

**HANNAH MANNELL (1795 – 1868)**  
Daughter of John Mannell & Algonquin mother  
Foundational & Matriarchal Ancestor  
Applicant Descendant - Ron Fabian,

EXAMINATION

OF

**HANNAH MANNELL**  
**(1795 – 1868)**

FOUNDATIONAL ANCESTOR

&

MATRIARCHIAL ANCESTOR

of

the Applicant:

**RON FABIAN**

Respondent:

**Algonquin Tribunal – Tanakiwin tribunal -**

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Applicant Descendant - Ron Fabian,

### **Introduction**

Advocate

**Wendell E. White, LL.M.** (retired)

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**The Algonquin Tribunal – Tanakiwin tribunal** - [Algonquins@tanakiwin.com](mailto:Algonquins@tanakiwin.com)

Representing Mr. Ronald Fabian, Hannah Mannell daughter of John Mannell & Algonquin mother

Pro-bono representation

### **Advocate Background**

- not a first nation person
- engaged in First Nation issues since 1970
- taught school in the north & high arctic
- authored 2 Dene oral history accounts of the north including naming of the Nahanni National Park using local Dene Tha orthography
- attended the 1982 Constitutional Conference on First Nation Rights & Title
- Ministry of the Attorney General 1999 -2021 initiated FN mediation program with the Child & Family Service Review Board & Custody Review. As the team lead my FN associate & I dealt with FN clients throughout the province. Within the department I sought to engage the FN communities & applicants to use a community based appropriate mediation processes to address child protection issues [2004 - 2018]
- Have been involved in genealogy since 1983 with Ancestry.ca; since approx. 2010  
I consider myself an active researcher not a professional genealogist

**It is my intention to be present at the hearing to speak and or respond to questions related to Mr. Fabian's submission.**

### **Document Structure**

From the Enrollment Officers Report I have taken excerpts from the document, *italicized* them noting the page from where it is used. My comments are beneath these statements.

### **Brief Chronology**

- The applicant [Ron Fabian] applied to have Hannah Mannell added to the schedule of Algonquin Ancestors in May of **2000**. An Enrolment Board heard the applicant's application on **September 9, 2001**. The Application was accepted by the Enrolment Board providing written reasons.
- The name of Hannah Mannell was originally placed on the Schedule of Ancestors pursuant to a Board decision of **September 9, 2001** that recognized Hannah Mannell and her husband Charles Thomas

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- **In 2010**, a protest was filed against Hannah Mannell
- The protest was heard by a Board of the Enrolment Review Committee in the fall of 2010.
- The protest was dismissed because it was determined that the applicants were properly enrolled at the time based on the decision of the 2001 Board and were not protested ...

However, the Board found that on the balance of probabilities the [applicants] ancestors were **Cree not Algonquin** and placed a moratorium on further enrolments of applicants who relied on descent from the Thomas/Mannell ancestors.

The ANRs responded by removing Hannah Mannell, her husband Charles Thomas, his mother Margaret Thomas, and his siblings, Eleanor Thomas Foy and Charlotte Thomas Spence, from the Schedule of Ancestors.

- **In 2012** several descendants of Hannah Mannell applied to have Hannah Mannell added to the Schedule of Algonquin Ancestors under Paragraph 8 of the "Protocol For Consideration Of Potential Additions To Schedule Of Algonquin Ancestors", in place at that time. Their application was referred to Justice Chadwick who presided over a hearing in **February 2013**.
- **2013 May 02<sup>nd</sup>** By Hon. Justice Chadwick, his decision related Hannah Mannell meets the definition of Algonquin Ancestor and her mother was from Algonquin Ancestors.

*[27] The applicants are seeking to have Hannah Mannell (Mannall) added to the Preliminary Voters list as an Algonquin ancestor. The Applicants have the onus of establishing on the balance of probabilities that Hannah Mannell meets the definition of Algonquin ancestor.*

*[28] Based upon the evidence and submissions, I am satisfied that the applicants have established, on a balance of probabilities, that Hannah Mannell meets the definition of Algonquin Ancestor as the records suggest on the balance of probabilities that her mother was from Algonquin territory.<sup>1</sup> Hon. Justice Chadwick*

- *BE IT RESOLVED that the historic persons noted below are referred to the Algonquin Tribunal to determine whether such historic persons are identified in a historic record or document dated on or before **December 31, 1921**, in such a way that it would be reasonable to conclude that the person was considered to be an Algonquin or Nipissing, or a sibling of such a person. A "sibling of such a person" means a person with a common Algonquin parent.*

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<sup>1</sup> Hon. James B. Chadwick decision, Q.C. **IN THE MATTER OF** a Preliminary Draft Comprehensive Land Claim Agreement-In-Principle among the Algonquins of Ontario; the Province of Ontario; and the Government of Canada May 02, 2013

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- *THESE REFERENCES are being made pursuant to section 76(d) of the Special Resolution of the Algonquin Negotiation Representatives on the Algonquins of Ontario Enrolment and appeal Board (approved on April 20, 2021)*
- 2022, 2023 Hearing on the issue continues and Mr. Fabian languishes as do others in the despair of their heritage being questioned.

**Decision (2023) W. White**

The applicant is seeking to have Hannah Mannell (Mannall) added to the list of Algonquin Ancestors. The Applicant has the onus of establishing on the balance of probabilities that Hannah Mannell meets the definition of Algonquin ancestor. Based upon the evidence and submissions, I am satisfied that the applicant has established, based on the legal standard of on a balance of probabilities, that Hannah Mannell meets the definition of Algonquin Ancestor as the records suggests and on the balance of probabilities that her mother was from Algonquin territory in the Pre-Treaty Period.

If I were to apply deference to this matter, I would support the Applicant recognizing that the (1) decision-making process has been unreasonably and inordinately long to resolve, (2) the historical pre-treaty information is inconclusive (3) the position of the Applicants strongly reveals their oral history **attachment** is to Algonquin culture and (4) the stakes are far too damaging for individual parties considering the ambiguity of data and extensive debatable outcomes.

