

ALGONQUIN TRIBUNAL

RE: Inquiry conducted by the Algonquin Tribunal pursuant to Article 76(d) of the Special Resolution of the Algonquin Negotiation Representatives on the Algonquins of Ontario Enrolment and Appeal Board (approved on April 20, 2021) regarding the historical person known as Sophie Emelie Jamme dite Carriere (RIN #11566)

DETERMINATION AND REASONS FOR DETERMINATION REGARDING THE ALGONQUIN TRIBUNAL'S INQUIRY INTO SOPHIE EMILIE JAMME dite CARRIERE (RIN #11566)

Hearing Date: June 20, 2023, Pembroke, Ontario, and July 6, 2023 via video conference

Date of Determination and Reasons: July 24, 2023

Hearing Panel: Deborah Moore (Chairperson), Andre Carle, Connie Deroneth, Robin McLaren, and Robin Tinney

Legal counsel: Ben Mills (Advisory Member)
Angel Li

Persons filing written submissions: Joan Holmes (Enrolment Officer)
Lynn Clouthier
Veldon Coburn
Connie Mielke
Denise Chaput
Chief Wendy Jocko
Chief Greg Sarazin
Dr. Daryll Leroux
L. Bertrand

Persons making
presentations at
hearing:

Joan Holmes (Enrolment Officer)

Connie Mielke

Denise Chaput

Jane Lagassie

Pam Vanstradden

Darrel Leroux on behalf of AOPFN Chief and Council

Angelina Commanda

Hazel Turcotte

**ALGONQUIN TRIBUNAL’S DETERMINATION REGARDING THE INQUIRY INTO
SOPHIE EMILIE JAMME dite CARRIERE (RIN #11566)**

The Algonquin Tribunal, pursuant to the provisions of Special Resolution of the Algonquin Negotiation Representatives on the Algonquins of Ontario Enrolment and Appeal Board (approved on April 20, 2021) and at the direction of the Algonquin Negotiation Representatives’ Motion 20220422-01, conducted an inquiry to determine whether Sophie Emilie Jamme dite Carriere (RIN #11566) 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 she 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.

Further to its inquiry, the Algonquin Tribunal has unanimously determined that Sophie Emilie Jamme dite Carriere (RIN #11566) is not 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 she was considered to be an Algonquin or Nipissing, or a sibling of such a person.

Pursuant to Article 100 of the Special Resolution of the Algonquin Negotiation Representatives on the Algonquins of Ontario Enrolment and Appeal Board (approved on April 20, 2021), the Tribunal directs that Sophie Emilie Jamme dite Carriere (RIN #11566) be removed from the Schedule of Algonquin Ancestors.

Deborah Moore (Chairperson)
Andre Carle
Connie Deroneth
Robin McLaren
Robin Tinney

REASONS FOR DETERMINATION

REASONS DELIVERED BY:

**Moore (Chairperson), Carle, Deroneth,
McLaren, and Tinney**

A. Introduction and Background

1. Tribunal's Mandate

1. The Algonquin Tribunal (the “**Tribunal**”) was established by the Algonquin Negotiation Representatives (the “**ANRs**”) pursuant to the Special Resolution of the Algonquin Negotiation Representatives on the Algonquins of Ontario Enrolment and Appeal Board (approved on April 20, 2021) (the “**Special Resolution**”).
2. By way of Motion 20220422-01, the ANRs directed the Tribunal to conduct inquiries into fourteen historical persons who are presently on the Schedule of Algonquin Ancestors with a view to determining whether those historical persons are identified in a historic record or document dated on or before December 31, 1921, in such a way that it would be reasonable to conclude that the person was considered to be an Algonquin or Nipissing, or a sibling of such a person. A “sibling of such a person” means a person with a common Algonquin parent.
3. These criteria are taken from the definition of “Algonquin Ancestor” as that term is used in the Special Resolution of the Algonquin Negotiation Representatives on the Proposed Beneficiary Criteria (approved on January 22, 2020) (the “**Proposed Beneficiary Criteria**”).¹
4. Included amongst the fourteen historic persons referred to the Tribunal for inquiry was Sophie Emilie Jamme dite Carriere (RIN #11566).² The Tribunal notes that Sophie Emilie Jamme dite Carriere (RIN #11566) is the wife of Thomas Lagarde dit St. Jean (RIN #11565). Thomas

¹ Being a lineal descendant of an “Algonquin Ancestor” is one element of the Proposed Beneficiary Criteria. For the other elements, reference should be made to the Algonquin Negotiation Representatives on the Proposed Beneficiary Criteria (approved on January 22, 2020).

