# Response to JHA responses April 27, 2023

# And Pikwakagan First Nation

# Submitted by Heather Majaury

# Regarding Michel McDonald File and Upcoming Hearing.

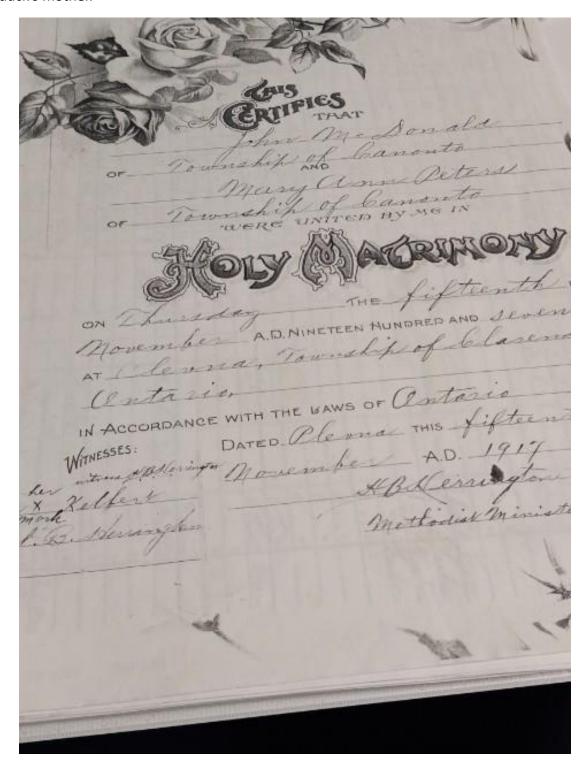
Please see the following additions, corrections, and requests.

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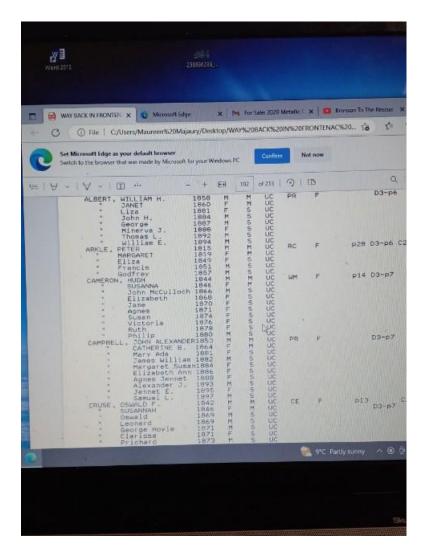
## Item 1

Just to confirm that Mary Peters married John Christmas McDonald niece of Joe Kelford Whiteduck. Witness includes Mary Jane Kelfert (Kelford) her grandmother. Joe Kelford Whiteduck's mother.



#### **Item 2 Francis Arcand**

Francis Arcand, Father of Esab Arcand child of Cecelia Mitchel nee Whiteduck and brother of Eiza Ellen Arcand/Arcol/Arkle baptism record for John Christmas McDonald. Sponsors are Francis Arcand and Susan Sarazin. Baptismal records were included in previous documents including Mr. Coburns extensive review. Below is a different record that confirms Eliza/Ellen and Francis are siblings.



The dates line up with the other records, so it is reasonable to deduce these are the same people. The photo of Joe McDonald youngest son of Eliza Ellen McDonald nee

Arcand/Arkle/Arcol and Godfrey was included in my other submissions. Godfrey is included in this record.

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

The above is simply the entry from the Rosenburg document again for easy reference as to why this is included. It is my understanding regardless of outcomes Michel McDonald's file will remain in the Algonquin database. So all of this will remain for future reference as well.

## Item 3 - Angus Clemo/Clement, Benedict Solomon, Various Whiteducks.

I think establishing if these Clements are Algonquin and if they are the ancestors of the Clements that my cousin Tony was hunting with until his removal in 2020 is germane to these proceedings. I found some records to add based upon the issue being brought up in Mr. Coburn's submission. I searched his submission and did not see these records in his appendices. I did notice upon review of my gg-grandmother's death record that the recorded death of another person with the surname Clement first name looks like Agnes in entry 005133. My gg - grandmother is entry 001535. This record is already included in several submissions.

#### 1901 Census Whiteducks

Mr. Coburn included the 1901 census for Whiteduck's enumerated in North Renfrew to show that specific *Algonquin* ethnicity was being recorded at this time. I take no issue with that evidence. The bias and validity of the argument was what I question. Location of the families and the individual enumerator may have influenced the accuracy of recordings.

I suggest that depending upon where Indigenous peoples were found throughout the valley at this time that various enumerators would have recorded people differently depending upon

- Levels of knowledge
- Concentration of known Algonquin people
- Proximity to the Reserve at Golden Lake
- Whether they knew the people they were enumerating personally.
- Surnames would have also influenced identification regarding specific ethnicity,

We have no way of knowing who was physically present in each house at the time of enumeration unless indicated overtly and clearly.

We just know who was identified as living in the house and who was considered the head of the house.

We have no way of knowing if they were present and the direct informant when the information was taken.

People did not fill out their own census as they do today.

#### **Editorial Power**

I think we can all agree that the enumerators and their supervisors held editorial power to define race and ethnicity and they were not always

- Accurate
- Specific
- Consistent (amongst each other or across time)

The records reflect the limitations of colonial society to accurately identify Indigenous people of complex ethnicities historically. Again, this does not mean I don't value the clues and remnants that remain. These things can be true at the same time.

#### Whiteducks in Maniwaki Quebec 1891

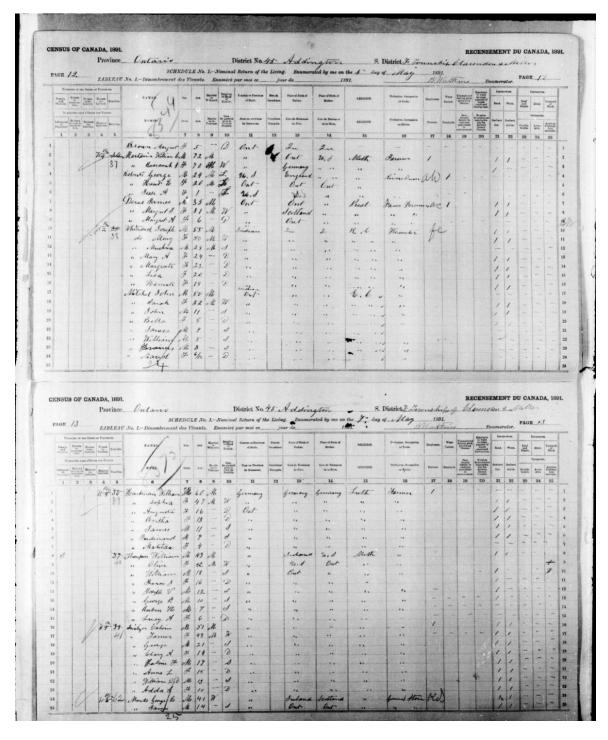
I did a very surface search of Whiteduck surnames in other locations and times and did find Whiteducks not even identified as *Indian* at all in Maniwaki in Quebec. Also, you can see the Buckshots above them as well are not identified.