**Legal Principle – Deference:** In administrative law or less legalistic environments or processes like a tribunal the rules that apply are Natural Justice & Fairness. A tribunal process is intended to be a place where Applicants “can be heard” in an environment where procedural rules of are more relaxed than other more adversarial proceedings where the application of strict rules of evidence and procedure must be adhered to. The principle of “deference” may be used when party positions are found to be equally credible, well thought out and researched. In such cases, adjudicators may find themselves at an impasse, unable to make a definitive decision. Herein, is where deference may be applied as a way to find resolution. In other words, the adjudicator/s may consider beyond the merits of both sides to consider other significant issues. This may involve examining who is supporting a particular position and what their knowledge base is, their level of respect in their community, their sources and credibility related to the topic, do they hold a special place in the community like being an Elder or knowledgeable spiritual adviser ...

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**Simplistic Fictional Example of Deference:** *Following a park plain to expand its boundary, an Elder from a community involved explains how his/her people used the area under discussion. He/she explained the spiritual connection, and stories associated with the area being considered for development. The Park Representative explained that a land use study was conducted three times by professional engineers and there were no objections. The adjudicator is at an impasse. She/he applies deference to the decision, stating that the Elder's reputation and standing in the community is not in question, there is no reason not to believe that she/he and families had travelled the area and knew it well. The studies were credible however the Elder's thorough knowledge base & **oral history** related to the land, travel experience and level of esteem she/he is held, can not be ignored. Decision rule in favor of the community.*

Where deference is applied to a decision it is acknowledged that it was with reasons. Deference is a serious examination of who is providing the information, credentials, experience, and sources. The voice of those with experience like Elders, respected individuals and hunters and people with specialised experience may deserve more deference than a professional with little experience. This is where decision makers and courts are giving deference to the value and credibility to Oral History.<sup>2</sup>

Given that the Mannell decision has been going on for far too long, it may be the perfect place for it to be applied in this case.

It is important to note that deference is not a substitute for a solid evidentiary based decision making.

### **The Objective**

Based upon the available evidence and submissions, establish on a balance of probabilities, that Hannah Mannell meets the definition of Algonquin Ancestor and is from Algonquin territory.

### **Research Concerns**

#### **1. The absence of ethnic / tribal identifiers**

“... I worry about the weight of reliance on census collections related to the absence of self identifiers such as “Indian” mixed blood or a name not being present on a document identifying as “Indian.” I would suggest that many indigenous people of the time period, if they could or if there was a benefit to not do so, would rather **not** identify as native or Indian, than face the bigotry and racism known to exist at that time. When it came time to enumerator FN the information must have been difficult to acquire and as stated in the research resulted in “enumerator inconsistencies regarding the identification of metis and their offspring.” “have

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<sup>2</sup> Simon v. The Queen, [1985] 2 S.C.R. 387, at p. 408

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resulted in an inconclusive analysis of the metis population in the Abitibi region at the turn of the century...”<sup>3</sup>

Where identifiers do exist in census collections it is a positive discovery for the most part.

However, where they do **not exist related to this case**, may be attributed to among many things, including the following;

- a. The families were not present in the area at the time of census taking possibly due to hunting, trapping, berry picking, visiting camps or outposts ...
- b. Were present but did not wish to be enumerated so they hid. Trust was and still is a huge concern in FN communities.
- c. They left when they knew that officials were coming to their camp [like they did in many communities related to the Residential School rendition practices of the 1880's onward.
- d. If an indigenous individual could avoid being identified as not being “Indian” and could obtain a benefit for doing so, they would & more so at the turn of the century [related to getting a job on the railroad, on a barge, to go into a bar/restaurant ... join the military give up their status)
- e. If an indigenous person married or was in a country relationship and had children it would not be surprising for that person to identify as the nationality of the head of household.<sup>4</sup>

2. 2<sup>nd</sup> Nation documentation & Census Collection

The authenticity of 2<sup>nd</sup> Nation written documents concerning indigenous people should be viewed with great skepticism at best. It is my view, the fulsome reliance on such official 2<sup>nd</sup> nation documentation (by church, government, police, politicians, and agents thereof) is patently unreasonable given the substantive probability the same did not likely represent neither the world view of indigenous persons nor the state of mind of a collective of Algonquin people. Contemporary history undeniably supports the belief that FN best interests were neither considered or supported. It is uncomfortable to try and understand why now any FN would yield its inherent power to determine its own membership, then to rely on 2<sup>nd</sup> Nation period scholarship, diaries, academia ... to do so, is unclear, given FN were virtually written out of the historical record of that time.

In my view, the power of 2<sup>nd</sup> Nation documentary words and phrases was totally lost on the indigenous peoples of this period. For the most part, they neither authored a document, wrote a

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<sup>3</sup> *Research Report – Historic Metis in Ontario, Timmins, Cochrane and the Abitibi Region, Gwen Reimer, Ph.D. & Jean Philippe Chartran, M.A., February 20, 2001*

<sup>4</sup> *Research Report – Historic Metis in Ontario, Timmins, Cochrane and the Abitibi Region, Gwen Reimer, Ph.D. & Jean Philippe Chartran, M.A., February 20, 2001*

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document or understood a document. They relied on those they trusted [in a very limited way] to say and write the truth only to later discover they were lied to or deceived by trickery. Recent history has demonstrated that mis-representation was practised at all levels to relegate and subjugate indigenous peoples to reserves, to isolation and to a regulatory regime designed to suppress, alienate, and fully assimilate them [indigenous persons] to the greatest extent possible.<sup>5</sup>

### **3. Census Data**

Census Collection data is significant in the normal course of gathering genealogical information especially if one's ethnicity is English, Scottish, Irish, American or French. The point is that errors were not uncommon on census records for a multitude of reasons; not the least of which was the phonetic spelling errors of names due of old accents & dialects like a heavy Scottish brogue.

Enumerators made assumptions about ethnicity i.e. English for Irish, Scot for English ... It was not uncommon and likely the accepted practice for members of the family to default to the nationality of the head of household (the father, husband,)

English father = English wife and English children or

English husband = English children and wife chooses what she wishes to acknowledge.

likewise.

### **4. Let the Record Show**

That the submission, dated 22 Feb 2023 in supplement to the Enrolment's Officer's report made by Mr. Veldon Coburn, fails to disclose that he is a member of the Pikwakanagan First Nation with a financial beneficiary interest in the outcome therefore is in a conflict of interest.

