/a_censu.HTML)

the census – along with the map and museum – has “profoundly shaped the way in which the colonial state imagined its dominion.”<sup>[1]</sup>

In the late nineteenth century, census categories became increasingly racialized, focused on shoehorning people into mutually exclusive racial categories.<sup>[2]</sup> Census makers aspired to fit the complexities of reality into these neat categories. Through the reification of categories and the erasure of ambiguities, the census constructs the reality it purports to describe.<sup>[3]</sup> It should therefore be viewed as a socially constructed cultural artifact, rather than simply a collection of data.<sup>[4]</sup>

I also want to draw your attention to the motion for this tribunal process, which was seconded by Lynn Cloutier, who was the A.N.R. for Ottawa and is one of the many descendants of Thomas St. Jean Dit Laguard but who has resigned recently as our interactions with Lynn have relevance to our concerns and responses. I am expressing my concerns about Lynn Cloutier’s impact on the current process without prejudice because while I see what has occurred in this process as systemic and directly harmful to us due to the result of most likely there being hundreds, perhaps thousands, of voters who remain on the Algonquin enrollment who are not Indigenous. That is what I can determine from the current report on this family lineage in this tribunal and the CBC articles regarding this ancestor. When this tribunal process was passed by resolution it did not include the original clause that governed the review process in 2013 that explicitly described what should and should not be brought to an appeal of a root ancestor. This criterion seems reasonable to me.



## **Algonquins of Ontario**

**Item 5d\_MOTION 20210420-01**

### **Special Resolution of the Algonquin Negotiation Representatives on the Algonquins of Ontario Enrolment and Appeal Board**

**Moved by: Randy Malcolm, Stephen Hunter, Robert Craftchick**

**Seconded by: Lynn Clouthier**

#### **I. Preamble**

I personally believe, like our own family, many people have simply trusted and believed authority when perhaps a bit more questioning may have been useful. I do not know who if anyone potentially worked with William Mann to submit a fraudulent document on that ancestor's behalf in 2013, but I do think Mr. Mann has caused indelible harm, without recourse especially regarding mutual trust. It is reasonable to conclude that all leaders with large numbers of these descendants on their lists were advocating for frameworks that served this large voting blocs interests. I am basing this opinion on the evidence currently available in media and in the report that Joan Holmes and Associates have posted publicly. I do recognize that perhaps more evidence will be presented that shifts or changes the current assessments.

I have also pulled the legal framework and procedure by which Justice Chadwick informed our family would apply to us for revisiting the acceptance of Michel McDonald. This is the same framework applied to Thomas St. Jean Dit Laguarde and Emily Carrier, until these new motions were passed. This initial procedure carried with it a particular caveat for discernment between the context of Michel McDonald's file and the Thomas St. Jean Dit Laguarde and Emily Carrier files that I feel compelled to demonstrate here. Files were to be revisited if there was evidence of fraud, new information, or proof of significant error that would change outcomes. In our case this is not so. In the Dit Laguarde case it is very evident that there are concerns of forgery. I am aware that this clause was included in the proposed A.I.P. and it governed the original process in 2013. Dynamics have now evolved and changed. However, is the spirit of this clause, not still relevant? Or will our ancestor be subject to review every time political wills shift or change?

**15.7.9** Where the Review Committee has convened a hearing into a protest, all Parties to the Protest, and the enrolment officer retained under 15.5.1, shall be provided an opportunity to make further submissions to respond to objections made to the inclusion or omission of an individual's name on the Preliminary Voters List. The Review Committee shall not overturn a decision of the Ratification Committee to accept or reject an Applicant approved by the Ratification Committee in the absence of a palpable and overriding error by the Ratification Committee or an Appeal Board that determined that an ancestor of the Applicant was an Algonquin Ancestor, fraud in any application, or new evidence that was not available to the Ratification Committee or the Appeal Board that determined that an ancestor of the Applicant was an Algonquin Ancestor.

## Impact Statement

Unfortunately, this process feels like it is never ending. It places myself and my family in an ongoing legalized limbo. Thus, eroding my personal and political sense of belonging to the larger nation and the confident assertion of inherent Indigenous rights within a protected legal context. Our direct involvement in the process had been 20 years when our specific branch of the family was served notice that it would be removed in the fall of 2020 from the Ottawa voter's list due to the application of the newly adopted proposed beneficiary criteria without a mechanism for appeal prior to the next election of off-reserve negotiation representatives.

I am aware that in theory we will have the opportunity to appeal after this tribunal process. But I suppose that is a moot point if you choose to remove Michel under the current law that in my opinion is flawed and perhaps is not going to achieve the results you are hoping for. It is my understanding from communication with Alan Pratt that addressing unintended outcomes is something the appeal process is supposed to address. I just don't understand why it did not occur at the time of the original removal and before the next A.N.R. election. But we were accepting that these processes are complex, complicated, and sensitive matters that involve real people and not simply statistics whose privacy is also of concern.

The parameters by which I can claim or express my Indigenous heritage, shifts over time which can be destabilizing to personal, political, and social relationships. This can become difficult to navigate with relational certainty and a sense of social safety. While I do not claim a Red River Metis heritage, even if you interpret Michel McDonald to potentially be born in Manitoba, I do see myself and my ancestors to be part of a dispossessed diaspora of Indigenous peoples reimagined as belonging to *no land* but who are interpolated as citizens of a country not necessarily chosen but imposed historically and accepted over time as a reality.

My recent ancestral extended family fought for this country in WW2 and the Korean War for this country. We are not the derivatives of a pure race or culture frozen in time but have

adapted to modernity as all people have done within the circumstances as they evolved. I have made my peace with my ancestor's choices or actions because I believe they were in survival mode and did the very best they could to adapt to the options left to them. There is no doubt in my mind they did the very best they could to provide for their children and their future descendants based upon the circumstances of their day. They also were born and lived, and many are buried within the general geographic areas identified, as the areas of Algonquin Historic Collectives.

My great great grandfather Michel McDonald and his wife Eliza nee Arcol/Arkle/Arcand are buried in unmarked graves in the Ompah cemetery. The Catholic side of the cemetery has a lot of unmarked graves. Therefore, they do not allow anyone to be buried in that section of the cemetery any longer. The Ompah Cemetery is within the townships considered part of the historical areas where Algonquin collectives of people lived and remain today.



*Robert John Majaury great grandson of Michel and Eliza McDonald, with Les McDonald great great grandson of Michel McDonald marking the estimated place where they are buried in the Ompah cemetery.*



"Historic Algonquin Collective" means one of the areas identified as Allumette Island and the banks of the Ottawa, Bedford and adjacent townships, Golden Lake and the Bonnechere, Mattawa and environs, Mattawa-Pembroke route, and Madawaska, as shown on the map attached as Appendix D;

I attribute our current circumstances to a distorted colonial gaze that seeks to categorize Indigenous people by standards born of and maintained by colonial paradigms. It is my belief, in this day and age, we should be recognized and treated as essentially dual citizens of both the Nation State and the Indigenous Nation(s) that we are most connected to now. I recognize that there are other folks and authorities who may not see things this way. This pathway to such citizenship seems to be a long bureaucratic journey demanding that the very things removed from us must now be proven to have uninterrupted longevity and cohesiveness such as proof of a generic Indian/cree?/ french/ breed/ Scottish and Indian/ orphan's parent's names. It is my hope that this process can maintain its own sense of humanity in a manner that remembers we

are dealing with living breathing human beings and not just names, or lack thereof, on a piece of paper from the past. But that also those of the past experienced both trauma and dispossession which needs to be respected and honoured as well. This does not mean I disrespect the paperwork that does exist. I just know there are gaps and not everyone can provide information to fill those gaps in a colonial context.

This means, through colonial systems, that we are potentially stripped of a meaningful legal identity, thus forced into a multigenerational state of ongoing *in betweenness* and erasure akin to beggars, people without a country, the undocumented, because for whatever reasons we did not relocate to a reserve. This can also shape and limit our possibilities and capacity to reconcile with other Algonquin/Nipissing people, families, and communities in a manner that is nurturing and secure for everyone where trust is solid, constructive, and generative. It is disheartening and has forced me to pause career and education goals because my work as an artist is often autobiographical. I do not have the inherited financial wealth to seek higher education without access to financial supports. At the age of 30 perhaps simply a financial barrier to strategize. But as a woman in her 58<sup>th</sup> year it has had a more intense impact on my decision making and confidence if I could not secure trustworthy verification of what has happened to us to submit to registrars in post-secondary institutions if considering a return to school to perhaps pursue a PhD.

It has caused significant social anxiety that can be debilitating out of fear of being accused of *pretendianism*. Time for individuals in one generation can be quite short and my own relationship to dwindling time becomes more intense as each year passes. The impact on my daughter has been destabilizing as well because I brought her up to be proud of her heritage and she too is an artist who creates from her personal narrative. She was included in ceremony and told she was Algonquin. Justice for Algonquin/Nipissing people and the larger dispossessed diaspora, recorded as generic Indians, in the past who are Indigenous and meaningfully tied to Algonquin community and land, can be very elusive and long, spanning several generations even in this modern day.

All I have wanted is a letter that would explain these circumstances in a manner that shows that I was invited to this process and that my Indigenous standing as an Algonquin person has changed only because the proposed beneficiary criteria has changed but that there is no dispute that I am a descendant of Indigenous people. I want the letter to come from the enrollment officer, as well as from the Principal Negotiator and their legal counsel for the Algonquins of Ontario because this is the body that holds authority and influence at this time and informs and advises the Algonquin leadership on matters of constitutional importance that pertain to claims under the comprehensive claim policy at this time. No one is willing to create such a letter.

I did not think it was appropriate to have such a letter come from Lynn Cloutier which was where I was told to seek this. This is not a personal issue either regarding Lynn. I didn't vote for her to be the A.N.R. of Ottawa because she has been acclaimed in most of our elections. Definitely, in the most recent election in 2021 she was acclaimed and my responsibility to vote was removed when I was removed from the voters list. But to be honest when there was competition for the role earlier in this process, I voted for Gloria Tippins. She is a known descendant of Marie Keckijokikwe from Allummette Island and Toussaint Laronde who is a member of the Ottawa Community. For all intents and purposes, it is very questionable that Lynn is an Indigenous person at all, whereas Gloria is definitely Indigenous, with ancestry originally from Allummette Island. I see that Toussaint Laronde is also being reviewed in this tribunal but Marie is not, therefore I am assuming all of these descendants remain enrolled.

Our family has always followed the rules laid before us. We complied with the structures in place, even if or when we agreed or disagreed, and even with each other, as relatives. Is that not what participation in democracy requires with respect for the rule of law?

This is also why we have family consulted in different but related communities. Depending on the level of connection and understanding of the process or where folks live people made



choices commensurate with their life circumstances which was considered very acceptable. My father lives 45 minutes away from downtown Ottawa, and myself I have been living outside the territory in Block 2 of the Haldimand Tract for the last 20 years in an urban centre. Therefore I feel I have more in common with other Indigenous folks who also live in fairly densely populated urban centres and followed my father to Ottawa within the context of these consultations and the choices we were allowed to make. I am currently working in Ottawa on contract as I prepare this statement for this Tribunal but will be returning to Kitchener in mid-March. My work can take me to many different places.

This should be a good thing unless populations are placed in circumstances where they believe they are competing for resources, attention, recognition, and acceptance, or are placed in direct opposition to one another through a myriad of fears including scarcity. Mobility without loss to identity is something most Canadians totally take for granted but for Indigenous folks it can come with a serious cost. When there is imposed scarcity, we can collectively show symptoms of trauma, competition, and suspicion with each other. Come here /go away, the dynamics of fearful attachment, can occur in microcosm and macrocosms.

I believe the Algonquin have been subject to imposed scarcity now for hundreds of years. And the fears of further scarcity have been impacting Algonquin communities for the last 20 years as we all grapple with who is and who is not to be rights bearing people. But I am hoping that as we all come to learn more about each other as human beings with shared concerns and interests and as more information comes to light and our relationships with one another continue to unfold that we will be able to sort through sincerity and false pretenses. Perhaps we can heal our collective wounds enough to find the trust necessary to move forward in a better way ultimately for the common good of us all. But trust does need to be restored.

Lynn has had direct involvement and influence on the proposed beneficiary criteria that removed myself and my family members from the voters list in 2020 but ensured her extended family members remained enrolled and remain so today. Even if she has resigned there are

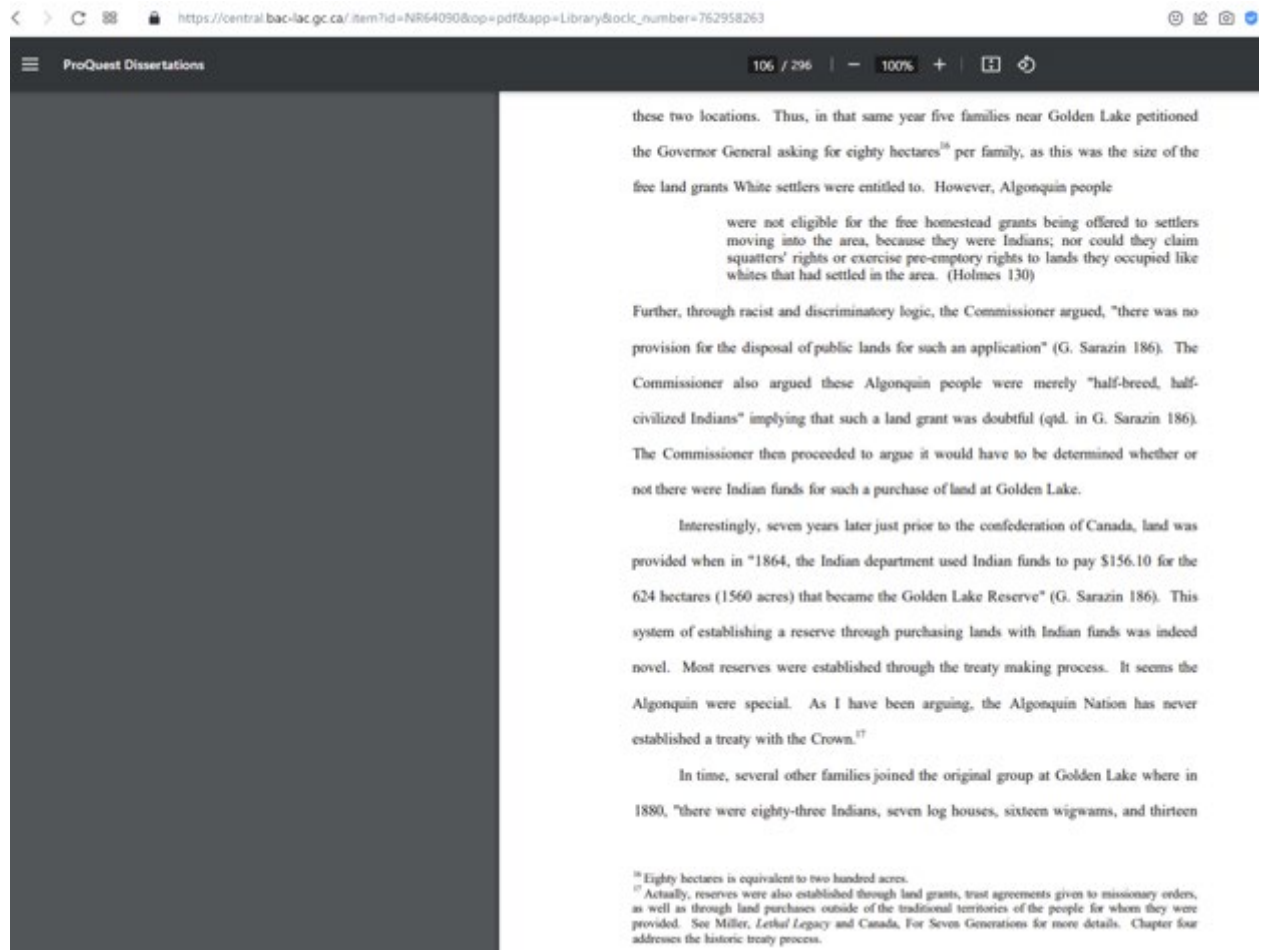
some serious matters of inequity that do need to be addressed regarding how her family have been protected by this process and our family harmed.

It seemed absurd to me that I was being allowed to participate in Ottawa meetings under the charity of people who were likely not even Indigenous. I do understand the importance of maintaining and respecting the Algonquin right to self-determination, with regard to who they claim as their own. This needs to be codified effectively with trust as the primary building block for lasting relationships moving forward.

There are many good things about the most recent draft of the proposed beneficiary criteria, and I see the potential desire to leave no one behind while protecting against perceived opportunism and or erasure of Algonquin people in the future, due to limitations of the Indian Act. Therefore, I have also known there is and should be a place for community acceptance within both its beneficiary and citizenship requirements that is amenable to the Algonquin as a whole. It should also protect the individual Indigenous person's right of return as per the United Nations Declaration on the Rights of Indigenous Peoples Article 6. "Every indigenous individual has the right to a nationality."

It is reasonable that they need to be shown to be Indigenous, first and foremost, but equally the larger Indigenous Nations and communities or recognized collectives should not place unreasonable barriers to this right either. Recognizing that the Nation State created systems of assimilation that did not accord choice, or created very limited choices, historically and that Indigenous people were for the most part coping with the limited circumstances and options they had for subsequent survival, under settler colonial systems, I just screen shot this following passage that quotes Greg Sarazin discussing the petition for Golden Lake where even these Indians at the time were being considered breeds by Indian Affairs just like those who did not relocate to the reserve when it was created. The assumption that Indian Status connotes some form or original racial purity has tainted the perceptions between reserve and off reserve populations for a few generations now. That racism that accorded breed as a socially

acceptable designation for people of mixed heritage was applied inside and outside of the act at different times.



I hope that as this process progresses that the actual adopted proposed Algonquin Beneficiary Criteria can be carefully vetted to ensure that contradictory loopholes that may create injustice for living descendants are transformed for the good of everyone. While the definition of periods is helpful if it builds walls that are impenetrable rather than fences to support clarity in definition then people with relationships that obviously cross these era's but who are restricted in what they can use as evidence to show this can be discriminated against which has happened in the case of descendants of John Christmas McDonald son of Michel McDonald.

In my great-great grandfather's situation, he lived on lands that he was required to purchase which he did in 1907. Just before he died. He paid \$125.00 if he were to leave anything to his

descendants at all. It was only 100 acres, as compared to the 200 acres or 80 hectares petitioned for each family at Pikwakanagan and given as land grants to European Settlers. I don't know why these lands were not purchased earlier. Likely because he didn't have the money to purchase.

Was he considered a squatter with squatter's rights within the context of the time? According to my father who has a copy of the purchase there is nothing on that document that would allude to Michel's origins. But I think it is interesting that he finally purchased these lands the year he died. My understanding was that he was not cash wealthy so he likely saved a long time to raise that kind of money for these purposes.

It is not my wish that the Pikwakanagan reserve be politically eroded, or fall out of existence due to my existence, or the existence of my descendants and our participation in this land claim. It is my hope rather, that collectively, within Algonquin traditional territory all Algonquin, can migrate freely without punishment or harm, and should they need to move beyond the boundaries of the traditional territory for economic reasons they share a protected right of return. This is if we are willing to comply with Algonquin legal jurisdiction as it is reconstituted by the Algonquin Nation ultimately. What I do know is that my own family is a very small family compared to many. We do not have a large block of voting power and never have. Therefore, our inherent rights are more at risk of being compromised than other families that are much larger.

An example of weighted or distorted decisions based upon a larger voter's block might be the political power of descendants of the Dit Laguarde-Emily Carriere lineage. They therefore have influenced political decisions in their own interests over time and potentially continue to do so currently. I am bringing this up without prejudice as I believe that many of these people have believed they are direct descendants of Algonquin people and were told so over a long period of time. They are likely as confused as most of us hearing this news and may even feel pain over

the recent findings about their claim to Algonquin identity being based upon unreliable evidence. It is a very disturbing situation.

I believe the current circumstances have been directly caused by the actions of William Mann and his sister Cheryl Fitzgibbon from what I have read. And I bring it up because I was consulted on this claim by Lynn Cloutier for several years as I was on the Ottawa community consultation list. I have no grounding anymore around who to believe or trust. It has eroded trust in these circumstances and I question the motives around how we have been treated, tolerated, or even cajoled, in this process when we are who we say we are and have attempted to respect the frameworks we were told we needed to comply with.

Equally, I do hope, should future negotiations occur within the context of this land claim, that Pikwakanagan can be assured that as a community under the Indian Act it will not be coerced into compromises based upon fear of non-status numbers off the reserve having votes on matters directly involving the reserve community itself internally. I do have empathy for this and do not desire to increase that fear. I acknowledge the power of our fear to shape thoughts, actions, and the quality of our relationships. My original intent when I went to work at Pikwakanagan originally was not to invade anyone but to lend my support and to work with others to protect all Algonquins from further erasure, encroachment, or jurisdictional disintegration. Certainly not to cause further harm to anyone, including myself.

I feel and have felt since that time, caught in a storm, not of my making, but very much reflective of my ongoing experience with these politics, where just when you think it will pass you realize you are only in the eye and the next wave is sure to follow. I do pray for gentler winds to prevail, for all our sakes, ultimately. But not at the price of trust, mutual care, and the recognition of our shared humanity. I desire true justice for Algonquin/Nipissing people ignored by previous treaty eras thus neglected over this time, specifically in the south-western Ontario side of the Ottawa Valley up through to North Bay.

The effects on my health due to the uncertainty of my status as a non-status Algonquin person combined with the stress associated with the fear of being considered a fake Algonquin inferring that I am a liar or fraud, through no fault of my own, has been hard to bear at times. Unfortunately, people outside of these circumstances tend to overlook nuance and make assessments in line with their own confirmation biases. Confirmation bias is a very human characteristic that we all share.

Currently it feels like a very unsafe environment for someone like me to be public which is difficult given that my work is mostly performed in the public realm and this process is published on the internet. My praxis as a theatre artist, public educator with a degree in Aboriginal Adult Education, and even as an arts administrator means I need to function in a public context where people can trust my judgement, skills, and integrity and know they can count on me to be of good character. As a performer I am a holder and caretaker of stories. A calling which I take seriously and do my best to respect.

As a singer I sing for my own sake, and I sing for the wellbeing of others. The fear of being considered a *pretendian* is paralyzing at times. The stress is overwhelming because being trustworthy is how I judge my own competency and value. All of this has forced me to reconsider who I am in what context, in the eyes of others, while staying true to myself and using my gifts in a wise way. It's been tough. I often doubt myself. What I do know is my grandmother was a native woman.

My current concern is the legalized stripping of our identities as Indigenous peoples and connection to our Indigenous heritage in a way where we can no longer express, access, or reclaim our cultural collectivity or individuality potentially where we cannot share. This potential disturbs me and causes me a certain amount of anxiety that often leads to an ongoing state of depression. As well as contending with a frozen reaction I attribute to an ongoing and chronic response to trauma.

A failure to deal with us as part of an Algonquin/Nipissing diasporic reality obfuscates the responsibility by the nation-state to reconcile the harm done to those families, communities, and generations rendered as liminal populations through historically colonial systems that deployed mechanisms and systems for legalized erasure, which then constitutes an ongoing legacy of dispossession socially, politically, legally, and psychologically. This is even more disturbing if you consider that the comprehensive land claim policy is considered a tool for reconciliation. If ever there were people in need of support in reconciling it is the siloed and dispersed Indigenous peoples who have been tied to Algonquin territory for generations but perhaps not to each other, due to the pressures and stresses of colonization. There is a deep sadness that penetrates my soul when I think of the harm to our interpersonal relationships that this process at times has produced.

As far as I know, our branch of Michel McDonald's descendants, have lived in Algonquin unceded territory for the last five generations. Therefore, it is reasonable and fair to consider Michel, and his subsequent descendants, as a part of the Algonquin/Nipissing historical and current diaspora. Within this diaspora we would maintain inherent rights within Algonquin traditional territory and be subject to Algonquin law which we understand. Part of systemic dispossession is the fear of even taking up any space at all and being where one is not wanted. I battle that feeling daily. I am I realize in a great state of ongoing mourning. It runs deep inside me when what I desire is to live my life fully with shared abundance wherever I land. Part of that sharing for me is knowing that when I walk into Algonquin territory it is respected as such and the common shared wealth of the territory so long drained from this watershed is restored. By wealth I am not simply referring to financial wealth although I recognize how important enough money to provide for your family is important. I am also referring to the wealth generated by the land and its people and what must be protected for future generations to benefit from.