This is consistent with the actual instructions for that years census. But for some reason in the southern part of the valley there was enough distinction from the mainstream of settler society that enumerators actually went against the instructions and identified Indians where there was

no instruction for such. This might suggest that the Indigenous people in the valley were maintaining some distinct characteristics that were so compelling they could not be ignored even if not fully understood by the enumerators.

## **Compared with Whiteducks 1891 Clarendon**



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Joe Whiteduck, the most likely father of Joe Kelford Whiteduck in Clarendon Township, and John Mitchel are annotated in a similar way to Michel McDonald in the 1891 census.

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Whiteducks in 1881 Clarendon

In 1881 they have this designation. I saw this with the Clement/Clemo as well. I have never seen this (Premier Nation Designation) before what does it mean?

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Gender	Male	1881
Birth	Circa 1839       Ontario	( Santill
Residence	Apr 4 1881	
Age	42	
Race	First Nation (Premiere Nation)	
Religion	Roman Catholic (Catholique)	
Marital status	Married	
Wife (implied)	Mary Whiteduck	
Children (implied)	Celia Whiteduck James Whiteduck Mitchel Whiteduck Mary Ann Whiteduck Margaret Whiteduck Eliza Whiteduck Harriet Whiteduck John Whiteduck	

Joe Whiteduck and John Mitchel were identified as Chippewa and Algonquin but they again had a different enumerator from Michel McDonald. I am assuming the Chippewa designation reflects the Mitchell patrilineal lineage which is Mississauga. I do not believe that pre-contract, or even pre-contact Algonquin and Nipissing society required only Algonquin and Nipissing blood lineage to be considered members of that society. Self-determining and self-governing people do employ many culturally-based systems of naturalization in their homelands and I would say it is in the exercising of such systems that protect those rights.

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Again, it is my understanding that the only two people who have intimated in their protests of our family to not be Indigenous at all are Ron Bernard in 2013, and now Veldon Coburn. This to me suggests a shared attitude and belief which they are allowed to have, I just don't think it's born by the evidence when you look deeper.

Historical records indicate the removal to a degree over time of the actual ability for cultural systems of naturalization to occur within a recognized and legalized context which interfered with sustainable self-government to continue, especially during the imposition of the Indian Act for Indigenous peoples, having secured lands under patent, but as well for families, and communities surviving outside of the Indian Act system and being required to assimilate into the land tenure systems of the state. There are enough records to establish patterns that would make it reasonable to accept Michel McDonald as an Algonquin/Nipissing Ancestor for the purposes of negotiating a modern land claim without compromising the larger Algonquin collectivity.

It was Veldon Coburn who brought these three families (Solomon, Clems/Clemo/Clement, Whiteducks) into our discussion to make his point that *Cree* had to be accurate when referring

to Michel McDonald, Due to evidence of other Algonquins (A historical Bernard family specifically), who moved to Manitoba and then returned, I am challenging as absolute fact, Mr. Coburn's assumptions in his interpretation and analysis. Having said that JHA also states that they do not have the evidence or primary documents that would verify the claims by Noreen Kruzich that I mentioned in my earlier arguments. I believe you will find the adequate citations for follow up in that matter with the appendices I included directly from her in my earlier submissions.

For reference here is Veldon Coburn's comment in his submission.

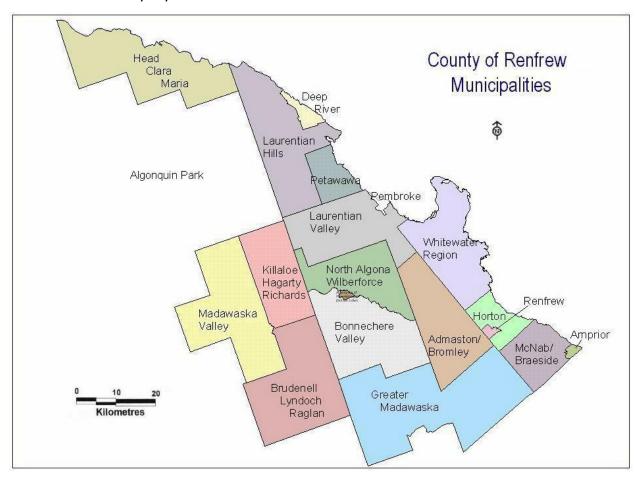
In fact, in addition to Michel MacDonald's specific Cree French Breed household, two (2) other Indigenous families were enumerated in Addington, Palmerston & Canonto, namely Angus Clems listed simply as an "Indian" and Solomon Benedict and his family, listed as "Indian OB" (i.e. Indian Other Breed).

I remembered reading this in a paper by Joan Holmes about the difficulties researching folks in the Ottawa Valley around Ardoch. I screen shot the part from her paper that discusses Peter Clemo as she also brings up the challenge of determining who Angus is.

date of occupation is not certain. For example, Ardoch ancestors Joseph Whiteduck and Peter Clement (Clemo) are shown on an 1861 Palmerston township patent plan at Cross (Crotch) Lake and at Mud Lake, respectively. Peter Clemo, who claimed to have received presents with Chief Peter Shawanipinessi at Bob's Lake in the 1840s, was listed in the 1861 census for Palmerston Township as living with his family in a log house that had been built around 1851. Joseph Whiteduck, however, did not appear in the 1861 census of Palmerston but was recorded in the 1871 census as living in adjacent Clarendon Township. In 1861 the Palmerston census enumerator noted that it was impossible to list the residents properly because the roads were poor and the people were very scattered. It is therefore unclear where the Whiteduck family was located in 1861.