## **Reflection of the Treaty Environment**

*"... What is most curious about Reginald Rimmer's fear, in 1901, that the province might contravene or disregard any new treaty made without its consent is that, true to form, Ontario was ignoring Indian title in the territory being considered for surrender anyway. It was Ontario, after all, which had jurisdiction over the white trappers who were harassing Chief Espagnol's people and the others who lived north of Lakes Huron and Superior. It was Ontario which had licensed the surveyors and mining exploration parties the Indian people were complaining about to federal officials. And, as the Cree and Ojibwa were later to discover, it was Ontario which had already given out timber licenses to lands they wished to reserve for themselves. If the incursion of whites was the gun pointed at the head of the Indian people, Ontario's finger was on the trigger."<sup>6</sup>*

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<sup>6</sup> *Treaty Research Report – Treaty No. 9 (1905-1906, James Morrison for Treaties and Historical Research Centre & Northern Affairs Canada, 1986*

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*“At Osnaburgh the blind chief, Missabay, had voiced the Indians' fear that if they signed the treaty they would be forced to live on the reserve set apart for them and would be deprived of their hunting and fishing rights. The commissioners replied that such fears were groundless "as their present manner of making their livelihood would in no way be interfered with." No wonder the various bands along the Albany River felt they were getting something for nothing. As we saw from the commissioners' notes on their travels, this same question was invariably given the same answer - that Indian hunting and fishing rights "would not be taken from them," as they told the people of New Post. Even at those stops where the people immediately welcomed the treaty, the issue came up. Nearly seventy years after the treaty, an elderly gentleman who had been an apprentice clerk at Mattagami Post remembered the commissioners telling the local people they could hunt over the surrendered lands "just the same" as before the agreement. "If there was any clause in the Treaty that was put in their against that," Robert Laurence added emphatically, "the Indians didn't understand it, and I know that quite well, because they didn't understand half of what was going on anyway." <sup>Footnote141</sup> James Wesley, who attended the official ceremonies at Fort Albany as a young boy, was equally insistent on this point when interviewed in 1972. The British government told the, he said, they should not be afraid "because there will not be any legislation governing trapping, hunting animals and hunting birds and fishing if you are in favour of the Treaty. <sup>Footnote142</sup> It could be said in the commissioners' defence that it wasn't their fault the Indian people didn't understand the basic incompatibility between Indian and white land use practices - such misunderstandings had always accompanied the land surrender process.”*

### **Ojibwe, Oji-Cree or Algonquin Territory Pre-Treaty Period**

There appears to be agreement that in 1794 John Mannell established a HBC post at Kenogamissi Lake and likewise it is fair to say that this post was visited by Cree, Ojibwa and Algonquin FN in the pre-treaty period. This is particularly true and factual given they were/are considered allied and inter-mingled socio-economically & historically with other Algonquin Linguistic groups which include Cree and Ojibwe. <sup>8</sup>

In this linguistic grouping, establishing that one group or another is in possession of a definite piece of territory is far too awkward a statement to flatly conclude. In broad strokes we can assume by second nation note taking like H.B.C. records that Ojibwa, Cree & Algonquin peoples were active trappers, traders and travellers of the Kenogamissi Lake region and Ottawa River watershed. We can agree that the HBC established a fort there and that Hannah Mannell was born there Aug of 1795 <sup>9</sup> of an indigenous woman. The best proof of that is Mannell's statement in the Anglican Mission Baptism records, where he states;

*“John Mannall declares that he has the following children;  
Hannah Mannall born at Kenogamissi Aug 1795 <sup>10</sup>  
Margaret Mannall born Moose Factory October 1797 <sup>11</sup>*

**Note:** This document is a part of the Enrollment Officer's record.

This is best material evidence related to Hannah's birth and is a sworn statement by John Mannell. This document seems to get ignored in submissions

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<sup>7</sup> Ibid <https://www.rcaanc-cirnac.gc.ca/eng/1100100028859/1564415209671#chp3>

<sup>8</sup> Algonquin, Will Oxford, University of Manitoba, To appear in the Routledge handbook of North American languages, ed. by Daniel Siddiqi, Michael Barrie, Carrie Gillon, Jason Haugen, and Eric Mathieu

<sup>9</sup> AOO MS 161 Moose Factory Anglican Missions baptism, 1780 – 1850

<sup>10</sup> Ibid

<sup>11</sup> ibid



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Reading the materials submitted and others, it is obvious there is a huge varying opinion as to when and where people [indigenous peoples] were trading, trapping, and traveling in the pre-treaty period. There is a definite debate as to the extent of territory was whose, where it begins and where it may end. It is equally conceivable and highly likely that a territory was occupied by one group for a period then another would appear more prominent in another historic generation or centurion period. The delineation issue is addressed in a paper submitted by Gwen Reimer, Ph.D. & Jean-Philippe Chartrand, M.A. Praxis Research Associates;<sup>12</sup> *“The body of anthropological and ethnohistorical publications concerning the study region presents conflicting opinions regarding the identity of Indian people(s) who lived at and in the environs of Lake Abitibi. That some debate exists concerning the identity of occupants in the early contact period (mid 17<sup>th</sup> to mid 18<sup>th</sup> centuries) is not a problem unique to this region, as scholars have presented different opinions concerning the pre-contact and early contact location and the extent of territory of certain Algonquin speaking peoples, such as the Ottawa and Ojibwa (cf. Praxis Research Associates 1998a:15-30) However, the problem is more pronounced in the Abitibi region due to several discernable factors. Theses include the multiplicity of positions advanced by different scholars, the more endemic of reliable data concerning tribal identities and to some extent, an English-French dichotomy (for English-Canadian and American v. Quebec academic dichotomy) in the assignment of tribal identities to Aboriginal occupants of the region.*

*The anthropological and ethnohistorical publication consulted and cited in this report present in total no fewer than six distinct position and argument concerning the tribal identity of Aboriginal groups in the Abitibi region at contact.*

- *The area was primarily occupied by Cree (Bishop 1972; Parent 1978; Viau 1995a);*
- *The area was primarily occupied by Ojibway (Jenkins 1939);*
- *The area was primarily occupied by Algonquin (Chamberlain 1913; Couture 1983);*
- *The Abitibi formed an independent tribal group affiliated with neither Cree, Ojibwa nor Algonquins (Ratelle 1996; Trudelle 1937);*

*The Abitibi region appears as social and cultural cross-roads where tribal boundaries between Cree, Ojibwa and Algonquin cannot be determined (Day and Trigger 1978; Bishop 1981; McNulty and Gilbert 1981)”*<sup>13</sup>

From what I have read thus far, I have to agree with the logic of this position.

