Response to Submissions as of March 29, 2023
Tribunal Review Michel McDonald
Submitted by Heather Majaury

April 16, 2023

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Introduction

These are further corrections, expansions, or questions after reflecting upon the latest two submissions by JHA, as well as Pikwakanagan Community's position regarding Michel McDonald. I am extending my respect for the thorough way JHA are addressing everyones concerns.

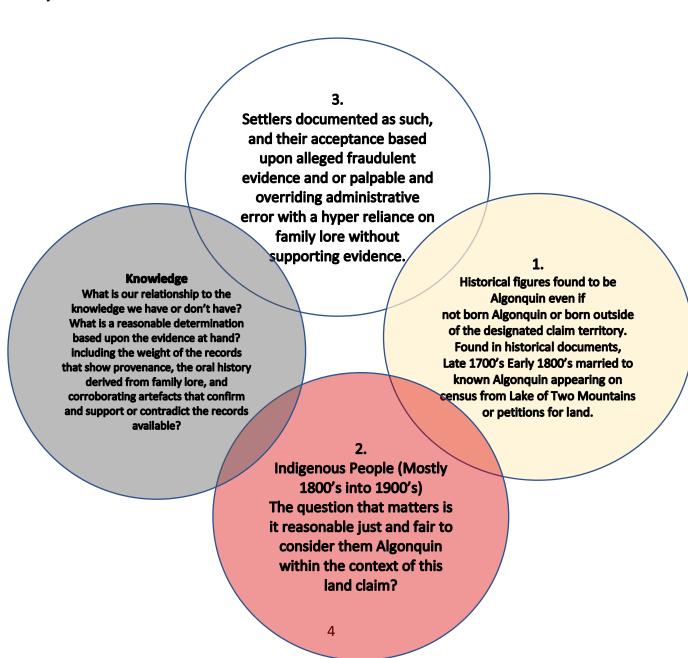
According to JHA I understand the following.

The Special Resolution of April 20, 2021, specifies in section 77 that: "Any matter brought to the Tribunal for determination shall be heard and be determined as a new proceeding, but this does not preclude the Tribunal from considering decisions made by other decision-making bodies including with respect to past enrolment processes."

I take this to mean that previous decisions in this matter are germane to these proceedings even if this is a new evolution and development in this larger process. It is safe to say that this process stands on the decisions made prior through the frameworks, information, and actions informing those decisions. How files are treated and assessed in comparison to one another helps elucidate context. Current decisions are also affected by the legal landscape that proceeds its which is ever evolving but Michel McDonald's, nor John Christmas McDonald's, recruitment or acceptance as Algonquin ancestors was not initiated or adjudicated within a void.

References to other Files in this Proceeding

I have compared our file to the other files being reviewed within the context of the adopted proposed beneficiary criteria and I see that we are unique to a degree amongst the other reviews on a continuum. Each file has its own nuances while fitting other wider patterns. I would say Michel McDonald's file belongs to Cluster 2 in the following venn diagram. The question here is what presents a wise choice when considering the retention of Michel McDonald as an Algonquin root ancestor within the context of how his descendants were interpolated into this process to begin with and the impact this process is having on these descendants still living today. I am one of those descendants.



I have further clustered the second or red category into nuanced distinctions that seem to be evolving from this review. Michel McDonald belongs to the 2nd Group. And I will explain why.

1.

Ancestors with evidence that points to definitely, or most likely, not being or belonging to Algonquin/Nipissing society although they are Indigenous. Some files and records show direct conflict with other Algonquins in the historical era. They are found and recorded in the historical record. Some are considered root ancestors with Mattawa Metis organizations.

2.

Ancestors who lack evidence that cannot be found because it never existed. Thus, the burden of proof is being placed upon the family contrary to previous legal cautions. There is no evidence of error in past decisions and no new information that weights the case in favour of a different outcome. There is no evidence of conflict with other Algonquin or Nipissing during the era they lived. There is evidence of good relationships that continued through time. Some conjugal. Some not. Some undetermined. They are found living in a known Algonquin historical area in relationships with other Algonquin/Nipissing.

3.

Ancestors with evidence they are definitely, or most likely Algonquin, and are living within known Algonquin historical areas. There is little ambiquity but there was enough suspicion, concerns, or questions to request a review. There may be question for descendants regarding their ongoing conformity to the new beneficiary criteria when considering the pathways designed for acceptance. But there seems to be no question upon review they are Algonquin Nipissing People.

Michel McDonald lands within the second category of files with some serious distinctions. The only new information that has been uncovered that directly impacts the decision in 2013 points to Michel being born in Ontario and not Manitoba. The issue of Manitoba was evaluated in 2013 and there is no new information that would weight a contrary interpretation that should reverse the 2013 decision. The only thing that has changed is the adoption of an untested proposed beneficiary criteria where the requirement of an explicit labeling of Algonquin as ethnicity is not the only pathway to a reasonable deduction of belonging to Algonquin/Nipissing society. Especially in the era that he lived.

In short you cannot find a record that does not exist because at the time such records were not kept. There may be specific censuses associated with Lake of Two Mountains but these censuses are not conclusive of all populations. There may be baptismal records, but this implies that all Algonquin were baptized at birth. Michel McDonald was in a pre-contract relationship with the colonial power. It is not reasonable to ask for a record that does not exist for the purposes of exclusion after acceptance over this length of time.

Removal in 2020

Alan Pratt, legal counsel for The Algonquins of Ontario, communicated there would be the opportunity to appeal the decision made to remove us in 2020. That never materialized. I understood it was to occur in Stage 2 of this process. While this may be part of stage 2, this tribunal eclipsed the appeal process from the first decision and delayed our right to appeal. This does not make me hostile to process either. I am critical of aspects of the process and I am concerned about specific human rights including those that would fall under the rights of Indigenous people including my own family, I am particularly concerned about Article 6 of U.N.D.R.I.P. in our circumstance.

Unlike descendants of ancestors where there is ample evidence of alleged fraud who remain hunting and participating in Algonquin political life, we were not accorded that respect or protection due to a delay in the original appeal with the decisions to privilege this review first. We are enduring the fear of being accused of pretendianism in our everyday lives when we are obviously descendants with Indigenous heritage who were initially invited to enroll in this process by Algonquin leadership.

We were not told that we would be required to defend Michel McDonald's place on the schedule of ancestors as an approved and previously accepted Algonquin ancestor in 2019, regardless of the decision rendered in 2013, when presented with the list of ancestors accompanying the proposed beneficiary package in 2019. Our decision in 2013 seemed to protect us from frivolous actions threatening Michel McDonald's standing as an approved Algonquin ancestor. Was this not the case?

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.