The ironic twist in all of this is that we have been invited and shunned at the same time at different times depending upon political winds. I know I am phobic of participating in collective

social events that then become the criteria for further acceptance. While there is much talk of lateral violence in Indigenous communities--- political dynamics like these increase that likelihood rather than dissipate it. Through this response I am asking us to collectively consider how do we also cultivate lateral empathy to account for the diversity of relationships of marginalization that have resulted over the last century and a half in relationship to the hegemony of the nation state that has almost erased the most vulnerable populations of Algonquin/Nippissing in our territory. While also inhibiting the self determination of those communities where land was acquired through the department of Indian Affairs under the Indian Act.

What is the future for those of us who for whatever reasons are Indigenous people but who did not relocate to a reserve in a territory where reserves were not created under the parameters of treaty? Where the Indigenous peoples have suffered and adapted to the most intense encroachment to where there are barely any lands left that are connected to Algonquin jurisdiction as of today. Yet these lands were always known to be Algonquin across time and documented clearly as such.

I acknowledge our records are fragmented, contradictory, and incomplete but given what can be ascertained from what is available it is reasonable to ascertain Michele McDonald is Algonquin/Nippissing for the purposes of being considered a Algonquin root ancestor. Calling upon the words of a Metis blogger from the west, Matt Hiterman to express the dilemma in assessing fragmented records, please consider the following.

Censuses should not be taken at face value nor accepted uncritically. Censuses are fraught, biased, and partial documents that construct the world they purport to describe. But they are also invaluable historical documents that can provide a snapshot of a given place at a given time. Much like photographs, censuses – although biased and filtered – can provide an important perspective. Through triangulation, used in tandem with other primary source material, inaccuracies in censuses can be corrected, and a fuller and more nuanced picture can emerge.



I will do my best to build this more nuanced picture using the information and records I have. The records include family photographs as well as other official documents and oral histories. The originals as well as collective verification of their authenticity can be confirmed through affidavit and presentation and submission of the originals when required. I am also comparing and contrasting, our circumstances and evidence, with other known Algonquin records. Including those presented in this current tribunal process by locating us socially and geographically within Algonquin/Nippissing contexts. This will reaffirm that on the balance of probabilities Michel McDonald should remain on the Algonquin/Nippissing schedule of root ancestors.

According to the current decisions of the Tribunal I am encouraged to see that three historical figures who were held prominently in the Algonquin records as leaders have been acknowledged and accepted as root ancestors and will remain on the Schedule of Algonquin ancestors. I believe this is the correct and moral decision to make and I think this process allows for confidence in that decision making. I feel privileged to read the reports and responses by descendants and I think the inquiries made by the tribunal are relevant and reasonable. We all have a great deal to learn about each other and this process helps people to deal with facts and evidence including oral evidence when it matters and not simply gossip and innuendo. I think that is important to establishing trust with integrity moving forward.

Therefore, I want to acknowledge the level of detail and thoroughness of research and analysis along with the constructive dialogic nature of this process. The burden of proof is being lifted from the original families to a degree but in some cases is still being applied at our expense to a as well. The truth is that twenty years ago most of us did not have the access to the records and information now available on-line. Therefore, it was a small group of people ultimately that had access to this knowledge in a way that gave them agency to determine or defend their claim to Algonquin connections hegemonically. We relied on Algonquin leadership to advocate and educate us. And we trusted that leadership. However, that trust was eroded by the actions of a

few folks over time. It is my hope that such trust and good relationships are restored as we move forward.

What I have noticed in the decisions to retain Jacques Kamiskwabinih. Francos Kawitadjik, and Louis Michiminakwakwe is that place of birth has not been considered a deciding factor in whether or not these individuals were ultimately considered part of the Algonquin diaspora but rather the indicators of meaningful relationships with other Algonquin people. This is much easier to ascertain because these figures were recorded in historical documents with absolutely no ambiguity in recognized leadership positions as signatories to petitions. They did so on behalf of others who may not have been officially enumerated or tabulated equally and give us a glimpse into our historical reality but not the entire picture. It is understood that other Algonquin Nipissing people within the territory would have existed but may not have been recorded within colonial records for many reasons and the obfuscation and inaccuracy of census records was pervasive throughout the 19<sup>th</sup> century. Therefore, as we progress through time it is expedient from a social justice perspective to consider the patterns and evidence of the time of the ancestor in question in a manner that is generous, wholistic, and inclusive rather than reductionistic and exclusionary. If this is to be a process of integrity regarding reconciliation for Indigenous peoples where Indigenous people are not frozen in time but rather recognized as flowing with time. As all populations do who are free from oppression ultimately if this process is about rectifying mistakes and injustices of the past.

As quoted directly from Joan Holmes at the time we were removed from the voters list.

“If you don’t supply the documentation required to meet the Proposed Beneficiary Criteria by October 15, 2020, your name will not be placed on the Voters List and you will not be eligible to vote in the upcoming Algonquin Negotiation Representative (ANR) Election in your community, scheduled for April 2021. Furthermore, you will not be eligible for any benefits, including harvesting under the authority of the Algonquins of Ontario.”

At the time we were doing our best to trust that an appeal process would ensue.

“If you miss the October 15, 2020 deadline, you will be given an opportunity to submit the required documentation during Stage 2 for the Enrolment Process, which will begin at a date yet to be determined following the April 2021 ANR Election. In addition, you will be afforded the opportunity to appeal the decision of the Enrollment Officer during Stage 2.”

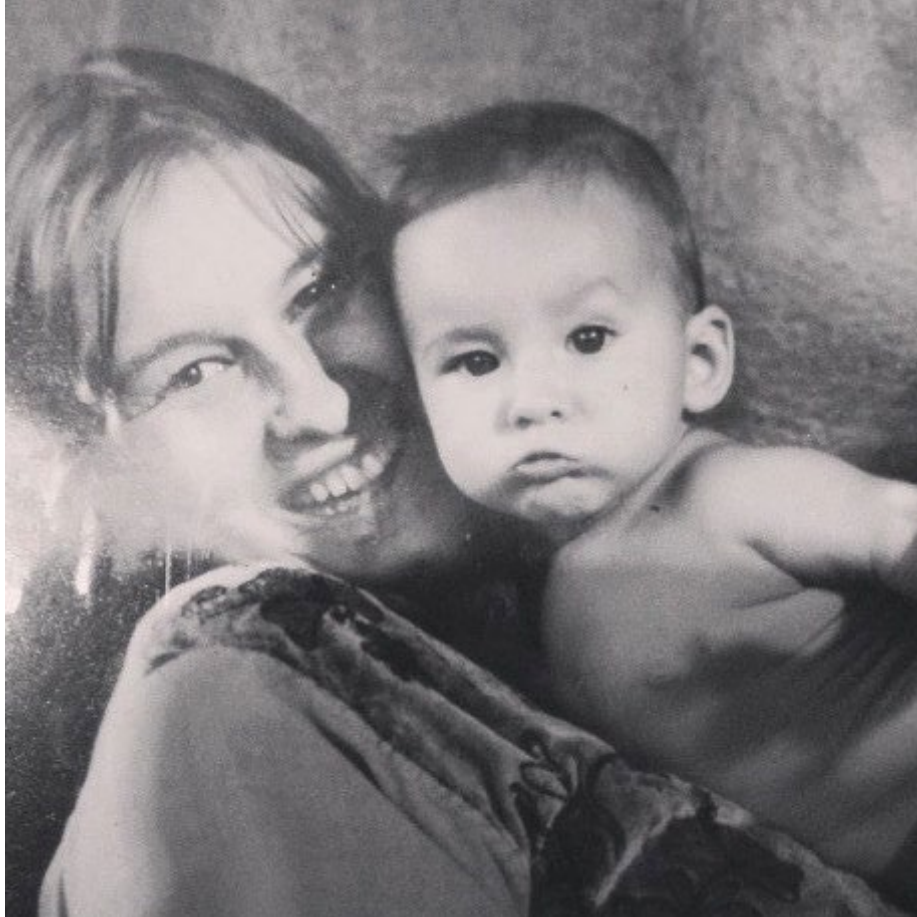
However, stage 2 has never materialized. Our family oral history does recount that Michel was married before my great great grandmother but we are not sure how many times. Therefore at least one of the marriages is likely connected to my great-great grandfather. Are both? We don't know.

What we know for certain is that Michel McDonald was enumerated in 1881, 1891, and 1901 as an Indian twice and a Cree French Breed once where another known Algonquin woman who was living with him at the time was also identified as a Cree French Breed. Three of his sons in 1921 who were living beside one another were all identified as Indians as well. My grandmother, born in 1920, was also identified as an Indian presumably because it was obvious she was John Christmas McDonald's daughter. We know that many other known Algonquin people at the same time living within the territory also were identified similarly in that their tribal identity was obfuscated in favour of a racial categorization, or they were identified as multiple different euro and Indigenous ethnicities over time.

For some people they are lucky enough for these purposes to have been enumerated as Algonquin at least once in their lifetimes. It is important to me to respect that such designations on colonial paperwork in the past maybe were not so celebrated. Being considered Indigenous within a predominantly settler society that favoured whiteness and European roots as superior to Indigenous ones was a reality and everyone coped in whatever ways were open to them or they adopted over time.

## Family Relationships and Direct Lineage

I am the mother of Myrriah Xochilt Gomez Majaury DOB 1996 Toronto, Ontario.



*Myself and my daughter in 1996 while living in Windsor.*

I am the daughter of Robert John Majaury, who has lived, all his life, inside Algonquin unceded territory except for the year he lived with my mother Sharon Gay Brigden, from Calgary, where I was born.



*Heather Majaury DOB September 28, 1965 in Calgary with father Robert Majaury prior to returning to the Ottawa Valley.*

Robert John Majaury, my father, was born in 1944 in Perth Ontario.

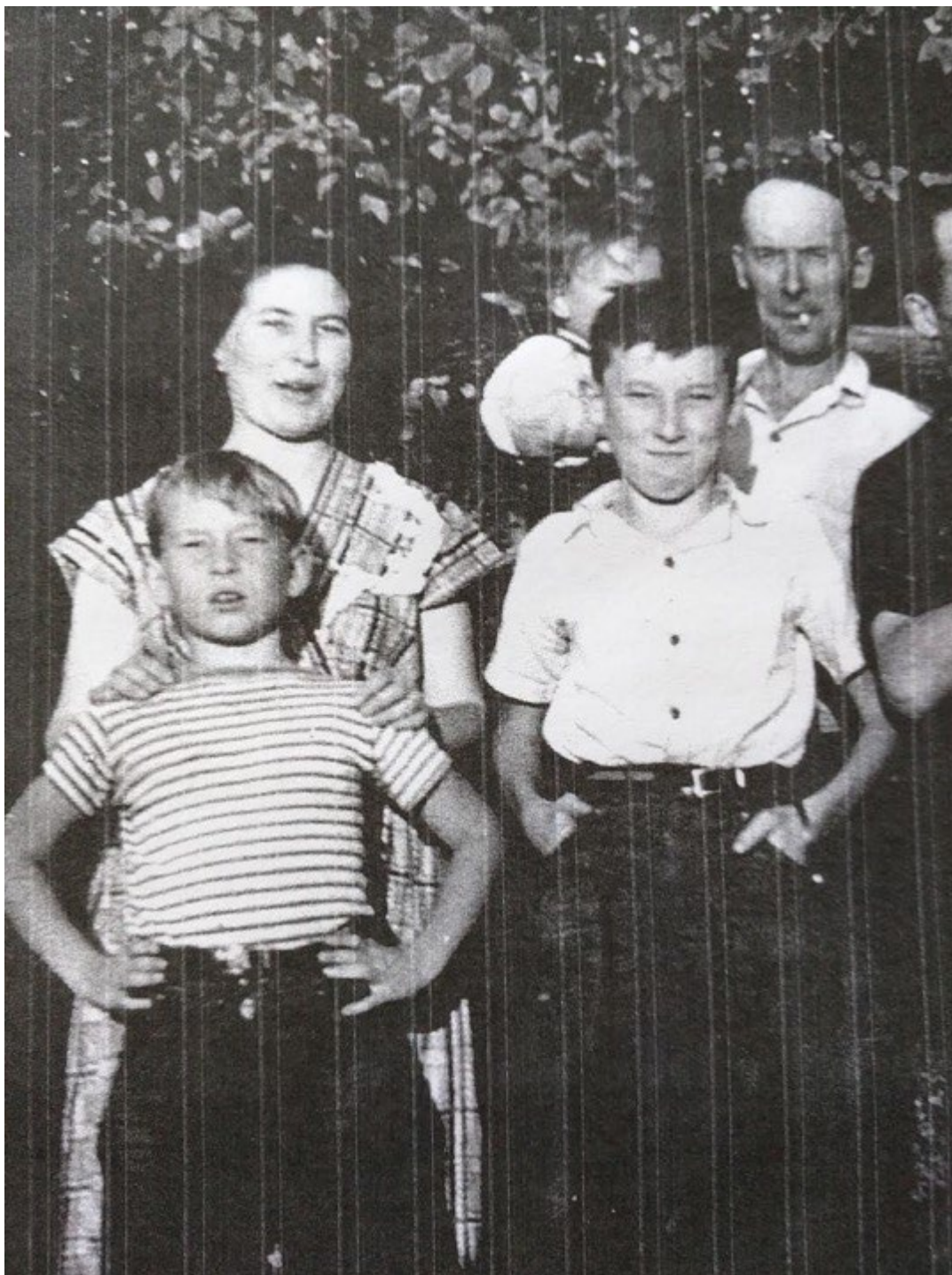
*My father Robert Majaury in his hunting grounds on MacPherson Road just off of Highway 15 between Smiths Falls and Carleton Place*



My dad lived up back of Lanark, and then closer to Hopetown on the Clyde River where he went to a one room schoolhouse in Heron's Mills. He remembers telling his teacher at school that he was an Indian because his mother was. And the teacher didn't believe him. My grandmother was upset because she feared the reaction of the neighbours. These are the stories that are often transmitted orally in families. They do not record dates or times but it's the imprint of significant moments that are retained. What is important to the spirit of the person remembering. You can imagine that being disbelieved when one is telling the truth can have a particular sting even intergenerationally as can the fear of racism from neighbours.



3<sup>rd</sup> from the Right Back Row, Robert (my father) is the son of Frances Doobie, nee Majaury, nee McDonald DOB 1920. Heron's Mills One room schoolhouse class picture.



*Back Left Frances Majaury nee McDonald, Left Front Robert Majaury, Right Front Gerald Majaury, Right Back John Patrick Majaury.*

Frances Majaury nee McDonald was enumerated with her father John Christmas McDonald, in 1921 as an Indian in the Palmerston Addington Census.

Frances is the daughter of John Christmas McDonald DOB 1885 and Mary Peters DOB 1897. This is the 1921 census where she is enumerated as Indian.

She passed away on July 1<sup>st</sup>, 2014, at the age of 94 in a nursing home just outside of the village of Jasper near Smiths Falls Ontario. She was the first person enrolled in the Algonquin Land claim process in 2000 and referred to herself as a French Indian.



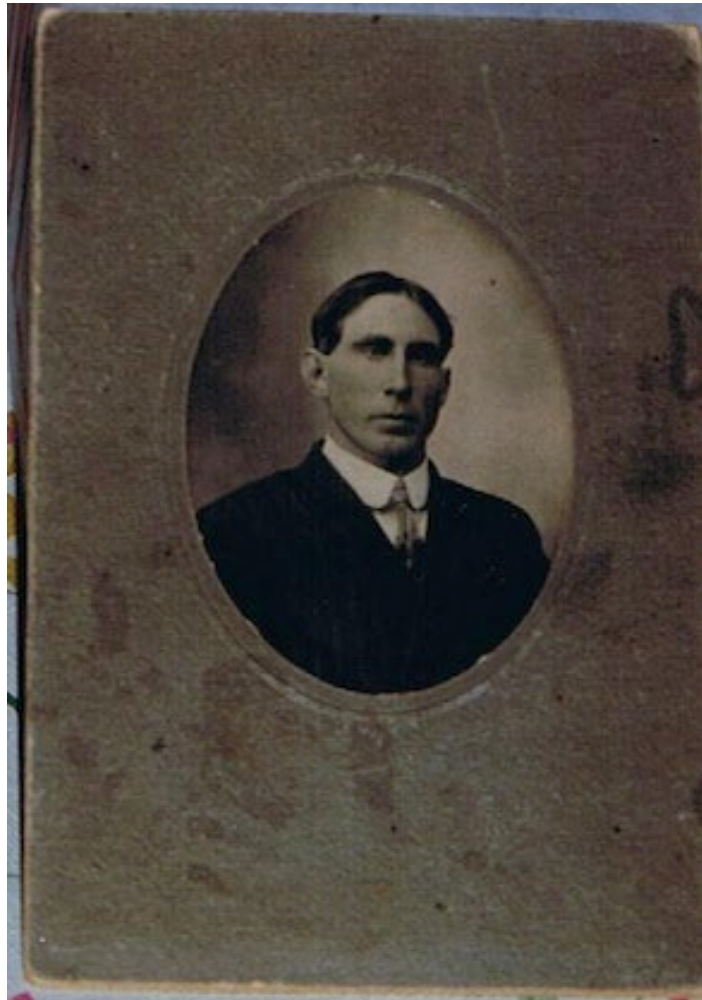
Left to right Brian Majaury., Hudson Majaury. Frances Doobie, nee Majaury, nee McDonald, Gerald Majaury, and Robert Majaury.



She is buried in Hopetown in Lanark County on the way to Calabogie.



Frances McDonald was the daughter of John Christmas McDonald.



*John Christmas in his mid 20's*

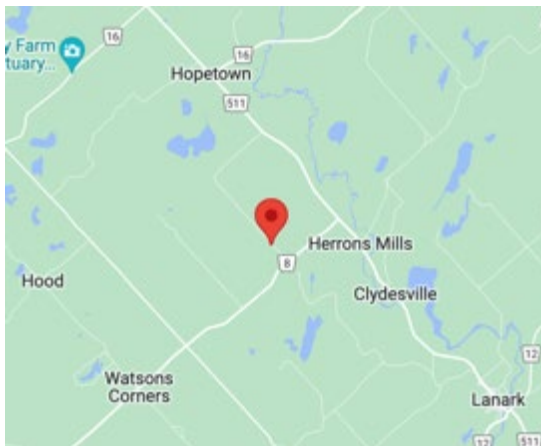
John Christmas McDonald was born in 1885 on Cononto Lake as well.

And he is also buried in Hope Town Cemetery.



My grandmother grew up on Cononto Lake but after she married my grandfather her parents moved about 4 miles away from where my dad's early years were spent.

This is their house. His first family home was destroyed by a house fire. It is now land that was repossessed by the township. I guess we stopped paying the taxes.





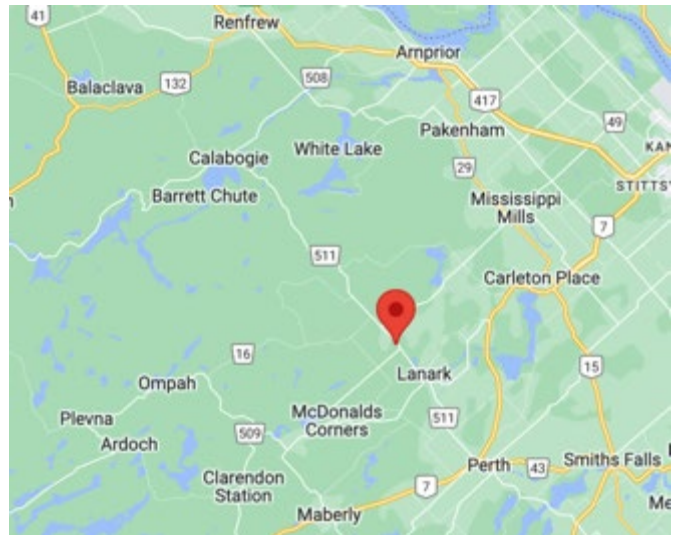
*Bob Majaury as a youngster living on Dobbie Road.*

While I have very much appreciated the map that was presented in 2019 during your consultations to show the general areas where Algonquins were found in the Territory during the petition period and Michel is included in the southern most area it is important to see how Ompah/Cononto Lake and Palmerston District connect to other known locations where Algonquin people are found to get a sense of the geography (the land) and how it related to the people. What was common knowledge when I was growing up was where my father was from was considered part of the back country in relationship to towns like Perth and even villages such as Lanark. This categorization came with all the connotations you can imagine, positive and negative by townies.

If we only rely on that map we see isolated families that look like islands onto themselves that are disconnected when in fact some families are more like social bridges than outcasts. The migration inside the territory over time is much more fluid than the limitations of stereotypes imposed by systems of enclosure create that attempt to contain. The notion of irregular bands not governed by the Indian Act is something I understand did exist during the forming of the Dominion of Canada and after. When you see where my father grew up it is quite central to many known clusters of Algonquin while in the current framework for inclusion and belonging, that attempts to form historical communities that are geographically contained and specific, we are placed in a geographic borderland between historical clusters as they have been codified within the current land claim process.

If we step out of and shift our vantage point ever so slightly then another picture emerges of families like ours existing within the heartland of Algonquin Traditional Territory within a fluid society contending with settler colonial overrun adapting to enclosure the best they could under the circumstances as they existed. Perhaps not recognized leaders within the colonial records, but Indigenous people none-the-less, doing whatever it took to provide for their families and praying for a better future in whatever future awaited them. I am deeply proud to

be the descendant of these salt of the earth people who have held onto and remembered what was ultimately important. Love. Perhaps imperfect and even flawed but love none the less. And it is with this love I am sharing our story as we know it. And not how it is imposed or assumed or accepted by records or the lack thereof.



During the original enrollment process my grandmother was enrolled at 50% blood quantum under the enrollment law that I believe was drafted by Algonquin leadership in 1994. It is my understanding that Chief and Council of Pikwakanagan enacted the Algonquin Enrolment Law that my grandmother was enrolled under on May 31, 1994. This would have been six years before we were invited to enrol to then engage politically in Algonquin civil society on matters that were land claim related. I am stressing invited.

There was never any pushing on our part. As suggested by Ron Bernard the person who protested our inclusion in 2013. I would say there was *searching*. *Searching* is a very different intent of movement than *pushing*. But that doesn't mean we did not know we were Indigenous either. Imposed amnesia, is in my opinion a part of the design of Canadian Nation Building which has reserved pride in heritage for immigrant populations envisioned as part of a multicultural mosaic. It was not intended for Indigenous populations who have been forced to assimilate precisely so Canada can claim ownership of our lands.

When I took the job as the communications officer for the negotiating team in 2001, I came across a document for which I have a copy that spoke quite clearly about enrollment. It was an Eligibility Rolling Draft revised July 23, 2001, after my family was enrolled. Perhaps this is what Mr. Bernard is referring to. Here is what it said that I think pertains to the spirit in which families like mine were enrolled.

There are several bullet points that I think may elucidate the reasoning from a different time in these negotiations. The following is from page 1.

Therefore, by contrast with other modern-day treaties, defining the participants in the Algonquin treaty presents some unique challenges.

- The Algonquins did not sign a treaty while they were identifiable as the numerically dominant people in their territory and now the Algonquin are a numerical minority in their territory;
- Most Algonquins reside in “mixed” communities rather than distinctive Algonquin communities
- Generally speaking, there are few clearly defined Algonquin communities;
- Due to selective recognition by federal law and policy, many Algonquins have not been recognized as “Indians” while others have been so recognized;
- Only a part of the Algonquin territory is being addressed and there is a need to define the part of the Algonquin Nation this is represented in and bound by the treaty.

The basic elements of the definitions of participant will include:

- Algonquin descent, and
- Proof of connection to Algonquin Territory (Ontario), or
- Long term residence in the Territory

Participation in a limited way, post treaty, may be extended to include;

- Grandfathering of certain people who have been recognized as registered Indians (Pikwakanagan status band members) even though they may not have Algonquin descent;
- Members of the immediate family of an Algonquin person, regardless of descent.