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<sup>12</sup> Research Report, *Historic Metis in Ontario, Timmins, Cochrane and the Abitibi Region*, Gwen Reimer, Ph.D. & Jean-Philippe Chartrand, M.A. Praxis Research Associates, part 2 *Aboriginal Occupation of Abitibi Region ca.1660 – Present*, Gwen Reimer, Ph.D. & Jean-Philippe Chartrand, M.A. February 20, 2002 p.9 - 2.1 & 2.1.1.

<sup>13</sup> *Ibid*

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Given where we are today [2023 / 223 years later] in need of discerning whether Mannell's wife X and by extension Hannah Mannell were/are Algonquin or something else, is troublesome. From the literature, it certainly appears that the environs of Kenogamissi Lake was a terminus of complex socio-economic activity between nomadic tribal peoples [Ojibwae, Cree & Algonquins] & 2<sup>nd</sup> Nation traders and interlopers. Inter marriages between tribes was necessary from which expanded hunting territories and trade opportunities evolved. One can not ignore the impact of 1<sup>st</sup> and & 2<sup>nd</sup> nation child bearing relationships but more specifically the role of 1<sup>st</sup> nation women assumed in such relationships as pivotal for success building trade and peaceful alliances.

Where I lived in the north two 2<sup>nd</sup> Nation independent traders and prospectors, Guss Kraus & Jack Lafleur took Dene women as partners, being country wives who were actively engaged in the trade to varying degrees. They spoke the language, knew the customs, knew the families & knew their enemies, knew the cultural nuances necessary to interact successfully, could explain trade negotiations at the counter and resolve trade disputes as they surfaced. Taking a competent indigenous country wife was an asset, a necessity, an economic condition that would foster better relations between like minded persons – persons who shared the same world view with the same tribal collective in the same geographic location.

*From an article “Métis and Country Wives it is stated;*

*“Many French [English HBC traders] voyageurs married into Native groups and took “country wives.” Often these Native women were members of nations with whom voyageurs traded or wanted to build trading relationships. Establishing kinship ties with Native groups helped to create good trade relations between Frenchmen and Natives, and bound them together both politically and socially. Marriage into a clan paved the way for traders because much of Native socioeconomic activity was conditioned by kinship relationships and reciprocal obligations.”<sup>14</sup> Doing otherwise would be a recipe for failure or limited success.*

**Birth and Marriage**

It is a fact that Charles Thomas took as his country partner (c. 1811) Hannah Mannell (b. August 1795<sup>15</sup> which means that Hannah was 16/17 years of age when their country union occurred.

*“Hannah Mannell was most likely conceived here at Kenogamissi in December 1794”*

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<sup>14</sup> WMU Scholar Works Citation Juen, Rachel B. and Nassaney, Michael S., "The Fur Trade" (2012). Fort St. Joseph Archaeological Project, *Metis & Country Wives*, p.23

<sup>15</sup> <sup>15</sup> AOO MS 161 Moose Factory Anglican Missions baptism, 1780 – 1850

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p.26 “Aug. 1795: Hannah Mannell is born. Nothing in the post journal suggests this event, which would not be unusual as the HBC men were not supposed to keep wives.”p.26