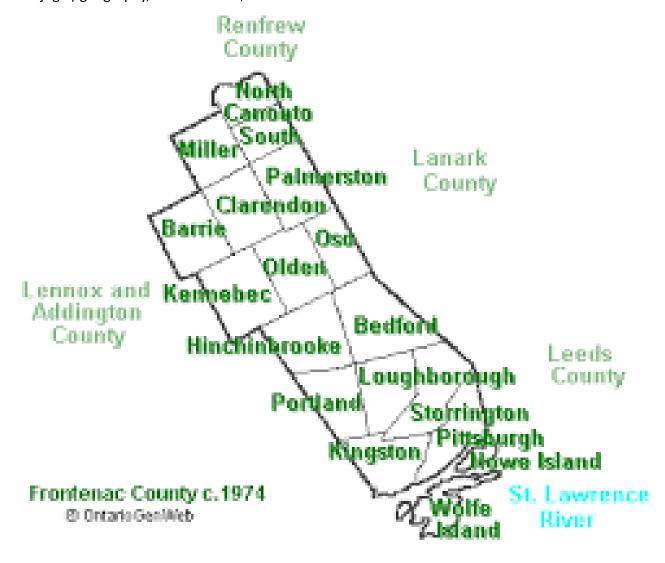
## The Land and Where these folks were Living

Calabogie is considered part of the Greater Madawaska Township but you can see as the crow flies Greater Madawaska is adjacent to North and South Canonto and connects Bonnechere, and North Algona & Wilbeforce. It doesn't hurt to again orient our selves to the lay of the land and how it was divided to gain a stronger familiarity with where these families were located as the crow flies as they say.



Michel McDonald is in Palmerston. Shawanpenesi on Bob's Lake in Bedford, and the Mississauga's who were found at Fox Lake or Bay very close by as to be considered overlapping. It is my understanding that families of both Alnwick Mississauga and Algonquin were known to be in the area and interrelated which my extended family relationships reflect but is also

reflected by families like the Mitchels and Beavers and even the Cornelius family where John Christmas' younger sister Eliza Whetung nee. McDonald is found and enumerated as an Indian in 1911 Whiteducks have a distinctive and commonly well-known locally recognized Algonquin surname whereas Solomon, Clement, and McDonald are not so easily discerned in terms of ethnicity. If we are taking into consideration context and the lived and living experience of the people and not a siloed approach to the analysis, then social relationships (not only defined as conjugal) geography, and locations, matter.





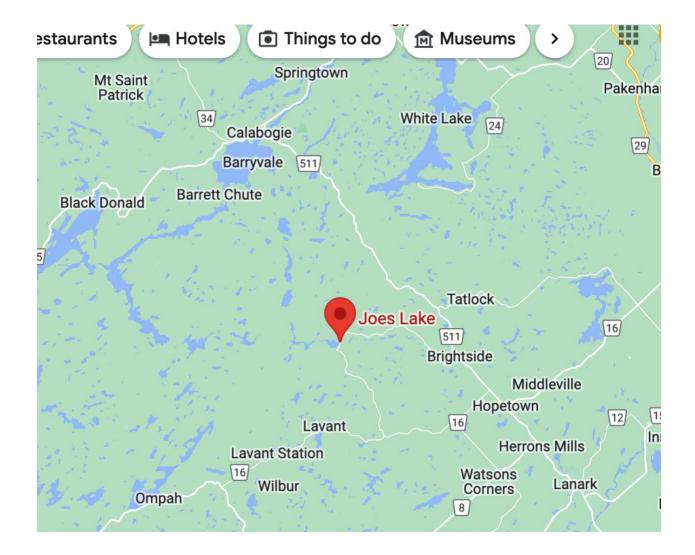
You can see clearly how North Frontenac Township connects to the larger Frontenac Township and how the roads linked between these communities where there were a concentration of off reserve Indians living in relative proximity although if you are only looking at the census you see them as separated by townships. You can also see how close these areas are to Bon Echo Park where there is an important pictographs site. My grandmother used to draw her water from a cave in the area near Canonto Lake. These things alone do not prove anything but together they create a serious relational reality of common experience that suggest strongly on the balance of probabilities a very rationale and coherent argument for Michel McDonald to be considererd a part of Algonquin/Nippising society, community, and culture for the purposes of retention on the Algonquin/Nippising schedule of ancestors for the Algonquins of Ontario.

According to oxford dictionary community is defined as such.

- 1.a group of people living in the same place or having a particular characteristic in common.
- 2. a feeling of fellowship with others, as a result of sharing common attitudes, interests, and goals.

The roads are extremely winding back in that area and they follow the Indian trails so I was told. These are the visceral recollections of verifiable geographic occupation that is my families oral history supported by historical documentation when coupled with evidence from primary sources and secondary sources of records confirm close social and kinship ties specific to a historical location that is fluid but has lasted over time. This community was not governed by the Indian Act and thus not separated from settler society through legislation therefore characteristics of how people related will be different in some ways, including more admixture with settlers. But I maintain we are more similar than different ultimately.

These lands near Ompah are the homelands of my grandmother. My father then grew up in Lanark County adjacent to North Frontenac County on the same water system that Joe Whiteduck travelled (Clyde River) and was witnessed and recorded as travelling and on the same water system as Joe's Lake. It is my understanding that Joe's Lake was granted to Captain Joe Whiteduck at one point.



And it still bears his name. I am not clear when or how the land was abandoned or lost but obviously many of his descendants remained in the area. If by relationship, you only mean a narrow definition of conjugal then what you are inferring is a required endogamy that could verge on coersive incest as the only legitimate way this community can reproduce itself.

I am not accusing anyone of incest. But I do not believe my gg-grandfather, nor my g-grandfather, had a hegemonic or abusive relationship over Algonquin/Nippissing people either. I believe my ancestors were Indigenous men doing everything they could to survive in difficult times and in relationship with other Algonquin/Nipissing/Mississauga people who were in intimate relationships with neighbouring settlers as well. All can be true at the same time. Settler colonialism and assimilation created the frameworks by which they had to both conform

and adapt for survival. I define a different family line to be one distinct from my own and not simply another branch of the same root ancestor. And I also acknowledge that the marriage between cousins if not too close is also not considered incestuous although it may be discouraged as social taboo.

I interpret relationships to mean social relationships amongst different Algonquin and related families to show the concept and working of community on the ground in locations specifically within the Ottawa Valley determined to be this land claimed area. I am not understanding the push for strict endogamy when it is my understanding that Anishinaabeg governed using exogamous clan systems to encourage interaction, intermarriage, and reproduction between different but loosely related peoples such as the Ottawa, Potowatami, Mississauga, Ojibway, Algonquin, Cree including Attimekew, and Innu. I have heard Cree did not have clans and then I have met Cree people who have clans. So I also hold some historical anthropology sources with a grain of salt. It is also evident in the historical record that Mohawk and Huron also mixed with Algonquin/Nippissing. And I have heard of cases where Mi;kmag and Abenaki assimilated into the broader Algonquin diaspora returning to the valley.