Is it reasonable to remove Michel McDonald from the schedule of ancestors based upon our detractor's biases or assumptions even if they appear to be the unified voice of Pikwakanagan reserve? We have never claimed to be members of Pikwakanagan First Nation and we are not demanding to become members of that community now. We come from a collective of Algonquin/Nipissing people who experienced significant and serious dispossession prior to the forming of Pikwakanagan Reserve within Algonquin unceded territory.

My gg-grandfather was born at a time when Algonquin/Nipissing people were returning to their homelands and hunting grounds and no longer always making the long trip to Lake of Two Mountains to collect presents. Presents were also ceased entirely by the time he is introduced to colonial records. There are no records linking him to the Red River Settlement at the time of his birth. And as we repeat consistently our oral history says McDonald was not his real name. It is a surname he took on. Some Algonquin Nipissing people were part of the fur-trade, and some did move to Manitoba and then returned to their homeland. The right of return being something you hope was respected in his day and protected within our current context.

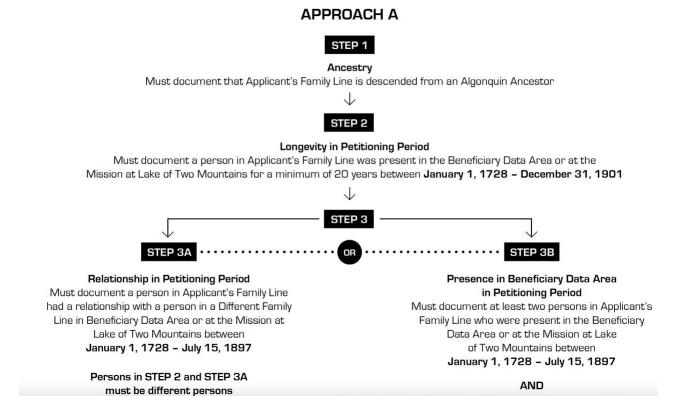
I personally have no desire to be in or seen as in conflict with the desires of Pikwakanagan, as a community which has a right to run its own affairs in whatever contractual agreements it has with the Canadian Government. I don't believe the continued acceptance of Michel McDonald as an Algonquin ancestor threatens that. A new request/requirement for evidence of an orphan's parents is not reasonable in these circumstances and is contrary to the decision and it reasoning in

2013. We have no choice but to comply with this process to defend our reputations due to the public nature of these proceedings.

JHA: The Respondent suggests the descendants of Michel McDonald were expelled from the process while descendants of other challenged ancestors were not. It should be noted here that some descendants of Michel McDonald did meet the Proposed Beneficiary Criteria (PBC) and some did not. Failure to meet all the criteria was not dependent on ancestor Michel McDonald being questioned but on lack of evidence to demonstrate one of the other elements of the PBC.

The descendants that were not removed and have yet to be removed while we linger waiting to address our initial expulsion are the descendants of Thomas St. Jean Dit Laguard and Emilie Carriere. Our removal was due to John Christmas McDonald being born in 1885. Descendants of his older brothers were not removed even though they have the same parents. Obviously, those descendants of Peter McDonald and Kate Jocko would not be impacted because there is no dispute regarding Kate's ancestry directly linked to the Bonnechere watershed and Pikwakanagan First Nation.

The relatives I know that were removed, including myself, were those of us who descend from John Christmas specifically. I will take you through the pathway of Approach A in the PBC which has not been considered since our removal in 2020 and was not considered before the election of A.N.R.'s in 2021. We did request having our file taken to the A.N.R. table at the time of removal. We were refused and I was threatened by our A.N.R. that my future communication about these concerns would be blocked.

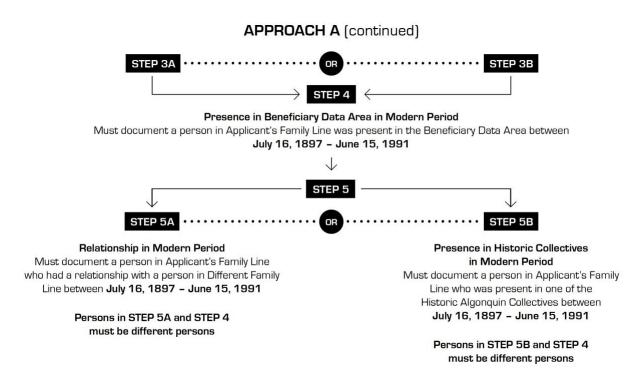


Step 1 - Michel McDonald

Step 2 – Michel McDonald

Step 3 A

John Christmas McDonald and his relationship with Sarah Whiteduck if you accept the 1901 census which is reasonable given that you extend the longevity requirement to include evidence from the 1901 census in Step 2. It is reasonable to conclude that Sarah Whiteduck was in the house most likely shortly after the death of Michel's wife Eliza Arkle /Arcol /Arcand 1893. Because he would have needed help with the children. The colonial record is a point in time count that indicates this to be the case.



Step 4 (Choose between)
John Christmas McDonald
Francis Dobbie (Formerly Majaury) nee McDonald
Robert Majaury
Heather Majaury

Step 5 A

Sarah Whiteduck documented living with Michel McDonald and John Christmas McDonald who is 15 years old.

Mary Lizzie McDonald, daughter of Katherine Pierre Jocko and Peter McDonald- 1st cousin to Francis Dobbie formerly Majaury nee. McDonald and niece to John Christmas McDonald. Her photo was included in 2013 hearing submissions which I included in my initial submission to this tribunal as well. It was her birthday.

Step 5 B

Joe Kelford Whiteduck (Great Uncle) to Francis Dobbie nee McDonald, born 1894 Canonto Lake married in 1917 in Renfrew. I believe he lived in Renfrew all of his life and died in the 1980s but this needs to be verified in the records. He is confirmed born in 1894 according to

the records submitted. My uncle Hudson my father's brother and the man seen dancing the potato dance with my daughter at the Silver Lake Pow Wow remembers visiting with Joe Whiteduck known as Kelford. These are again living memories not fabrications.

Eliza McDonald nee. Arcol/Arcand/Arckle

Justice Chadwick's decision was not dependant on Eliza Arkle's ethnicity it was not a deciding factor in 2013. Her ethnicity is not germane to these proceedings. In 2013 the protestors did not satisfy their burden of proof that there had been palpable error in the previous board decision. And I agree she is French there is no dispute. We did not have the full information at the time that helped us also unravel the mystery of Margaret Whiteduck. We can thank Mr. Coburn for finding the piece of paper that identifies Eliza McDonald in Margaret Whiteducks house in 1911 and identifies her as an Indian.

Please review what was produced by Joan Holmes presentation regarding Eliza Arcol my gg-grandmotehr in 2013 included in our decision then.