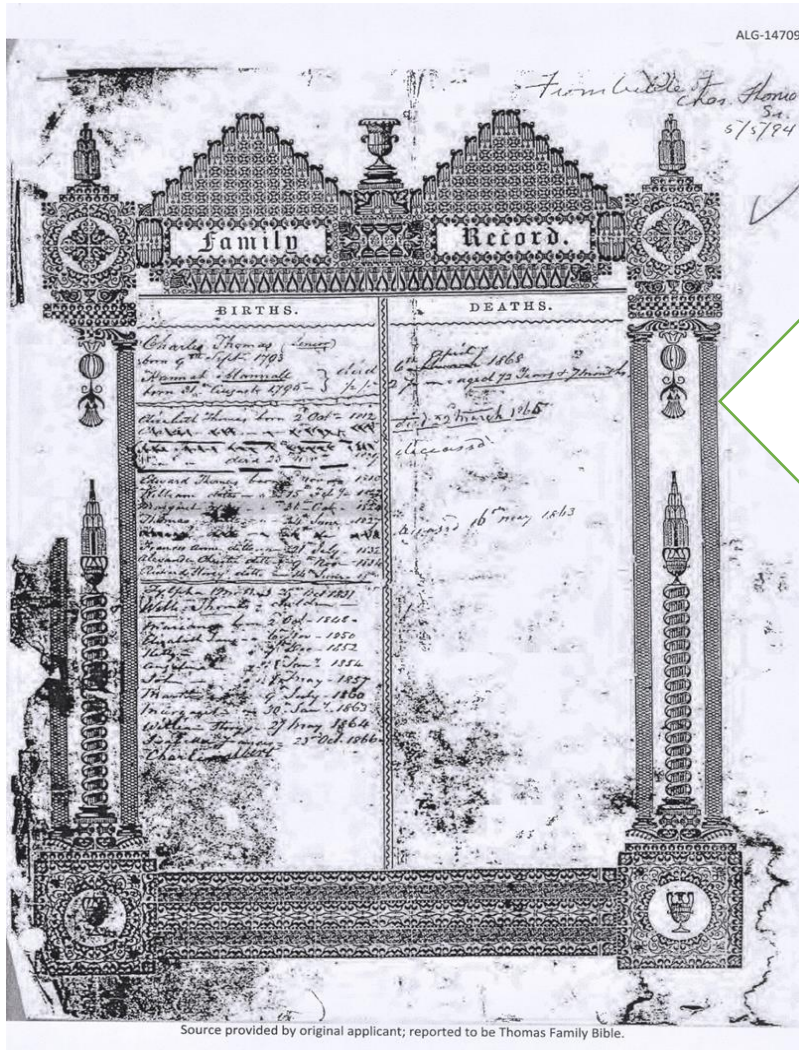


Exhibit # 2

**Hannah Mannell**  
b. 31 Aug 1795 d. 6<sup>th</sup> [ ] 1868  
source: Thomas Family Bible in the record

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Exhibit #3

Thomas Richards Senr. declares that he has the following Children  
Thomas Richards Born at Albany Factory  
Christened the \_\_\_\_\_ now resident at this  
Factory  
Estima Richards Born at this Factory the 6<sup>th</sup> Sept. 1804  
Christened at this Factory the 13<sup>th</sup> January 1805 To the Sponsor  
Late Thomas Thought Family  
Thomas Knight Born at \_\_\_\_\_  
Christened the \_\_\_\_\_ now resident at \_\_\_\_\_  
John Knight Born at \_\_\_\_\_  
Christened the \_\_\_\_\_ now resident at \_\_\_\_\_  
Mary Knight Born at Eastmain, Factory  
Christened the \_\_\_\_\_  
George Moore declares that he has the following Children  
George Moore Born at New Brunswick the 13<sup>th</sup> June 1796  
Christened at the 27<sup>th</sup> Janry 1805 now resident at his  
Factory  
Margaret Moore Born at this Factory the 6<sup>th</sup> July 1799  
Christened the \_\_\_\_\_ now resident at Eastmain Factory  
Mary Moore Born at this Factory the 29<sup>th</sup> Decr 1802  
Christened the \_\_\_\_\_ now resident at this Factory  
John Mannell declares that he has the following Children  
Hannah S. Born at Kenoogumisee August 1795  
Christened the \_\_\_\_\_ now resident at \_\_\_\_\_  
Mary Mannell Born at Moose Factory Octob  
1795 Christened the \_\_\_\_\_ now resident at \_\_\_\_\_  
Thomas Thomas's Family now resides in England  
Henry Thomas Born at this Factory  
Christened the \_\_\_\_\_ now resident at this Factory  
Richard Thomas Born at this Factory  
Christened the \_\_\_\_\_ now resident at this Factory  
Estimene Thomas Born at this Factory  
Christened the \_\_\_\_\_ now resident at this Factory

Hannah Mannell  
Kenoogumisee Aug  
1795 in the record

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*“These facts suggest but do not prove that Hannah Mannell’s mother was most likely from the area around Kenogamissi Lake, Frederick House or Brunswick House. It is also possible that she was from around Moose Fort, as John travelled back and forth to Moose Fort as part of his HBC duties. The maps cited in sub-section E.1, above, indicated that these locations were in Cree or Ojibwe territory” p.9*

It is correct, these facts suggest and like so much of this research there is so little definitive proof.

An other way of stating this is as follows. These facts suggest but do **not prove** that Hannah Mannell’s mother **was not** from the area around Kenogamissi Lake. We already know she was there because we have two factual elements that place her at Kenogamissi Lake 1795. Was she from there. To the extent that her family travelled the area they were familiar with, traded in and hunted and fished in, she was from there.

One can have their own opinion but you can’t have your own facts. The best facts are the best proof. In this case, the best facts / best evidence related to where Hannah’s mother was from and when Hannah Mannell was born are established and found in exhibits 3 & 4. These documents are the most compelling piece of material evidence related to date and place of birth of John Mannell’s daughter Hannah Mannell. Here he **declares in writing** that his daughter was born August 1795 at Kenogamissi.<sup>16</sup> Considering the additional piece of material evidence, the family bible supports the evidence with the exact date of **31 August 1795**. Hannah Mannell’s mother indigenous woman X is in her community, with her family by her side for the birth of her first child – this is a reasonable assumption in the absence of real evidence / proof. Having these two pieces of material evidence, the Anglican Church submission and the Thomas family bible should lay this part of the issue to rest. Looking back 228 years and speculating about where she may have been conceived 9 months previously seems like a futile exercise of obfuscation not applying real weight to the material evidence in hand.

I suggest the definitive statements, “... *these locations were in Cree or Ojibwe territory.*” p.9 as too questionable and unreliable in the Pre-Treaty period given the extensive academic debate surrounding indigenous territorial use and by extension the degree to which we are having this discussion 228 years later.

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<sup>16</sup> *ibid*

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### **The Question at Hand**

*“Hannah Mannell is of (1) Indigenous descent, being the daughter of John Mannell, an English fur trader, and an (2) unnamed Indigenous woman. The question at hand is whether there is evidence that she was (3) considered Algonquin. A key step in determining the probable Indigenous ancestry of Hannah Mannell is to examine the (4) Indigenous group or groups who were in control of and/or extensively used the area at the time that John Mannell formed a relationship with Hannah Mannell’s mother.” p.17*

Is there evidence that she was Algonquin? Reiterating some comments

The best evidence begins with the birth of Hannah Mannell which has already been established. We know she was born at Kenogamissi lake as John Mannell attests to.

- We can agree that Algonquin’s were traditional users along with Cree & Ojibwe persons of the territory in question; Kenogamissi
- These same indigenous groups carried inter-group/tribe commerce and inter-relationships
- These same indigenous groups entered into trade with 2<sup>nd</sup> Nation agents NW-Traders & HBC
- John Mannell was a trader with HBC. Travelling vast pieces of the territory conducting commerce as an agent with the HBC.
- It is a fact that Algonquins were actively engaged in the fur trade & traveled in the Kenogamissi Lake area where John Mannell, worked with the HBC
- It is a fact that he took an indigenous country wife X & they had a child Hannah Mannell  
b. Aug 1795 at Kenogamissi Lake
- It is a fact that Algonquin’s were trading with John Mannell at his post as recorded in HBC records
- It is a fact that that Algonquin people settled by way of a treaty 1906 demarcating a distinct boundary once referred to as Abitibi Indian Reserve #70. The said reserve is now referred to as Wahgoshig First Nation – an Algonquin community
- It is a fact that Hannah Thomas nee. Mannell entered into a country marriage with Charles Thomas, son of a HBC senior trader and that their parents were Co. associates.