## 1881 Cements/Clemos/Clems

From what I can see there is another family of Indians who are Clements and in the 1881 census. They are recorded as French and considered Presbyterian. I see an older gentleman who is identified as Indian named Peter. Is this the Peter that received presents with Shawanipinesi?

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## Household

Relation to head of household was not recorded in this census. However, MyHeritage has developed technology to imply the relations based on surname, gender, age and position in the household. Though not perfect, the implied relations are often correct.

RELATION TO HEAD	NAME	AGE
Head (implied)	Peter Clemo	36
Father (implied)	Peter Clemo	84
Wife (implied)	Jane Clemo	44
Son (implied)	James Clemo	14
Daughter (implied)	Mary Clemo	12
Son (implied)	Peter Clemo	10
Son (implied)	Francis Clemo	8
Son (implied)	Thomas Clemo	7
Son (implied)	Simon Clemo	4

Spotted an error? Suggest an alternative

Name Simon Clemo

Gender Male

Birth Circa 1877

Ontario

Residence Apr 4 1881

Palmerton and Canonto, Addington, Ontario, Canada

Age 4

Race French (Français)

Religion Presbyterian (Presbytérien)

Parents (implied) Peter Clemo

Jane Clemo

Siblings (implied) James Clemo

Mary Clemo Peter Clemo Francis Clemo Thomas Clemo

Note See bottom schedule

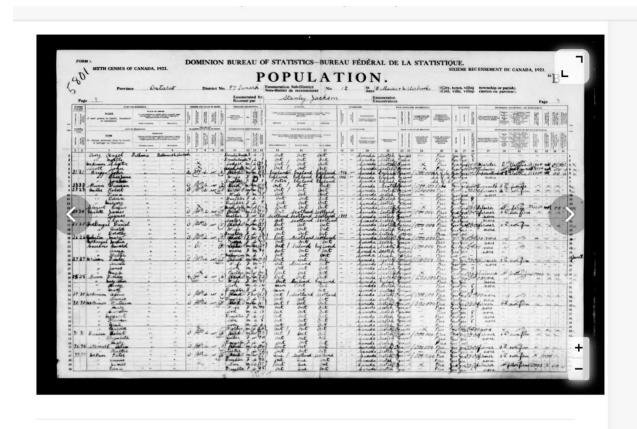


## 1901 Angus Clement

According to the 1901 census this is how Angus is enumerated. His enumerator is not the same as Michel McDonalds.



He is not identified as a Breed like Michel McDonald and Sarah Whiteduck but simply an Indian. There is no attempt to identify his ethnicity even if the instructions were asking the enumerator to do just that. This particular Angus is also not enumerated within the context of his nuclear or extended family. He is living amongst settlers at this time. He is 45 years old making him born in 1856. I found him again in 1921 in Dalhousie/Sherbrook Township in Lanark county where he is recorded as Scottish.



Household

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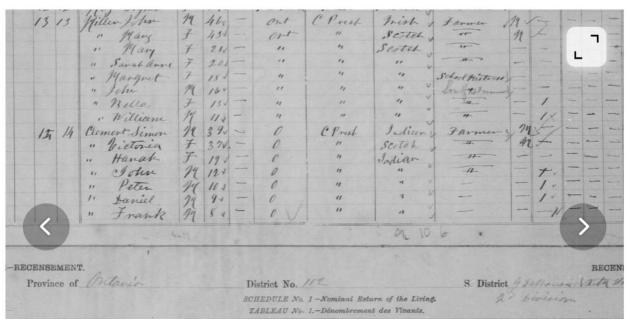
## **1881 Census Simon Clement Son Angus**

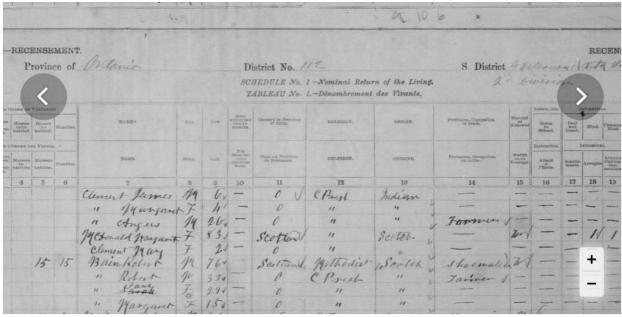
I found an 1881 census in Dalhousie Sherbrook and Lavant for Simon Clemo/Clement and his family where they have a child named Angus who has the same birthdate. Who is Simon? Is this family in your data base? Are they related to Peter Clemo? They all seem to be Presbyterian. I did notice some Clements in the 2015 voters list who have the Clement surname. Some descend from Peter Clemo and other Clement(s) who descend from Manithihaobek lineage. I also notice that on these lists it appears as If people have more than one root ancestor but in this case are these not vertical descendancies rather than horizontal. Is Roch Marie's father?

Shabot Obaadjiwan	Peter Clemo
(Sharbot Lake)	
Shabot Obaadjiwan	Peter Clemo
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Shabot Obaadjiwan	Peter Clemo
(Sharbot Lake)	
Mattawa/North Bay	Marie Olivier Silvestre Manithabehick
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Mattawa/North Bay	Marie Olivier Silvestre Manithabehick
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Mattawa/North Bay	Marie Olivier Silvestre Manithabehick
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Name	Angus Clement		Series Con
Gender	Male		1881
Birth	Circa 1855		€ Sanut
	Ontario		
Residence	Apr 4 1881		
	Dalhousie and Sherbrooke a	nd Lavant North, Lanark	
	North, Ontario, Canada		
Age	26		
Race	First Nation (Premiere Nation)		
Religion	Presbyterian (Presbytérienne)		
Note	See bottom schedule		
Census			
Division	2	Sub district G	Roll C-
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What does Premier Nation mean? I also saw this on the heritage site as a demarcation for Whiteducks as well. I have never seen this before. Simon is the head of this household and the Clements in Canonto the Peter Clement on the record potentially being his sibling. Peter has a son with the name Simon which could be this Simon's nephew? Angus appears on here but what his exact relationship is not clear. Could he be another sibling to both Peter Jr. and Simon?





Relation to head of household was not recorded in this census. However, MyHeritage has developed technology to imply the relations based on surname, gender, age and position in the household. Though not perfect, the implied relations are often correct.