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.

I submitted the evidence we had in 2006 that we submitted in 2013. It was clear then as it is now that there was no primary documentary evidence. Neither did we fabricate our hypothesis. What has occurred is access to more records that confirm her clear French origins. We now have more information regarding our actual relationships to the Whiteduck family including Margaret Whiteduck.

This was discussed and reviewed then just like *Cree* and *Manitoba* in the 2013 decision. Justice Chadwick made a decision based on a reasonable interpretation of the record in front of him. His concern was directly related to Michel McDonald and not Eliza Arkle/Arcand/Arcol. It was Michel McDonald's son John Christmas McDonald who was considered the applicable ancestor in 2000 because he was born before 1897.

JHA make a point of impressing that Michel McDonald's third wife was not Algonquin so he had associations with non-Indigenous people as well as Algonquin people specifically. These matters are not mutually exclusive. So did other off-reserve Algonquins and so did other on-reserve Algonquins including Kate Pierre Jocko's mother. Cecelia Mitchel nee. Whiteduck had a child with Francis Arcand named Zeb Arcand/Arkle my ggg uncle, Eliza Arcand/Arcol/Akle's brother. There was quite a bit of mixing going on. What is obvious was these were interconnected relationships linked to the historical area where Algonquins and Mississaugas had attempted to live outside and beyond the Indian Act and it appears no one had agreed to no longer be Indigenous people.

We can see from the 1921 census record for Eliza Whetung nee. McDonald that the enumerator wrote French instead of Quebec or Ontario in the column that clearly was asking for birthplace. Interesting. It also says her original language is Indian. All supported by our oral history.

But obviously the enumerator was confused about how to record a person who was French and Indian in the census, and he couldn't reconcile that. Perhaps a French person could also be born in Ontario, but I am sure some anglophones at the time would be in denial about that too. I don't know what he was thinking but it affirms that errors occurred, and enumerators did not always follow the instructions appropriately. They weren't always logical or competent, and these records reflected more of what was on the mind of the enumerator than the object of the enumeration.

Joe Kelford Whiteduck

JHA: The marriage record shows the name of the groom as "Joseph Whiteduck (called Kelford)" but does not name his parents. ¹² Additional documents would be required to link Mary Ann Peters to the Whiteduck family.

H: I submitted these documents in my initial submission. Here they are again. It clearly states that Joe Whiteduck called Kelford's father is Joseph Whiteduck.

ancestry.ca/imageviewer/collections/7921/images/ONMS932_320-0270?treeid=&personid=&hintid=&queryld=ba536367bc1d11d16d02026cd4b52105&usePUB=true&_phsrc=GuV41&_phs... Ontario, Canada, Marriages, 1826-1938 for Loretta Marrion 019463

Additional documents including the birth records for Mary and Joe were also submitted in my original submission. There is no doubt that Joe Kelford Whiteduck is my Great Grandmother's uncle. He is my grandmother's great uncle. She most certainly knew him as well. It is reasonable to see that both Michel McDonald and John Christmas McDonald would have known Joe Kelford Whiteduck and John Christmas ended up marrying his niece.

These two trees converge with my grandmother who remained enumerated as an Indian with her father in 1921. And her mother was enumerated as Irish reflecting her known maternal lineage. What is clear is that census records were not wholistic in their approach to more than one ethnicity in a person's family tree and they were biased when it came to mixed race individuals. They were racist when it came to accepting mixed race people into white society unless considered pure. Unknown or unstated paternity also hid identity. My ancestors lived at the margins of settler society as mixed-race people while dispossessed of their birthrights as Indigenous peoples in unceded territory.

JHA goes on to say,

Steven Peters (born 1864) and his wife Phoebe Peters (born 1874) and their four young children are living next door to Michel McDonald and his children in 1901, as shown on the 1901 census. Their children are shown on the census as: A. Marry born July 3, 1894; F. Robert born March 16, 1896; Steven born December 26, 1897; and W. John born March 3, 1900.¹³ It is likely that the daughter "A. Marry Peters" born in 1894 as shown on this census return became the wife of John Christmas McDonald.

This is not just a likely scenario. My father knew his grandmother. He can absolutely testify to this being his grandma. There is no ambiguity in the records. They confirm this fact. There photos were included in my first submission with the records.

You may want to cross reference the photos in the first submission and assign them as evidence that supports the paper record. Wherever you need declarations from descendants to verify that the people in the photos are people in the records and they correspond or intersect or contradict. I did not submit photos to simply prove someone looked like whatever stereotype of an Indian lingers in

our psyches. I submitted them to add to the abstracted colonial records to verify these are people and human beings that we know and were known to each other. These are people who were enrolled in 2000 and who link directly back to Michel McDonald. These are related people who have maintained connection throughout all this time. Instead of this being celebrated our detractors have spun this into something that sounds like we are either diabolical or delusional. Neither is the case.

(Home)Lands

We can all agree that our Indigenous heritage flows through Michel McDonald and is directly connected to the historical communities and families connected to the watershed of the Mississippi, Madawaska, Rideau and Bonnechere watersheds. This has not changed since 2013. It is also likely that Michel McDonald's early life emerged into the written record from unsettled unceded Algonquin/Nippissing territory. If we accept that Michel McDonald was found in 1861 in Richard McDonald/ODonald's house he was found about 20 miles from Eganville, within the Bonnechere Watershed not far from the village of Golden Lake.

The written record reports that he is born in Canada West, Canada, Ontario, and Manitoba. If we look at the record as a whole and do not cherry pick only those records that affirm whatever bias we hold then Manitoba becomes suspect as a certainty. If anything, there is more information that weights Michel's most likely place of birth to be Ontario if you include the 1921 census which the new adopted proposed beneficiary criteria explicitly states as part of the new criteria for evidence. I am again including testimony from 2013 regarding information submitted by Joan Holmes that has now been reiterated in this new process in several ways with third party affirmation.

[15] Joan Holmes was questioned about the accuracy of census records. She acknowledged early census record (those before 1900's) had to be relied upon with caution. The Ottawa Valley was a remote area, the population was scattered and it was sometime difficult for census takers to access the area. When they did, they often took information from other individuals in order to complete their census. As a result some of the information is inaccurate.

Please review the change in the requirement for admissible evidence in 2013 and the requirement for this review.

2013 Hearing

"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, 1911, in such a way that it would be reasonable to conclude that the person was considered to be an Algonquin or Nipissing, or a full sibling of such a person. A preliminary list of Algonquin Ancestors agreed to by the Parties is included in Appendix 3.1. In this definition, a "full sibling" of a person is a sibling having the same natural mother and natural father as that person.