In the absence of fact it is reasonable to speculate what the motives of people may have been where there is credible information to do so.

Why would John Mannell favour an Algonquin woman?

- Because he was trading with Algonquins
- Because he wished to have a partner who could assist him in the trade, to expand his trade, and who assist in resolving trade related issues
- Because his wife knew more than he did about the travel of the Algonquins, their habits and traditions. She knew who could be trusted and who could be major issues in trade relations
- It is reasonable to assume that Hannah Mannell’s mother would pass on the special skills, knowledge and attitudes that would sustain her in her personal and private life. This would especially be the case related to her choice to enter a country relationship with Charles Thomas.
- It is reasonable to speculate that indigenous woman X and family were present for the birth of Hannah Mannell’s providing support in the birthing process

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*Examining the Indigenous group or groups who were in control of and/or extensively used the area at the time that John Mannell formed a relationship with Hannah Mannell's mother?*

This document makes no definitive statement about who was in “**control**” of the territory or to what “**extent**” any group used the territory? I venture to surmise that the answer to both of these parameters is unattainable for any researcher to make given the absence of strong reliable data. What we know is that there are Algonquin descendants today, who have personal family history associated with the collective that supports their belief that they are of Algonquin ancestry.

As stated correctly in this report, “*These facts suggest but do not prove that Hannah Mannell's mother was most likely from the area around Kenogamissi Lake ...*”p.9.

The point is not lost on me that the burden here is on a **balance of probabilities** because of the known absence of **definitive proof**. Thus, we pursue with vigor to mortar together the pieces of information so we can more clearly see where we are. Professionally speaking, there are few absolutes when working in an environment like this where the research landscape is murky. Chadwick, I suggest must have been faced with the same dilemma.

*“According to most reputable sources these posts were located in Cree or Ojibwe territory during the relevant time period.”* p.18

Who are the *reputable sources* to whom the authors refers?

I beg to differ with the author on this point because it not at all clear. If indeed this was clear, we would not be where we are to-day debating the issue for 20 years. I have provided my sources who clearly make the point related on the topic.

*“Journal B.75/a/8 – FREDERICK HOUSE, 1792-1793 June 1792 to June 1793 Post journal kept by John Mannell; brief periods when Robert Folster was the writer.*

*o June 25: Sent furs to “the Fort” [Moose Factory]. 5 men and 3 lads arrived from Abbitibbi with load of 112 MB. Next day states “Indians” went away, which suggests the men and lads were Indians and not HBC men*

*o Oct. 10: an old man and his wife came in with a few furs and some provisions*

*o Oct. 14: “Isaac Constant and Michael China [illegible surname] with three labourers entered the Lake with a Canoe load of Trading goods and Provisions, they came from Abbitibbi over the long carrying place have more Goods behind and are intended to spend the Winter here.” [This is competition: Canadians] Next day they are referred to ...”* p.22

I believe **Isaac Constant** is an Algonquin who arrived at Frederick House to trade. I stand to be corrected but I also believe the Constant [Contant, Contant ] family name is strongly associated with the Pikwakanagan's of Golden Lake FN community. My point is solely to establish that Algonquin's were

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travelling long distances to trade with John Mannell and staying the winter. No doubt Isaac Constant, travelling that far, he felt confident in Mannell's trading practices.

The submission by L. Hanley in support of the inclusion of Hannah Mannell sheds credible light upon the relationship between the Charles Thomas & Hannah Mannell family of Golden Lake and the local Algonquin people. Hanley makes it clear that Thomas & Hannah had more than a superficial relationship. *“Diary entries of Charles Thomas show his and Hannahs continued socializing and trading with the Algonquin people around the Lake. They frequently stayed over at their stopping place. From his diaries covering period for 1850-1852. Much of his journals went missing but his reference to the Algonquin and other indigenous people of the area is frequent as they traded, hunted, fished and socialized together. Hannah, it seems had a special relationship with the other women of the area from the South Shore as they often fished together, socialized and made moccasins and mits. We know that the Pissendawas, Amable, Stokwa and Tenaskou were all Algonquin and their spelling may have changed over time as is often the case.”*

This account demonstrates the relationship was meaningful and dynamic.

*.p7. Algonquin and other indigenous people of the area is frequent as they traded, hunted, fished and socialized together. Hannah, it seems had a special relationship with the other women of the area from the South Shore as they often fished together, socialized and made moccasins and mits. We know that the Pissendawas, Amable, Stokwa and Tenaskou were all Algonquin and their spelling may have changed over time as is often the case.*

*February 21 – Paul Pissendawa still very unwell*

*February 24 – Went down to see folks bottom of Lake - Stokwa was there and Paul still ill*

*March 3 – Pissendawa went by on way to hunting expedition and Perrigo arrived with some flour for us*

*March 25 – J. Bte Pissendawa paid for 5 marten and later Old Pissendawa and Louis came down to also pay for marten; J. Bte Pissendawa and young Ignaias off for hunting*

**Treaty Thoughts**

The next few pieces of this study draw me into the uncomfortable arena of again speculating on people's motives. While speculating, I must use reasonable grounds for doing so as many others have done throughout this exercise.

It is well established that the pivotal point of this determination lies squarely with the ethnicity of Hannah's mother, wife of John Mannell. It is agreed that she is an indigenous woman. Repeating myself, I am satisfied that Hannah Mannell's mother was Algonquin given that John Mannell was (1) in Algonquin territory and (2) took an Algonquin country wife as was the accepted custom and (3) while in Kenogamissi their first child Hannah Mannell was born. With additional reasons;



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- Because a group (Cree or Ojibwe) may be identified to an area as “their territory” at the time of treaty 1906) does not necessarily or likely mean that such area was always the case considering 111 year time span after the birth of Hannah Mannell and when treaty 9 was created. Especially considering the transitory nature of the populations who were subjected to many privations over many environmental episodes & conditions, unpredictability of migratory patterns and the trading conditions and trading conflict interruptions in the early 1800 – 1900 period<sup>17</sup>
- The Apitipi Anicinapek First Nation No. 70 Wahgoshig FN Algonquin [east of Timmons Hwy 655, Matheson, Iroquois Falls] I would argue that the area of traditional land use was considerably larger than what the official (1906) boundary included for that community and what it looks like to-day. Negotiations began with a government who desperately wished to confine, restrict, limit and take from said indigenous peoples their title among other things, and to create unobstructed access of mining, lumbering and other 2<sup>nd</sup> Nation business entities. All of which I suspect were violated over the ensuing years.
- The Treaty 9 designation of treaty boundaries and all subsequent maps of where groups retained an interest is interesting but was as much if not more the result of achieving 2<sup>nd</sup> Nation interests than FN interests. I would agree that individuals did agree on what was familiar to them but the entirety of what they had historically used, I doubt highly that they acquired a fulsome measure of.