The following draft eligibility provisions embody the following approach:

- A person must establish Algonquin descent from a known list of Algonquin ancestors;
- The criteria for inclusion on that list must be set out and list must be capable of amendment if other names are identified and should be added;
- That person must establish a connection to the Algonquin Territory in Ontario (as opposed to the Quebec side);
- Band membership will be deemed to amount to such an association;
- An Algonquin National Registration Criteria will apply to persons who may not be Algonquin by descent, but are considered part of the Algonquin Nation.

Since I was not involved with or working for this process at the time of this drafting, I take offence to how Ron Bernard described our behaviour and inclusion in this process. It is inaccurate and filled with innuendo about our character. I am not clear why our ancestor is now being questioned again regarding being a valid root ancestor. I do believe Mr. Bernard demonstrates a bias with our file as our previous protester and should not be part of the body deciding our case for everyone's protection moving forward. Equally I do want to draw to your attention that Jan Leroux, who was also involved in an attempt to evict myself and my daughter from the reserve in 2002 just a few days after we had moved in. When I confronted her she suggested that it was because my daughter was taking up too much room on the school bus. There was a 90 day guest policy on the reserve that for some reason was not being applied to us. I can only assume because of the larger politic that was unfolding.



According to this draft document from July of 2001 the following Eligibility was put forward.

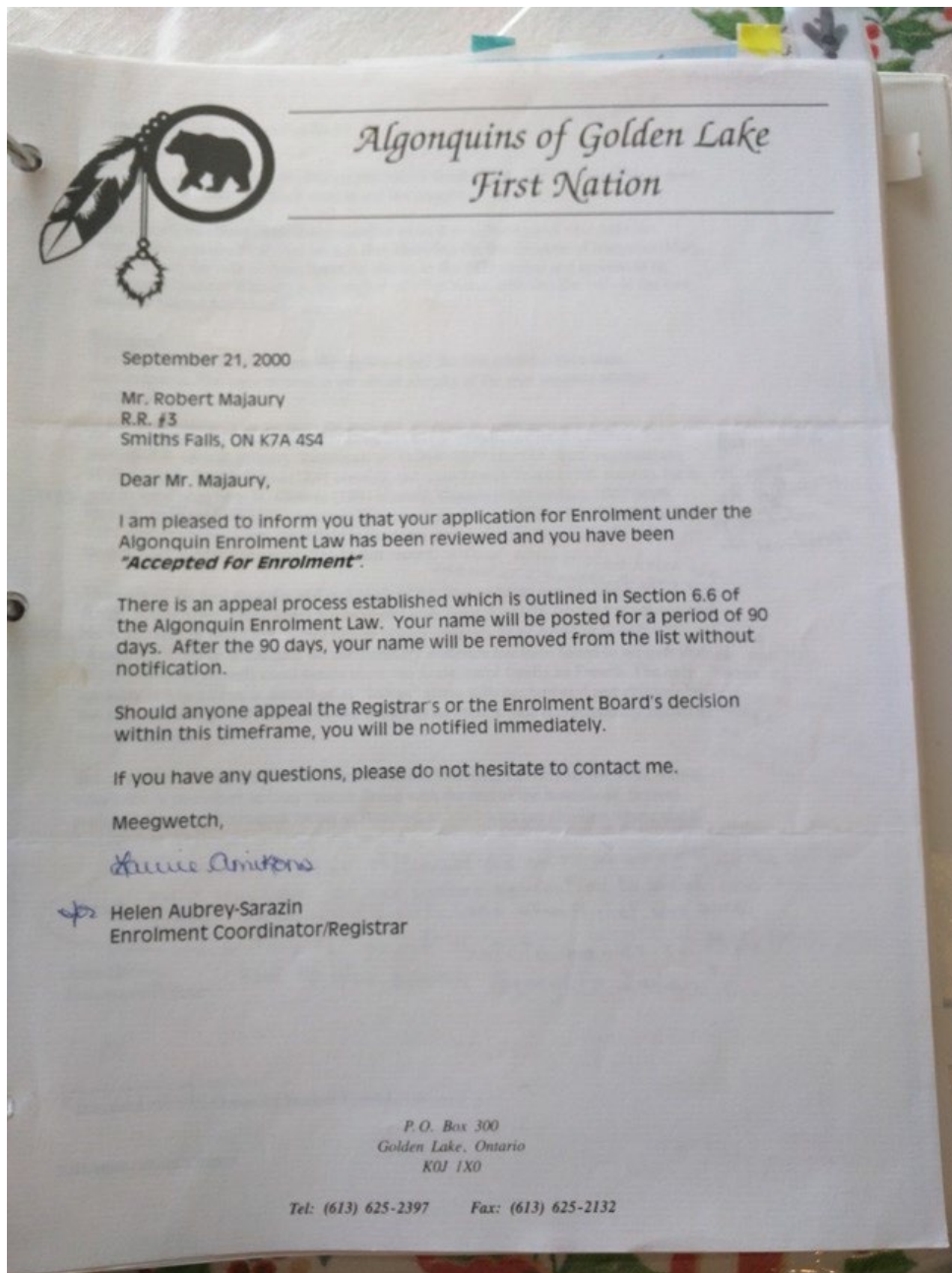
1. Before the date of settlement legislation, a person is entitled to be enrolled as an Algonquin participant if that person is;
  - a) Algonquin, meaning that the person is
    - a lineal descendant of and Algonquin Ancestor' as listed on Appendix "A" [subject to blood quantum?]. (see footnote)
    - a lineal descendant [subject to blood quantum?] from a person recognized by the Algonquin Enrolment Board (see footnote) as an Algonquin Ancestor;

and

  - b) associated with the Algonquin Territory in Ontario, meaning that the person
    - i) is ordinarily Resident (see footnote) in the Algonquin Territory in Ontario, or
    - ii) had an Algonquin Aboriginal Connection (see footnote) to the Algonquin Territory in Ontario, or
    - iii) is a member of Pikwakanagan First Nation.
2. After the date of settlement legislation, a person is entitled to be enrolled as an Algonquin participant if that person is:
  - a) Entitled to be enrolled as a participant under section 1, or
  - b) A member of Pikwakanagan First Nation but is not Algonquin within the meaning of subsection 1 a), or
  - c) Accepted under Algonquin National Registration Criteria (see foot notes)
3. A person may be enrolled as a participant in only one treaty that results from negotiations base on an assertion of aboriginal rights and title to the Algonquin Nation, either in Ontario or Quebec.

4. For greater certainty no person who is a member of any other Indian Act band (see footnotes), other than the Algonquins of Pikwakanagan, may be enrolled as a participant.

I can submit this paper document to ensure that it can be determined that we were enrolled prior to any demand of anything. Please see below the letter of affirmation of acceptance with the criteria at the time of our enrolment by the enrolment office of the time.



Persons who are not members of the Algonquin's of Pikwakanagan First Nation and, therefore, had/have no recognized identification criteria or process, and who wish to share the benefit of a negotiated Algonquin Treaty, have always been asked to meet an Algonquin Identification/Admission Criteria. Early in this process, criteria were set by the Algonquins of Pikwakanagan First Nation but, in the end, those demanding admission to the process were allowed to write their own admission criteria.

*Ron Bernard's statement regarding descendants of the McDonald Family within Judge Chadwick's summary for his decision.*

In 2013 the bias presented by Mr. Bernard regarding our family included a belief that those who resided at Pikwakanagan who were under the Indian Act were more documented and therefore more authentic or acceptable. Yet we know that being designated an Indian under the Indian Act does not prove an individual descends from verifiable Algonquin in every case. Simply being a registered Indian with Pikwakanagan is enough documentation. I understand the desire to not further divide the community into smaller pockets or camps when being married in and living on the reserve means that you are part of a community that will be impacted by whatever agreement is ultimately created. No one need dig further. However, I want to suggest that such designation in this particular context is a privilege not accorded to those of us in the larger diaspora who must put records together that are incomplete and fragmented but nevertheless confirm Indigenous heritage, lineage and connection over time, to the territory that is meaningful, ongoing, with complex relationships to other Algonquin families.

This is very different from basing our claim to identity on false records or doctored records or only on oral testimony solely. This seems to be the case for the Thomas St. Jean Dit Laguarde file in 1999/2000. Oral history formed the sole evidence firstly. And then a forgery was submitted in 2013. I do value our family's oral history but it is in relationship to verifiable records that the best picture emerges even if it is not complete. It is not the same as claiming a right to acceptance in perpetuity for settler descendants who may have been helped by Algonquin families in the modern period of Algonquin history in the valley as well. I do understand the need for this claim to establish a solid foundation for ongoing history of

relationships across the petition and modern period to be defensible, trustworthy, and accurate which our family demonstrates.

Our removal in 2020 was based upon a technicality which has yet to be addressed. The removal of Michel McDonald on the current schedule of ancestors would in my opinion be a mistake and an injustice to his memory, and the memory of my great grandfather and my grandmother. A grandmother I loved very much and who was familiar to my daughter until she died in 2014. This is regardless of outcomes regarding citizenship in the future within a constituted Algonquins of Ontario context. It is with my love and respect for my ancestors and my beloved family members that I am advocating for his retention.

We were accepted in a hearing we did not even attend in 2000, because we were told we didn't have to. We were represented by Doreen Davis, the leader of Sharbot Lake at the time, who assured us that we were Algonquin people and that she would advocate and represent us to ensure our inclusion because their community had been looking for the descendants of the McDonalds already. We were obviously hidden in plain sight given that many of John Christmas' descendants remained living in the Ottawa Valley and still do. I am one of the few in my generation who moved outside the territory. But I return on a regular basis. Currently I am staying at 830 Fraser Ave in Ottawa as I write this until mid-March. There was a migration out west in my grandmothers' generation of two of her brothers which I will discuss later.

We were acting, and have always acted, in good faith. Trust, however, has waned since 2020. I have been openly critical of government policy around this claim at times because I do not think it is adequate in its compensation to Algonquin people, communities, or the Nation as a whole. I have done this within the context of being enrolled and therefore believed I had a responsibility to participate. I took none of this as trivial and I still don't. I am not responding to this tribunal to win a personality contest either. I am here to defend the integrity of my ancestors. This is a highly politicized (legalizing) process and it is important to remember that there are real human beings behind the paperwork.

I read this following statement in the newly adopted proposed beneficiary criteria to mean my grandmother's father qualified as an Algonquin ancestor because he was born before 1897 and remains so today as per this definition. But his name was never added to the schedule of ancestors and likely should have been in 2013 and before that in 2000. According to the criteria for being considered an Algonquin ancestor for the schedule of ancestors John Christmas should still qualify unless his father is removed and no longer considered Algonquin.

"Algonquin Ancestor" means a person who was born on or before July 15, 1897 and identified in an 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, and includes the persons listed in the schedule of Algonquin Ancestors, as amended by the Algonquin Negotiation Representatives from time to time and which may be viewed at the Algonquins of Ontario Consultation Office and Algonquin community offices . In this definition, a sibling of a person is a person with a common Algonquin parent;

*John Christmas  
MacDonald,  
Later in life likely  
in the 1950's  
DOB 1885 - 1957*



Only his father Michel McDonald was listed on the 2013 schedule. It is Michel who is then identified as a root ancestor for land claim purposes. But I have noticed that other ancestral listings included all ancestors in vertical family lines on various schedules. For example, a father, Roch Silvestre Manithabehick, and his daughter, Marie Olivier Manithabehick, are both listed as

ancestors on the 2015 voters list. They were both added to the Master Schedule of Ancestors in 2013. Was this because they are deep time ancestors that predate the petition period?

John Christmas McDonald was never added to the ancestral schedule in 2013. But he likely should have been. Along with all his siblings who were also born before 1897. And to be honest regardless of the date partition that delineates the petition period from the modern period any child with the same parents shouldn't be discriminated against due to such a technicality. In our family's case no more children were born after the death of my great great grandmother in 1893.

It is the current way the proposed beneficiary criteria is written that creates this technical discrimination in this generation. I understand that the enrollment officer would not have the power to determine who is on the list outside of the policy she must follow. Which was why in 2020 we asked to have our situation brought to the A.N.R negotiation table directly. But we were told by Lynn Cloutier that Bob Potts advised her not to do that. Something to do with her popularity which I did not understand at the time. And still don't. Regardless of her personal relationships and even her ancestry she had a responsibility to bring our concerns forward and directly and she failed to do this seemingly under the advice of the principal negotiator.

John is the son of Michel McDonald (DOB unknown). Michel is speculated to be born sometime between 1836 and 1843 according to the records available. He is most likely born in 1839-40. There were no birth records kept in Ontario at the time of Michel McDonald's birth and none in the territory that would become known as the province of Manitoba either. There would not be birth records in townships that form the townships districts and subdistricts within these counties in the province of Ontario until July 1, 1869. And Manitoba would not be named such and brought into confederation until July 15, 1870.

There are records that place Michel within Algonquin contexts even if he is located on the margins or borderlands of historical collectives and shows a certain amount of fluidity as he

moves throughout the territory at different times. He is obviously orphaned before there are records that document his life and movements. The first record we find in the territory could or could not be, my great-great grandfather Michel. It lists him at 18 years of age placing his birthdate at the margins of the range of his potential age. We don't know if this is him conclusively. According to family oral history transmitted by both my grandmother and Brent Whetung he took on, or adopted, the surname McDonald around the age of sixteen. This would have been a minimum of two years before he is found in any government records. No record has ever been found outside the claim area. The person we can definitely identify as my great-great grandfather was only ever documented in the Algonquin traditional claim area within the petition period.

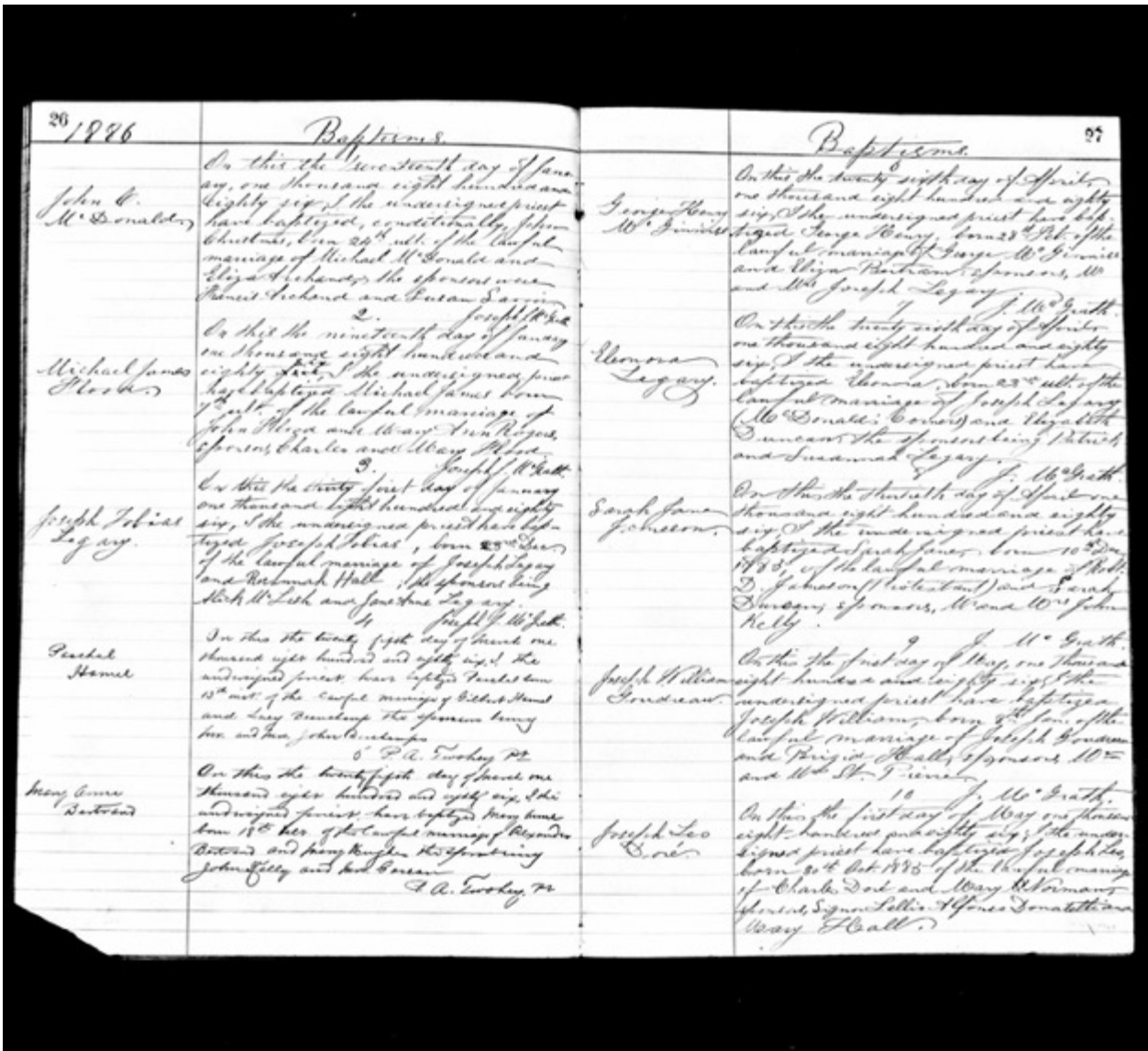
This seems reasonable enough criteria if the spirit of a proposed beneficiary criteria, is invoked from an intent of reasonable inclusion and equitable fairness. And even if he were found to be born outside the claim area the reality is that Algonquins moved a lot and were displaced and then kept returning. Sometimes in the same generation sometimes in subsequent. What we are truly discussing here is the protected right of return within the parameters of a self-determining reconstituting modern Algonquin Nation ideally. We know some Algonquins went as far west as Wahta and Manitoulin Island and then there are Algonquin and Nipissing who are part of the Robinson Huron treaty while others are not. And Algonquin much further north where communities include Ojibway, Cree and Algonquin together.



*Michel McDonald DOB likely 1839-40 with my grandmother Elizabeth Arkle DOB 1847.*

If an Algonquin/Nippissing family were living outside the jurisdiction of a church in their hunting grounds it is possible at the time of Michel McDonald's birth that there would have been no baptismal record because there was no baptism. While many Algonquin were devoted Christians mostly Catholic, I believe other Algonquins simply tolerated the church. I have no idea how my ancestors related to the church. I do know that in my grandmother's generation my grandmother expressed her devotion to Christianity in this way. She described her baptism as being *sprinkled* by whatever church got to them first in the bush. In her case it was the Anglican minister and not the Catholic Priest. But her Daddy was a Catholic.





Later in life she joined the United Church which was the religion of her husband my Scotch/Irish protestant biological grandfather. He died seven months before I was born. She told me that it didn't much matter what religion you were, as long as you had one, and lived a good life. Everyone needed to have a set of rules and instructions for living a good life. Later I learned about the concept of mino pimajdownin or bimadiziwin depending on which Anishinaabewowin dialect you are exposed to or learn. At Golden Lake it is pronounced and spelled using a p and softened d in three fires territory where I live now, they use the b and z. Can you imagine if we did not make room for such variety how hard it would be to talk to one another and communicate across these differences?

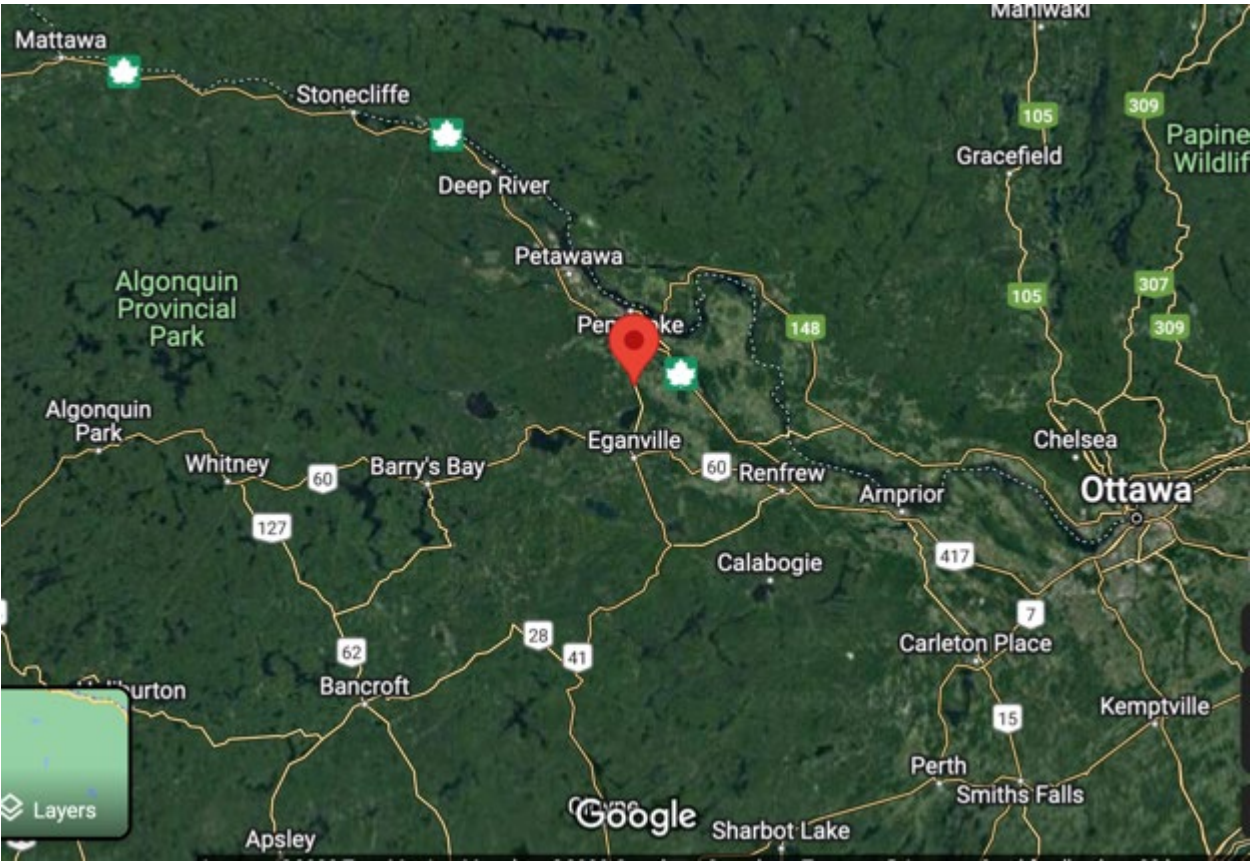
St Killiam's in Ardoch for example, was not built until the later 1800's. Also, it is my understanding that there was a documented cholera outbreak just a few years before the projected birth of my great great grandfather which was serious enough that many residents of Lake of Two Mountains scattered and went deeper into their hunting territories and remained there. A baby just may not have been documented. And if he primary care giver his mother died in his youth it is possible that there just aren't records within the colonial context.

A thorough search and inquiry has been made by a third-party genealogist/archivist that I contracted, and nothing has been recovered. There also does seem to be missing records from the potential parishes where Michel may have been baptized. But I do call upon the family history I have heard from the Whetung branch of the McDonald family in this matter. Which coincides with what my grandmother told me to fill in this blank. This family oral history states that *McDonald* was not Michel's real name but rather a surname he gave himself. Michel *christened* himself with the name McDonald at the age of 16. Brent Whetung conveyed this story at the original hearing in 2013 in person. For some reasons while Justice Chadwick relays the information included in my presentation and refers to my cousins he does not include a summary of Brent's testimony on that day.



*Brent Whetung and his sister Brenda Whetung children of Donald Joseph Whetung youngest son of Elizabeth Whetung nee McDonald younger sister of John Christmas McDonald.*

This would have been prior to the first potential census record that enumerates him in Richard McDonald/ODonalds home at the end of the list of children, out of order, and records him as a labourer. Is this our Michel? We believe so. We cannot be completely certain. He is found in Wilbefore township not far from where Golden Lake Reserve would be established in the 1870's. The following maps shows its approximate location.



Also, because our family's oral history is clear that McDonald was not Michel's original name we have no real way to find an applicable baptismal because we don't know his original name. It is my understanding from reading the other reports in this tribunal process that it was not uncommon for people to change their names throughout their lifetimes. This is consistent with our family's oral history.

We have also connected with Kevin Montgomery who has many colourful family stories that refer to relationships with the Whiteducks as well. He would be Eliza Whetung's nee McDonald's great grandson. His father and my father used to hang out in a family car when they were kids and tell each other ghost stories and scare the heck out of each other so my father says humoursly.