2021 Tribunal Review

The Enrolment Criteria defines "Algonquin Ancestor" as a person who was born on or before July 15, 1897 and 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.

It is my opinion which may not be shared by certain members of Pikwakanagan now that the 1921 census is included in the criteria, there are now four separate records that weight Michel McDonad's birthplace as Ontario and not Manitoba. It is not reasonable to require a record that names his parents because one does not exist and never did. It does not exist because there were no birth records in Ontario until 1869. It is not reasonable to require a baptismal record for someone who does not have a record that names his parents. He is obviously Indigenous living and socializing with other Algonquin families with a known historical presence in the territory and evidence of dispossession. He is only ever found living in this area regardless of the angst about his birth.

Justice Chadwick in his decision was as certain as Mr. Coburn and Mr. Leroux that proof of birth in Manitoba would decidedly determine that Michel was not Algonquin or Nipissing. Even with such a reductionistic bias, he ruled in favour of his retention. This is because such proof was not reasonably available and remains non-existent. This decision was supported by this following rationale. Is this rationale no longer relevant? If so, please explain.

Justice Chadwick clearly outlined the reasoning in our decision which cited Mitchell verses

National Revenue [2001] 1.S.C.R. 911 which also discusses the problem of providing

information that is pre-contract with colonial governments including Canada. The emphasis is on

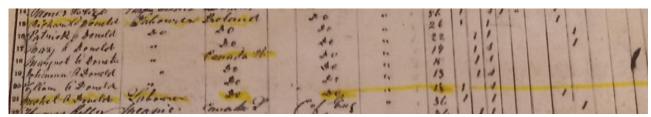
contract. Michel existed for his entire life in a pre-contract state with the colonial power. All records created within the colonial context are manufactured within a hegemonic context. I would think the 2013 decision is further supported by the passing of U.N.D.R.I.P. and not diminished. This new process is now potentially imposing an impossible burden of proof. Or it seems Pikwakanagan First Nation and Veldon Coburn desire this winnowing of eligibility and subsequent culling.

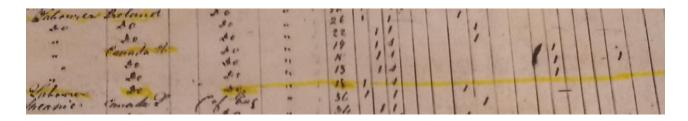
JHA interpretation of my belief regarding the 1861 census is not accurate. I do not believe Richard McDonald/ODonald is my ancestor. I believe it is quite likely or possible that the labourer recorded at the end of the household list residing in the home, but absent, when the census was taken at the time could be my gg-grandfather. It makes sense when you string the evidence together because it places him in the area either working and/or living there. If truly absent family, then mostly like family from his patrilineal lineage, and not necessarily his father. Richard could be an extended relative.

I have reviewed the census and there are contradictory anomalies As Joan points out it looks as if there is a tick mark that suggests he is family. Does this mean direct kin or a cousin or nephew? Also, if this tick mark is intended for Michel is it saying he is a female? In the other explicit column for gender or sex he is male. *Michelle* when female is usually written with an e at the end. Was it common for women to be recorded as labourers when it came to profession at this time?

Michel is most definitely a labourer and male which calls into question the tick marks identifying him as an absent female family member. Absent at the time of enumeration is most likely. If absent it is likely that the informant would guess his age especially if he didn't know his actual birthdate and the informant could even be out by a couple of years. If Richard was his father why wouldn't Michel McDonald name Richard as such on his first marriage record? None of us know why Michel took on the name McDonald. It's simply true that all branches of my family that I know have consistently said this was not his or our real name. These informants included my grandmother.

Unlike the rest of the children, he is explicitly identified as a labourer and not with dittos. Our family oral history that flows through all branches that I am aware of is that McDonald was not Michel's real name it was a name he took on in his teenage years. He is clearly marked in this census as born in Canada West. All the children are listed in yearly birth order descending from oldest to youngest even those absent. Only Michel is added out of sequence regarding age.





I agree with JHA, the categorization of Sarah Whiteduck as "servant" on the 1901 census may not be accurate. Whiteness was also something that was designated when a person was considered pure. The fact that Michel or the children are not designated W shows they are considered NOT white. The fact that Mary Brown is listed as "W" calls everything in this record to question. Was Mary Brown Sarah's natural born child? Where is the father? Did the father bring the child to Sarah to raise?

Stereotypes born of these dominant narratives I am sure informed perceptions by outsiders as they do today. The perceptions were informed by the beliefs of their day. Ontario and Quebec were known for sending military folks out to quash the rebellions out west thus there was possibly a general hostility toward all mixed-race Indigenous people not living contained lives on reserve. Even some Nipissing folks, such as Semo Commanda, were reported to be part of the Canadian military response to the Riel Rebellion.

As mentioned in my second submission and affirmed by JHA, there are documented incidents of other Algonquin/Nipissing travelling to the Red River Settlement (Manitoba) who lived there and had children but returned home in their lifetimes. This seems to be demonstrated in the Anna

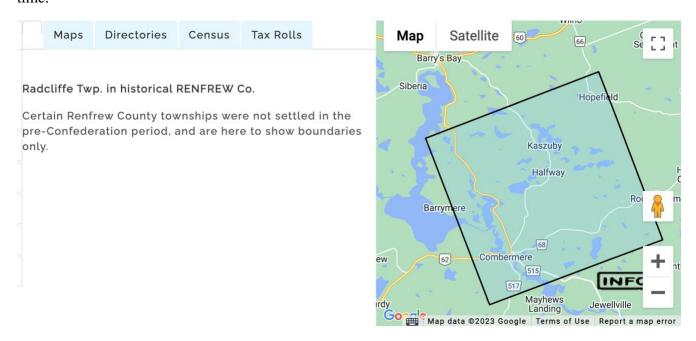
McDonald file included in this process as well. They all lived at a time when the dominant narrative that the Algonquin were an extinct people in the Ottawa Valley was at play. I would say it was encouraged by the colonial government through neglect of its duties by ignoring so many petitions. And general white settler society would have thought of real Indians as only living on reserves. And they likely thought of half-breeds as being Metis and only from the west especially Red River (Manitoba) due to the infamy of Riel. A dominant narrative internalized by my grandmother who transmitted these ironies to me in her story about her neighbour Bernice submitted in my second tribunal response. My grandmother had a good sense of humour and a healthy skepticism of colonial power and government.

Michel could have easily been mis-classified as ethnically Cree. As already said but I will reiterate, he could have been multi-ethnic: Cree and Scotch on his father's side and Nipissing/Algonquin on his mother's. But you would think someone who was this informed of their ethnicity surely would have known his parent's names. There is no doubt for me that Michel experienced the trauma and challenges to survival that come with being orphaned early enough in life that he may have not known his parent's English names if they had English names.