*"The province delayed the matter for almost a year, despite frantic pleas from the department - which had planned negotiations for the summer of 1904 - to discuss the "New Indian Treaty." <sup>Footnote93</sup> Finally, Pedley sent the commissioner of Crown lands a draft order-in-council on 8 May 1905, outlining the proposed treaty terms and again urging the province to agree to it "before the Indians come into closer contact with white people, as they are apt to be easily influenced to make extra demands." <sup>18</sup>*

### Vaudreuil PQ to Golden Lake

It's a fact that Charles and Hannah went to Vaudreuil where she and her daughter were baptised and Hannah brought into a Christian marriage with Charles Thomas. The facts strongly suggest that Hannah Thomas nee. Mannell was Algonquin. I suggest & confess that the following is reasonable relationship motivation ;

- That Charles married Hannah Mannell because he knew her and her family respected him
- That her father or mother encouraged her to be with him [Charles] as he was industrious and could provide well for her family

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<sup>17</sup> Research Report, *Historic Metis in Ontario: Timmins, Cochrane and the Abitibi Region*, p.53

<sup>18</sup> Treaty Research Report – *Treaty No.9 (1905-1906) James Morrison Dept., of Indian & Northern Affairs (Duncan Comes Down the River* <https://www.rcaanc-cirnac.gc.ca/eng/1100100028859/1564415209671#chp2>

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- That being with Charles would keep her amongst her people knowing that one day they would be in more definable Algonquin Territory and would be amongst her people to raise her children in a familial environment where they would acquire the Algonquin skills, traditions, knowledge and spiritual inspiration
- They go south to Vaudreuil and eventually go up river to Golden Lake where he decides to set up a post business and raise a family amongst people he knew [1834]
- Here she is in her comfort zone, with other like-minded people who shared the same world view, customs, traditions, spirituality and practices; fishing sewing,
- She was accepted into the Golden Lake / Bonnechere River community because she was Algonquin

The next leg in accepting that Hannah Mannell is Algonquin, is to speculate on the motives of individuals [Charles & Hannah] and that is not what I professionally engage in. We are however left with little else than to examine **reasonable motives** that should somehow paint a clear picture.

It makes absolute sense that Charles Thomas would want to be amongst people he knew and people he could related to personally and economically. The same would also be the case for his wife Hannah. If Charles Thomas wished to go into some sort of business venture to sustain his family at his age in life (abt. 41 yrs.+ -) at a time when life expectancy in 1830 - 34 was 44.4 years<sup>19</sup> that he had to make some serious choices and it made absolute sense that going to Golden Lake would be that choice. Hannah, his wife was a capable and reliable partner to could build the necessary personal and trade business relationships. Her Algonquin language, traditions [fishing, hunting, berry picking] and spirituality would create a familiarity amongst the Algonquins of the area. It makes absolute sense that Charles Thomas would more likely be successful with an Algonquin women at his side at this stage of his of his life.

*“Charles Thomas was described as a “Merchant of Vaudreuil” and a “Farmer of Vaudreuil” on the records of his children Margaret and Thomas, respectively.”p.9.*

*“By 1832 Charles Thomas had established an HBC post at Golden Lake before retiring from the company.”*

*“Hannah was enumerated on the 1861 census at Renfrew, Algona County, living with her husband Charles, and their son Richard and his family. Hannah was noted as being born in North America, along with Charles, whose occupation was noted as “farmer.” The family was listed as belonging to the Church of England. Their home was said to be have been built in 1833. No one in the family was*

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<sup>19</sup> National Institute of Health (gov) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2885717/>

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*enumerated as “Coloured Persons, Mulatto or Indian,” which was the only origin question on the 1861 census. “ p.11*

I strongly trust that the enumeration would have been discussed with Charles Thomas, head of household and not Hannah and where Charles would have likely preferred his children **not be identified** using **“Coloured Persons, Mulatto or Indian designations** for all the reasons stated in this account; racism, prejudice, hatred, discrimination, ignorance and the potential for conflict.

*“... It is worth noting that the Thomas family were not enumerated with the Algonquin or Nipissing Villages at the Lake of Two Mountains mission which was a separate and distinct census return.” p.12*

I am not at all surprised but would expect that the Thomas family detached himself from the mixed FN community for a period given he was now living in the south amongst the, 2<sup>nd</sup> Nation, Irish, Scots, English, French, Metis, Algonquins & Haudenosaunee [Mohawks]. I suspect that he was attempting to introduce his children to a new life style that would be more accepting of his mixed family. That would mean locating the family away from the troubles that likely were associated with excessive alcohol use, sex, partying, fist fighting and other rowdy behaviours. Notwithstanding the reality of racial bias hatred and prejudice that existed at the time, I suspect he wished to protect his family from the potential ignorance at the hands of the 2<sup>nd</sup> Nation youth and others in school play grounds and in adult work places. It is still reasonable to believe that Charles and Hannah continued to have contact those they knew in the Algonquin community and those he would eventually join with at Golden Lake.