*Left: My daughter Myrriah Xochitl Gomez Majaury sitting with Kevin Montgomery as he shares stories about related ancestors.*

According to Kevin Montgomery who is the great grandson of Eliza Ellen Whetung nee McDonald John Christmas's younger sister, he states that from his grandmother Iona Montgomery nee Whetung, and his great aunt Levina there is no doubt that Michel McDonald was Indigenous but they too do not know if he was Nippissing or Algonquin They believed that his Mother was from somewhere on the French River or they had lived there at one time. At some point she did go to live with the boy's (Michel) father's family.

Kevin's great aunt passed way in 2004 in her late 80's. He spent significant time with his great aunt asking her about family history including the McDonalds. He confirms that through family oral history Michel was married three times. He was told by both his grandmother Iona and his great aunt Levina that Michel's second wife and child Margaret were killed in a fire on the farm

where they were living. It was a farm where he was working because he did not own land and lived where he worked. According to family lore Michel had named his daughter Margaret after his sister who died when he was younger. How old was she or how old was he when she died no one knows. But we believe it was when he was quite young since according to Brent Whetung Michel christened himself with the name McDonald when he was sixteen.

A Michel McDonald shows up in the 1861 census on the farm of Richard McDonald or O'Donald in Wilbeorce township at the estimated age of 18 but at the end of the list of children so it is questionable if he is a child of the man or a relative at all because he does not appear in order of age in the list. According to Kevin he was told Michel's mother's first name or Christian name was Elizabeth. And she was sent by her people to live with relatives of the boy's father. Levina and Iona (being the eldest child) both transmitted memories of taking the train to Smiths Falls and then on to Carleton Place to see relatives that owned a craft store of some sort. My grandmother definitely remembered her great aunt visiting her and my grandmother remembers visiting her cousins at Stoney Lake and Crow's Landing and going to the petroglyphs with them. She was also given an academic paper about Nona Bedwell nee Whetung that she gave me.

Also, Michel's mother with the boy (Michel) worked at a farm where there was a very cruel man who was they believed a French Canadian. He was so vicious that he used to beat the boy (Michel) and he has terrible scars on his back with literally chunks out of his skin. It was Iona's mother, Eliza Ellen Whetung nee McDonald, when she came home to visit Michel on the family farm near Cononto, and before she left home and married Roy Whetung, that would tend to the scars that remained. The Whetung's believe that his mother died at the hands of this man on this farm and that she was murdered by him according to Kevin.

Every branch of the family I have ever spoken with confirms that McDonald was not his original name but no one knows for sure where the name comes from. There is speculation but no certainty. What is important is that everyone is emphatic that *McDonald* was not his given or

real name. No one in the Whetung family knows exactly where he went after his mother died or was murdered.

He had the skills of a hunter, and a trapper, and no one doubts that his mother was Indigenous. Who his father was, is not known but everyone agrees that his mother was an Indian woman who was likely quite young when she had him and there is a belief that she was outcast. Did she go to the land that later became Manitoba who knows but she definitely returned to live in the Ottawa Valley, and this was also where Michel lived almost all of his documented life. The story goes that the farmer that may have murdered his mother called the boy Michel the bastard.

There is another story that Kevin transmits that suggests ongoing connections with Whiteducks as well that involves sorcery or medicine. It involves a local witch who tried to put a curse on the family. Richard Cornelius, who went by the name Dick Cornelius, who was married to Margaret Whiteduck came to basically put a counter curse on this woman because Eliza Ellen Whetung nee McDonald was considered extended family. Kevin has in his possession the artefact from this ceremony that was conducted to protect the family from some bad medicine basically. He also recalls his uncle Leonard joking that Whetung referred to or was connected to black ducks and then they were also Whiteducks and he thought that was pretty funny. Whatever the story is our family lore is full of Whiteducks and then Sarah Whiteduck is found in the house in 1901 and then Joe Kelford Whiteduck is definitely my grandmothers great uncle.

In the Rosendburg research regarding the Whiteduck family I found the following to be an interesting speculation since my great great grandfather has the first name Michel and his surname is not his real or birthname. I don't know if this applies to my great great grandfather but when you realize how much names were being changed you begin to wonder. And since cousins were marrying amongst each other and the branches of the Whiteduck's seem to spread into a wide tree not necessarily with a single common ancestor then there is room for this hypothesis as well. Patrilineal surnames is a modern European practice imported to Turtle

Island. And even in Europe it is not as old a practice as people may think in all places. Please read the following passage from the Rosenberg research document about Whiteducks.

*at the Lake of Two Mountains Reserve before he moved to Maniwaki. Page 17 lists the names of families living on the reserve along with the meaning of their surnames. It appears that the name Michel means "Whiteduck." Could there be any significance between this and the fact that some of the Indians living at Golden Lake had the surname Michel? [You may have noticed the name Odjick on page 16. Gino Odjick who plays for*

But with the revelations of further primary documentation, we were not aware of in 2013, we have ascertained another kinship connection to the Whiteduck family, through Mary Peters nee McDonald, my great grandmother, who was married to John Christmas McDonald.

*Mary Peters daughter of Pheobe (pronounced Pebbie) Peters nee Kelford sister of Joe Kelford Whiteduck. Wife of John Christmas McDonald and mother of Frances McDonald. We do not know if Pheobe (pronounced Pebbie) and Joe were half or full siblings. But Mary and Joe were born within a month or two of each other and the families lived adjacent to one another meaning that Joe and Mary interacted more like siblings than uncle and niece. This picture was likely taken in the late 1930's and early 1940's.*





This is a copy of their wedding affidavit below.

**PARTICULARS**  
to be attached to the process solemnizing the  
**MARRIAGE**

**AFFIDAVIT**  
REQUIRED BY THE REGISTRAR GENERAL IN CONNECTION WITH THE MARRIAGE ACT

RECEIVED  
NOV 27 1911  
ONTARIO

I CERTIFY that the above-named parties were married by me in the presence of

| THUS662            | BYDEEDSMAN                 | BRIDE                      |
|--------------------|----------------------------|----------------------------|
| NAME OF GROOM      | John Mc Donald             | Mary Ann Peters            |
| NAME OF BRIDE      | Mary Ann Peters            | Mary Ann Peters            |
| RESIDENCE OF GROOM | Township of Carleton Place | Township of Carleton Place |
| RESIDENCE OF BRIDE | Carleton Place             | Carleton Place             |
| EDUCATION OF GROOM | Bachelor                   | Spinster                   |
| EDUCATION OF BRIDE | Farmer                     | Farmer's Daughter          |
| RELIGION OF GROOM  | Roman Catholic             | Methodist                  |
| NAME OF GROOM      | Richard Mc Donald          | Stephanie Peters           |
| NAME OF BRIDE      | Elys Avonle                | Peggie Kelfert             |
| NAME OF GROOM      | Edw J. Clarendon           | Francoise                  |
| NAME OF BRIDE      | John Mc Donald             | Mary Ann Peters            |

Witnesses:  
 Jane Kelfert  
 Ompah K. Oat  
 Margaret Harrington  
 Lorna Oat  
 (Lena) Dup. Ch. Clarendon  
 Cora Thornton  
 on the 15<sup>th</sup> day of December 1911  
 at Carleton Place, Ontario  
 Minister: Methodist

**Instructions to Person solemnizing marriage:**  
 After solemnizing the marriage, fill in the particulars and forward this LICENSE forthwith to the REGISTRAR GENERAL, Parliament Buildings, TORONTO. (A penalty of \$25.00 is provided for negligence. See "Examples.")  
 Be sure to sign the above and give address.

**EXCERPTS FROM THE MARRIAGE ACT**

2. The following persons being over and resident in Canada may solemnize marriages between persons not under a legal disability to contract such marriage:

(a) The ministers and clergymen of every church and religious denomination duly ordained or appointed according to the rites and ceremonies of the church or denomination to which they respectively belong;

(b) Any duly appointed commissioner or staff officer of the religious society called the Salvation Army chosen or commissioned by the society to solemnize marriage;

(c) Any elder for the time being of the church or congregation of religious people commonly called or known congregationally as "Congregations of God" or "Congregations of Christ," and individually as "Disciples of Christ," who from time to time is chosen by any such congregation for the administration of marriages;

(d) Any duly appointed commissioner or staff officer of the religious society called the Salvation Army chosen or commissioned by the society to solemnize marriage;

(e) Any elder for the time being of the church or congregation of religious people commonly called or known congregationally as "Congregations of God" or "Congregations of Christ," and individually as "Disciples of Christ," who from time to time is chosen by any such congregation for the administration of marriages;

(f) Any recognized evangelist, teacher or elder for the time being of any congregation of Christians commonly called or known as "Brethren," who may be appointed by any such congregation for the administration of marriages, and whose appointment has previously been filed in the office of the Provincial Secretary;

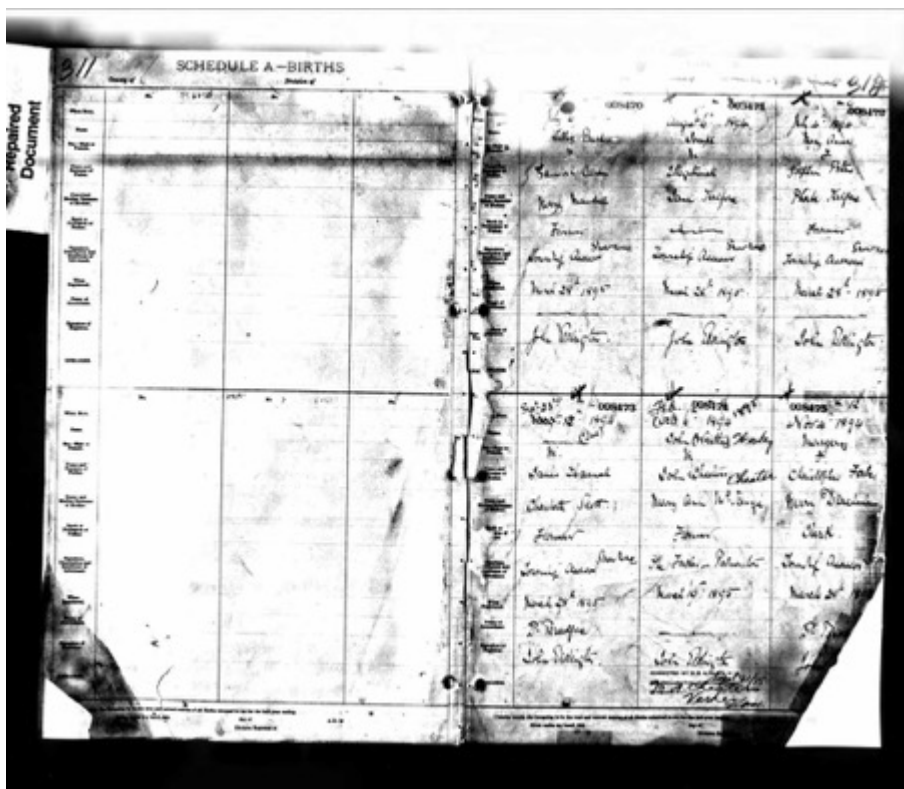
24. No fee shall be payable for a license except the sum of \$5.00.

25 (2). Every person guilty of an act or omission in violation of any provision of this Act, for which no other penalty is provided, shall incur a penalty of \$25.00.

Photo of John and Mary outside their house in the 1950's. John died in 1957 and Mary in 1960.



Mary was born in 1894 as was her uncle Joe Kelford Whiteduck. Joe Kelford and Phoebe Kelford were both recorded as illegitimate on records.



All of Jane Kelford's children were considered illegitimate. Joe's father is revealed on his marriage affidavit below.

Ontario, Canada, Marriages, 1826-1938 for Loretta Marrior

Renfrew 1914

**Particulars to be filled in by the  
Clergyman performing  
Marriage**

**I Heretofore declare that I Married**

|   |  |
|---|--|
| <i>Joseph White Duck (Kelford)</i><br><small>Name of Husband</small>  |  |
| <i>Loretta Marrior</i><br><small>Name of Wife</small>                 |  |
| on the <i>22</i> day of <i>September</i> 1914                         |  |
| at the <i>Village of Calabogie</i><br><small>Name of Township</small> |  |
| in the County of <i>Renfrew</i>                                       |  |
| by <i>J. H. B. 10945</i><br><small>Name of Minister</small>           |  |

|  |  |
|--|--|
| <i>Labourer</i><br><small>Rank or Profession</small> | <i>Domestic</i><br><small>Rank or Profession</small> |
| <i>Bachelor</i><br><small>Single or Widower</small>  | <i>Spinster</i><br><small>Single or Widower</small>  |
| Age <i>20</i> Years                                  | Age <i>22</i> Years                                  |

|  |  |
|--|--|
| <i>Catholic</i><br><small>Religious Denomination</small>                     | <i>Catholic</i><br><small>Religious Denomination</small> |
| <i>Canada, the Dominion</i><br><small>Province of Husband</small>            |  |
| <i>Belgian, Province of</i><br><small>Province of Wife</small>               |  |
| <i>Joseph White Duck</i><br><small>Name in full of Father of Husband</small> |  |
| <i>William Marrior</i><br><small>Name in full of Father of Wife</small>      |  |
| <i>Labourer</i><br><small>Rank or Profession of Father of Husband</small>    |  |

SEP 23 1914  
ONTARIO  
SCHEDULE B.  
**AFFIDAVIT.**  
Required when Marriage or Certificate is Granted by Issuer of Marriage Licenses by provision of  
**The Marriage Act.**  
Chapter 242, R. S. O. 1907.

019463

I, *Joseph Kelford* of the *Township of Renfrew* in the *County of Renfrew* Province of *Ontario* do hereby declare as follows:

1. That I and *Loretta Marrior* of the *Township of Palmerston* in the *County of Renfrew* Province of *Ontario* are desirous of entering into the Contract of Marriage, and of having our Marriage duly solemnized at the *Village of Calabogie* in the *County of Renfrew* Province of *Ontario*.

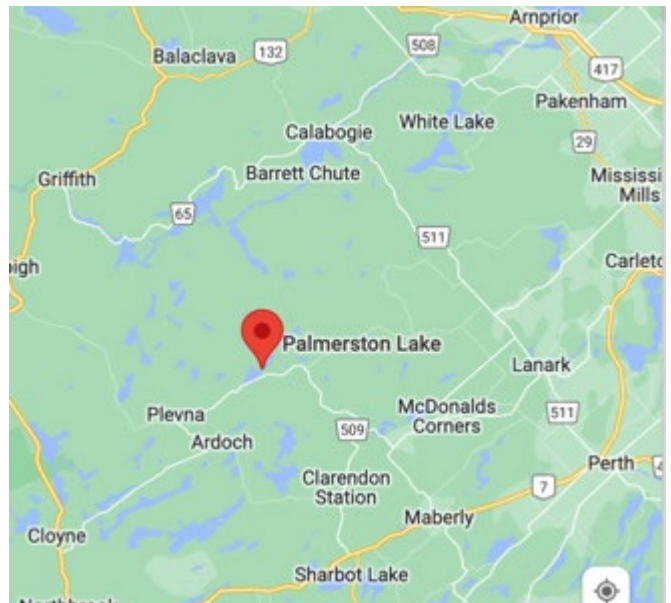
2. According to the best of my knowledge and belief, there is no affinity, consanguinity, prior marriage or any other lawful cause or legal impediment to bar or hinder the administration of the said Marriage.

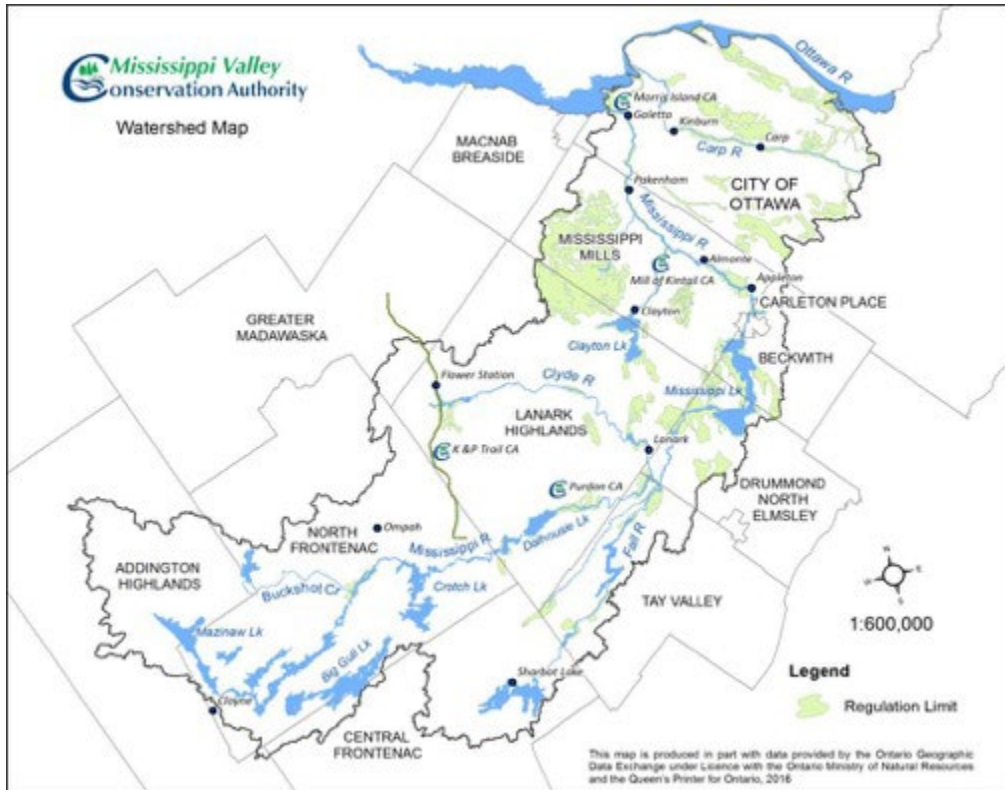
3. I, *Joseph Kelford* do hereby declare that I am a *Bachelor* and that I was born on the *first* day of *January* 1894 at the place of abode within the municipality of *Renfrew* in the *County of Renfrew* Province of *Ontario*.

4. I am of the age of *20* years, and the said *Loretta Marrior* is of the full age of eighteen years.

5. I am a *Bachelor* and the said *Loretta Marrior* is a *Spinster*.

I am certain my great grandfather John Christmas met Joe Kelford Whiteduck before 1897 but I have no proof. These relationships span across the petition and modern periods. Geographically these people did not live far away from each other. They most certainly knew one another and visited one another. These were woodlots, hunting grounds, and small farms throughout the Mississippi Watershed as the maps below illustrate





The river itself meets the Kichisipi and ends up at Mazinaw Lake where there can be found many rock paintings pictographs, some of them quite iconic, within Anishinaabeg heritage and culture including renderings of Wassaguchuk/Nanabush, and great water lynx Mishupishu. Our relationship to these lands are so intimate that my father showed me where my grandmother actually used to draw water from a cave near where she grew up.



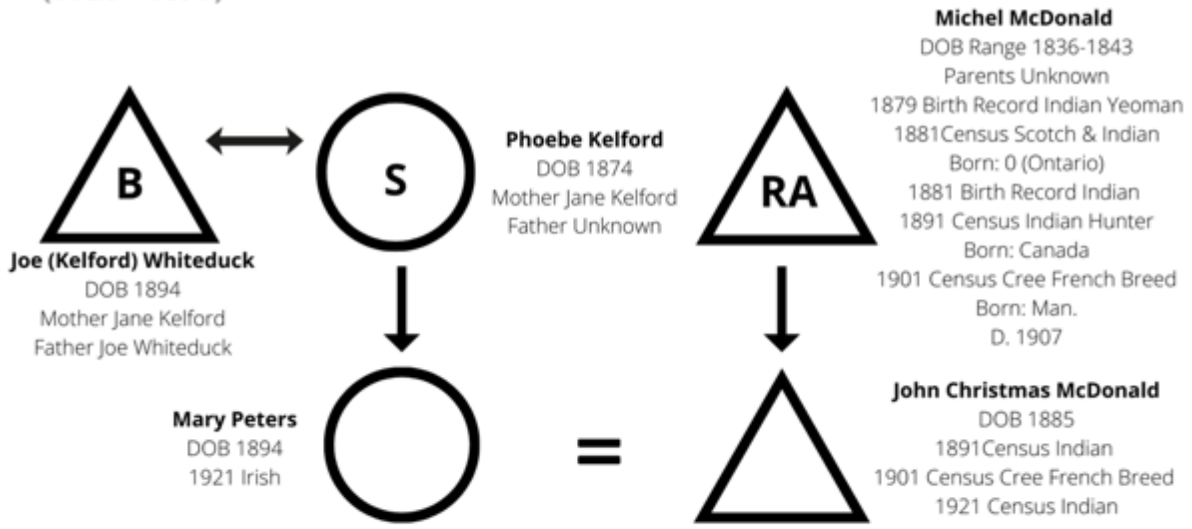


*Pictographs at Bon Echo Park Masinaw Rock quite close to where my grandmother is from.*

In this following chart I am also illustrating our known relationships across three historical eras that are framing and defining the context of the current adopted proposed beneficiary criteria where John Christmas was removed in 2020 because he was born in 1885 and not earlier. We have not been able to use the 1901 census as evidence of a relationship between Sarah Whiteduck and John Christmas McDonald although it is reasonable to extrapolate that after Eliza McDonald's death in 1893 that Sarah Whiteduck came to live at Michel's house to take care of the children. The children were all needing care at those ages. John would only have been 8 years old at the time and most certainly knew her.

I understand that we cannot prove beyond a shadow of a doubt that Joe Kelford Whiteduck and Pheobe Kelford are full siblings but that does not change the intimacy of the familial relationships that were lived out and it is also likely that Michel McDonald and John Christmas McDonald knew Joe Kelford Whiteduck as well before 1897. Of course, if Joe Whiteduck is also Phoebe Kelford's father, then my grandmother would be a direct lineage from the Whiteduck's through her mother. This new information does not refute the decision in 2013 but strengthens the connections to the Whiteducks beyond speculation, secondary sources, and only family oral history. We have found no records indicating Phoebe's paternal parentage. Like her brother Joe, she is considered illegitimate officially on what records we can find.