RELATION TO HEAD	NAME	AGE
Head (implied)	Simon Clement	39
Wife (implied)	Victoria Clement	37
Daughter (implied)	Hanah Clement	19
Son (implied)	John Clement	12
Son (implied)	Peter Clement	10
Son (implied)	Daniel Clement	9
Son (implied)	Frank Clement	8
Son (implied)	James Clement	6
Daughter (implied)	Margaret Clement	4
Daughter (implied)	Mary Clement	2
	Margaret McDonald	83
	Angus Clement	26

Interestingly I found Simon Clemo in 1881 he is a son of Peter Clemo. Who seems to be the son of Peter Clemo senior. Is the person who received presents with Peter Stevens (Shawanipinesi) in Perth? They are also considered Presbyterian. He is only four years old. Is the senior Simon a brother to Peter Jr?

## Household

Relation to head of household was not recorded in this census. However, MyHeritage has developed technology to imply the relations based on surname, gender, age and position in the household. Though not perfect, the implied relations are often correct.

RELATION TO HEAD	NAME	AGE
Head (implied)	Peter Clemo	36
Father (implied)	Peter Clemo	84
Wife (implied)	Jane Clemo	44
Son (implied)	James Clemo	14
Daughter (implied)	Mary Clemo	12
Son (implied)	Peter Clemo	10
Son (implied)	Francis Clemo	8
Son (implied)	Thomas Clemo	7
Son (implied)	Simon Clemo	4

# Spotted an error? Suggest an alternative

## Census

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Just noting in the 1881 census the old man is considered an Indian but his son's identity is changed to French. In Michel's case in 1881 he is written down as Scotch Ind. Indian struck through suggesting colonial obfuscation and editorial power being exercised.

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Image from Library and Archives Canada

## **1901 Solomon Benedict**

Solomon Benedict however is identified as a breed by the same enumerator and it's not clear why he is an O.B. until you find him in later records where he is identified as an (Abenaki)

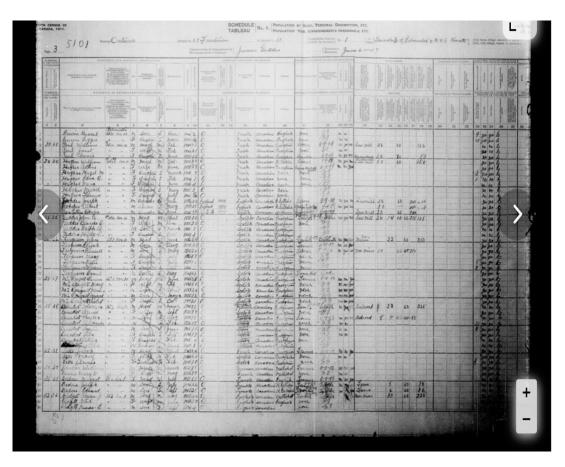
Indian. I guess he is of the same ethnicity and origins as Louis Michiminanak8at. One of the root ancestors for the Sharbots.

As mentioned before in my other submission, a family of Sharbots, Cecil if I remember right, whom I guess also descend from the same root ancestors were also enumerated as Cree in Calabogie in 1921 as was Michel and Sarah in 1901.

#### E. Documents related to Louis Michiminanankwatwe and what they purport to say

- Louis Michiminanak8at married Agnes Kagetchi8an8k8e (RIN #7620) at Oka in 1801. Louis was noted as "abénaquis adopté par les népissings" (Abenaqui adopted by the Nipissings).
   No tribal identity was given for Agnes. The marriage was witnessed by "Jacques 8ab8tgik" (RIN #7489) and "Louis Ketchi8igaba8itch" (RIN #7609) both of whom are listed on the Schedule of Algonquin Ancestors.<sup>2</sup>
- Louis and Agnes had five known children in which their baptism records noted both Louis and Agnes as being either Nipissing or Algonquin in origin. For example, the baptism of their son Jean Baptiste at Oka in 1802 describes the couple as being Nipissings of the mission. This baptism was witnessed by "Laurent Bikisalak8ehkam" (RIN #7556) who was the father of Joseph Pinesiwekijik dit Chichib (RIN #7424) whose name is on the Schedule of Algonquin Ancestors.<sup>3</sup>

In the case of Benedict Solomon, Abenaki is added as a qualifier in 1911. Perhaps enumerators were inaccurate or incomplete in their assessments and Algonquin society was more fluid as well.



1921 Census Sarah Whiteduck Bonfield

Interestingly in 1921 Sarah Whiteduck is located in Bonfield where she is now considered Mohawk.

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She is found in the Fisher Household where the head of the Household is considered Algonquin and his wife is considered Mohawk. Is this the same Sarah who is enumerated in 1911 as Algonquin and Cree in 1901?