² As noted in the Enrolment Officer’s Report, an “RIN#” is a randomly generated number assigned by the Legacy Genealogical database to each individual person entered in that database. The use of a RIN # is not indicative of whether a historical person is, or is not, an Algonquin Ancestor or is otherwise suspected of being Algonquin. It merely means that the historical person has been entered into the Legacy Genealogical database. RIN #s are used to assist in the identification and tracing of family trees and are particularly useful when a historic person may be identified by different names or spelling conventions or when several individuals have the same or similar name.

Lagarde dit St. Jean (RIN #11565) is the subject of another inquiry being conducted by the Tribunal.

5. The ANRs referral of Sophie Emilie Jamme dite Carriere (RIN #11566) (and other historical persons) to the Tribunal was made pursuant to Article 76(e) of the Special Resolution, which provides that the “Tribunal has jurisdiction to hear and determine ... such other matters as may be referred to the Tribunal by the ANRs or may be necessary to carry out its functions under this Special Resolution.”
6. In short, the Tribunal’s mandate is to determine whether Sophie Emilie Jamme dite Carriere (RIN #11566) is properly considered an “Algonquin Ancestor” for the purposes of the Proposed Beneficiary Criteria (which is also known as the “Enrolment Criteria”).
7. If the Tribunal determines that the criteria are met, then Sophie Emilie Jamme dite Carriere (RIN #11566) would remain on the Schedule of Algonquin Ancestors.
8. If the Tribunal determines that Sophie Emilie Jamme dite Carriere (RIN #11566) does not meet the above noted criteria, then Sophie Emilie Jamme dite Carriere (RIN #11566) would be removed from the Schedule of Algonquin Ancestors. As a consequence of that decision, the Enrolment Officer would review the Enrolment List to identify those individuals who no longer qualify for enrolment as a result of the Tribunal’s decision to remove Sophie Emilie Jamme dite Carriere (RIN #11566) from the Schedule of Algonquin Ancestors and remove those individuals from the Enrolment List. This would be done pursuant to Article 103 of the Special Resolution.
9. Article 101 of the Special Resolution provides that the Tribunal’s determination, its reasons for determination and any accompanying order or recommendation are to be provided to those participating in the inquiry, the Enrolment Officer and the ANRs. Also, the Tribunal is to provide these documents to the AOO Consultation Office for public posting.
10. The Special Resolution is an effort by the ANRs (and those whom they represent) to engage in self-governance and self-determination. The Special Resolution establishes a fair process by which Algonquins are making decisions regarding enrolment and membership. This is an exercise of Algonquin Indigenous rights as they exist and as they are recognized under section

35 of the *Constitution Act, 1982*. This endeavour is wholly consistent with the rights described in *United Nations Declaration on the Rights of Indigenous Peoples Act* (S.C. 2021, c. 14).

2. Procedural Background

11. Once the Tribunal was constituted and a Chair and Vice-Chair appointed, the Tribunal undertook various efforts to ensure that interested parties were informed: a) that the Tribunal was undertaking inquiries as directed by the ANRs; b) that interested parties could participate in the inquiries; and c) how interested parties could access information relevant to the inquiry and file evidence or submissions in support of their respective positions.
12. The Tribunal's efforts to inform interested parties of the inquiries and how they could participate in the Tribunal's inquiry process include, but are not limited to, the measures described below.
13. First, the Tribunal sent a letter to all enrolled members of the AOO whose enrolment is based on them being a lineal descendant of one or more of the fourteen historical persons referred to the Tribunal for inquiry. This letter informed recipients that their enrolment as proposed beneficiaries may be affected by one or more of the Tribunal's inquiries and that they have an opportunity to participate in the inquiries. This letter directed affected persons to the Tribunal's website, which is <https://www.tanakiwin.com/tribunal/>. This letter was sent during the second week of August, 2022.
14. Second, the Tribunal sent a letter to all other enrolled members of the AOO whose enrolment is not based on them being a lineal descendant of one or more of the fourteen historical persons referred to the Tribunal for inquiry. This letter was also sent during the second week of August, 2022. This letter informed recipients of the fact that the Tribunal had undertaken the inquiries and that they may participate. This letter also noted that the removal of Algonquin Ancestors may result in persons who are presently enrolled as proposed beneficiaries no longer being eligible for enrolment. This letter also directed recipients to the Tribunal's website. This letter was sent to individuals who are enrolled through the AOO application process and to individuals who are enrolled on the basis of being members of the Algonquins of Pikwakanagan First Nation (the "AOPFN").
15. The Tribunal notes that members of the AOPFN are not directly affected by the Tribunal's inquiries as their enrolment is based on them being on the AOPFN's membership list.