**Petition Period**  
(1728 - 1897)



1897 Last Petition

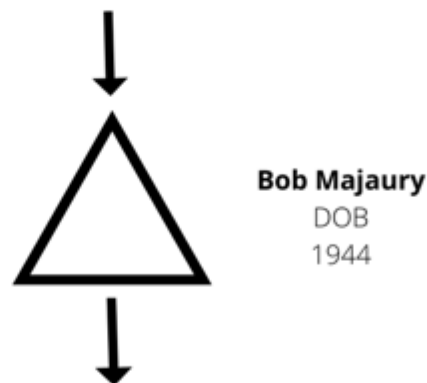
1901 Census

**Modern Period**  
(1901 - 1991)



**Legend**

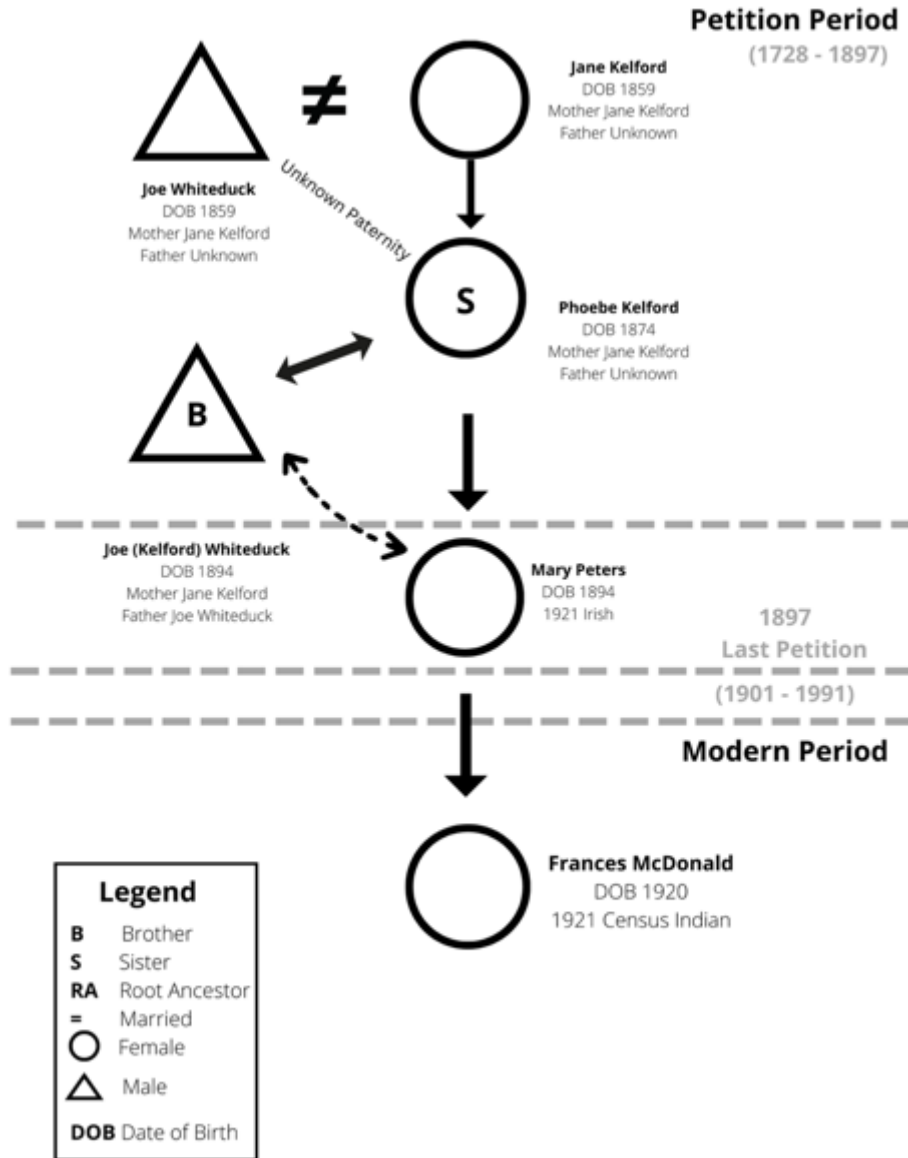
- B** Brother
- S** Sister
- RA** Root Ancestor
- =** Married
- Female
- △ Male
- DOB** Date of Birth



**Land Claim Era**  
(1991- Ongoing)



For further clarity on the Joe Kelford Whiteduck familial relationship to my grandmother I am including this chart which triangulates the documentation we are aware of. And just reminding you that both Joe and Phoebe are written down on their birth records as illegitimate.



According to the Schedule of Births on the Peters lineage of my grandmother though her mother my great grandmother you can see that Joseph Kelford White duck entry number 000371 was born in August 1894 and Mary McDonald nee Peters my great grandfather's future

wife 000372 was born in July 1894. They appear beside each other on the schedule and both are recorded March 28, 1895. This is before the end of the petition period and it can again be reasonably assumed if you consider the geography of where the Kelfords, Peters, McDonalds, and Whiteducks, Jockos, and even Sharbots lived at various times that there were connections that spanned across the modern and petition periods and while modern communities with historical roots are titled with specific place names that these areas are looser and larger than the place names themselves and included hunting grounds that may have been surveyed and were no longer officially known as Algonquin lands.

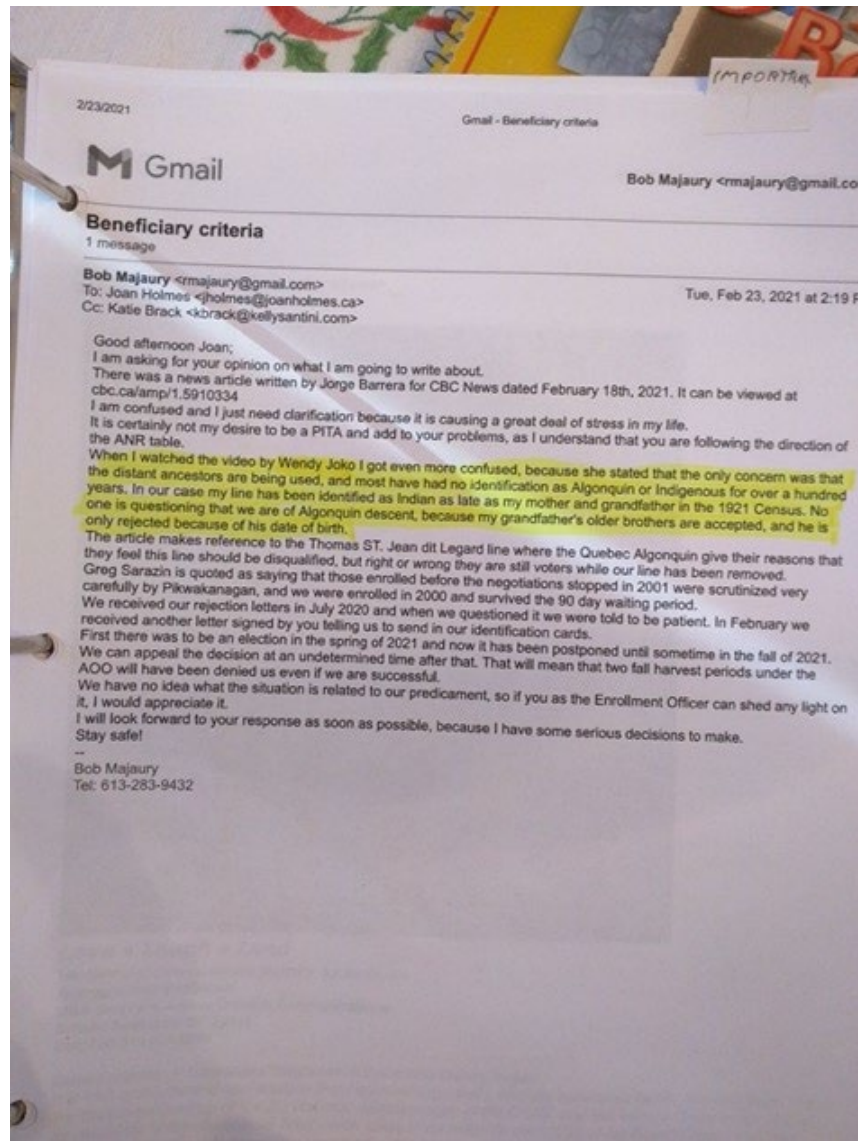
I know my grandmother knew Joe Kelford Whiteduck because he lived beyond my great grandmother who died in 1960 and my uncle Hudson remembers visiting him. This of course satisfies the evidence of ongoing and meaningful connections within the territory post 1901. But what about pre 1897? Considering the proposed beneficiary criteria has created essentially a 4 year no man's land with regard to the second pathway to meeting the current beneficiary criteria. Correction to this loophole could resolve the current technicality in a just manner.

The existence of Joe Kelford Whiteduck should also be seriously considered as more evidence of pre 1897 relationship that flows through my grandmother given that it is reasonable to contend that John Christmas knew his wife before he married her because they were neighbours and he also would have known Joe Kelford Whiteduck who is her uncle by birth. Joe Kelford Whiteduck and Mary Peters likely experienced each other as siblings in the family context even if their mothers were a generation apart. To understand the closeness of these families. Jane Kelford, Joe's mother was the local midwife, and she delivered my father's older brother Gerald at the family home. Joe should also be added to the schedule of ancestors if vertical ancestral lineages before 1897 are being recorded on the final schedule.



## Michel McDonald's Parents

What is important to remember, and what we know for certain is that Michel McDonald, my great great grandfather was married to Elizabeth Arkle/Arcand, my great-great grandmother. They had several children who survived. Their descendants also maintained relationships with other Algonquin families. What is being asked of us was deliberated upon in 2013 and there is no new information that changes this decision. The question becomes, is retracting this decision from 2013, with the action of removal using an adopted proposed beneficiary criterion, reasonable under these circumstances?



It is, and it was reasonable, to review files such as the Dit Laguarde and Emily Carrier files when the news broke in late summer, early fall with the CBC about the false letter. But in our case, there was no new information that was decidedly contradictory to the decision that was made in 2013. If anything, we simply have more documentation that supports our claims to Indigeneity. There is no evidence of fraud in our file unlike the Thomas St. Jean Dit Laguarde and Emily Carriere situation. I have included the legal reasoning applied to our situation in 2013 to consider when making your deliberations again. I do believe this was valid reasoning at the time and remains so today.

Aboriginal right claims give rise to unique and inherent evidentiary difficulties. Claimants are called upon to demonstrate features of their pre-contract society, across a gulf of centuries and without the aid of written records. Recognizing these difficulties, this Court has cautioned that the rights protected under s. 35(1) should not be rendered illusory by imposing an impossible **burden** of proof on those claiming this protection (*R. v. Simon*, [1985] 2 S.C.R. 387 (S.C.C.), at p. 408). Thus in *Van de Peet*, supra, the majority of this Court stated that “a court should approach the rules of evidence, and interpret the evidence that exists, with a consciousness of the special nature of aboriginal claims, and of the evidentiary difficulties in proving a right which originates in times where there were no written records of the practices, customs and traditions engaged in.

*Michel McDonald Decision, The Honorable James B. Chadwick, Q.C. Judicial Member of the Review Committee. Ottawa. February 27, 2013. pg 7.*

I am including the following direct excerpt from the proof sheet prepared by Noreen Kruzich, First Nation & Metis Geneologist and History Researcher, 14<sup>th</sup> of August 2022 and updated 16<sup>th</sup> of August 2022. To demonstrate our due diligence in searching where we could reasonably search at this time. It is important to me that our efforts are deemed trustworthy under these difficult circumstances as they have unfolded.

**Project B. Search and document the Marriage Record of Michel McDonald and Elizabeth Arcand for Michel’s parents’ identities/heritage and further towards the proof of where his parents’ resided as well as supporting evidence on where Michel grew up.**

**Objective:** To find supporting information that places Michel McDonald in Algonquin Traditional territory and thus of Algonquin indigeneity, and is eligible to be included in the Algonquin Land Claim.

**PROCESS:** Marriage Registrations were searched (page by page) for Renfrew and Frontenac and Lanark Counties for the years 1877, 1878 and 1879. Nothing was found. (Additionally, since the couple's first child was born in 1879 but was not baptised in the Catholic Church until March of 1881—marriages in 1880 and up to March 1881 were also searched.

Addington County was also searched from 1875 to 1882 page by page.

Marriage Registrations hold marriages both performed by a legal authority or by the church. Since the couple's first recorded child was born 15 November 1879(Document #001), the above time frame of searches was conducted. And since Arcle/Arcand is Roman Catholic and it is proposed that Michel McDonald is as well, Catholic marriage records in the locations of their possible residence were also checked within the Archdiocese of Kingston, Pembroke and others. Nothing was found.

Source of searches: Archives of Ontario, Registrations of Marriages, 1869-1928; various Archdiocese of the Catholic Church - Marriage Records in Eastern Ontario.

Example of a search.

#### [Ontario, Canada, Civil Marriage Registrations, 1869-1873](#)

This database is a collection of Roman Catholic and Protestant Marriages for all districts in the province of Ontario, Canada, between 1869 and 1873, including late registrations. This valuable database includes more than 77,000 entries. This index, which includes name, year of marriage, county of marriage, and source information, was extracted from microfilm records of Marriage Registrations: Office of the Registrar General.

I pulled this one (below) but it was not your Michael. Stated he was born in New York State resided at Wolfe Island and married Anne McClaren.

Name: Michael McDonald  
Marriage Registration Date: 1873  
Marriage Registration Place: Frontenac, Ontario, Canada  
Page number: page 69  
Event Description: Marriage Registrations; Office of the Registrar General; (RG 80-5); Archives of Ontario, Toronto: microfilm group MS932, reel 9, unit 80-5-0-30, volume 29

#### [Ontario, Canada, Marriages, 1826-1938](#)

This database is an index to approximately 3.3 million marriages recorded in Ontario, Canada between 1826 and 1938. Each entry includes the names of each spouse, the marriage date, the marriage county, and for marriages recorded between 1858 and July

1869, the age and residence of each spouse, the birthplace of each spouse, and the names of both spouses' parents.

*Results: a marriage record could not be found for Renfrew or Frontenac Counties. Other areas were checked with Roman Catholic marriage collections.*

**SEE COMMENTS SECTION FOR A SEARCH FOR NON DIGITIZED CHURCH RECORDS. SEARCH CONDUCTED IN REGION OF FRONTENAC COUNTY PENDING.**

**Document #001 Baptism at Palmerston-Catholic sacrament- Xavier Michel McDonald** 23 March 1881, born 15 November 1879 of the lawful marriage of Michel McDonald and Elizabeth Arcand.

Source: Archdiocese of Kingston (Ontario); Kingston, Ontario: *Various; Frontenac County, Lennox and Addington, Railton, Odessa; 1844-1910*

No new information on the matter of Michel's birth has been retrieved. But it seems the newly adopted proposed beneficiary criteria is requiring evidence for what was considered unreasonable in 2013. Based upon the above reasoning, in Justice Chadwick's decision, is this not a step backward?

Unfortunately, the earliest national census records for the area date from 1861, so the time depth is limited. The Indian Department published population statistics from 1867. This census contains numbers of "Indians" or "Algonquins" by county. The figures from the late 19th and early 20th centuries indicate that the federal government was aware that there were many Algonquin living off-reserve. The numbers, however, must be viewed with caution as they are clearly very approximate, the same number being repeated without change for years. In addition, the census shows that large numbers of people disappeared from the attention of the Department in particular years. There is no nominal list so it is not possible to compare the departmental statistics with national census data to discover who was being counted and who was being left out.

As Joan Holmes has described in her paper, *Hidden Communities: Difficulties Encountered in Researching Non-Status Algonquin in the Ottawa Valley.* In 1861, the Palmerston census enumerator noted that it was impossible to list the residents properly because the roads were poor and the people were very scattered. It is therefore unclear where the Whiteduck family was located in 1861. If this was the case for Whiteducks might other less well-known Algonquin

families or individuals be that much more difficult to trace between the early 1800's until past this time?

## **Fair, Equitable, and Just Treatment**

This does not mean I am opposed to a fully realized tribunal system and structure to review files because it has the potential to build trust in the long run and reveal truths whenever possible. I appreciate the work done by Joan Holmes and Associates in these matters and I am also learning more about Algonquin collective histories across these times and eras and how we are defining them which does help to explain the circumstances we find ourselves in today through this process.

Thank you for the current transparency with the opportunity to respond. I do not think my family has been given the same benefit of the doubt and equal respectful treatment to the descendants of Thomas St. Jean Dit Laguarde and Emile Carriere in this process although it may seem that way superficially. I believe their interests have taken up significant resources and attention in a less than equitable manner.

All descendants of Thomas St. Jean Dit Laguarde, and Emily Carriere, have been given accommodation with due process to ascertain the standing of their ancestors with the ongoing right to hunt and vote while families like ours are waiting to even address the actions taken in 2020. Our expulsion seemed rushed in the middle of a pandemic lock down with no willingness to meet our requests to address the A.N.R. table directly about our circumstances. I am sending this out of a need to prove that my family has never lied to be included in this process and that we remain reasonable Indigenous people regardless of the outcome of this current process. We are not historians so oral histories follow trends and indicate possibilities potentialities while we find ourselves physically in Algonquin territory over significant time with verifiable social ties to other Algonquin families.

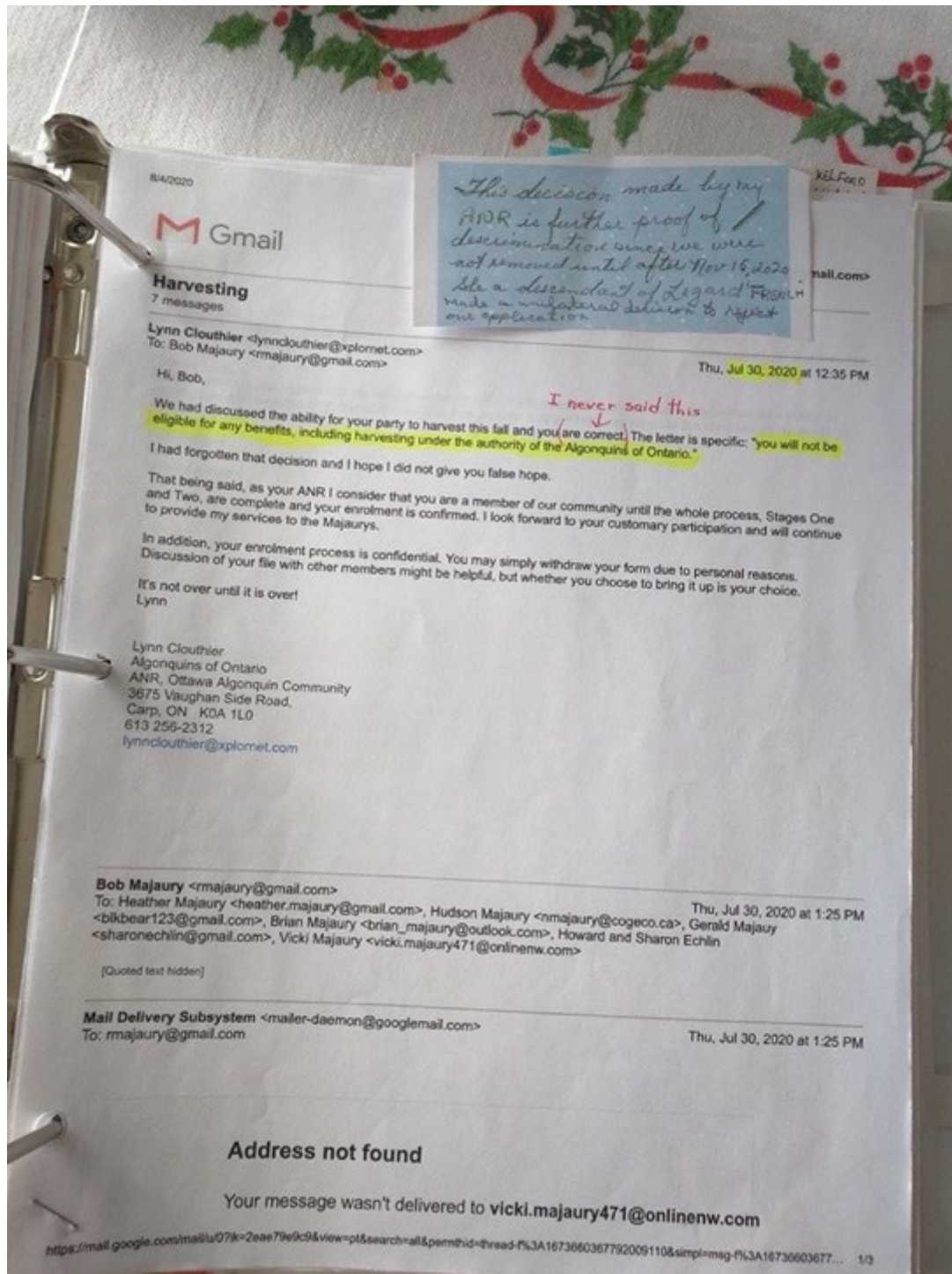
In my immediate family's case, there was harm done to a man in his late 70s, who has hunted all of his life, and who has maintained meaningful relationships of integrity with other Algonquin people within the last 20 years, as well as prior, because hunting was not his hobby

but his way of life. He did not come into his identity because of this claim. However, he was recognized as a rights holder and bearer because of this claim. Now those rights are being taken away not because of fraud, or error, or even new information, but because of a new proposed beneficiary criteria adopted just before a global pandemic and then enacted during that pandemic with great expediency. This proposed beneficiary criteria was influenced and shaped by people who may have been retained as Algonquin voters inappropriately due to fraud in 2013. This is very hurtful and doesn't feel very good. It has caused much pain.

I am concerned about the loss of our inherent rights though this process which is why I am responding to the call for the defence of Michel McDonald as a root ancestor. I am surprised that we are being required to do this again after the decision in 2013 but I also do see where trust and belief have been eroded by new information regarding other files. And for reasons beyond my control, I think we have been swept up in some sort of sweep up. I understand why other Algonquin people who have no questions regarding their lineages may want absolute proof of direct Algonquin lineages beyond a reasonable doubt or a shadow of a doubt, but this is not a criminal trial of a murder suspect. This is a tribunal to assess root ancestors to achieve a consensus on who should be considered rights bearing Indigenous people within the jurisdiction and protection of a modern land claim settlement to supposedly seek some sort of just agreement that achieves some form of reconciliation. Or that was what I am supposed to believe. I don't honestly know what to believe anymore.

In review of research papers on this subject in preparation for this response I took several screen shots of points that seemed relevant to our situation. I believe this is a quote from Joan Holmes research paper describing difficulties in researching off reserve Algonquins in the territory my apologies for the sloppy lack of citation if required I will seek out where it comes from but I think it remains relevant to consider when discerning a fair and just outcome to these proceedings as they progress.

The interconnections between families are demonstrated mostly by the degree to which they sponsor each others' children at baptism and stand as witnesses to marriage. There is also a high degree of intermarriage between families. Further connections sometimes appear in census rolls that show two families living in a single cabin or where the enumerator has noted the proximity of two or more homes.





## 200 Year stretch between the Births of Various Root Ancestors.

I don't fully understand why these dates are used to frame the reasoning for the current claim. I am guessing that the 1728 date begins the first petition period because of a census or a petition coming from Lake of Two Mountains. What we do know is that there were some Algonquin families that likely did not go to Lake of Two Mountains but who went deeper into their own hunting grounds and territories across this time as well. It would stand to reason that those most familiar with the topography, water ways and patterns of various wildlife would know best where to go within the watershed west of the Ottawa River at various times even as settlers were laying claim to vast swaths of land as well. And that the borders we create today may have been more permeable in the past since we are looking at patterns of nomadic hunting and gathering with structured and organized society adapting to land enclosure over time.

[26] Joan Holmes gave an example of the dangers of accepting oral history as recited. In the documentation filed before the enrolment review board in April 2000 there was a two-page narrative by Gilbert Whiteduck that included a narrative provided by Joseph Lagarde that states, His [Joseph Lagarde's] ancestors were living on Calumet Island at the time of the massacre. While his great-grandparents and one other couple were away fishing at the far end of the island, the Iroquois came down the river and massacred every living person in the settlement. Only these four fishermen escaped the attack and survived to tell the tale.

[27] As Joan Holmes points out, these people cannot be identified nor can the year. It was at the end of the 16th century that the native groups were involved in conflict. In her view, this oral evidence is unreliable.

There is a 170 year stretch of time between the first ancestors to be counted and the last that would qualify as Algonquin ancestors for these purposes up until 1897. That in and of itself could mean a stretch of up to 7 generations of people within that time-period alone if we apply a formula of each generation being about 25 years. Although in actual life, we also know a woman can give birth between 20 and thirty years of her adult life from around the age of 13 to 45 roughly. Therefore, a formula while useful for general discussions at a macro level of analysis has worth may not suffice when dealing with each individual enrolment case. We also have to acknowledge that men can father children into old age.

So even children of the same parents can span a generation and be of two very distinct generations. If the root ancestors themselves predate birth and death before this period such as in the first half of the 16<sup>th</sup> century, then you can add a minimum of two to three more generations before their descendants would be within the time frame of this claim.

That could mean there remains a fairly large number of people on your lists who descend from people with one ancestor predating the start of the petition period by a minimum of two generations who are counted currently, because they also descend through the Thomas St. Jean Dit Laguarde and Emily Carrierre lines according to the current proposed beneficiary criteria. At the point of knowing my great great-great grandparents and my great great-great-great grandparents the records go silent. We also are aware that some Algonquin people were told to go to Manitoulin Island though very few chose to do this. Some did. Others went to the Wahta Reserve on the French River. Could Michel McDonald descend from one of these lineages we simply do not know. It is obvious in the area where we are from that Algonquin and Mississauga families were interconnected. Our family the Beavers and the Perry's demonstrate this.

It seems to me the creation of the current proposed beneficiary criteria was set up as a specific use case to accommodate and ensure the inclusion of these files while the process technically discriminated against my ancestors because we could not provide specific records that do not exist. While there are several birth records and census that identify Michel McDonald as Indigenous none explicitly state Algonquin identity. Both Connie Milke and Lynn Cloutier, have had direct influence in the creation and adoption of both the current adopted proposed beneficiary criteria, and the current tribunal process where our procedural concerns, from 2020 have essentially been ignored. But the accommodation of due process for their files seems to be weighted to serve their needs over others.