Or he knew only their names in the Indigenous language(s) they spoke, and all of this was not heard properly or understood by the enumerator. To fill in the gaps the enumerator made assumptions and recorded them as fact. Mr. Coburn demonstrated how easily that can happen in his own arguments against Michel. And of course, anyone seeing the surname McDonald would assume it was Scotch or Irish and even possibly from Manitoba when you consider one of its districts at that time was named MacDonald County after Sir John A MacDonald. A county known for having Metis allotments, but I guess very few Metis retained them.

It was obvious that Richard McDonald/ODonald was enumerated as Irish and was cited as born in Ireland so it is highly likely, if Michel was his relative, he would have been identified as Irish throughout his life. Men more often than women were likely boarders when found in other homes while women were likely family or considered kin. Not always, not all the time. But when we consider patterns of the time this is a more likely pattern.

A young man from Radcliffe could easily have been living and working at Richard ODonalds house in 1861 and then homesteading or camping in Radcliffe only 5 years later. His new wife is from an adjoining township both are living in an unsettled part of the valley at the time.



Note that when Michel McDonald (RIN #14703) married Mary Wilduck (aka Whiteduck) in 1866, he was said to be living in the Township of Radcliffe and born in Canada.

If this is my gg grandfather and we believe it is. My gg grandfather was moving and living similar patterns of migration intersecting with other Algonquin families in unsettled territory at the time. It should be noted that the Michel who married Mary Wildduck (Whiteduck) was likely much more friendly with Ignace Mukwa than Charles Thomas for example because Ignace Mukwa was a witness at the wedding. This wedding occurred before the forming of Golden Lake Reserve and before the forming of Canada.

I am not saying we have to prove friendships or good relations to be a part of any collective. It is unrealistic and dehumanizing to require people get along or agree on everything to be part of any collective. And it is all too common to blame marginalized groups for lack of unity to discredit their validity. This isn't and wasn't *Pleasantville*. A right should not be dependent on

getting along or being popular either. But it is dependent on being recognized as being a human being within a context. In this case, we are discussing the rights of Indigenous human beings seeking protection under Section 31 of the Charter of Rights informed by Section 6 of U.N.D.R.I.P. within the collective jurisdiction of the Algonquin who belong to this claim area who are now entering into contract with the government of Canada and its province of Ontario.

Due Diligence

I think it can be agreed that it can now be truly determined that a thorough search by all parties on whatever side of the argument for or against Michel McDonald has been conducted by those who advocate for Michel McDonald, and by those who are hostile to his inclusion, as well as those shouldered with the burden of proof when determining he is NOT reasonably Algonquin. It is my belief that the entire reason an enrollment board was set up in the first place prior to our being invited to enroll was to assess files just like ours.

It is unfortunate that the process of enrollment itself was hampered by its potential misuse in the past. And I also understand everyone is learning to a degree while attempting to reconcile the past with another pathway forward. Human error in such complex proceedings is also reasonable to expect from time to time. But I do not believe it is Michel McDonald or his descendants that are required to shoulder an unrealistic burden of proof in this context. This was why the decision in 2013 was made. The sensitive nature of these matters and because they impact something as vitally important as people's sense of self and belonging, and being highly politically charged, it does have serious impact on the mental health and social wellbeing of families like ours that have been directly involved. It also alienates people from pursuing meaningful reconciliation if they feel tricked.

Our oral history is not just family lore. It is as accurate as the written record. Where they converge it is important to reconcile those intersections. Where they contradict then we should be asking questions that explore context and not simply use the simple or most convenient answer selected from cherry picked data.

Historical Record

There is no doubt to me that Michel McDonald's standing in both settler and Indigenous society was compromised because of colonialism and the zeitgeist of the times that permeated populist consciousness. This was driven by and reflected in government policy that harmed and erased off-reserve Algonquin or rendered them as a generic population of scattered Indians and Breeds according to the classifications of the day. Thus, they legally would be required to assimilate or *die* out. Research on intergenerational trauma also suggests that trauma experienced by ancestors can impact descendants thus dispossessions become a compounded legacy.

Inter-generational trauma is a concept developed to help explain years of generational challenges within families. It is the transmission (or sending down to younger generations) of the oppressive or traumatic effects of a historical event. When you discount our heritage in what seems to be a sterile and abstract procedure you engage in the erasure of our lived experience through several generations, and this is very painful. It was my belief in 2000 that this was a means for healing the past not perpetuating it. It is not the same past to those who relocated to Pikwakanagan reserve but it is connected and related to the Algonquin/Nipissing diaspora of its time.

The pervasive trope of the time that propagated colonial authority was that of the vanishing race across the continent generally. Through policy, neglect, and misinformation born by the colonial authority, a belief in the extinction of the Algonquin specifically in the Ottawa Valley was perpetuated. This is not a manipulation on the part of Michel McDonald's advocates (his descendants) but rather is the result of the evidence within the historical record with careful consideration of the context of his times. Indigenous people whether they be contained under the Indian Act or not, were not frozen in time but also engaged with and adapted to modernity. This didn't make us white. And it didn't erase our Indigenous understanding of ouselves. It did assimilate us into Canadian systems. We survived and adapted. When you consider that we could not even access these records for 92 years after they were collected to make the case for our existence as Indigenous people you can understand why proving this beyond doubt is not reasonable.

Decisions that impact families like ours do impact living descendants and how we are treated both in Indigenous and settler circles. This is particularly of concern when there is much hysteria generated about *pretendianism* which is gaining traction within populist discourse, sometimes rightfully so in cases of actual fraud. And sometimes reactively so, in cases that do not conform to dominant narratives of what and who Indigenous peoples are. My speaking my fear and noticing the assumptions that come with such behaviour does not mean I endorse fraud either.

I also think most Canadian institutions have been lazy respecting Indigenous identities much more than kind. And myself and my daughter do run the risk of being wrongly accused of pretendianism in public forums by people who we have never met and do not know. This became more likely when I was removed in 2020. We have been seeking an appropriate letter that confirms our lived experience with this process since that time to no avail.

The offer of simply saying a letter will be provided that says we did not qualify on the criteria does not effectively elucidate the truth to create a modicum of comprehension in the general public. Covert and overt shunning based on assumption and never being asked my side of the story is a reality for me. Which is why I have been asking for a letter that accurately explains why I was removed in 2020. A specific letter. Not a general statement that only says I did not meet the criteria. That causes further harm. We all know the situation is much more complex and nuanced than being a descendant from a single ancestor listed from the 1600s and that is not our scenario.