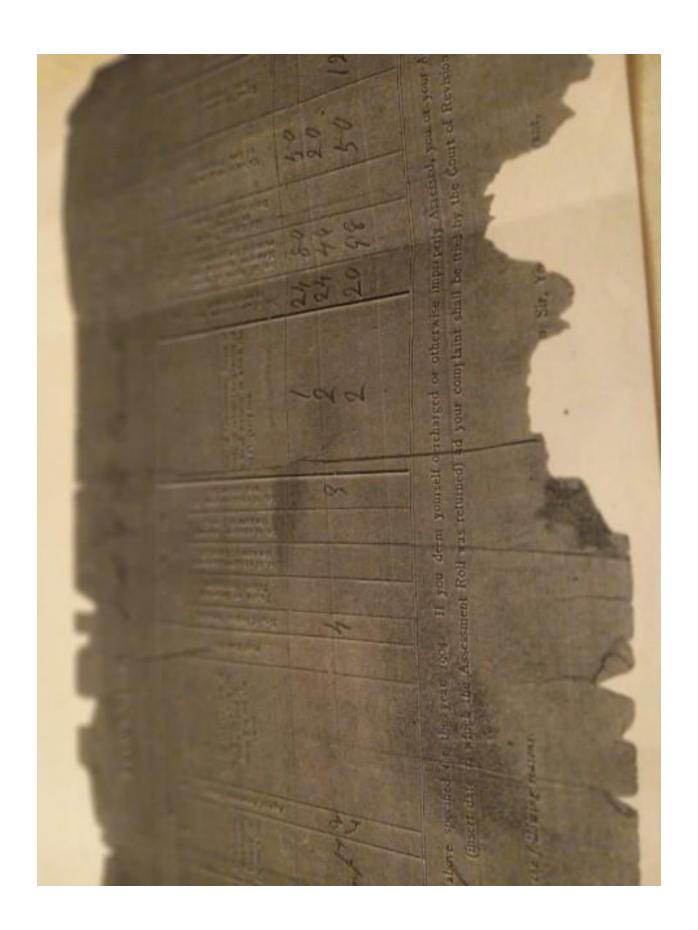
#### Item 4 - Mary Brown

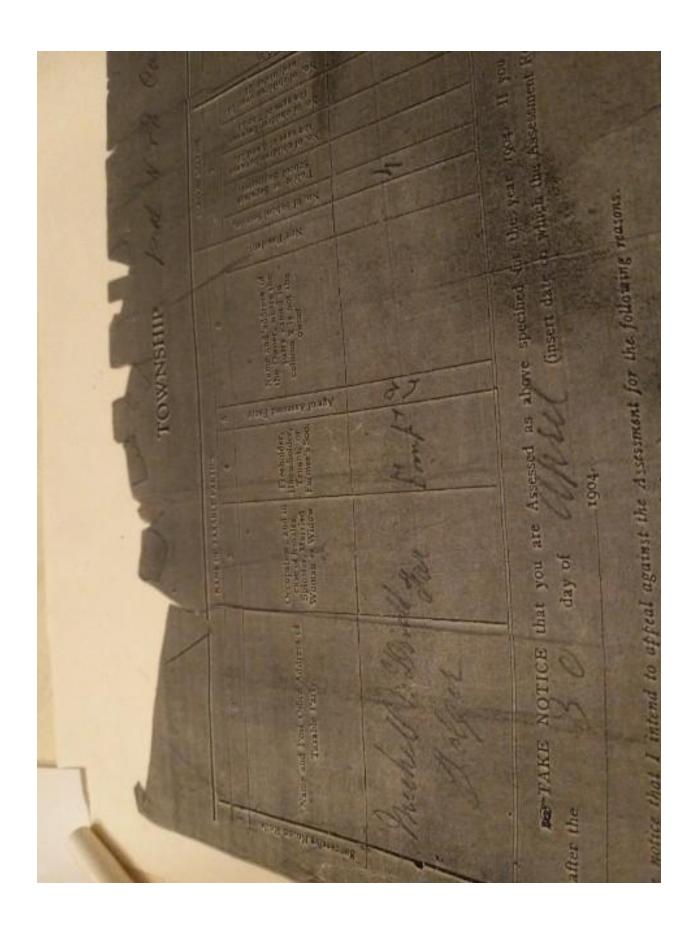
This is minor and refers to the baptismal record for Mary Brown already cited in other submissions and reports. On this document the child was considered of unknown parents which contradicts the next thing written that names George Brown and Sarah Whiteduck inside brackets as the parents. This makes you wonder if this was not a child left in Sarah Whiteduck's care but perhaps the daughter of George Brown and someone else since he shows up nowhere else and she, Sarah is explicitly recorded as R, and Michel and his children are not designated W, connoting not being pure "W" but Mary Brown is considered "W." A Mrs. Jarbeau is the witness on the form. We don't know who that is. But we do know that my gg-grandmother's mother had the surname Jarbeau. This is Mrs. Jarbeau so it could be her mother? I don't have

information on her specifically but If you do and can inform us of who might be this person. It is also helpful.

#### Item 5 – Land Purchase Document

As stated in previous submission I thought that Dad had the original. I am wrong he only has a copy. Thank you for the further information that shows Michel's purchase of land in 1891. Now I am curious under what conditions he was allowed to purchase. Because according to my father this document which is hard to read is dated 1907. Could that be the date of issue of the form no the purchase. Let us know if this is something we should or need to bring to the day of the hearing and if can be verified from an original in an archive somewhere?





Item 6 - Mixed Race /Mixed ethnicities: (Reductionism/Binary Operations verses Wholistic understandings and protecting the right of return within the framework for adjudicating and assessing belonging in a humane and kind and generous manner)

It is also known that even at Kitigan Zibi not everyone was historically ethnically or tribally Algonquin, but they would be considered such after relocating to Garden River. There were Tete de Boule (or Atimekew) people absorbed into that reserve. It is my understanding that they are considered part of the larger Cree diaspora. And the lines between Ojbway, Ottawa, Mississauga, Algonquin Cree, and Mohawk, are blurred as people intermarried and were multiethnic, shared lands, and were recorded on census simply as Indian, and lived in clusters of families that were in essence irregular bands (aka bands not registered under the Indian Act) of families sharing a common ancestor who adapted to and participated in the fur trade, the lumber industry, mining industries and hydro. The needs of modernity would take them away from their original family clusters and homelands and communities to find work, serve in militaries, and provide.

Assimilation was a force and so too was modernity. Adaptation flexibility and fluidity remains a strength and resiliency not proof of extinction. I would say that my g-grandfather's extended family formed such a mixed-race band on Canonto Lake that included three related family heads. John, George, and Peter McDonald in 1921 outside of treaty and outside of the Indian Act. Given that there are provisions for adhesions in historical treaties and for multi-ethnic groups to enter into treaty together is this not something considered by the Algonquin/Nipissing comprehensive claim process given that Pikwakanagan itself would be a multi-ethnic community where even people who hold band council office are not necessarily Algonquin/Nipissing descendants specifically?

#### Item 7 - Birth Records

When I wrote of there being no birth records I am speaking specifically of official provincial records and as I mentioned relying on baptismals assumes that the person was baptized. To assume all Indigenous people, even Algonquin and Nipissing, were baptized at birth is a bias. It's a reasonable bias but still a bias and not an absolute truth. That does not mean I do not respect the patterns of history or recognize the validity of such records. I do think that the bias and error of colonial authority as infallible was born out by the failure in 2013 to ensure the provenance of the Father Brunnette's letter. This then shows a palpable and overriding administrative error. New information brought forth by the Canadian Broadcasting Corporation now suggests potential fraud on the part of William Mann and his sister who submitted the documents, or whomever altered the original documents, before they were submitted.

I think the bias that preferences explicit records above all others and requires a proof positive colonial record that explicitly states an Algonquin ethnicity now, when it did not, in the past is a bias and not necessarily reasonable. I happen to think it is reasonable to accept this current body of records as enough evidence that would justify the retention of Michel McDonald as an Algonquin root ancestor if the process is not requiring an unreasonable burden of proof but maintains a commitment to the balance of probabilities as sufficient, fair, and just in the assessment of who is to be retained as an acceptable Algonquin ancestor for the purpose of settling a modern land claim.