I understand the suspicion of individuals, claiming Algonquin Nipissing rights, based upon their descendancy from a single ancestor from prior to the petition period with no other connections to Algonquin collectives through time. It is important that these processes can reasonably be determined as having meaningful outcomes and reasonable and fair criteria that are defensible. From my own review of the 2015 voters list these are the most common ancestral lineages that marry into the Thomas St. Jean Dit Laguarde family, who ancestors' births predate the petition period. These ancestors have remained as root ancestors regardless of the temporal boundaries that frame the petition period. I am not asserting an opinion regarding whether these ancestors should remain on the schedule of ancestors as I am not familiar enough with our deep time history or how these descendancies flow through various family lines to form current populations today. But I do think we do have to consider that there is a spectrum of significant time between these documented people since before the petition period and those root ancestors where there is truly living memory and connection that is documented if fragmented. These are important and nuanced distinctions that drill deeper into the meaning of the names currently being proposed as root ancestors.

These deep time ancestors include:

- Marquerite Pigarouche DOB 1643 added to the Schedule of Algonquin Ancestors 2008
- Marie Mitewamewkwe DOB 1631 added to the Schedule of Algonquin ancestors 1998
- Marie Olivier Silverster Manithabehick DOB 1624 added to the Schedule of Algonquin ancestors 2008
- Madeleine Euphrasie Nicolet DOB 1628 added to the Schedule of Algonquin ancestors 2008.
- Veronique Matkateinins DOB ?? added to the Schedule of Algonquin ancestors 2001.

It is my conclusion that in 2020 it was not their descendancy from these far-off lineages that maintained their inclusion on the Algonquin enrollment list. Their descendancy from Thomas St. Dit Laguarde and Emily Carriere maintained their enrollment due to the longevity clause and

the various pathways of descent that were created as part of that proposed beneficiary criteria drafted in 2019 and adopted in 2020. This law was adopted by special resolution and one of the movers of this criteria into functioning Algonquin law for the purposes of furthering this claim was Connie Milke. who in 2015 was listed as a direct descendant of Thomas St. Jean Dit Laguarde and Emily Carriere with no other Algonquin lineage. Perhaps Connie has other lineage as I am not intimately aware of each person's connections. But this does call into question perhaps some decisions of the ANR table leading up to the passing of the most recent criteria with regards to how it is shaping outcomes in some instances.

**Algonquin Negotiation Representatives Special Resolution on Eligibility  
January 22, 2020**

**MOTION 20200122-01**

**SPECIAL RESOLUTION of the ALGONQUIN NEGOTIATION REPRESENTATIVES  
on the Proposed Beneficiary Criteria**

**Movers: Doreen Davis, Connie Mielke, Robert Craftchick**

**Secunder: Stephen Hunter**

## Eliza McDonald nee Arkle /Arcol /Arcand

I have done all I can, to prove our due diligence, beyond the work of Joan Holmes and Associates, which is excellent and appreciated. I am offering slightly different interpretations of the evidence at hand to help us all contend with and balance very human confirmation biases that are informed by political winds as much as historical accuracy. There are no records that can be reasonably retrieved to indicate Michel McDonald's parent's names. We thought that perhaps his marriage affidavit to Eliza could possibly give us a clue by naming his parents as well as hers, since there was the letter by Peter Anderson that we submitted in 2013 that speculated her mother was Margaret Whiteduck. Here is the copy of this letter my father received from one of our cousins in 2006. It was submitted to the hearing in 2013 but it was not considered as evidence that had bearing on the decision to retain Michel McDonald on the schedule of ancestors. But for the purposes of this response and to clear our record entirely I am submitting it again.

Wayne:

Thnx very much for the info. You cleared up a couple points for me but every coin has its flip side so there are still a few problems. I have just made up a descendancy chart from my database which I have attached.

I did not know that Liza Arkle/Arkel's mother was a Whiteduck. How interesting. Altho it is a now common name in Golden Lake, Maniwaki and other places, the original Captain Joe Whiteduck came from Lake of Two Mountains. He was a highly respected man having fought with the British in the War of 1812-14 and received a medal and pension from the Crown. His wife was Marie Westkogane and they had quite a large family. They used to migrate from Two Mountains in the spring into Lavant where Joe's Lake is a memorial to his name. His son, also Joe Whiteduck married a Mary Stoqua and they eventually moved into the Plevna/Gorr Mountain area where he became known as Joe Buckshot (Buckshot Lake is named in his honour). Some of the girls married into the McGonagals and Crawford of Clyde Forks and their descendants are still around. The family of Wm. Crawford having moved to Sydenham some years ago. Wm. Crawford was a well known tombstone maker at Clyde Forks in those days.

I had a copy of Michelle (sic) McDonald's Birth Registration (10 Dec 1881) and I also had the seemingly ironclad date for Peter A. McDonald (10 Feb 1882) but of course such an event would be biologically impossible. So, there must be an error in one or the other.

Also I have been told that Peter A. was married twice. His first wife was Kate Jocko whom he married at Golden Lake. She died shortly after the first child was born and he remarried to Ruby Payea from Canoto. When I was a teen (I am 75 now) I can recall going to the dances in the summer up at Calabogie and Black Donald. One of the Jocko family lived at Calabogie and his daughters Mary Ann and Césarée regularly attended. Well, money was tight then so they could only afford one pack of gum between them. But one of them would chew up the whole five sticks into one wad and while one was dancing the other was chewing. They were both good dancers but that gum was something else. It made for quite a chew!

Let me know if you see any major revisions in my present info. Thnx again.

Peter

And just in case anyone is suggesting that we have in anyway engaged in any sort of misinformation campaign potentially similar to what William Mann seems to have initiated in

the case of the Dit Laguarde and Carrier files, I want these distinctions to be clear. I would also like to submit a copy of the original emails my father received from his cousins and Peter Anderson. To again show our reasonable understanding at the time and how we were lead to believe this possibility which we never asserted as absolute but as possible in the 2013 hearing in Pembroke.

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Re: McDonald Family

**Subject: Re: McDonald Family**  
**Date:** Mon, 19 Sep 2005 18:33:56 -0400  
**From:** Marie McDonald <marie.mcdonald3@sympatico.ca>  
**To:** Peter Andersen <petera@sympatico.ca>  
**CC:** marie.mcdonald3@sympatico.ca

Hi Peter,

Yes I will help you with the McDonald Family History. But I need to ask you a few question first and here are the question:

- 1.) Do you now Edith Dowdall?
- 2.) Are you related to McDoanld Family?

Thank you for hearing to what I had to say. Please write back to me soon.

Your Truly

Marie McDonald

Peter Andersen wrote:

Hello, My name is Peter Andersen and I have been working on the Family of Michel McDonald for a while. Your name was given to me by Bob Majaury as a possible source. In establishing the family of Michel McDonald there are several anomalies. I had been given a date, 10 Feb 1882 as the birthdate for Peter Abraham McDonald m. (1) Kate Jocko & (2) Ruby Anne Payea. I also have a copy of a Birth Registration for a 'Michele McDonald', son of Michel McDonald & Elizabeth Arkle 008102 which gives his birth as 10 Dec 1881. I spoke to Ellen (McDonald Hamilton, a daughter of Peter A. and she was quite adamant that her father's birthday was 10 Dec 1881. So therin lies the problem — were two children born on that date or was the wrong name inadvertently filed by the Registrar or priest? I would be grateful for your insight. Many thanks, Peter E. Andersen

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Re: McDonalds

**Subject: Re: McDonalds**  
**Date:** Mon, 19 Sep 2005 20:28:40 -0400  
**From:** "Peter Andersen" <petera@sympatico.ca>  
**To:** <marie.mcdonald3@sympatico.ca>

Marie:

To answer your questions:  
1. Edith Dowdell, who lives in Perth, is my sister.  
2. Our relationship to the McDonalds is only by marriage. The late Blanche Lalonde, w/o Joseph McDonald late of Sturgeon Falls, was my second cousin, once removed. Her father Peter Lalonde was my grandfather's uncle.  
I am also interested in trying to find out more about Elizabeth Arkle's mother Eliza Whiteduck as there was a well known family of Whiteducks who lived in the Canonto /Palmerston region. They had originated in Quebec from the Lac des Deux Montagnes area. This family descends from Capitaine (Chief) Joseph Whiteduck, who was a veteran of the War of 1812-14 and his wife Marie Wetikogane. Joe's Lake in Lavant Twp. is named after him. Their son, Joseph Whiteduck jr. was married ro Mary Stokua and lived near Plevna where they were known by the name "Buckshot". Joe Buckshot was well known to the Hermer and Gorr Families of that area.  
Anything you can give me about any of these families would be appreciated.  
Peter

This is also reflected in Justice Chadwick's decision which I am quoting here with regard to my great great grandmother and her potential lineage from the Whiteduck family. Therefore, there truly is no new information that should have impacted our ancestor's standing as an accepted Algonquin root ancestor.

The wife of the root ancestor and matriarch of the lineage being put forward is Eliza Arcol/Arcle/Arkle. Her parents are most certainly Peter Arcol Sr. (various spellings) and his wife Mary or Margaret. While family history suggests Peter Arcol Sr.'s wife was Margaret Elizabeth Whiteduck no documentary evidence has been found to support that identity. Census records consistently show the Arcle/Arcol family as French. The only anomaly is when Eliza is described as "Indian" along with her husband and children on the 1891 census. In 1881 she is said to be French. She is consistently shown as born in Canada.

Even though Michel McDonald's parents were never named on his previous two marriages. To date we have not been able to find this record and we don't believe it exists. Without the names of his parents, it is impossible to track down any further information regarding his birth. It is my understanding that while these records gave the starting point for justifying the veracity of this claim that they were never considered the exclusive records that identified all Algonquin persons and that part of being accepted to negotiate this treaty under the comprehensive claim policy Pikwakanagan was compelled to find and consult with those they could identify as having pre-existing rights within this territory due to their relationship living within the territory.

C.-DEATHS.

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William Castle

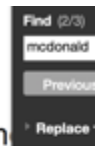
at New England



Sarah was enumerated in the household in the 1901 census as a Cree French Breed just like Michel McDonald was. This has already been discussed and presented in the Holme's documentation. Sarah is found later in 1911 in Bonfield and is identified as Algonquin. While two of Michel's eldest boys are enumerated as French and Scottish. While I do not know why they are not recorded at the same ethnicity given that they share the same parents I submit this as an example of inconsistency and error in the records that can obfuscate truth. It is my understanding at the time of the 1911 census mixed bloods and half breeds were often enumerated as the ethnicity of their female parent.

As an added note and likely not related but I found it interesting. There is an Indian in the area with the last name Arcand who's father is an Arcand and who's mother is Cecelia Whiteduck but I have nothing else to show a direct connection to my great great grandmother.

• Esab Arcand - Esab Arcand, male, Indian, single, born in Ardoch, date of birth August 26, 1887, labourer, age 35 years and 9 days, name of father Frances Arcan name of mother Cecelia Whiteduck, birthplace of mother Palmerston, name of informant M. Scullion of Ardoch, date of death September 4, 1922, cause of death alcohol poisin [sic], ingestion of home brew, cardiac failure, seen once by physician J. R. Goodfellow of McDonald Corners on September 1, 1922. Date of return September 7, 1922.



## Relationships

I personally have no interest in harming the community of Pikwakanagan and I do not want to see them lose their status under the Indian Act or to see their reserve reduced to a municipality if that is not their wish. If my inclusion would directly lead to any of those outcomes, then I think that is a failing of this process, not proof that my ancestor is not Algonquin. I was told and believed that this process was going to elevate non-status people who have been without the protection of the Indian Act to be finally recognized Indigenous peoples ultimately. And that we would be taken under the wing, so to speak, of the larger recognized Algonquin as an organized Indigenous society reconstituting itself through this process.

I also respect that such decisions which directly impact the Pikwakanagan community, where they live, I have no business interfering with or voting on. Even when I was a resident at Pikwakanagan I felt that way. I did not expect to participate in their band council elections. I did expect to receive housing as per my initial contract. It didn't matter to me if it was on or off reserve. It was simply promised in the employment negotiations and agreement. I was subsequently housed on reserve at 1563 Mishomis Inamo in 2002. And I was served an eviction notice almost immediately upon moving in where there was already a 90 day guest policy in place.

It is unfortunate that I was hired by this negotiating process at a time of weakening internal relationships before I arrived to take my position on the negotiating team. But I had no other choice but to report for my first day of work. If this has contributed to Ron Bernard's opinion that myself or any of my family members pushed our way into anything he is mistaken. It was the Algonquin Nation Negotiations Directorate that promised me housing while I served in my role. The process could have settled with me at the time by buying me out of my contract, but they chose not to do that. Rather I received a bizarre phone call only a couple of days before I had to report to work telling me it was *best* I not show up. After consult with a lawyer, I was

told I had to show up or the company would claim I defaulted on the agreement. Therefore, I and my daughter, lived on 1563 Mishomis Inamo at Pikwakanagan, from January to the end of

March in 2002. Believe me it was very stressful. The following is a picture of her 6<sup>th</sup> birthday party at that location.

*Myrriah Xochilt Gomez Majaury  
6<sup>th</sup> birthday party, Mishomis  
Inamo Pikwakanagan.*

*Left and background Frances  
Dobbie, formerly Majaury, nee  
McDonald and then Mike Sarazin  
Far right background  
Virginia Sarazin,  
Brittany Sarazin and her younger  
sister is beside my daughter.*



*Same event in 2002, my daughter Myrriah  
Xochilt Gomez Majaury is being  
hugged by her great grandmother Frances  
Dobbie, formerly Majaury, nee  
McDonald. Directly behind Franceis is my mother who is  
Eurosettler Canadian and directly behind my  
is my sister Vicky Majaury with other  
members of the Sarazin family.*

My family comes from, remains, and has lived in the most settled part of the claim territory for at least 5 documented generations that stretch from the early to mid 1800's. The fact that the entire McDonald family was enumerated in 1921 as *Indian* suggests that they were a family cluster in the traditional meaning and an irregular band outside the Indian Act. We have lived mostly within the southern half of the Ottawa Valley along the Mississippi, and Rideau waterways. It seems to me it would be most productive to celebrate that survivance and not blame the victims of colonization for not having *enough* colonial paperwork, if and when, significant colonial paperwork exists. Michel was but a child when some of the most intense petition activity is recorded it would stand to reason that he would not be listed on these petitions and if he lost his parents and was orphaned this is even more likely.

In 1999, when we were invited to enrol in this process, I understood it to be within a spirit of equity and inclusion. It was the Sharbot Lake office that stated to my uncle Gerald that they were looking for the McDonald family and that they had our paperwork. It was, and it is my understanding, that it was Doreen Davis that represented and defended our retention as Algonquin people in 2000. It was also Doreen Davis that gave me the job description and who encouraged me to apply for the communication position on the negotiating team in 2001.

Our connection to Ottawa was pragmatic since my father lives on highway 15 on the way to Ottawa from Smiths Falls but also not without connection. My uncle Jack lived in Ottawa for many years when I was child and I remember visiting him at his house in Nepean as well. I remember, him and his wife, my aunt Peggy, and his daughters, my father's first cousins, attending family events in the valley especially at my Grandma's house. These are very good memories. I am lucky to have such. These are truly the ties that bind and that motivate me to defend the legacy of my ancestors and their place within Algonquin society as people who deserved protected treaty rights but who carried on regardless being the best people they could be. Not without flaws but despite them.

*Jack McDonald younger brother  
To Frances Dobbie, formerly  
Majaury, nee. McDonald.*



My uncle Jack was a war veteran. He served Canada when it was most needed in WW2.

*Right Michelle De Braux  
granddaughter of  
Jack McDonald with  
her grandfather*



As was my Uncle Joe who lived in Calgary when I was growing up.

*Joe McDonald younger brother of  
Frances Dobbie, formerly Majaury,  
Nee McDonald.*





Left: Joe McDonald and his younger brother Jim McDonald. This photo was included in the first hearing with the family tree submitted at that time,.

Jim McDonald in later life.





Like Grandma they considered themselves Indigenous but not the right kind of Indians meaning not Indians who lived on a reserve. My father took Jim's son Grant a few years ago to spread his ashes at meaningful location in his home the Ottawa Valley after he passed away.



*Grant McDonald adult son of Jim McDonald*

Another one of Jim's sons. His youngest who I remember hanging out as kids out west. There are several other siblings. I just don't have pictures of them.

*Right: Cousin Trevor McDonald son of Jim McDonald brother to Frances McDonald my grandmother. Trevor is around my age and is socially a part of mine and my sister's generation but he is actually my father's first cousin. They both have Indigenous parentage through the McDonald's and Euro-Settler Canadian on one parent's side.*



Communities can be defined in many different ways. They evolve through relationships but they also experience ruptures and morph over time depending on many and varied factors. We are connected through nuclear and extended families and ties that are not necessarily blood related kinship but kinship non-the-less. We are geographically connected or separated, ideologically connected or divided, philosophically and spiritually similar or different. There can be many overlapping or intersectional connections. My grandmother remembered long conversations with Billy Beaver when she worked in the Perth hospital. Billy recognized my grandmother as another Indigenous person, and essentially family. He knew her grandfather and shared with her stories that are verified by other oral history. There are members of the Beaver family that my father also knows. The Beavers are also Whiteducks on their maternal lineage. While there are records to show his birth family there are no records to show these

meaningful social relationships. Billy knew Michel McDonald well and always affirmed his Indigeneity to my grandmother when sharing stories of the old days.

## Manitoba

One of the major arguments for not including Michel as a root ancestor in this process, is the assumption that if he was born in Manitoba he was not Algonquin. I am not sure that can be ascertained as a certainty, simply because I was born in Calgary. This fact does not eliminate my parentage or life history. Quite the opposite. I returned to the Ottawa Valley a year after my birth and was raised in the territory with my parents in relationship and regular contact with extended family.



*Heather Majaury in the arms of her Grandmother Frances Dobbie, nee Majaury, nee McDonald*  
*1965-66*

My most influential family being my father's family on a consistent basis. My grandma, my great aunts and great uncles and their families. I think this was also because my parents and

uncles were quite young. Extended family seemed to be more cohesive than it is now. And there is no doubt in my mind that the folks back of Ardoch and up through the valley knew each well. My grandmother was very clear she was Indigenous, but she was also clear that you needed to be careful about who you told. That statement came with a weighted warning that didn't need further explanation it was felt and understood.



Far right Frances Dobbie, prior Majaury, nee McDonald. Her sister in-law Florence and brother Joe McDonald front right, and Eunice McNichol nee McDonald back right.

This did not mean she was ashamed of her heritage either. It felt like it was much more about social protection or that was how I perceived it. My grandmother had two sisters Eunice and Bertha whom I remember visiting as well and seeing at family get togethers. They both lived near Lanark. I remember my great aunt Bertha, but she died early in my life from breast cancer. Her daughter Eleanor is my Dad's first cousin and just before COVID I attended her son's wedding who is my second cousin and also, relatives I hung out with and visited when I was a child.



*Right Heather Majayry Left Eleanor Echlin. Eleanr's mother was Bertha Echlin nee McDonald my grandmother's younger sister. She is my father's first cousin and my cousin first removed.*

I was told from a very young age that we were part Indian. All special events as well as other land-based activities including family gatherings at the hunting camp we used with permission from the landowner, occurred with my Indigenous relatives who were the direct descendants of Michel McDonald. At this hunting camp I remember spending social time with family. It was near Calabogie on the land of Mic Dempsey on upper fish lake. It was made famous because of the movie the Best Damn Fiddler from Calabogie to Kaladar. I have fond memories of this place at that time. There is no official documentation but that doesn't mean these gatherings didn't happen.

It is my understanding that local Algonquin fiddler Tommy Sharbot who was publicly identified as Mohawk in a local newspaper article, actually played fiddle for that movie.



Speaking of Sharbots, I found an interesting census record and voter's registration that identifies Cecile Sharbot and his entire family as Cree in 1921. As is the case for Michel McDonald and Sarah Whiteduck in 1901.

Name Cecil Sharbot  
 Gender Male  
 Birth Circa 1904  
 Ontario  
 Residence June 1921  
 Calalogie, Ontario, Canada  
 Age 17  
 Marital status Single  
 Race Cree  
 Father's birth place Ontario  
 Mother's birth place Ontario  
 Sub district description Polling Division no. 5. Comprising all the lands included within the limits of School Section no. 3, Admaston; and polling Division no. 6. Comprising all the lands included within the limits of School Section no. 3, Admaston.



FORM 1. SEPTIEME CENSOUS DU CANADA, 1921. DOMINION BUREAU OF STATISTICS—BUREAU FEDERAL DE LA STATISTIQUE. SEIZIEME RECENSEMENT DU CANADA, 1921. "B"

Province Ontario District No. 112 Enumeration Sub-District 112 No. 112 of 112 Sub-Districts  
 Enumerated by J. A. S. D. D. D.

| No.  | NAME                | SEX | AGE | MARRIED | SINGLE | WIDOWED | DIVORCED | UNMARRIED | MARRIED | SINGLE | WIDOWED | DIVORCED | UNMARRIED | EDUCATION |         | INDUSTRY |          | RELIGION |          | PLACE OF BIRTH |                | PLACE OF BIRTH |  |
|------|---------------------|-----|-----|---------|--------|---------|----------|-----------|---------|--------|---------|----------|-----------|-----------|---------|----------|----------|----------|----------|----------------|----------------|----------------|--|
|      |                     |     |     |         |        |         |          |           |         |        |         |          |           | UNMARRIED | MARRIED | INDUSTRY | INDUSTRY | RELIGION | RELIGION | PLACE OF BIRTH | PLACE OF BIRTH |                |  |
| 1121 | <i>John Sharbot</i> | M   | 17  |         | X      |         |          |           |         |        |         |          |           |           |         |          |          |          |          |                |                |                |  |
| 1122 | <i>John Sharbot</i> | M   | 15  |         | X      |         |          |           |         |        |         |          |           |           |         |          |          |          |          |                |                |                |  |
| 1123 | <i>John Sharbot</i> | M   | 13  |         | X      |         |          |           |         |        |         |          |           |           |         |          |          |          |          |                |                |                |  |
| 1124 | <i>John Sharbot</i> | M   | 11  |         | X      |         |          |           |         |        |         |          |           |           |         |          |          |          |          |                |                |                |  |
| 1125 | <i>John Sharbot</i> | M   | 9   |         | X      |         |          |           |         |        |         |          |           |           |         |          |          |          |          |                |                |                |  |
| 1126 | <i>John Sharbot</i> | M   | 7   |         | X      |         |          |           |         |        |         |          |           |           |         |          |          |          |          |                |                |                |  |
| 1127 | <i>John Sharbot</i> | M   | 5   |         | X      |         |          |           |         |        |         |          |           |           |         |          |          |          |          |                |                |                |  |
| 1128 | <i>John Sharbot</i> | M   | 3   |         | X      |         |          |           |         |        |         |          |           |           |         |          |          |          |          |                |                |                |  |
| 1129 | <i>John Sharbot</i> | M   | 1   |         | X      |         |          |           |         |        |         |          |           |           |         |          |          |          |          |                |                |                |  |