Harm or Help

My daughter was raised to believe she was Algonquin and had every right to claim that identity as well as a responsibility to her ancestors because she was being raised by an enrolled Algonquin mother. This liminality has created inside me a trauma response that is ongoing. I am experiencing chronic social anxiety and fear. This is having a ripple effect on my daughter the next generation in my family who also is a mixed-race through her father.

We have discussed these issues and we have no access to appropriate, affordable, safe and informed trauma counselling. No matter the outcome of this hearing the damage has been done and there are no supports for us. I believed I had the responsibility to identify as Algonquin being the descendant of an Algonquin root ancestor retained as such in 2013 and I have lived my life as such since that time claiming an Algonquin specific identity. An Algonquin Anishinaabekwe taking my responsibilities as Anishinaabekwe quite seriously. I now fear being shamed, shunned, and accused of pretendianism.

Much harm was done to us in 2001 when we were targeted by the band council of Pikwakanagan with an unlawful attempted eviction because I was working for the Algonquin Nation Negotiation Directorate and was promised housing in my contract regardless of our ethnicity, or status under the Indian Act. Safeguards against the cherry picking of data in the evaluation process in favour of those who are protesting the file should be considered before selection of those who will adjudicate our file. I know of two people who should not have influence, oversight, or authority to determine the fate of Michel McDonald's memory.

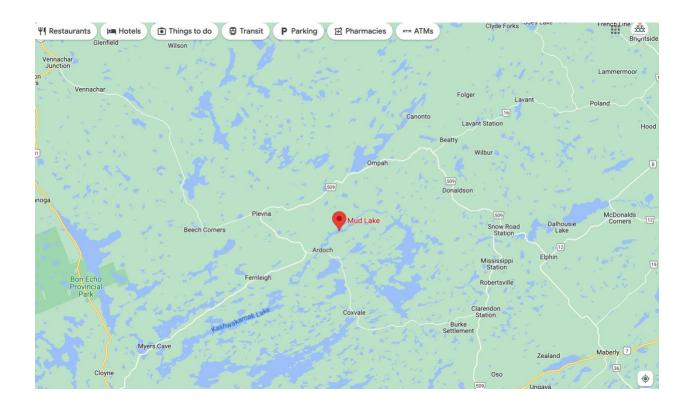
Discrediting our oral history is essentially the sole focus of Pikwakanagan's second argument against the retention of Michel McDonald. The first argument provided by Wendy Jocko simply cherry picks certain data over other data. They are also demanding documents that are not reasonable to be asked for because they did not exist. It's not that they have disappeared or cannot be found. This discrediting seems to be occurring through applying the mechanism of this tribunal to enforce the adopted proposed beneficiary criteria. Yet I do not see anywhere in the

actual criteria where an explicit naming of *Algonquin* is required to reach a reasonable conclusion.

These documents do not exist because of the pre-contract state of my gg-grandfathers life throughout his life and the fact that he was orphaned in his teen years or earlier. I have already accepted that the damage to my reputation is likely irreconcilable and has caused such delay in my pursuit of a post-graduate career in academia that it is just now time to accept such harm to my health, income, and reputation is permanent. My daughter is also impacted in a negative manner through no fault of her own.

Burden of Proof

Our oral history and family lore contradicts the notion of Michel McDonald belonging to Cree society or being born in Manitoba. It also reveals and affirms the strong social ties between Algonquin/Nipissing and Mississauga Families in the area where a petition for land was submitted by Peter Stevens (Shawanapenisi) which is a part of the historical record. Such close ties continued into my family's next generation from Michel McDonald and even into my grandmother's generation as she shared oral history that came to her through Billy (William) Beaver. An *old Indian* she knew. I remember reading somewhere that a Billy Beaver lived on Mud Lake which is a lake between Canonto Lake/Ompah and Ardoch.



She conveyed to me when I interviewed her in 1997 that Billy knew her grandfather well. Billy was hospitalized in the Perth hospital when she worked there. He would tell her all sorts of stories and confirmed for her, that Michel was considered one of them, meaning *Indians from the back country*. She did not need that confirmation because she was born and raised on Canonto Lake and knew she was native. It was simply validating.

I witnessed my grandmother doing her best to avoid stigma which is different than passing for white. I can pass for white. I know the difference. Her brother Joe could not and did not pass for white. She did share however that when she was growing up her family had to move a lot. I don't know why. But she said they always came back to that lake [Cononto] and she considered it her (home)land.

She did express to me that she was frustrated that she had not written down more of what the old man Billy Beaver had told her because and I quote, "When you're working you don't have time to write things down." My grandmother was a hard worker. She worked as a housekeeper in the Rideau Regional and Perth Memorial Hospital. She had a grade 4 education, but she was not a stupid person. She knew who she was and who she belonged to.

Greg Sarazin writes on behalf of his community; we have no new information that supports our position that Michel McDonald is an Algonquin ancestor. It is our position based in all past decisions, in processes created and agreed to by Pikwakanagan First Nation, the burden of proof remains with those who are against our inclusion for whatever reasons they suppose they have. The record of past proceedings is quite clear on that. Our oral history or family lore is not based upon settler fantasy nor is it delusional. These are honest gaps in colonial records and in generational memory of various branches. But there are patterns and declarations. Pikwakanagan uses the argument that Kevin Montgomery does not know for sure if Michel's mother was Nipissing or Algonquin as *proof* we don't have *proof*. This is becoming a very circular argument. Yet the burden of proof resides with our protestors.

Our family asserts we are not Cree. Nor do we have evidence of what Cree society we would descend from or belong to, although Michel's ethnic admixture could include Cree as well as Algonquin/Nipissing. There are other known and accepted Algonquins (beyond Sarah Whiteduck in Michel's household) in the historical communities who have also been identified as Cree. Shared in my original submission as well, Thomas Sharbot's family, are identified as such in Calabogie 1921

Pikwakanagan characterizes Kevin Montgomery as a distant relative. He is in the direct lineage of John Christmas McDonald's sister's family. His father Walley and my father are first cousins once removed. They are simply another branch of our extended family. Distance lives in the eye of the beholder. My family was invited into this process over 20+ years ago and accepted into this political body not based in anyway upon fraud. We have never misrepresented ourselves and we have operated in good faith respecting decisions made beyond our personal choice or authority. It is my understanding in the past that when making treaty with colonial forces irregular bands and metis or breeds have been included to adhesions at the time of treaty or after during specific claims proceedings. It is obvious to me that that there are clusters of families that belong to historical areas in Algonquin territory that would not be dissimilar to these circumstances.

Lived Experience

Mr. Coburn attempted to diminish my lived experience in his categorizing my having friendships with Algonquin people as not being adequate enough to claim an Algonquin descent. It's a shallow interpretation from someone who does not know my family and I was not making that argument.