Nonetheless, the Tribunal wanted to ensure that members of the AOPFN were specifically informed of the Tribunal's inquiries and also understood that they are welcome to participate in the inquiries. The Tribunal recognizes that the proper and dutiful application of the Proposed Beneficiary Criteria is of great importance to everyone involved in the treaty process, including the members of the AOPFN.

16. In addition to the above noted letters, the Tribunal also undertook its best efforts to send letters to individuals who are not presently enrolled but are known to be interested in the Tribunal's inquiries. These individuals included, but are not limited to, people who sought enrolment on the basis of one or more of the above noted historical individuals but were not enrolled for some other reason. Recipients were informed of the Tribunal's inquiries and their potential interest in one or more of the inquiries and were also advised to visit the Tribunal's website for additional information.
17. The Tribunal's website was (and continues to be) publicly available. Through the website, interested parties were able to access additional information regarding the Tribunal's process, scheduling information and relevant documents. Individuals were encouraged to sign-up for updates from the Tribunal and were encouraged to state their interest in participating in one or more of the inquiries. As information became available and the Tribunal's website was updated (such as posting reports from the Enrolment Officer or submissions from participants), the Tribunal would send an email to those who indicated their interest in receiving up-dates. Also, the Tribunal maintained a telephone number so that interested parties could speak with the Tribunal's legal support team to ask questions regarding the Tribunal's process and their Algonquin ancestry. The Tribunal understands that participants in this inquiry availed themselves of these resources.

B. Written Submissions Received

18. Specifically with respect to the Tribunal's inquiry into Sophie Emilie Jamme dite Carriere (RIN #11566), the following documents were filed with the Tribunal and made available on its website:

- Document 1 – Enrolment Officer Report Regarding Sophie Emelie Jamme dite Carriere³
- Document 2 – Initial Submissions made by L. Clouthier on behalf of Lagarde Carriere line
- Document 3 – Submission by V. Coburn regarding Sophie Emelie Jamme dite Carriere
- Document 4.1 – Initial Submission by D. Chaput and C. Mielke
- Document 4.2 – Initial Submission by D. Chaput and C. Mielke Redacted
- Document 4.3 – Initial Submission by D. Chaput and C. Mielke
- Document 4.4 – Initial Submission by D. Chaput and C. Mielke
- Document 4.5 – Initial Submission by D. Chaput and C. Mielke
- Document 4.6 – Initial Submission by D. Chaput and C. Mielke
- Document 4.7 – Initial Submission by D. Chaput and C. Mielke
- Document 4.8 – Initial Submission by D. Chaput and C. Mielke
- Document 4.9 – Initial Submission by D. Chaput and C. Mielke
- Document 5 – Submission by Chief W. Jocko on behalf of her community
- Document 6 – Responding Submission by Chief G. Sarazin on behalf of his community
- Document 7 – Enrolment Officer’s Response to initial submission 3 re #11566
- Document 8 – Enrolment Officer’s Response to initial submissions 2 & 4 re #11566
- Document 9 – Enrolment Officer’s Reply to submissions 5 & 6 re 11566
- Document 10 – Submission by Council of AOPFN (Carriere)
- Document 11 – Submission by L. Bertrand (Lagarde and Carriere)
- Document 12- Enrolment Officer’s Reply to Doc 11 Submission by L. Bertrand r.e #11566

³ The Tribunal followed an approach whereby the first substantive document produced as part of its inquiry process was an initial report prepared by the Enrolment Officer. The Tribunal took this approach as the Enrolment Officer’s initial report would provide a baseline of information from which participants could make further submissions. This was done to increase transparency and fairness and with a view to establishing an orderly process to identify and debate the issues that might arise from the historical documents. The qualifications of the Enrolment Officer and her team are described in *Document 13 – Information on JHA Enrolment Team*.