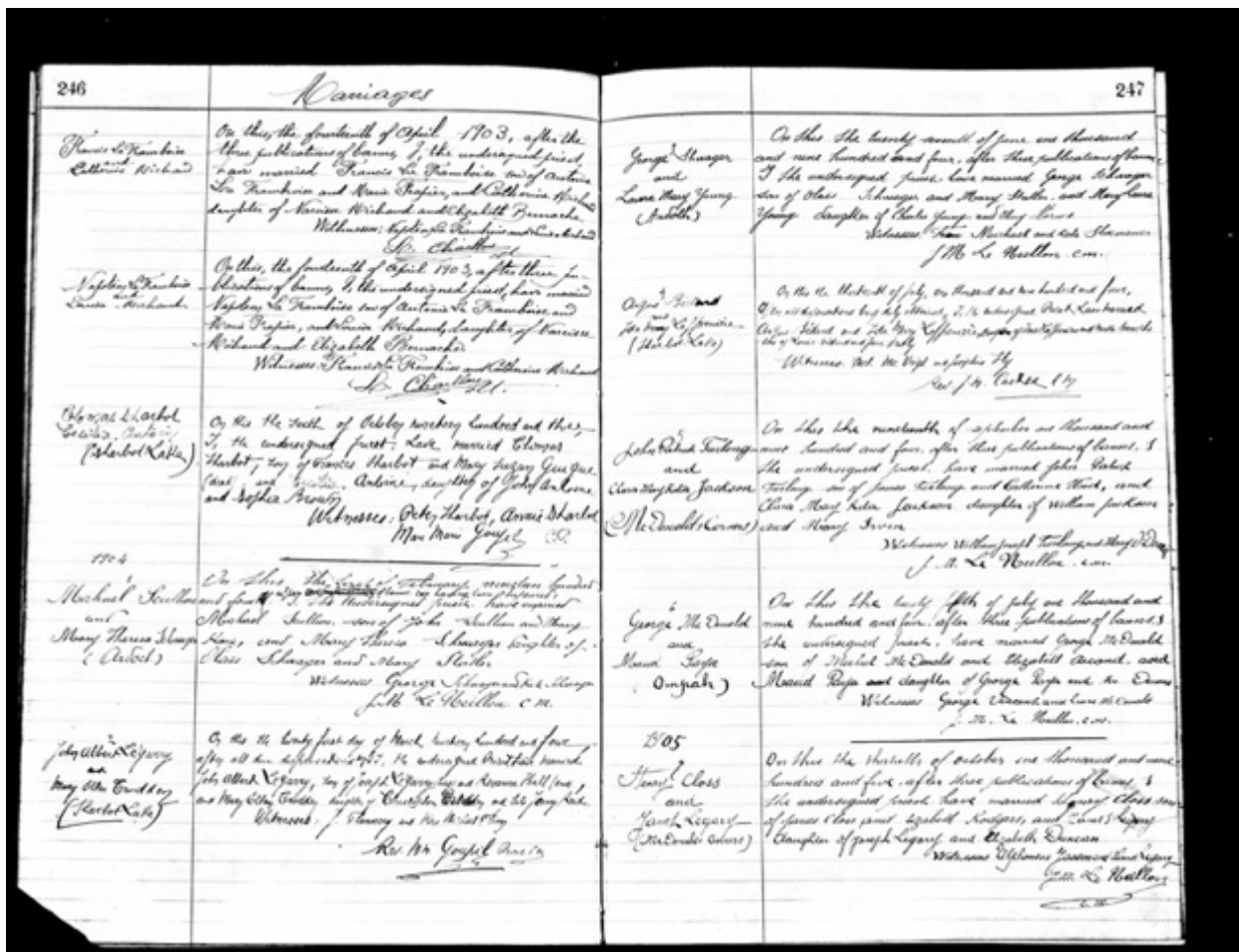
*John Sharbot*



| NOM DE MARIAGE |    | NOM DE MARIAGE |          | NOM DE MARIAGE |   | NOM DE MARIAGE |   | NOM DE MARIAGE |    | NOM DE MARIAGE |    | NOM DE MARIAGE |    | NOM DE MARIAGE |    | NOM DE MARIAGE |    | NOM DE MARIAGE |    | NOM DE MARIAGE |    |    |
|----------------|----|----------------|----------|----------------|---|----------------|---|----------------|----|----------------|----|----------------|----|----------------|----|----------------|----|----------------|----|----------------|----|----|
| 1              | 2  | 3              | 4        | 5              | 6 | 7              | 8 | 9              | 10 | 11             | 12 | 13             | 14 | 15             | 16 | 17             | 18 | 19             | 20 | 21             | 22 | 23 |
| 85             | 86 | Sharbot        | Sharbot  | Sharbot        |   |                |   |                |    |                |    |                |    |                |    |                |    |                |    |                |    |    |
|                |    | McDonald       | McDonald | McDonald       |   |                |   |                |    |                |    |                |    |                |    |                |    |                |    |                |    |    |
|                |    | Sharbot        | Sharbot  | Sharbot        |   |                |   |                |    |                |    |                |    |                |    |                |    |                |    |                |    |    |
|                |    | McDonald       | McDonald | McDonald       |   |                |   |                |    |                |    |                |    |                |    |                |    |                |    |                |    |    |

From everything I have learned from the records being shared in this tribunal, The Sharbot family are Algonquin through the maternal lineage and their root ancestor on the paternal line was considered an Algonquin Chief and Head of Family that was a signatory on several petitions yet he was born Abenaki. Does this set a precedent suggesting that where someone is born is not necessarily the deciding factor that determines if someone is a part of Algonquin society? Equally original ethnicity is not necessarily the criteria that would limit someone from being considered Algonquin for these purposes.

Also, I want to draw your attention to this marriage record which also lists a Sharbot Marriage and a McDonald marriage on the same page just a few months apart to get a sense of how close geographically and socially folks were even within the larger settlements that had overtaken the valley. These were clusters of families doing the best they could under the circumstances that evolved under colonial power while their homelands were being enclosed and the pressure to assimilate was enormous. Cross-cultural blended families were common.



If you were to only look at a census record and nothing else and I was born in Calgary would you surmise that my entire family history and upbringing was not valid or did not exist? This is all-the-more disconcerting since we have no records of Michel's parents because likely his early years are associated with some form of tragedy and trauma. We believe this because according to several family sources including my grandmother, Michel had large scars on his back suggesting he had been beaten and even whipped at some point in his life.

There is no new information regarding this question therefore it is reasonable that the decision that was rendered in 2013 was the correct decision morally as well as based on the evidence

available. I am calling into question the idea that an Algonquin person who was born on the trade routes during the fur trade era or even in Manitoba was not Algonquin? I think this is an assumption and not a fact. Justice Chadwick communicated the following in his decision regarding Michel McDonald in 2013,

#### **CONCLUSION**

[27] The place of Michel McDonald's birth is very much in issue. If he was born in Ontario, he was most likely Algonquin. If born in Manitoba, he would not be of Algonquin ancestry. Neither the historical documents, nor oral history is able to conclusively identify Michel McDonald's place of birth. There is no question Michel McDonald is an aboriginal. The Enrollment Board considered this matter and unanimously found an aboriginal lineage. In order to allow the protest, and to remove Michel McDonald as an Algonquin Ancestor, I must find that the Enrollment Board made a "palpable and overriding error". On all of the evidence and submissions, In my view the protestors have not satisfied the onus upon them to show the Enrollment Board made a "palpable and overriding error. As such, the protest is dismissed and Michel McDonald will remain on the list of Algonquin Ancestors.

**Dated** at Ottawa this 27<sup>th</sup> day of February, 2013

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As per Joan Holme's analysis of the documents that we have been able to recover it is believed that Michel most likely married twice before he married my great-great grandmother and he married two known Algonquin women. See below chart. This is not certain but it is the assumption that Joan has come to, based upon the evidence that exists and it is indicated by oral history as well.

## Michel McDonald's Previous Marriages

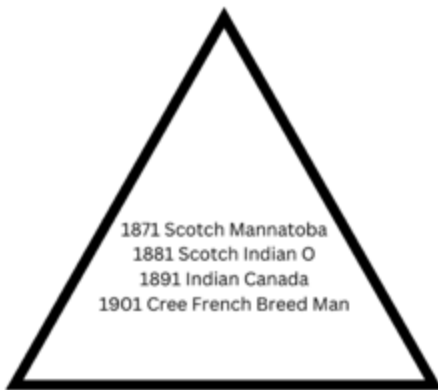
# Three Marriages Chronological Order

### Inconsistencies /Contradictions/Gaps/Context

Michel McDonald- no parents  
Witnessed by Ignace Muckwa & Tennesco - Eagenville  
No death record found for Mary



**Mary  
(Whiteduck)  
WildDuck**



**Michel McDonald  
Micheal McDonnell**

Marriage.  
Husband Micheal McDonnell  
(19 No Parents)  
Marie (17 or 19)  
Census Michel McDonald (31  
Scotch born Mannatoba  
Mary (21 Indian)  
No death record found for Mary  
or her daughter Margaret  
On the census O is used to  
signify birth location for Mary  
and Margaret for Ontario but  
Manitoba is spelled out in long  
form and phonetically  
"Mannatoba" for Michel  
McDonald...



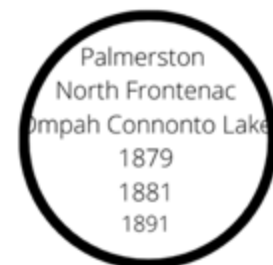
**Mary Constant**

Date of Birth 1849 Kemptville, Ontario. Both parents- french.  
No marriage record was found after searching contacting most likely  
churches where the marriage would have taken place.

Originally speculated to be the daughter of Margaret Whiteduck but  
confirmed mother is Mary Agthe Jarbeau.

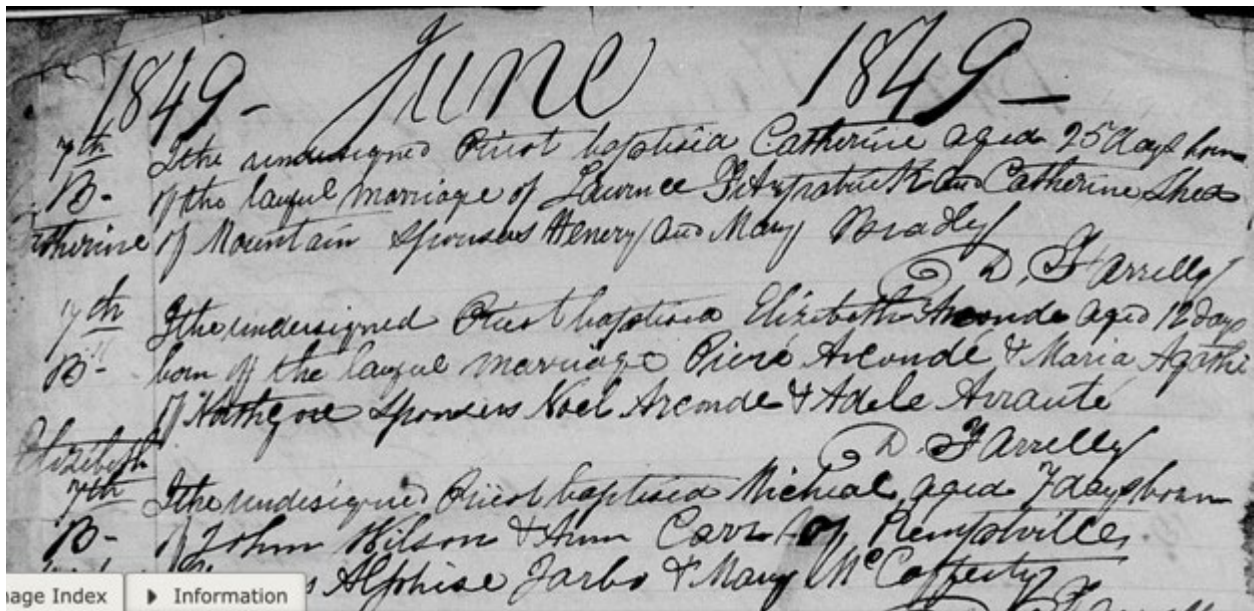
Died at McDonald's Corners in 1893 during childbirth. It is most likely that  
Sarah Whiteduck moved into the McDonald household after Elizabeth  
died to look after the children and is enumerated in the household in  
1901 because she had been living there for some time.

. Therefore it is reasonable to assume that John Christmas McDonald  
knew Sarah and had a meaningful kinship relationship with whom she was  
related as an auntie. Joe, the youngest child was taken to Sturgeon Falls at  
9 days old and subsequently raised by extended family



**Eliza Arkle Arcol  
Arcand**

While we speculated based upon information supplied by another branches of our family, that suggested Elizabeth Arkle may have descended from Margaret Whiteduck and we supplied a copy of the secondary source of that information, this speculation was not the deciding factor that determined that Michel McDonald was both Indigenous and Algonquin. It was however another potential lineage that we were investigating but to this date we have found no records that support that hypothesis. Rather there are records that now point to her mother being French and her mother's maiden name being Jarbeau. This has been further affirmed by finding a birth record for an Elizabeth Arcand in 1849 and all evidence points to this being my great-great grandmother.



At the time however it was very reasonable for us to have speculated and introduced the evidence we had that suggested another connection to the Whiteduck family. If you consider that Michel McDonald may have married two cousins already then another was a possibility. Especially when you consider that Michel and Elizabeth's youngest child was taken to Sturgeon Falls and raised with the maternal side of the family. Sturgeon Falls was originally a fur trading post that is adjacent to Nipissing reserve. This was another reason we believed that our great-great grandmother was potentially Indigenous on her mother's side. I do not depend upon stereotypes of Indigenous phenotype to judge whether someone is or is not Indigenous. While Godfrey Arkel/Arcand was favouring a European phenotype, Joseph McDonald to me was

favouring the features of an Indigenous child in this photograph. This is the youngest child born to Michel and Eliza and 1893 just before her death. He was taken as an infant to be raised in Sturgen Falls which is quite close to Nipissing Reserve. This is the branch of the family that Mr. Anderson was related to.

*Left Godfrey Arcol, Arkle, Arcand brother of Eliza McDonald nee Arcal Arkle Arcand and right Joseph McDonald her son who was born when she died in DOB 1893.*



I agree that at least one of these two marriages prior, likely involve the same Michel McDonald, who is my great-great grandfather. Both are also possible. Not certain, but possible.

Therefore, we are doing our best to reasonably reconstruct our relationships and heritage based upon the balance of probabilities. I appreciate Joan Holmes' efforts in joining these dots together and respect her interpretation that Michel was married to these women, who are also cousins to each other. This brings us to look at the interconnection between Michel, these past

wives, and how he may have known Sarah Whiteduck. Who, according to the Whetung family, was known as *Auntie* Sarah. This suggests a kinship relationship based upon role if not by marriage or blood..

Ironically, the records that may show his meaningful relationships with other Algonquin families throughout his life are also being used to make the argument that he was born in Manitoba and was therefore not an Algonquin person. It is also true that Algonquin, Ottawa, Mississauga, Ojibway and Cree peoples have had strong interconnections over time and continue today as described in Algonquins of Golden Lake Claim Executive Summary.

since about 500 A.D. (about 1,500 years ago) the valley was occupied by a cultural complex identified by archaeologists as Algonquian. This generalized Algonquian cultural group stretched from Quebec to northern Saskatchewan; their material culture, and likely their socio-political culture, was distinct from the Iroquoian, Athabaskan, Plains, and Micmac/Maliseet cultures that surrounded them. Peoples identified in the historic period as Chippewa, Mississauga, Cree, Ojibway, Algonquin, and Montagnais are typically thought to have descended from the generalized Algonquian culture.

We know Sarah Whiteduck, is found living with Michel in 1901. There is no doubt that even after these marriages he kept in contact with other Algonquin families and lived within reasonable distance during his lifetime. If our Michel McDonald was not married to these Anishinaabekwe there remains an undeniable and documented connection with Sarah Whiteduck who is found living in the family house in 1901. My grandmother's first cousin Mary Lizzie McDonald told my father that she also remembered going to visit Sarah Whiteduck during her lifetime in her younger years. She is the daughter of Peter McDonald, John's older brother and Kate Pierre who is a descendant of the Jockos. I will delve more into these connections later. They are directly associated with the modern period and show ongoing and meaningful connections across time within an Algonquin context.

We had hoped that finding the wedding affidavit for Michel and Eliza's wedding could prove fruitful in naming either of his parents. But as of sending this response we have not found this paperwork. Our contracted archivist/genealogist told me that The Family History Centre in Kingston shut down and is being moved to the Frontenac Public Library. This is why they never did respond. She is trying to go through OGS to see about a marriage record for the couple but has found nothing to date.

*Frances Dobbie,  
prior Majaury,  
nee McDonald  
(left) with Mary  
Lizzie Paye nee  
McDonald, her  
First cousin.*



Relationships were close enough that Sarah lived in Michel's family home and most certainly looked after the children which included my great grandfather when their mother died. This is a reasonable belief considering the evidence at hand. It is also reaffirmed by the Whetung family who remember Sarah Whiteduck as auntie Sarah, suggesting if not a blood kinship tie a social kinship that was meaningful and intimate. So much so that Brent Whetung, Michel McDonald's great grandson's daughter, is named after Sarah Whiteduck. I am told by my Whetung cousins that Sarah was integral to the introduction and marriage of Roy Whetung and Eliza Whetung nee McDonald the daughter of Michel McDonald and Elizabeth McDonald nee Arkal/Arcand and the younger sister of John Christmas McDonald my great grandfather.





*Left: Eliza Whetung nee McDonald holding her grandson Kevin Montgomery/Right Eliza a younger woman*



*Entire Whetung family photograph. Eliza on right with youngest child on her lap.*

I also wish to remind you that in 2013 the rationale by which my ancestor remained on the schedule was based on the balance of probabilities and limited to the information available at the time that we were all aware of. That information remains the same information that was presented in 2013 with the added census record from 1921. It is my understanding that the idea that placing the burden of absolute proof upon the descendants of Indigenous families was not considered reasonable by past legal decisions and directions that seemed to inform Justice Chadwick's decision at the time. Has that moral compass shifted?

In the current tribunal report for Michel McDonald the records for Eliza Whetung are mentioned. I would like to further contextualize what they may mean. She is identified as French. It is likely the Indian agent would have discriminated against her Indigenous heritage on the census record due to legal delineations although she should have been considered legally an Indian because of marriage to her husband ethnically he would have delineated her heritage in favour of the European because she was not a legally recognized Indian under the Williams Treaty. She is however identified as speaking Indian. Her family says she spoke fluid enough to argue with her husband in the language. I would think that is because she spoke the language at home as a child.

## The Modern Period 1901 -1991 Landclaim Period

As we have considered what we can within the Algonquin petition period I would like to address the ongoing connections that bring us to the generations of our family that are currently alive or recently deceased. As well as the extended families who ties through marriage, connect us as a bridging family between Algonquin and Mississauga families connected to the general area encompassing William Treaty, Robinson Huron Treaty, and Algonquin unceded territory. I am related to the Whetungs through marriage of my great-great aunt Eliza McDonald to Edgerton Ryerson Whetung. I am related to the Jockos from Golden Lake through my great-great uncle Peter McDonald to Kate Pierre (Jocko).



*Left Peter McDonald son of Michel McDonald, on his lap Andy who died in Sunday Lake, Middle standing William or Bill McDonald, Right, Kate Pierre (Jocko), on her lap daughter Mary Lizzie seen earlier in picture with my Grandmother during her birthday party.*

My father remembers his grandfather John Christmas McDonald since he was born in 1944 and his grandfather and grandmother lived quite close to him. His grandfather died in 1957. His grandmother until 1960. He holds that living memory of them and transmits that to me. Although people joke about you if you claim you have a great grandparent or great-great grandparent which is Indigenous as being too far back to count, I think we need to consider that my daughter knew her great grandmother up until the age of 18.

These relationships are relatively current and meaningful. The question then becomes what harm is being caused to living individuals who are subject to liminal legal standing until all of this is resolved if ever. Do we simply put our lives on hold waiting for decisions over generations. I am not clear how this furthers the spirit of reconciliation.



*Left Francis Dobbie, nee Majaury, nee McDonald, centre Myrriah Xochitl Gomez Majaury great granddaughter, right Heather Majaury granddaughter.*

We have an extended web of relationships that continue to this day. I understand the suspicion of people claiming an Algonquin identity from a distant single ancestor from the 1600's although that heritage also does exist, and in my opinion, it is good to recognize it and celebrate it. But there is a difference when it comes to people currently living in relationship to a process that is intended to be reconciliatory who have been invited to participate and

perhaps not effectively communicated to regarding what all of this means ultimately to their identity and the impact it could have on their interpersonal relationships with other Algonquin people legally, culturally, and socially, not to mention on their general psychological and material well-being. It seems to me that some serious counselling should have accompanied every enrollment if there was any chance that a person might be unenrolled at any time during this process and then have that enrollment revoked as the process progressed.

I do not believe that was at all clear to people who were recruited originally especially by communities outside the reserve. I would say people were led to believe that they were being accepted welcomed and recognized as Algonquin people permanently and encouraged to participate as Algonquins. This has caused rupture and breakdowns in relationships of neighbours who otherwise could live in relative harmony. It has also called into question decision that were determined by vote if a substantial number of voters with questionable ancestry have formed a majority block in some circumstances. These ruptures could have been avoided had, from the very beginning the negotiation process been explicit in the limitations and liminality of these circumstances. Perhaps some of this harm could have been avoided.

I am bringing you into the 20<sup>th</sup> century to examine my family, not just as a name in a file, but as human beings who descend from Indigenous human beings who were invited to enrol in this claim and participate politically over the last 20 years. I think it is important to consider impact on living human beings. My grandmother always saw herself as a (French) Indian. But in her generation, you did not shout out to the world that you were Indigenous because of racism. She was very happy to be recognized as an Algonquin person in 2000, because it affirmed what she already knew, in a meaningful and formal way.

She and my great uncle Jack her younger brother who lived in Ottawa for most of his adult life and then moved to Belleville for retirement, attended the Silver Lake Pow Wow together. He was recognized during the Veteran Honour Song and danced as a veteran on that day. That was

a meaningful moment for everyone who attended that day. He was very proud and moved by this.

My father and his brothers (my uncles) began to attend the local pow wow at Silver Lake.



*Myrriah Xochitl Gomez Majaury daughter of Heather Majaury at the Silver Lake Pow Wow with Hudson Majaury son of Frances Dobbie nee Majaury, nee McDonald and brother of Robert Majaury. Father of Heather Majaury and grandfather of Myrriah Xochitl Gomez Majaury.*

I did my best to create a fancy shawl regalia for my daughter when she was young so she could participate, connect, and learn while I was doing the same. While we had never lost complete consciousness of our Indigenous roots, we were not well versed in pan-Indigenous traditions like the modern day pow wow whether it was traditional or competitive in nature. But I am the kind of person that was not content with only being recognized legally. I felt that to be

welcomed back meant also practicing our culture and coming to understand our heritage. So I took that on. I raised my daughter in Indigenous community with mostly Anishinabeg teachings and some Haudensaune teachings because of where we were living. She now fears judgement about being considered an appropriator as do I so she has put away her most recent regalia and is no longer fancy shawl dancing.



We were all quite enthusiastic to learn and reclaim cultural traditions. I did not grow up with pow wow culture but was eager to participate in ceremony and cultural gatherings whenever we could. I travelled home for these events and brought my daughter to them as well. I thought I was helping my daughter learn about who she was in a good way by introducing her to Pow Wow dancing because she loved to dance. It was a part of who she was.

As a performing artist this made sense to me. Being an actor, I am trained to understand how important embodied actions are to living an authentic life that is creative, actualized, and fully self-expressed. I was also trying to find a way to help her find, inside this unfolding, a location inside this context, a sense of connection and belonging between her northern roots and her southern roots on her father's side where she could express herself as a physical and spiritual being. We also had the challenge of living outside the claim territory after I worked for negotiations at Pikwakanagan. Like many Algonquin people now, and in the eras before us, moving to find work is a serious reality. Algonquin people should not be disadvantaged by having to do this. It should not create a barrier to exercising a protected right of return. Reconnecting with traditions and expressing these traditions in a modern context even when forced to live outside of traditional territories and off reserve.

*Myrriah my daughter participating  
In a local pow wow social in  
Kitchener, Ontario.*







*Smiths Falls Heritage Days Parade with members of Kitigan Zibi who had placed a float in the parade. We were asked to participate and ride on the float.*

I found inspiration with the prophecy of the Eagle and Condor. I saw pow wow dancing as a way for my daughter to express her uniqueness as much as her belonging. And I very much saw her as the butterfly that crosses the continent and through a process of metamorphosis that is transformative demonstrates incredible resilience and longevity over time. This was my desire for her well-being projected into her regalia.

It's also why as I was learning the language. I chose to give her the name Memenquokwe as I was learning. My understanding is this translates to ButterflyWiseWoman and that is how I think of her. As this monarch butterfly spanning the continent finding her place after great tragedy.

I then made her this shawl as she grew up. It honoured how I saw her. It included the Mayan glyph for her name Xochilt from her father and it celebrated the spirit of the Eagle and Condor

prophecies while being framed by ribbons that were the colours of the medicine wheel for that whole-hearted healing that I was praying for her future. It is devastating to think something this unique and personal but an attempt to seriously connect, might be considered inappropriate or even appropriation. It was not created with that intent. It was to my mind a celebration of her uniqueness and diversity inside this larger returning.

