

**Enrolment Officer's Reply Submission in response to a Responding  
Submissions by an Interested Party:**

**Responding Report to Reply Submission  
Regarding Ancestor  
Michel McDonald  
(RIN #14703)  
dated May 30, 2023**



**Joan Holmes, Enrolment Officer for AOO  
Prepared for the Algonquin Tribunal  
May 2023**

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## 1. Introduction

The Tribunal received a responding submission from a party in support of retaining the ancestor Michel McDonald (RIN #14703) on the Schedule of Algonquin Ancestors. The submission is posted on the Tribunal's website as:

<https://www.tanakiwin.com/tribunal/michel-mcdonald-3/>

It appears on the website as:

- Document 18 – Submission by H. Majaury re. Document 15

The above noted submission is responding to the submission by V. Coburn and the Enrolment Officer's Reply which appears on the Tribunal website as:

- Document 6 – Submission by V. Coburn regarding Michel McDonald
- Document 15 – Enrolment Officer's Reply to submissions 8, 9, 11, 14 re. #14703

This reply report addresses the content in the Respondent's submission that is relevant to the Tribunal's inquiry, which is to determine whether Michel McDonald (RIN #14703) is 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 he 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.

The Respondent's submission refers to some documents and facts that are contained in the Enrolment Officer's Report (posted as Document 1) and/or the Enrolment Officer's Responding Reports (posted as Documents 12, 13 and 15). As noted in the Enrolment Officer's Reports, archival documents recording a family's life events have been assigned ALG document numbers; RIN numbers have been assigned to individuals discussed in the report to aid in identification. RIN numbers, ALG document numbers, and/or page numbers of existing reports will be referenced in this report for ease of discussion.

## 2. Document #18 – Submission by H. Majaury

The Respondent H. Majaury submitted a 45-page responding submission in support of retaining ancestor Michel McDonald (RIN #14703) on the Schedule of Ancestors. The Respondent's comments are in response to the Enrolment Officers Reply to submission 8, 9, 11, 14 re. #14703 (posted as Document 15) and to V. Coburn's submission (posted as Document 6).

### ***2.1 Mary Peters & John Christmas Witness Mary Jane Kelford (page 2)***

The Respondent provided a copy of a marriage record for John McDonald and Mary Ann Peters, describing the witness as "Mary Jane Kelfert (Kelford) her grandmother. She was Joe Kelford Whiteduck's mother."

The identity of Mary Jane Kelford would be a matter that pertains to the application of the Proposed Beneficiary Criteria to the descendants of John Christmas McDonald. The document

does not add any new information regarding the ethnicity of Michel McDonald, beyond a suggested association between the Michel McDonald family and the Whiteduck/Kelford family.

The Enrolment Officer has not verified the identity of Mary Jane Kelford and has no further comments on this document.

### ***2.2 Esab and Francis Arcand (page 3)***

The Respondent provides a screenshot from a computer screen displaying a PDF. This PDF shows the family of Peter Arkle, his wife Margaret and their children Eliza, Francis, and Godfrey. The Respondent provided the screenshot to show the connection between Francis Arcand and Eliza Arcand, third wife of Michel McDonald, and to support her submission that Francis is the son of Cecilia Mitchel née Whiteduck and father of Esab Arcand.

The Enrolment Officer has no documentation on Esab Arcand and cannot comment on his purported relationship to the Michel McDonald family. This document does not add any new information regarding the ethnicity of Michel McDonald, beyond suggesting an association of the Michel McDonald family with the Arcand/Whiteduck family.

The Enrolment Officer has no further comment on this subject.

### ***2.3 Angus Clemo/Clems/Clement, Whiteducks, Solomon Benedict (page 4)***

The Respondent provides documentation pertaining to an Angus Clemo/Clement, Benedict Solomon, and various Whiteduck families and suggests that establishing the Clemo/Clement family as being Algonquin would show another connection between the extended family of Michel McDonald and other Algonquin people.

These documents do not add any new information regarding the ethnicity of Michel McDonald, beyond suggesting an association of the Michel McDonald family with other Algonquins.