I was historicizing the actual events that have occurred in my life that impact myself and my daughter in our lifetime because of this process since 2000. I included a photograph as evidence of this experience which also included a picture of my grandmother who as late as 1921 when she was still being enumerated as an Indian in the context of Canada and her family. The idea that a great grandparent is not close enough to influence the identity of a child's sense of self, belonging, and even race, if you are not a status Indian, is inferred by his arguments. It is obvious my grandmother knew my daughter for 17 years of her life. My daughter and I sang at her funeral to honour her using our hand drums. I did not have the privilege of knowing my great grandfather but I learn of him through my father who knew him. Stories that hold fragments of the past are passed down and they do have relevance. The mythical lore of settler society is another matter.

I lived at Pikwakanagan, for a brief time when I was hired by Greg Sarazin, onto the negotiating team which I discussed in my original submission. At that time, we were considered accepted by the enrollment board established for such purpose as per the law created by Pikwakanagan, since 1994. Or that was my understanding. I lived at Pikwakanagan on Mishomis Inamo for a brief period until negotiations broke down. Housing being provided was part of my employment contract. It needs to be noted that our family and certainly myself, have never made claim to being or wanting to be members of Pikwakanagan. Having good relationships that are friendly, creative, and generative were always desired. I never thought erasing our history or heritage was required for good relations.

When I was hired by the A.N.N.D. corporation I was given a phone call by Peter Bernard the then Executive Director of the corporation about four days before I was to start the job and told

"It was best that I not show up." This was deeply traumatizing because it directly impacted my material reality and I had nowhere to go. It was also intimidating.

My legal advisor told me at the time that if I did not show up for my first day of work, they would be able to say I was in breach of my contract. They would then have no responsibility regarding the harm they caused. I would have no rights to compensation even if I had done nothing wrong. Even if I was being told to not show up. I would have no case for compensation for breach of contract. If I met my end of the contract, they could either keep me employed or buy me out of my contract.

I had given up my home where I was living and my prior job. I was travelling across the province to return to my home as well. I had nowhere to go. I had gone from looking forward to meaningful and gainful employment while reconnecting to my roots to being essentially destitute and homeless in the space of a two-minute phone call.

I had no choice but to follow through on my obligations also at great personal cost. Which I did. I don't know if you can imagine how stressful all of that was. Normally I am not someone who goes where I am not wanted nor desired. In this matter I had absolutely no choice but to show up for my first day of work. The A.N.N.D corporation had a responsibility to house me as part of my employment contract if they were keeping me as an employee. They chose to keep me after I arrived on time for my first day. That Monday morning, I reported for work. I was introduced to Greg Sarazin. He shook my hand and I started work. I explained to him the phone call I received. I worked for the A.N.N.D. corporation until end of March 2002.

I then moved myself and daughter to Killaloe Ontario in April when all funding ceased and the A.N.N.D corporation was also evicted from its offices in the Mukwa centre. I left the Ottawa Valley again to find work and have lived ever since in southwestern Ontario. Not out of choice but out of necessity. I sought comfort, refuge, and connection, in the urban community here.

I have always been honest and forthcoming about my lived experience. When I moved to Waterloo it was one of the Directors of the A.N.N.D. corporation who let me stay at her house

until I was set up at my new job and could find housing. She is the person who also introduced me to other members of the community here where I formed bonds. She was from the Whitney area and community but was also a 6.2 Indian registered with Pikwakanagan under the Indian Act. She has since passed away. She and I talked a great deal about the distinctions and needs of Algonqun/Nipissing living outside the territory—status and non-status and the impacts on living descendants.

My daughter loved to dance and this was apparent early in her life. I supportive of my daughter to pow wow dance because members of the Indigenous communities here and at home encouraged that as well. It was to my mind a responsibility for me to encourage her to express herself and her identity through the cultural and spiritual traditions I was made aware of that were open to her.

My lived experience at Pikwakwanagan showed me that some people might go to unreasonable lengths with misguided attempts to harm me or my daughter. Including attempting to evict us from the reserve housing only a few short days after moving in. This may seem like something that is in the past except that the person who attempted to evict us is now one of the decision-making members of this tribunal. As Greg Sarazin is aware, this happened in the middle of winter, because we moved into his brother's unfinished house. Myself and my daughter moved into a house promised to me as part of my employment agreement while there was a 90-day guest policy for any other people, regardless of race or classification, wishing to reside on the reserve. The house was not free. We paid rent.

When I asked Jan Leroux the reason for this notice to vacate, I was told that it was because my daughter was taking up too much room on the school bus. This caused me significant distress at the time. I was in shock and disbelief that anyone would deflect responsibility in this way. The school bus was going every day to the school whether my daughter was on it or not and there were more than enough seats. She was not replacing anyone. She wasn't stealing resources, and neither was I.

The school was a public school in the neighbouring town of Eganville. It was a school my daughter had the human right to attend. Ms. Leroux scapegoated a six-year-old to send me a message that I was not welcome for political reasons in their community. She need not have been concerned, I got the message from a few different sources while she was doing the will of the band council contrary to its own residency bylaw, while I endured an untenable circumstance.

It was at this time that I became aware of the women who had been removed from the reserve for *marrying out* because Greg would point them out at the grocery store in Eganville. It was an awakening of understanding of sorts. In my life prior to this I was aware of the challenges of people who were adopted or fostered to reconnect. I saw all of this as a continuum of dispossession. He explained that in the past sometimes women would be removed by the R.C.M.P. I thought what a terrible act of state violence.

I then became aware of the intergenerational impact of all of this and saw many more ways historically and presently we have been set up systemically to be in a state of acrimony or conflict with each other. I know I was being dehumanized in these circumstances because my ability to provide for my child was being compromised by threatening my livelihood and my housing at that time in my generation. In my family's past the circumstances were different. There was no reserve to be expelled from. No status to be withdrawn. It is a different legacy but a legacy of dispossession none the less. Negotiations restarted in 2004 from that time until 2011 we were enrolled but what that meant wasn't clear. By 2013 I did believe that we had some form of protected acceptance. Or at least our ancestors did.

I will say other than a couple of incidents, most people in the A.N.N.D. office, once I was there, treated me with basic human dignity and respect. They shared with me their suspicions and concern about overrun by people who were not actually Indigenous and these fears seemed reasonable to me. Fears can be alleviated when addressed with integrity. They also expressed a deep resentment and suspicion of anyone claiming an Algonquin/metis identity. I understood that for some my presence there could easily symbolize this and make me a magnet for misguided backlash and disregard.