It is obviously reasonable to search baptismals, but in our circumstances we do not have names for Michel's parents, making this an impossible task. It was not required originally. Thus, it is an unreasonable request for the purposes of a just adjudication. All reasonable attempts have been made to search what might be available. Therefore, all parties have proven and have exceeded reasonable due diligence. Should exclusion be enacted due to our collective inability to find a record that cannot be found due to systemic factors and tragic misfortune that is something the tribunal must determine and be responsible for.

To stress again that given Michel McDonald's circumstances it is not the Indigenous family, according to the 2013 decision, that should shoulder the burden of absolute proof in a precontract state. Are the legal principles that informed the decision in 2013 still relevant or are they being negated or rejected by the adoption of the new proposed beneficiary criteria? It is my understanding that the current process may consider previous decisions in its deliberations, and I think in our circumstance that consideration is germane. I am glad to hear that is the case.

# Item 8 - Positive Evidence for Removal of Ancestors verses Circumstantial Evidence for removal of Ancestors.

Unlike the Dit Laguarde file where there is evidence of alleged fraud and where positive and concrete evidence confirm settler origins. Or where even Algonquin lore and oral history about Allummette Island was given overly significant weight previously suggesting palpable and overriding error on the part of previous boards this is not the case for Michel McDonald. Please review the 2013 decision that describes the rationale for the 2000 decision in this case. Gilbert Whiteduck I believe from Kitigan Zibi provided the source narrative.

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

Our family's oral history aligns with records that do exist. Michel McDonald demonstrated several indicators confirming an Indigenous origin that is not in dispute. As of this hearing four significant new census records as of 1921 contradict the 1901 census and state he is born in Ontario. Weighting the evidence toward Ontario and not Manitoba. They do not explicitly state he is Algonquin this seems to be much more the case in Mattawa where Indigenous peoples of many backgrounds migrated due to it being part of the trade route. Our family was living in what people would consider the bush.

#### Item 9 – Concerns of Pikwakanagan

I have no idea what the statement *unwarranted conflict* means in the context of Pikwakanagan's latest submission. I have recounted facts about past incidents that I recall from my lived experience where behaviour and choices made by individuals in the past could contribute to the apprehension of bias. There is nothing unwarranted or conflictual about what I have shared. These are facts that are a part of my lived experience working at Pikwakanagan in 2002 and are part of the historical record. As stated earlier I felt treated well by my direct hosts, employer, and landlords this included Greg and Helen Sarazin, and their direct extended family, and other coworkers. There was one incident by the hunting office at the time where I was given a pamphlet that informed me I was a wannabe. I took it in stride and got on with the work.

I also do not understand what the inference is regarding *calling anyone out* including Mr. Coburn. Was the purpose of this tribunal not to address arguments for and against the inclusion of Michel McDonald as an Algonquin Ancestor? Mr. Coburn made his arguments known, and his evidence known. He even inferred in his argument that our family is not telling the truth and are not Indigenous people. I have responded directly with my counter-arguments and my evidence to question aspects of Mr. Coburn's analysis and I corrected error where it occurred in his notes. Critique, using known theoretical concepts, is hardly a calling out.

I would say we have presented opposite or opposing positions and it seems to me that this dialectic is what this tribunal was requesting and requiring of those for and against my ancestor's inclusion to make its decision. Obviously, I am for Michel McDonald's retention as a recognized Algonquin root ancestor and Mr. Coburn is against his inclusion based upon the records we can reasonably find. Addressing error in his analysis or potential bias in his arguments is a part of the required part of the process is it not? It is my understanding that the operative concept in Article 1 of the resolution passed on January 22, 2022, is reasonableness. Therefore, I think it is reasonable to conclude that Michel McDonald, based on the balance of probabilities considering the legal principals outlined in Justice Chadwick's decision is an Algonquin person for the purposes of establishing a master list of accepted Algonquin root ancestors.

#### Item 10 - Adjudication and the apprehension of bias.

Moreover, my concerns about adjudication are as follows. I have named people that if they are being considered direct adjudicators of our file based upon past actions demonstrating the potential for apprehension of bias. That is for the benefit of the chair of the tribunal when curating the panel that will assess Michel McDonald's file. Interpret this as you wish. These are concerns with grounds. It is my understanding that the chair may appoint up to 4 new people as required should apprehension of bias be a concern then I have named other individuals that I think have demonstrated such apprehension in the past, directly related to these hearings, or in other related circumstances and contexts.

Should it become illegal for me to claim my Indigenous heritage after a decision is rendered, and given the social climate currently, where it is likely that people could conflate or confuse my removal as having the same reasons as other removals, I am requesting the following letter be signed by specific people who are directly connected to this process who have had influence and authority now and in the past. Some have been directly involved in the design of the current framework, and are recognized leaders of Algonquin society, and who were also

employees and directors of the original Algonquin Nation Negotiations Directorate, which originally employed me and who advised or formed the Algonquin Nation Tribal Council and who contracted and supervised me to ghostwrite their second newsletter. Others are people of authority influence and responsibility directly related to the current process.

#### **Item 11 - Special Resolutions**

I see Both Connie Meilke and Lynn Cloutier who are descendant from Thomas St. Jean Dit Laguarde and Emilie Carrier were signatories on the current resolutions passed that govern this process. These again are facts. Not accusations.

Reading the other tribunal submissions has helped me to understand the suspicion of some of the people who have the Cloutier surname specifically. I learned about the Clouthier controversy while living at Pikwakanagan and working at the Mukwa Centre. This does not mean that someone holding that surname may not be Indigenous through a different family line. This suspicion existed even when I arrived at Pikwakangan. It is my understanding that some people on reserve were having a difficult time accepting that Hector (Hec) Cloutier who was an MP at that time was Indigenous and more specifically Algonquin. This was shared to me by Greg Sarazin in our many conversations during my employment. As you can imagine the entire circumstance under which I landed in this position made me very curious about what was creating so much animosity between factions. And I was also trying to understand the circumstances of our enrollment as well.

After reading the Thomas St. Jean Dit Laguarde file and the Emilie Carrier file this all makes much more sense now. Lynn Cloutier, The Ottawa A.N.R. who resigned in November 2022, and who has submitted documents in defence of her ancestors in this tribunal, and who was the seconder on the resolution that formed this tribunal, has the same last name as Hector, so I am guessing they descend from the same ancestors. I checked the 2015 voter's list, and I am guessing this is the same person.