*“An excerpt from the book Pioneer Reminiscences of The Upper Ottawa Valley notes that Charles was sent specifically to Golden Lake to establish an HBC post on the Bonnechere River.<sup>28</sup> Charles biographical service record with the HBC does not make any reference to him establishing a post at Golden Lake. The last post noted in his record is Lake of Two Mountains to 1831.”*

*“The same source also noted that Charles Thomas strived to “win favour with the Indians as he began trading for their furs.”p.12*

*“Hannah Mannell, her husband Charles Thomas and their children were established at Golden Lake by 1834. In the late winter of 1834 Chief Makwa complained about Charles Thomas hunting and trapping on his hunting grounds. <sup>30</sup> The chief made his concerns known to the Indian Department interpreter at Lake of Two Mountains, who so informed the Indian Affairs officer at Montreal, James Hughes. Hughes referred Chief Makwa’s complaint to the Secretary of Indian Affairs at Quebec. Hughes summarized the issue: p.12*

I am not entirely sure what the relevance of this information is. It is my understanding that every trader strove to enthusiastically win-over the clientele with whatever means it took. Nothing I have read suggests that the trade was fun and games by any stretch. Again, it is no surprise to read in the record

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that there were individuals who did not get along or who were at odds with the local trader such as Thomas. There must have been many occasions of threats & argument. Traders worried about being burnt out or having families boycotting trade. Arguments, disputes and conflict were not an **uncommon** occurrence in this period of the fur trade industry. No doubt Charles Thomas had several enemies both indigenous and 2<sup>nd</sup> Nation. As a trader in the area, as in the north with the likes of Kraus & Lafleur, disputes arose often related to payment of accounts, quality & quantity of trade items, failure to have more variety in the trade and or not having a specific trade item on hand. Speculation would suggest that being the chief he may have felt intitled to be treated differently than the others and that his rank in his community was not being sufficiently recognized. Did Thomas hunt and trap on his hunting grounds? We have no statement of outcome of how the alleged violation was resolved.

**Other Reasons**

1. Ron Fabians' grew up understanding and appreciating his Algonquin heritage as passed onto him by his parents and grand-parents that being the stories and lore about the Algonquins of the Bonnechere River corridor – Algonquin oral history. Unfortunately, as he would attest, his parents and grand-parents did not openly share their Algonquin ancestry. In their time [1900 – 1980] it was not popular to do so. There was so much discrimination attached to identifying & celebrating native-ness. Therefore, indigenous people kept a lot of cultural wisdom to themselves not allowing racist attitudes to easily surface.
2. Ron Fabian grew up in a humble home. His father was farmer of sorts who loved to hunt and fish. He worked and travelled in Algonquin Park and knew the country well and his knowledge of the bush was well known.
3. Ron continues to be attached to the collective in that he has property at Round Lake. He has a cabin back in the bush where he hunts yearly and picks berries from his cabin, practicing in a contemporary manner Algonquin knowledge.
4. Ron has relatives still in the area whom he visits
5. He knows the Algonquin community well & more specifically he knows the Bonnechere River families and the stories attached to it.
6. The issue of Hannah Mannel's ancestry has been at issue for a 20 years. Academics, researchers and genealogist have sought to find the ancestral smoking gun that would resolve the issues to no substantive avail.
7. Considering that this decision was not resolved by the Hon. Justice Chadwick who used the legal standard of on a balance of probabilities stating, "*I am satisfied that the applicants have established,*

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*on a balance of probabilities, that Hannah Mannell meets the definition of Algonquin Ancestor as the record suggests ... ”*

His decision appears to have been ignored in favor of another process, with the same burden to meet and still the debate languishes on creating incredible anxiety for those who are in jeopardy of losing their identity.

At this point in time [2023] it is time to consider applying the principal of **deference** and acknowledge that the weight of this decision-making process must go to the families, like Ron Fabian’s who descend from this Algonquin ancestor. These are the people who have lived the life, lived the experience and these are the people who deserve to have their Algonquin lineage recognized by the Algonquins of Ontario.

The Respondent has not shown any proof or evidence that would support a claim that Hannah Mannell was anything other than Algonquin.

The recognition of Oral History is deference in action & compelling. How does a cultural group that has been alienated and discarded in the historical record defend itself, if not to acknowledge and legitimize their oral tradition and worldview. The statements made by L. Hanley in her material where she states,

*“It is also very important to remember that the very important and historic Nishga Agreement which brought claimed land to the indigenous community of British Columbia was a court acceptance of oral history and the first that recognized the importance of oral history and accepted it as evidence in that very large land claim. As such, what we remember as descendants of our Algonquin ancestors and as told to us over the generations must be respected. (See Nisga history below and Adaawak oral history.’*

I am not that familiar with the specifics of the Nishga Agreement and the extent to which oral history was relied on. I know however that B.C. FN’s are forward thinking, progressive and well versed on historical & contemporary indigenous legal matters. The law firm DGW, Barrister & Solicitor, Victoria, B.C., does today provide essential legal insight into the matter of the use of oral history and the law. Drawing our attention to indigenous litigants we can conclude there is somewhat of a transformation occurring in the courts will bring better balance to decision making.

From DGW Law (exhibit 4)

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The “best evidence” rule provides that even if none of the recognized exceptions to the hearsay rule apply, a judge may still admit oral history evidence if it is the best evidence available to an Indigenous party.[2]

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The courts have slowly become more open to allowing Indigenous elders to testify in accordance with traditional customs and practices. The Federal Court has issued *Practice Guidelines for Aboriginal Law Proceedings*, which has the guiding principle of applying court rules flexibly to take into account Indigenous perspectives. The *Guidelines* provide for alternative modes of testimony and permit elder evidence to be presented through songs, dances, culturally significant objects and activities on the land.

**EXHIBITS**

1. Research Report, Historic Metis in Ontario, Timmins, Cochrane and the Abitibi Region, Gwen Reimer, Ph.D. & Jean-Philippe Chartrand, M.A., February 20, 2002
  - 1.b Aboriginal Occupation of Abitibi Region Ca.1660 – Present
2. Charles Thomas Family Bible
3. AOO MS 161 Moose Factory Anglican Missions Baptism, 1780 – 1850 (ALG – 40222) Enrollment Officers Report p.65
4. DGW Indigenous Oral History in the Courts
5. Indigenous Foundations Arts, UBC
6. Canada, Department of Mines, Geological Survey, Memoir 70, Family Hunting Territories and Social Life of Various Algonkian Bands of the Ottawa Valley, F.G. Speck, Ottawa, 1915

W.E.W. 2023