Greg did share with me the Dit Laguarde controversy because a member of Parliament Heck Cloutier has started identifying as Algonquin and people on the reserve could not reconcile that this person who had run on an anti-reserve platform in the past was now claiming their identity. I began to comprehend both the irony, the anger, and the fears. And I also felt empathy for their distrust. I had no idea at the time of the actual process that had supported the original inclusion of his ancestor(s). I was only aware of my own. Through the work of CBC and this tribunal I now have a better understanding of the original controversy. Such a controversy can cause an unfortunate ripple effect where everyone who entered this process through the enrollment board are painted with a similar brush outside of these hearings due to the press coverage of their file and the outing of several high-profile people showing they have little to no Indigenous ancestry at all in professional circles.

Needless to say, what started out to be a process of reclaiming and returning home for me with hope in the idea of reconciliation and a willingness to meet the responsibilities of being Algonquin/Nipissing in my lifetime, became pretty much a social nightmare very quickly. I do get that I do have light skinned privilege, offset by a history of systemic intergenerational dispossession of identity and class disadvantage in the generations that have come before me. And understood that if we didn't return in this generation there was a good chance that being protected as a recognized Indigenous family would not be an option in the future. Hence I also felt I had a responsibility to reclaim my culture and have it also inform my self-expression as an artist.

Our social relationships across time with other Algonquin/Nipissing families were rekindled during the seeking phase of this process and over the years I have done my best to rekindle those flames in the larger Indigenous diasporas where I live and work as well as connect with extended family to understand more about our story. I felt affirmed by members of the Whetung family and appreciated their willingness to stand up with and for us in 2013 as well. To me that said something. Now I live in fear of what is going to happen to my social connections if we are permanently removed as recognized Algonquin people.

Transportation has always been a challenge for me since I only got a car license at the age of 52. I was told that taking the job as the communications officer at that time I did not need a car or a license. But I was quite isolated and dependent on the Sarazin family especially because of these circumstances when we lived up there. Ironically, I do understand Greg's requirement to represent his community in this proceeding. And I have always appreciated his and Helen's care for us when Greg was obligated to meet the terms of the original contact made with me.

I am not sure what we would have done without the help of my father and my stepmother. It was my understanding from reading materials in the office at the Mukwa Centre and listening to Greg Sarazin intently as his Communication Officer at that time, that this process required that Pikwakanagan seek out those Algonquin who did not relocate to Pikwakanagan reserve. I am contending here that my gg-grandfather was such a person, and he did belong to a historical collective of other known Algonquin people.

There seem to be two diametrically opposed views that are not reconcilable when I talk with other Indigenous people who already have status or who are recognized Metis or Algonquin/Nippissing with easier to understand histories.

- The first view is the government doesn't tell you who you are and you should assert your heritage and identity and be proud of it and act as an ally to other Indigenous people whoever they are and you are.
- The other view is if you are not recognized by legal authority, you have no right to claim you are Indigenous person and if you do you are guilty of identity fraud and cultural appropriation. You deserve to be ridiculed and shunned at best. Until you apologize or pay for your crime. It is not a crime yet to declare you are Indigenous, but it could become so. Then there is a good chance you will be considered either delusional or the worst kind of colonizer there is. Even worse than white people.

I cannot tell you the damage these polarizing views are doing to my psyche and my social and professional relationships. I have become fearful and reclusive. The thought that this could be the

reality of mine or my daughter's future is devastating. And I do understand that there are truly cases of fraud that are exacerbating and shaping theses extreme reactions. I have been in the process of reducing my relational identity to being simply the granddaughter of a generic Indian. I will not disavow my Indigenous heritage even when reduced and disrespected.

Adopted Proposed Beneficiary Criteria Definitions

As an orphan born at a time before there are birth records, Michel is to a degree undocumented but when he enters the record it is clear he is living with and amongst Algonquin/Nipissing people and various European settlers. Many whom, are also married to or procreating with Mississauga and Settlers. This makes sense when you consider the Alnwick Mississauga were in the area on Wolfe Lake around the time and just prior to Shawanapinesis' claim in Bedford. By accepting and upholding the decision of 2013 you are also protecting and upholding an Indigenous right of return in unceded Algonquin Territory where there is a specific history of dispossession born by the records.

According to the adopted proposed beneficiary criteria,

"Documented Presence" means a documented presence in an area, including but not limited to a historical document recording birth, baptism, confirmation, first communion, marriage, death, burial, residence, harvesting, or petitioning the Crown in relation to collective Algonquin rights and interests in that area;

We have included census, baptismal, birth records, and marriage records along with corresponding photographs with corroborating oral histories and declarations. I have also always understood that due to the limitations of these documents that it was the entire body of artefact that needed to be weighed on the balance of probabilities especially in the case of an individual who is being assessed in a pre-contract state with the colonial power of the time. While a petition or name on a Lake of Two Mountains census is not ambiguous it was and is understood that these are not the only documents that indicate in a reasonable manner someone belonging to a collective.

According to the adopted proposed beneficiary criteria,

- "Algonquin Collective" includes Historic Algonquin Collectives and Present-Day Algonquin Communities or Collectives and means geographic, familial and socio-cultural collectives of Algonquins, as demonstrated by:
 - (a) Documented Presences; and/or
 - (b) Documented Relationships between and among Different Family Lines;

Does different family line mean the interaction of different families or only different branches of the same family ancestor?

"Different Family Line" means a Family Line other than the Family Line of an Applicant, provided that the two Algonquin persons being compared are separated by four or more degrees of family relationship by blood in accordance with the Consanguinity Chart attached as Appendix C;

Given the weight and body of records while considering where our oral history and family lore converge is it not reasonable to conclude that Michel meets the criteria of an Algonquin ancestor? Thus, he would be the root ancestor for his family due to the evidence of him also being an orphan by the time he is found in the historical record. It is not the burden of this process to be convinced beyond all doubt. It is obvious that there will always be room for doubt about Michel McDonald's birthplace and originating ethnicity due to contradictions in the records we have and the limitations of the colonial records available.

There is no doubt he was Indigenous and that he lived his life with and amongst Algonquin/Nipissing people within the watershed of the Mississippi (Bedford and adjacent townships)- Canonto Lake specifically. He did not live his life in a cosmopolitan centre where many Indigenous peoples of many different origins converged which could leave even more room for doubt. His context is specific to the geographic locations where he is found in the historic record.

If you accept the first records he is found on the Bonnechere and Madawaska watersheds.

"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;

To add to this file:

I found this 1891 census for Whiteducks. They were enumerated as Indians even though there were no categories for such. Very similar to Michel McDonald. I am sure these are already in JHA files already but they are not under review and I think they are germane to our circumstances.

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