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		Sophie Emilie Carriere	
Clouthier, Harold James	Greater Golden Lake	Thomas St. Jean dit Laguarde	
		Sophie Emilie Carriere	
Clouthier, Hector Daniel Jr.	Greater Golden Lake	Thomas St. Jean dit Laguarde	
		Jacques Paquette	
		Sophie Emilie Carriere	
Clouthier, Ivan Denis	Bonnechere	Thomas St. Jean dit Laguarde	
		Sophie Emilie Carriere	
Clouthier, Jacinda	Greater Golden Lake	Thomas St. Jean dit Laguarde	
		Jacques Paquette	

## Item 12 - Requirement

Given the very real likelihood that our removal can be confused with the reasons for the removal of other files associated with the Dit Laguarde, Carrier controversy simply through association and timing, I am asking for the following letter to be signed by the following persons regardless of the outcome of this current tribunal hearing. This is to limit the harm to my personal reputation and that of my daughter's, as my enrolment as an Algonquin person within these negotiations was not the result of dishonesty, misrepresentation, or fraud, but may be forced to change due to the outcome of this hearing.

There is no dispute that I come from Indigenous lineage, although Mr. Coburn tried to intimate this in a comment in his arguments, and that my grandmother was the last person in my direct family line to be enumerated as an Indian in 1921. These are facts. And such a letter mitigates the potential damages to my person when I have to share with others what has occurred with regard to the evolution of my identity and status within Algonquin society, its expression, rejection, and acceptance at different times, over my current lifetime. This will be the record left for my descendants to contextualize who they are as well and understand who and where they come from in relationship with and to the Algonquin Nation. I don't think carrying a suitcase around of documents is reasonable. This sets the record straight.

#### To Whom it May Concern,

Heather Majaury was enrolled as an Algonquin person September 21, 2000. Her file was represented by Chief Doreen Davis of the Sharbot Lake Community now known as the Sharbot Obajiwon First Nation during an enrollment board hearing where it was determined she was an Algonquin person. Heather was enrolled through her grandmother Frances Dobbie formerly Majaury nee McDonald.

The letter of confirmation of her acceptance was issued by the Algonquins of Pikwakanagan enrollment office at that time and signed by Laurie Amikons as per Helen Sarazin, the enrollment officer at the time. The Algonquin Nation Negotiation Directorate was governed by a board of directors that included Pikwakanagan First Nation Band Council at the time of her enrollment. They enrolled her grandmother at 50% blood quantum based upon her grandmother's father, John Christmas McDonald, being identified as an Indian in Algonquin territory before 1897 and thus considered 100% blood quantum.

In 2005, the Algonquins of Ontario changed the beneficiary criteria to descent only for all persons, wishing to be claimed by the process, who did not directly descend from ancestors who lived on the Golden Lake Reserve – 39, now named Pikwakanagan First Nation. Descent only criteria for being approved as an Algonquin Ancestor now applied only to those Indigenous people who were not registered under the Indian Act as of September 17, 1873. There was no longer a requirement for establishment of, or assessment of, a specific blood quantum to be enrolled at this time. Heather remained enrolled as a direct descendant through her grandmother Frances McDonald, and through her father Robert John Majaury. She was enrolled at the time along with her uncles, aunts, cousins, and grandmother who all descend specifically from John Christmas MacDonald.

There is no dispute that Heather Majaury descends from Indigenous people. But there is a question about the ethnicity of her gg-grandfather. Some records record him as Cree French

Breed and Scotch born in Manitoba, and others as a *generic* Indian and *Scotch* Indian born in Ontario. He is only ever recorded as living in Algonquin Territory when found and enumerated in historical records in his lifetime. He is found in specific places that are generally known to have Algonquin and Mississauga families relatively close by and are in the general vicinity of historically documented petitions for land by some families. It is also obvious that Michel McDonald and Sarah Whiteduck were found in the same dwelling in 1901. Sarah Whiteduck, an. undisputed historical Algonquin person was also enumerated as a Cree French Breed at that time.

In 2013 a review process was initiated by the Algonquins of Ontario where her gg-grandfather Michel McDonald was retained as an Algonquin ancestor as per a decision rendered on February 27, 2013, by the Honourable James B. Chadwick, Q.C. Judicial member of the Review Committee or the Algonquins of Ontario. Thus, Heather Majaury remained listed as an enrolled voter with the Algonquins of Ontario. She was consulted regarding land claim negotiations and voted in the election regarding the 2016 Agreement In Principal. Her ancestor Michel McDonald was identified as an Algonquin root ancestor in 2019 and presented as such at consultation sessions at that time.

In 2020 during the covid pandemic, Heather Majaury was removed from the list of Algonquin voters because her g-grandfather was born in 1885. Had he been born in 1880 he would have qualified to be retained on the schedule of Ancestors at this time, as did his older brother, and she would also have been retained as an eligible Algonquin voter. It was requested at that time for any information about the names of Michel McDonald's parents. The family has no knowledge or records for his parents' names. Although he is identified as Indigenous in varying ways on several different documents nothing explicitly identifies him as Algonquin, and nothing names his parents.

Since the removal of herself and her family more records were found in 2021 which identified both her g-grandfather and her grandmother as *Indian*. However, the enumerator did not identify them as explicitly Algonquin. There are also four census records of his children in 1921 that identify Michel McDonald as being born in Ontario, and not Manitoba, as in the 1901 census. No records have been found in Manitoba identifying Michel McDonald having been born there. The family insists that the surname McDonald is not Michel McDonald's birth name but is a surname he took on in his teenage years.

The adopted proposed beneficiary criteria passed by special resolution January 20, 2020, remains untested in a court of law and is not yet accepted as the final Algonquin Enrolment Law but it is governing the current process. It was used to remove this family branch from the current Algonquin of Ontario Voters list as of October 2020. We attest to these facts as truthful and an accurate accounting of Heather Majaury's enrollment as an Algonquin voter and her removal from the voters list to date. This letter verifies these facts.

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Chief Doreen Davis Sharbot Obajiwon First Nation, Past Board Member Algonquin Nation Negotiations Directorate
Chief Randy Malcolm, Ardoch Snimikobi First Nation, and Interim Ottawa Algonquin Negotiation Representative, Past Board Member Algonquin Nation Negotiations Directorate
Chief David Joaniesse, Antoine First Nation, and Past Board Member Algonquin Nation Negotiations Directorate
Chief Gregory Sarazin, Algonquins of Pikwakanagan and past Chief Negotiator, Algonquin Nation Negotiations Directorate
Joan Holmes, Joan Holmes and Associates and Algonquins of Ontario Enrollment Officer
Bob Potts, Principal Negotiator, Algonquins of Ontario
Allan Pratt, Legal Council for the Algonquins of Ontario and past Algonquin Nation Negotiations Directorate
Ben Mills, Legal Council for the Algonquin Tribunal Process