#### ***2.3.a 1901 Census Whiteducks***

The Respondent asserts that the inclusion of the 1901 Renfrew Census in the submission by V. Coburn (Document 6, page 13) as an example to show that Algonquin ethnicity was being recorded at the time, does not support a definitive conclusion regarding how the householder identified himself. The Respondent points out that various enumerators recorded people differently and we have no information on who gave the information recorded on the census.

The Enrolment Officer does not disagree with the observation that enumerators in different census districts recorded Indigenous identity using different tribal or generic terms (e.g. Algonquin, Indian, Half breed, etc.) In addition, the Enrolment Officer does not disagree with the suggestion that the source of information recorded on the census from that period is unclear.

### *2.3.b Editorial Power*

The Respondent states that enumerators and their supervisors "held editorial power to define race and ethnicity" and were not always accurate.

The Enrolment Officer does not disagree with this suggestion.

### *2.3.c Whiteducks in Maniwaki Quebec 1891*

The Respondent queries V. Coburn's reliance on the 1901 Census as proof of Michel McDonald's origins, citing his reliance on the "infallibility of the census taker" and his repeated reference to "self-identification."

The Enrolment Officer addressed the content and anomalies in the 1901 census in her report responding to V. Coburn's submission in section 2.3.f (posted as Document 13).

The Enrolment Officer has no comments on the other individuals cited by the Respondent (Clems, Benedict) in her submission. Peter Clemo (RIN #2442) and Madalaine Miconce (RIN #2443) did have a son Angus Clemo/Clement (RIN #5858) who lived from 1842 to 1941; however, the census referenced by the Respondent has not been provided and would need to be consulted and analyzed to determine if this is the same person.

### *2.3.d) Compared with Whiteducks 1891 Clarendon similar to Michael McDonald*

The Respondent noted that two families, one headed by Joseph Whiteduck and one by John Mitchel, are noted as "Indian" in the column for "French Canadian" on the 1891 census of Clarendon Township. As noted in the Enrolment Officer's Report (posted as Document 1) Michel McDonald was enumerated in Palmerston and Canonto and has the word "Indian" written in the column for "French Canadian."

The Enrolment Officer has no further comment on this section.

### *2.3.e Whiteducks in 1881 Clarendon similar to Michael McDonald*

The Respondent asserts that Sarah Whiteduck was living with Michel McDonald as noted on the 1901 census, citing clause 76 of the instructions to enumerators regarding who should be recorded in each household.

The Enrolment Officer also responded to the recording of Sarah Whiteduck on the 1901 census in her Reply (posted as Document 13) which commented on V. Coburn's submission (posted as Document 6).

The Enrolment Officer has no further comments to make on this section.

### *2.3.f The Land and Where These Folks were Living*

The Respondent states that "we [presumably meaning the Respondents' family] were removed from the enrolment list without appeal."

The Enrolment Officer confirms that some descendants of Michel McDonald met 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 demonstrating that all the other elements of the PBC were met. It is expected that people who were determined not to meet the PBC during the most recent enrolment process will have an opportunity to appeal the decision when the second phase of the Algonquin Enrolment Board and Algonquin Tribunal is initiated.

Assessments under the Proposed Beneficiary Criteria (PBC) are not at issue in this inquiry. The only question before the Tribunal is whether or not Michel McDonald meets the definition of Algonquin Ancestor. The full Schedule of Algonquin Ancestors is on file with the AOO and the Enrolment Office. It was referenced in the Special Resolutions but was not attached.

### *2.3.g 1891 Clements/Clemos/Clems*

The Respondent cites the Justice Chadwick Decision as evidence of Michel McDonald being accepted as Algonquin. The Respondent also repeats comments on census records, the role of ethnicity, the problem of lack of written documentation, as well as making comments on other ancestors who are being reviewed.

With regard the 2013 decision by Justice Chadwick, the Enrolment Officer notes that the ANRs passed a Special Resolution on April 20, 2021 (Motion 20210420-1) which established the Tribunal and its mandate. The Special Resolution specifies in clause 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."

The Respondent's statement that birth records did not exist in Ontario at the time of Michel McDonald's birth is incorrect. Civil registration did not become law until 1869 and recording of births became more widespread after that time. However, documents recording births existed prior to that legal requirement. In addition, there are numerous church records that record baptisms of infants and other children in Ontario from an early period.