- Document 13 – Information on JHA Enrolment Team

19. The Tribunal members attentively reviewed Documents 1 to 13 in preparation for the hearing. The Tribunal re-reviewed those materials as part of the deliberations that followed the hearing.
20. The Tribunal recognizes that this is an important matter and has considered all the materials that have been filed.
21. The schedule for filing materials and the materials noted above were all made available on the Tribunal’s website in a timely manner and were also the subject of the Tribunal’s update emails that were sent from time to time.

C. Hearing

22. The Tribunal held a hearing on June 20, 2023, at the Best Western Hotel in Pembroke. Interested parties could also attend the hearing via electronic video platform (i.e., Zoom). The hearing date was posted on the Tribunal’s website and was the subject of an update email.
23. The hearing was open to all interested parties.
24. Approximately 10 to 15 people attended in person and approximately 30 people attended via Zoom.
25. The hearing opened with a prayer. The Chairperson then provided an overview of the order of proceedings and the panel members introduced themselves.⁴
26. After providing a brief opportunity to ask questions regarding procedural issues, the Chairperson called upon the Enrolment Officer to make her presentation.
27. The Enrolment Officer gave an oral presentation supplemented with PowerPoint visuals. The Enrolment Officer answered questions from the panel and from those in attendance and spoke in response to submissions and comments made by others.
28. Connie Mielke, Denise Chaput and Jane Lagassie made extensive submissions in support of keeping Sophie Emilie Jamme dite Carriere (RIN #11566) on the Schedule of Algonquin Ancestors. Their submissions highlighted key points in their written materials. The written

⁴ The names of the Tribunal members have been posted on the Tribunal’s website for some time and the members presiding over this inquiry were impanelled in a manner required by the Special Resolution and in a way so as to reduce the potential for conflicts of interest. No objections were made regarding the composition of the panel.

materials and submissions were similar to the submissions made during the Thomas Lagarde dit St. Jean (RIN #11565). However, the submission related to genealogy and historical documentation were focused on Sophie Emilie Jamme dite Carriere (RIN #11566).

29. Amongst other things, they spoke of the historical context in which Sophie Emilie Jamme dite Carriere (RIN #11566), the genealogical profile of Sophie Emilie Jamme dite Carriere (RIN #11566) (including her ancestors and descendants), the connection that their families have to the area (including to Black Bay), how descendants of Sophie Emilie Jamme dite Carriere (RIN #11566) have features suggesting Indigenous ancestry, the marriage contract for Sophie Emilie Jamme dite Carriere (RIN #11566)'s sister and the Indigenous nature of the items referenced in that document, the true identity of Sophie Emilie Jamme dite Carriere (RIN #11566)'s parents, the cultural and harvesting knowledge and lifestyle of their families, the positive work that they have engaged in with and on behalf of Algonquins, the impact that a negative decision will have on their lives, and Justice Chadwick's decision. Connie Mielke also questioned the motives of those who were opposed to the continued listing Sophie Emilie Jamme dite Carriere (RIN #11566) on the Schedule of Algonquin Ancestors. The submissions made by Connie Mielke and Denise Chaput were supported by a PowerPoint presentation. Jane Lagassie referenced various materials during her presentation.
30. Dr. Darryl Leroux had indicated an intention to attend the hearing as a representative of Chief and Council of the AOPFN and make submissions opposed to keeping Sophie Emilie Jamme dite Carriere (RIN #11566) on the Schedule of Algonquin Ancestors. However, due to an incident that occurred during the Tribunal's hearing regarding Thomas Lagarde dit St. Jean (RIN #11565) on June 19, 2023, Dr. Leroux did not attend the hearing. The circumstances giving rise to this situation are discussed in the addendum below.
31. Recognizing the unique situation and wanting to ensure that all interested parties had an opportunity to make submissions, the Tribunal adjourned its hearing into Sophie Emilie Jamme dite Carriere (RIN #11566).
32. The June 20th hearing concluded with the Tribunal indicating that a further hearing date will be scheduled shortly. The hearing ended with a closing prayer.
33. A subsequent hearing was held on July 6, 2023, via electronic video conference (i.e., the Zoom platform). The purpose of this subsequent hearing was to provide an opportunity for Dr.