*Not living in the  
Ottawa Valley we  
Participated in local  
Pow Wow culture  
In Kitchener while  
My daughter was in  
School. This was  
the regalia shawl I  
made her  
while she was in  
high school.*

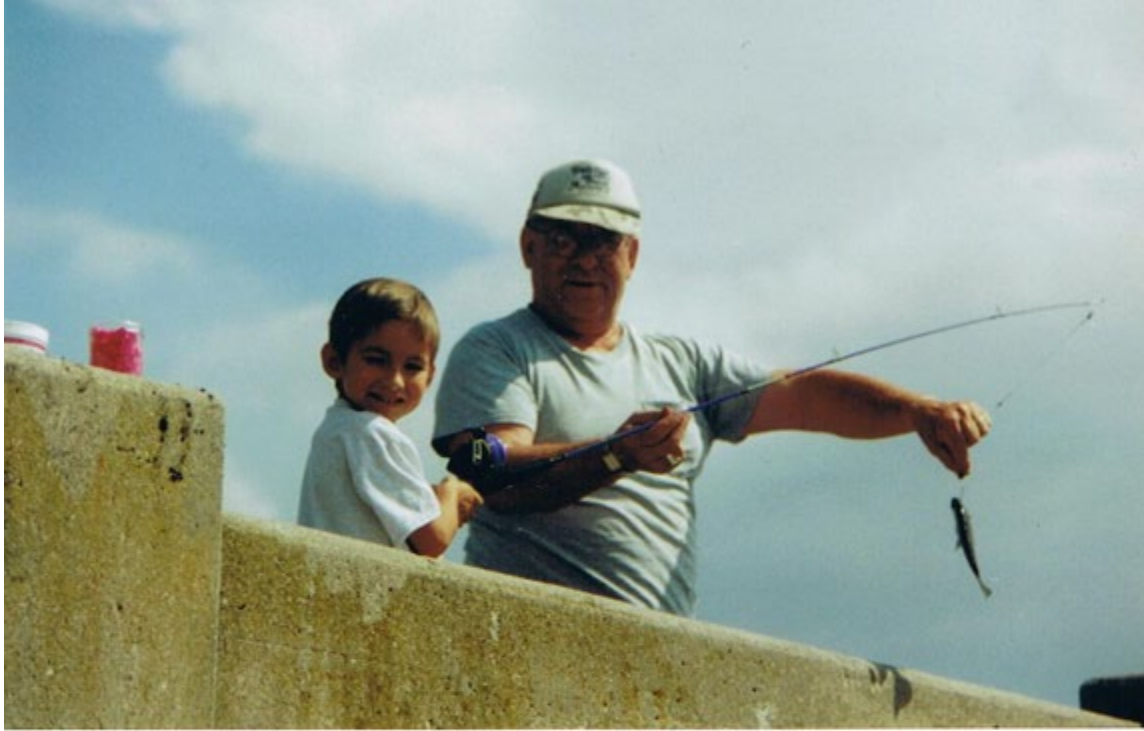


I was gifted a hand drum before being enrolled in the Algonquin land claim as well and I started to learn ceremonial songs. I was gifted to me from a friend who knew I had Indigenous roots and who instructed to give the drum away after it was made. Songs began to come to me as well. When my grandmother died, a very strong vocable came to me, which I assumed was her travelling song. It still comes to me from time to time when I think of her. I understand there is no accounting for these kinds of cultural connections and expressions, which share spiritual

understandings of self, community, and context. This process leaves no room for this and now that we have been removed from the lists my daughter is choosing to no longer continue to pow wow dance. She is afraid to take up any space that is not sanctioned at this time.



*Left Destiny Perry great granddaughter of Neil Perry, brother of Harold Perry. Middle Myrriah Xochilt Gomez Majaury my daughter. Left Channel Perry Destiny's younger sister. Chanel and Destiny grew up just down the way on highway 15 from where my father lives. They also were on the Ottawa consultation list.*



*Myrriah Xochilt Gomez Majaury my daughter with her grandfather fishing in the territory in early 2000's*

## The Effect on Children

For over 20 years now there are people especially young people who have been brought up in a reality that told them they were Indigenous and specifically Algonquin in the service of these claim negotiations. My daughter being one of them. I have been doing my best to guide her through this process to maintain her sense of self, but she and I have definitely felt the impact of alienation as this process has unfolded and we have never had an interest in working at cross purposes to the reserve community of Pikwakanagan. Quite the opposite. We felt we made friends while living on reserve and we did gain some sensitivity to the challenges that community faces.

This was not just an administrative notation in a ledger like you would count the head of a herd of cattle. This is the psycho/social forming of personal/political/collective and even spiritual identity if you take the challenge and responsibility of walking an Anishinaabeg cultural path. This can have a profound impact on the health and wellbeing of an individual if treated in a reductionist manner. Through encouragement and direction of other Algonquin and Ojibway people I was led to believe that learning language, going to ceremony, and searching for and reclaiming clan and name was an important and meaningful way to be a responsible reintegrated or re-naturalized citizen of a re-constituting Indigenous Nation set to assert Nation-to-Nation relationships with Canada.

I have some sympathy for the distrust of some Algonquin Anishinaabeg who question the motives and goals of those of us who hold dual loyalties or alliances because of our assimilation into mainstream society and our relationships between both cultures. I brought my daughter up within the context believing we were doing the right thing I am now questioning everything I have been told and encouraged to do if aboriginal rights can be bartered with and given or taken away upon political whim.

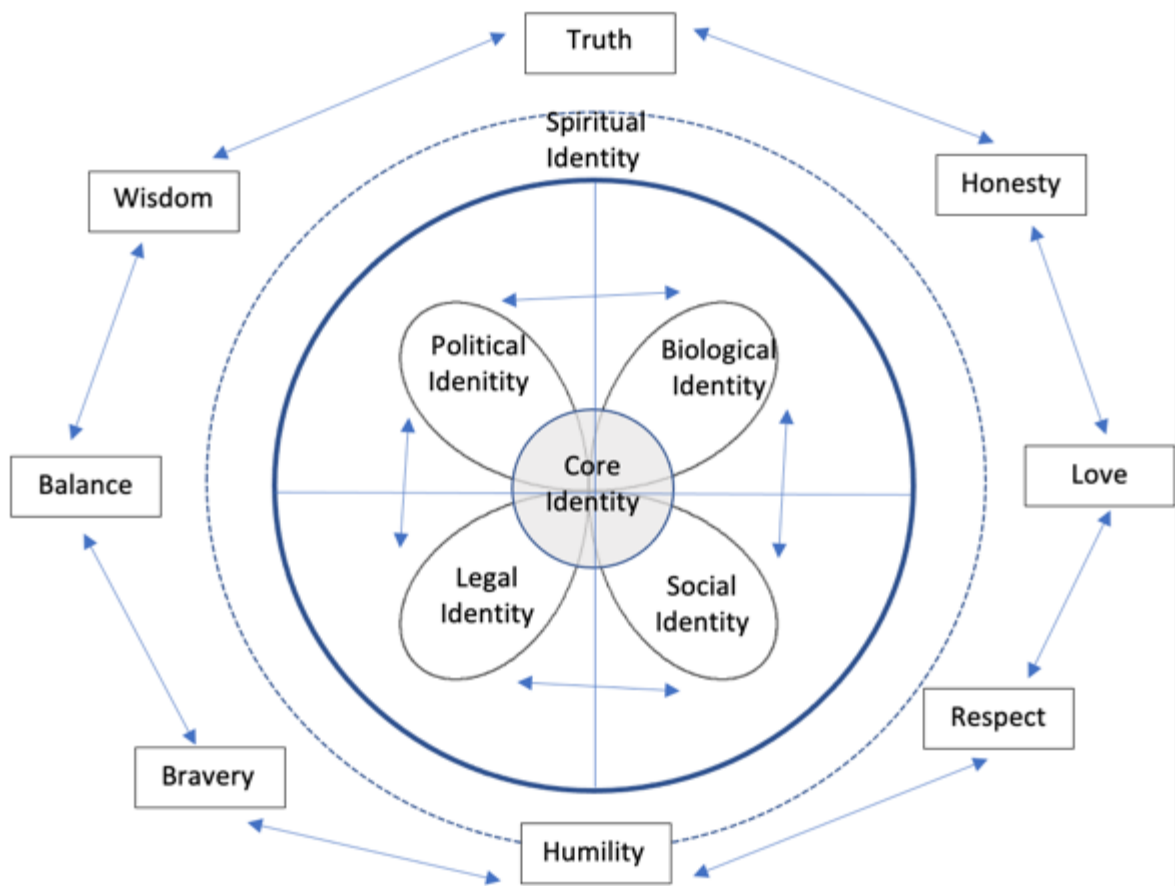
I was told historically that Algonquin women and families sought out genetic diversity and while obviously there must be meaningful connections and actual ancestors that tie us to Algonquin society this diversity is a healthy thing. My daughter is also a racialized woman due to her parentage on her father's side and this also comes with its challenges for her socially. These circumstances have taken a toll on her mental health. I do not want to see this happen to any more young people moving forward. I want her to feel proud of her ancestry and to have a validated sense of belonging that is legally protected. A sense of belonging is a need for human survival.

## Identity and Belonging

I have created a diagram that I hope can express to a degree the components of a healthy sense of self if affirmed and supported. If I apply Indigenous ways of knowing that incorporate our ways of understanding from a wholistic grounding the whole is greater than its parts ultimately. And it is always in motion. When these are not aligned because of weight being given to one kind of identity over another as the primary definer, the person is rendered fragmented, scattered, even invaded, and colonized.

I see the seven grandfathers as the moral direction that delivers for us the parameters that our choices, decisions, and actions are anchored as Anishinaabeg, no matter our quantum, or the certainty that comes from recognized historical accounting and legal recognition. These are important for a social understanding of ourselves. This does not mean I am suggesting that these historical petitions are not valuable. They are amazing! They fill in so many blanks and help us to reach back to connect to a time of great upheaval, pain, silence, and resiliency that every descendant of these folks who are found within them can be deeply proud of. They validate and educate. They give us a window into an ongoing struggle that continues while shedding light on the relational diplomatic wins and losses of past generations.

Moreover, there are people that simply were not a part of such records. It does not mean we did not exist. It just means for many reasons we did not land in colonial records. Then we were not counted. This however places us in vulnerable legal circumstances today as people without an Indigenous Nation to take us in to provide refuge from further erasure as Indigenous people. This is an ongoing and painful reality.



The whole is always more than the sum of its parts which is why we need to be cautious, honest, and respectful of the integrity of each human being who has been interpolated into this process through invitation. I do not believe that people enrolled in this process originally have been treated with care or kindness for our mental health or with care to the ongoing nature of social relationships with the Algonquin Nation as a whole whether we can prove without doubt direct lineage to a documented historical Algonquin figure Or if they are unfortunate to have, like in our family, ambiguous or even contradictory records, but are affirmed as Aboriginal peoples from the historical record.



## In Conclusion

The pressure for communities that formed to negotiate this claim to assert uninterrupted lineage and relational ties is quite strong. When it is well documented the actual circumstances of dispossession in the Algonquin/Nipissing context itself is contradictory, nuanced, and varied depending on the context individuals, families and whole communities found and find themselves in. I do believe that in our ancestor's circumstances it was determined that he met the criteria of an Algonquin ancestor who was born well within the petition period and who's relationship with other Algonquin people extended into the modern period. And I believe that decision was based in the evidence that has not changed, as well as the ethical code that was careful to not place an unreasonable burden of proof upon those who were seeking refuge, and in essence a form of repatriation, within their indigenous context.

In my own curiosity and search for answers, I have contacted different academics who specialize in Metis and non-status Indian identity and records. I spoke with Michelle A. Hamilton who wrote a paper called "Anyone not on the List might as well be dead": Aboriginal Peoples and the Censuses of Canada 1851-1916. She sent me a chart to help me understand patterns in how mixed-race people were enumerated at different times depending on whether they were seen by the enumerator to be Indians or Metis in western Canada. I found it interesting. I am not sure if this can be assumed to be the pattern in every situation, but it could explain some of the trends of the time that create different ethnic classifications in colonial paperwork.

## Changes in Census Origin Questions

| Year   | Indian   | Métis   |
|--------|--|---|
| 1842   | No question  | No question   |
| 1851-2 | Indian - yes/no question – separate column             | Classed by European origin  |
| 1861   | Indian - yes/no question<br>Grouped with blacks        | Classed by European origin  |
| 1871   | Ethnic origin eg: “Indian”                             | Classed by European origin  |
| 1881   | Ethnic origin  | Classed by European origin  |
| 1891   | French-Canadian - yes/no question                      |   |
| 1901   | Specific tribal names eg: “Cree”                       | Multiple origins eg: “Ojibwa French Breed” or “OFB”<br>Classed as “red” |
| 1911   | Specific tribal names<br>Classed by maternal origins   | Classed by paternal origins   |
| 1921   | Racial or tribal origin<br>Classed by maternal origins | No specific instructions given  |

I do not believe that just because someone feels like they are an Indian or have an affinity with Indigenous peoples that they should appropriate such an identity to profit from it. But I do believe that a healthy self-concept is cultivated in relationships that are embodied as much as theorized. Therefore, I felt it was important that I practiced the teachings I was given. And share them with family. I was committed to doing what was humanly possible to encourage community and family ties that could take my daughter into the future and give her a grounding in who she was and where she comes from. At my grandmother’s funeral I sang Amazing Grace, one of her favourite songs, on my hand drum. The song itself is a colonial Christian song about redemption created and composed by a slave trader and there are versions of the song that are sung in the Anishinaabemowin. Life and culture can be much more complex, nuanced and layered than strict barriers or lines can depict. I think we are existing on a relational spectrum of connection and disconnection due to colonial forces that have encouraged cultural amnesia and erasure as part Canada’s Nation building project.

Colonization strove to break our community relational bonds most often through the very churches we are using now to prove who we are. A larger pan-Indigenous renaissance across Turtle Island has been occurring simultaneously with this more localized and legalizing process

for the Algonquin/Nipissing specifically in the western watershed of the Ottawa Valley. As human beings we were following directions and trends where it was encouraged to reclaim these cultural ways of expressing ourselves and reconnecting with land, self, and community through ceremony in relationship to mother earth and all our relations. My life had been about attempting to harmonize and bring into balance these contradictory circumstances and systems while trying to encourage the psychological well-being of my daughter on tenuous social ground. This process has been devastating to my own sense of self, belonging, and spirit. I believe it has had similar impact on my daughter maybe even worse. Do I feel responsible? Of course I do. But I think this process also holds some responsibility as well.

I have apologized to her for bringing her up within this spiritual/cultural/political context especially if she will no longer be allowed to represent herself artistically from this aspect of her identity. This way that I taught her and brought her up in I am to blame for. I has been rooted in Anishinabeg teachings from Algonquin, Ojibway, and Cree knowledge keepers and communities as well as Haudensaune because we have lived for the last 20+ years in block 2 of the Haldimand Tract.

I did feel quite confident that we would ultimately be considered both beneficiaries of this land claim and we would be considered citizens of the Algonquin Nation when it was able to reconstitute itself wholistically. And even if this land claim was not settled immediately that we would be considered part of the Algonquin diaspora both inside and outside of the territory. It was a shock in 2020 when I was removed. We received notice that this would happen just as my daughter was filling out the application form to be enrolled. Needless to say, it was an emotional time. We have had to do some significant unpacking of my actions earlier in life, that have impacted her. It doesn't change our ancestry, but it is part of the process of transforming how we see ourselves within an Algonquin/Nipissing context should a land claim be settled.

These land claims are not just legal or bureaucratic exercises that carry no meaning or emotion in the process of finding the actual rights holders. We were not given the opportunity to use the

1901 census as evidence of an ongoing relationship with other Algonquin people as a bridging between eras. We think that is a mistake as it is used to extend the evidence to qualify longevity in the petition period. The current outcome of this process is one where many people who likely are not Indigenous at all are continuing to hunt under Algonquin jurisdiction. While these hunters continue with Algonquin acceptance and protection, through this land claim, my father has been barred from this inherent right being legally protected, without a hearing in the matter, for three years now. He turns 80 next year.

The records we do have are verifiable and can be certified as primary documents. Also, it might be useful to consider a process that had been negotiated on behalf of the larger voters block descended by Thomas St. Jean Dit Laguarde and Emilie Carriere may show some biases that have implications for establishing reasonable and defensible criteria due to the potential for there to be a strong motivation on the part of some table leadership to ensure the inclusion of this large voter block or to at least appease them when everyone believed they were Algonquin/Nippissing people. No one's fault but an outcome that is likely the result of this initial fraud. To me my father being able to hunt within Algonquin jurisdiction was a form of reconciliation that recognized him as an Indigenous person because he is. He often hunted with relatives and the Perry's who are verified Algonquin and are getting their status through Pikwakanagan but were being consulted through Ottawa. He is someone who has hunted all his life and before mine. Since 2020, he has been barred from participation in the Algonquin hunt while non-Indigenous people who remain on the voters list continue to do so.

It is my personal belief that my great-great grandfather was living at a time when the pressure to assimilate was intense. Racism was such that one did not assimilate easily into Canadian mainstream systems and often did so at peril, cost, and disadvantage. Not always but it seems that men who identified as Indigenous could struggle to get work and even have access to land for purchase even when willing to adapt to more sedentary conditions that demanded a transformation from mainly hunting and gathering with some sustainable cultivation, and

travelling between various seasonal locations, to more mixed cultivation and animal husbandry in one location with supplementary hunting.

By sedentary I am not suggesting less work, just different work that conformed to standards favoured by settler colonization. While Algonquin cultivated, foraged, and hunted. Farming in the modern settler colonial context was defined by surveyed land enclosure. Which is why petitions were put forth by Algonquins in the first place. According to the records we have while Michel McDonald is found on Cononto Lake in the subdistrict of Palmerston, he does not actually purchase his land until the year he dies in 1907. We know that Indigenous individuals were not often granted land unless the circumstances were exceptional like service in war. It would be useful to be recognised as a settler because of one's surname to be able to stay on certain lands.

According to the land purchase document that my father has, which can be produced if you need it, this document does not identify race or nationality. But it does tell us he was able to purchase 100 acres of land where had lived the second half of his life for 125.00. Not a small amount of money at that time. Perhaps money saved over time? There would be more than enough reason at different times to want to be recorded on official documents as a European ethnicity if one was of both ethnicities and could pass for European and do so on official documents. And it is also obvious over time that my great-great grandfather Michel could not be mistaken for white on several records.

When considering the health and wellbeing of human beings and not just the enumeration of populations another picture is allowed to emerge which is much more humanizing and accurate that honours the lived experience of individuals and collectives varied and subject to change and even transformation over time depending on many factors. Were these transformations forced, coerced, or agreed to? Considering, the patterns of Algonquin society before and during the Canadian land enclosure systems prevailed, communities were not organized like they are today. Rather families had different camps that existed at different times of the year for

different reasons in different locations. Small family units later called bands were the way we lived together closely and then we would come to meet mostly in the summers to larger extended family and communities. Or that is what I have learned while walking the red road. I have heard these villages even referred to as towns. In 1921 it is obvious that the enumerator found a cluster of related family members, the McDonalds, who were Indigenous living around the same lake. To me this would have been considered an irregular band of Indians of mixed euro and Indigenous ancestry obviously related. Later being considered non-status Indians.

This is a more accurate picture than simply an entry in a ledger that legally legitimates some births and denies others. Of course, communities that are structured under the Indian Act will remain more cohesive and identifiable through the documentation and legislation that binds them than communities outside this protection. But to deny the people who have reasonable documentation due to unreasonable expectations and consideration of the context of what is available seems disingenuous to me, given the original parameters of this claim recognizing that the lists of ancestors were incomplete. And even with the protection and containment of the Indian Act the reality is that more people over time have always lived outside of the reserve at Golden Lake than have lived within its boundaries.

I do acknowledge the value of the evidence from official records of various institutions, but we must also truly consider that human beings don't always conform to the systems that are created to count or contain them. Resistance to encroachment along with adaptive strategies, diplomacy, and even acquiescence are behaviours that are reasonable expressions of human behaviour that Indigenous individuals and collectives employed to adapt and survive during these times.

My father received another letter from Joan Holme's office on February 12, 2021 which again restated the following.

“Your name will not be placed on the Voter’s List and you will not be eligible to vote in the upcoming Algonquin Negotiation Representative (ANR) Election in your community. Furthermore, you are will not be eligible for any benefits, including harvesting, under the authority of the Algonquins of Ontario and participating in any draw for tags for the AOO moose and elk harvest. “

In this correspondence it stated,

“You will be afforded the opportunity to appeal that decision of the Enrolment Officer during Stage 2, at a yet to be determined date following the ANR election, which we expect to take place in the fall of 2021. “

I appreciate the amount of time and care that is now being taken. And acknowledge this in our tribunal report. The amount of information in all these reports is elucidating and very helpful including ours. There are patterns that emerge, when I compare various files that have been sent to the tribunal for review, with ours. For instance, when I compare our file to files where there is not one record that explicitly categorizes anyone as even *Indian* or *Indigenous* through various euphemisms, I can be reasonably certain that my ancestor is an Indigenous man. I can also ascertain that at the time he lived, many other people, similar to him, were also categorized and identified in this similar way. The fact that he is identified as *Cree French Breed* in 1901, along with Sarah Whiteduck, who is a known Algonquin suggests many possibilities. Was his father French and Cree and his Mother Algonquin or Nipissing? This of course is speculation and I wish our family’s oral history survived through the ages more intact to answer some of these questions lost in time.

What we know for certain is that Michel McDonald lived in the same house as Sarah Whiteduck in 1901. This addresses a relationship for him and his children with another Algonquin family line most likely since 1893 prior to the end for the petition period. This would have been after his third wife, my great-great grandmother perished during childbirth. But we have not been

allowed in this process to address this when we were removed from the enrolment list in 2020 while Lynn Cloutier was serving at the Ottawa Community's A.N.R.

In an email sent by Joan Holmes directed to myself and my father on September 3, 2020, via Lynn Clouthier, rather than directly to us, Joan writes quite explicitly, "In point of fact, the issue was debated at great length by the A.N.R.'s during the development of the proposed beneficiary criteria. The A.N.R.'s ultimately concluded that it would be difficult to locate sufficient documentary proof that an ancestor had 20 years of longevity during the Petitioning Period if the cut-off date was 1897." I agree with this and see the logic of extending the date to 1901. This should also be applied to evidence of relationships with other Algonquin family lines.

The first two previous marriages are documented and do not reveal Michel's parents. Equally we cannot find death records for these two Algonquin women after their marriage to Michel, Micheal, Mcdonald, McDonnell. Nor can we find any records that help us learn what happened to Margaret who was the child of Michel and Mary McDonald in the Bagot and Blythefield census 1871.

It is my hope that this tribunal can see the logic of retaining and respecting Michel McDonald as a root ancestor because he was for all intents and purposes an Algonquin man living most, if not all his life, within the boundaries of the historical unceded territory of the Algonquin Nation within its western watershed on the Ontario side of the Kichisipi. It is also my hope that my great grandfather John Christmas McDonald will be added to the schedule of ancestors like other vertical lineages have been recorded if born before 1897.

It is also my hope that after this occurs my family, already enrolled since 2000, will be reinstated as enrolled Algonquin people through further amendments to the current adopted proposed beneficiary criteria to adjust the criteria to be more equitable and fairer minded for families like ours. Considering that the spirit of the initial clause 15.7.9 in the original proposed AIP which set the moral, administrative, and legal pathway for revisiting files for the purposes



of detecting mistakes in this claim is maintained, in all further iterations of policy and procedure because I don't feel it was adhered to in this particular circumstance for file review.

Having said that I am also clear that politically there are powers that do not desire files such as ours to be included without absolute proof of historical evidence that is explicit in naming ancestors Algonquin. Its intent for acceptance moving forward is I believe meant to avoid circumstances like ours while allowing for true mishandling, error, and fraud to be addressed. It is my hope that my daughter will finally be allowed to complete the paperwork necessary to be enrolled in her generation as a beneficiary in this claim process. Your attention and consideration in this matter is very much appreciated. I acknowledge that these are difficult circumstances, and this is a complex matter to be deliberated carefully.

Kind Regards, Miigwetch, Niindwemaginiduk

Heather (Gaabagaate eey Wassiuk) Majaury