The Enrolment Officer has no comments to make about UNDRIP, other ancestors under review, or oral family history.

### *2.3.h 1901-1921 Angus Clement*

The Respondent makes corrections to V. Coburn's submission regarding census ethnicity and name spellings.

Sarah Whiteduck (RIN #2339) was the daughter of Simon Samuel Whiteduck (RIN #18909) and Therese Jacob (RIN #18910). She was a descendant of men on the Schedule of Algonquin Ancestors and their wives, as follows: Joseph Pekakassiketch (RIN #6527) and Cecile Panosinokwe (RIN #6531); Mathias Cabakkawatch (RIN #6390) and Elisabeth Kijikgiwanokwe

(RIN #6391); and Jacques Kamiskwabinih (RIN #7189) and Cecile Otichkwetchiwanokwe (RIN #7190).

The Enrolment Officer has no further comments to make on these corrections.

### *2.3.j 1881 Clements*

The Respondent discusses the use of the term "self-identified" as stated in V. Coburn's submission with regards to ethnicity on census returns giving her opinion that it is "presentism." The Respondent also references family oral history in relation to identification.

The issue of self-identification on census records has been discussed in the Enrolment Officer's Response to V. Coburn's submission (posted as Document 13).

### *2.3.k 1901-1911 Solomon Benedict*

The Enrolment Officer has no comments regarding UNDRIP or its impact on the PBC. These are not issues before the Tribunal.

It should be stated that the Proposed Beneficiary Criteria for enrolment in the Algonquins of Ontario was developed by the Algonquin Negotiation Representatives (ANRs) and accepted by a formal resolution of the ANRs on April 20, 2021 (Motion 20210420-01). Neither the Government of the Province of Ontario nor the Government of Canada had a role in developing the Proposed Beneficiary Criteria. Their "input" was limited to having the different elements of PBC explained to them.

### *2.3.l 1921 Sarah Whiteduck Bonfield Mohawk*

The Respondent notes that Sarah Whiteduck was enumerated in Bonfield where she was recorded as Mohawk. As noted in the Enrolment Officer's report in section E.5 (posted as Document 1), this same household, being Sarah, her sister, brother-in-law, and children were recorded as "Algonquin" on the 1911 census at Bonfield.

The Enrolment Officer has no further comments on this section.

## **2.4 Mary Brown (page 32)**

The Enrolment Officer has no comments to make on this section.

## **2.5 Land Purchase (page 33)**

In a previous submission (posted as Document 5) on the Tribunal website on page 19 and again in this current submission on page 37, the Respondent relates an oral history that Michel McDonald bought land in 1907 and supplied a damaged copy of a tax roll.

As discussed in the Enrolment Officer's Report section 3.13 (posted as Document 15), research undertaken by the Genealogist in the Enrolment Office could not locate the 1907 document to which the Respondent referred. She did locate land record documents for two lots of land in South Canonto township for which Michel McDonald held the Crown Patent from 1891

onwards. Lot 20 was 98 acres and Lot 21 was 52 acres. Lot 20 was sold by Michel McDonald's sons in 1920, and Lot 21 was sold in 1902 to Peter Arcol/Arcand.

***2.6 Mixed Race/Mixed Identities (page 36)***

The Enrolment Officer has no comments on this section.

***2.7 Birth Records (page 37)***

The Enrolment Officer has no comments on this section.

***2.8 Positive Evidence versus Circumstantial Evidence (page 38)***

The Enrolment Officer has no comments on this section.

***2.9 Concerns of Pikwakanagan (page 39)***

The Enrolment Officer has no comments on this section.

***2.10 Adjudication and Apprehension of Bias (page 40)***

The Enrolment Officer has no comments on this section.

***2.11 Special Resolution (page 41)***

The Enrolment Officer has no comments on this section.

***2.12 Requirement (page 42)***

The Enrolment Officer has reviewed the Respondent's request for the issuance of a letter. The Enrolment Officer is not in a position to issue such a letter. However, the Enrolment Officer can confirm on the basis of the available historical documents that there seems to be no question that Michel McDonald was an Indigenous person. The question of whether Michel McDonald is an Algonquin Ancestor, as defined in the Proposed Beneficiary Criteria, is for the Tribunal to determine on the basis of the submissions filed in this inquiry.