Leroux to make a presentation in support of his written submissions on behalf of Chief and Council of the AOPFN regarding the Tribunal's inquiry into Thomas Lagarde dit St. Jean (RIN #11565) and for those in support to make reply submissions. It was also an opportunity to hear responding and reply submissions regarding Sophie Emelie Jamme dite Carriere (RIN # 11566).

34. Interested parties were informed of this additional hearing via email and were provided the necessary link to attend the video conference.
35. At the hearing on July 6, Dr. Leroux made a presentation opposing the continued listing of Sophie Emelie Jamme dite Carriere (RIN # 11566) on the Schedule of Algonquin Ancestors. Dr. Leroux submitted, amongst other things, that the genealogy for Sophie Emelie Jamme dite Carriere (RIN # 11566) traces her roots almost entirely to France and that her genealogy does not indicate any Algonquin or Indigenous heritage. Dr. Leroux was critical of the effort to demonstrate Indigenous ancestry on the basis of people's physical features. Dr. Leroux also submitted that living in proximity to Algonquins does not prove someone is Algonquin. Finally, Dr. Leroux submitted that Justice Chadwick's decision regarding Sophie Emelie Jamme dite Carriere (RIN # 11566) was not a decision made by a court and that the Tribunal does not need to follow it.
36. Connie Mielke made submissions in reply. Amongst other things, Ms. Mielke submitted that:
 - a) Sophie Emelie Jamme dite Carriere (RIN # 11566), her ancestors and descendants all lived near Algonquins and some participated in Algonquin ceremonies;
 - b) the photo of her ancestors is authentic because it was given to her by an aunt who had no motivation to say that those in the image were Algonquin if they were not;
 - c) the Tribunal needs to be cognizant that the overreliance on documentation could marginalize Indigenous women; and
 - d) the Tribunal needs to give due regard to oral history.Ms. Mielke also questioned the fairness of the hearing as it gave additional time for Dr. Leroux to prepare his responding submissions.
37. Denise Chaput also made submissions in reply. Amongst other things, Ms. Chaput: a) referenced Iroquois attacks that resulted in her ancestors (and those of Sophie Emelie Jamme dite Carriere (RIN # 11566)) being captured; and b) commented on the legitimacy and relevance of Marie Emilie Carriere's baptismal record because it matched the census record

for the woman Thomas Lagarde married (i.e., Sophie Emelie Jamme dite Carriere (RIN # 11566).

38. Jane Lagassie also made submissions in reply. Ms. Lagassie quoted from a book titled “Archaeology from North Bay to Mattawa” that indicated stone structures formed a variety of patterns along the Ottawa River and their antiquity is marked by lichen growth.
39. Hazel Turcotte made submissions in reply. Ms. Turcotte emphasized that the descendants of Thomas Lagarde dit St. Jean (RIN #11565) and Sophie Emelie Jamme dite Carriere (RIN # 11566) are defending their heritage and are not aiming for monetary compensation. Ms. Turcotte submitted that they were raised in an Algonquin lifestyle in “the bush”. Ms. Turcotte explained that their ancestors lack a paper trail because they hid their identity and that Algonquin women often had to take on French names.
40. The hearing concluded with the Tribunal indicating that it was reserving its decision to deliberate on this important matter and to again review the written submissions in light of the oral submissions presented at the hearing. The hearing ended with a closing prayer.

D. The Tribunal’s Determination

41. Upon consideration of the evidence and the submissions made by participants, and having reference to the definition of “Algonquin Ancestor”, the Tribunal has unanimously determined on the basis of the record before it that Sophie Emelie Jamme dite Carriere (RIN # 11566) is not 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 she was considered to be an Algonquin or Nipissing; nor is she a sibling of such a person.
42. In coming to its determination, the Tribunal had reference to all of the information before it and also considered the oral submissions that were made at the hearings.
43. The Tribunal’s reasons for its determination are set out below.

E. Definition of Algonquin Ancestor

44. The starting point of the Tribunal’s analysis is the definition of “Algonquin Ancestor”.
45. Broken down into its components, an “Algonquin Ancestor” is:
 - a) a person

- b) the person must be one who was born on or before July 15, 1897, and
- c) the person must be identified in a historic record or document
- d) this historic record or document must be one that is dated on or before December 31, 1921,
- e) the identification of the person must be in such a way that it would be reasonable for the Tribunal to conclude
- f) that the person identified in the historic record was considered to be an Algonquin or Nipissing,
- g) or a sibling of such a person. A “sibling of such a person” means a person with a common Algonquin parent.

46. Elements (a), (b) and (c) confirm that the “Algonquin Ancestor” must be an identifiable historical person. While this may seem somewhat trite, these elements are very important as they confirm that a determination of who is or who is not an “Algonquin Ancestor” requires the Tribunal to focus on a specific historical person who is documented as being an identifiable person who existed in a time and place. This requirement means that the claim to Algonquin ancestry for the purposes of enrolment must be grounded or based on an actual historical person.

47. In this inquiry, the Tribunal was focused on Sophie Emelie Jamme dite Carriere (RIN # 11566). As was the case with other inquiries, the Tribunal also considered information and historical documents pertaining to historical persons who are connected with the subject ancestor. In this inquiry, the Tribunal considered historical records and other information that provide a genealogical profile (or family tree) for Sophie Emelie Jamme dite Carriere (RIN # 11566). The Tribunal also considered how information pertaining more directly to Sophie Emelie Jamme dite Carriere (RIN # 11566)’s descendants may inform the Tribunal’s analysis of whether Sophie Emelie Jamme dite Carriere (RIN # 11566) is properly considered an Algonquin Ancestor.

48. Element (d) pertains to the historic record itself as opposed to the person under consideration and that the historic record must be one that is dated on or before December 31, 1921. This confirms that the records on which the Tribunal is to make a determination must be dated on or before December 31, 1921. This does not mean that the Tribunal is prohibited from

considering documents or information that postdate December 31, 1921. However, it suggests that such post December 31, 1921 information should be used to inform the Tribunal's interpretation and understanding of historical documents as opposed to providing a standalone basis for its analysis.

49. Element (e) describes the standard that Tribunal must apply when making its determination. In this regard, the Tribunal must be satisfied that it is "reasonable to conclude". As is readily apparent from the words used, this standard is obviously higher than "possible to conclude" or "may conclude" but is lower than being convinced "beyond all doubt". The "reasonable to conclude" standard requires the Tribunal to conduct a thorough analysis of the evidence and to base its determination on the evidence. The Tribunal confirms that it has reviewed all of the evidence with the standard "reasonable to conclude" in mind.
50. Element (f) is the crux of the matter and requires the Tribunal to assess what the historical document or documents are telling us about the historical person at issue and how that person may have been viewed by others.
51. As with any other element of the definition, the Tribunal assumes that this element of the definition was created in a thoughtful and deliberate manner and was subject to considerable debate and discussion. On that basis, the Tribunal has to be mindful of the specific words used (or not used) in the definition.
52. For example, the use of the phrase "considered to be" indicates that the person identified in the historical document must be "considered" as being Algonquin or Nipissing by someone else. It is not enough for the person to self-identify as Algonquin or Nipissing. Rather, the identification of the historical person as Algonquin or Nipissing must be something that is recognized by others.
53. Also, the Tribunal notes that the past tense is used. This indicates that those who "considered" whether the historical person is Algonquin or Nipissing are the contemporaries of the historical person at issue.
54. As previously stated by the Tribunal, the application of the phrase "considered to be an Algonquin or Nipissing" is a fact driven exercise that requires an attentive examination of the historical documents and the historical context in which they were created. This is a highly

contextual exercise that requires the Tribunal to analyze the evidence on the record before it as it relates to each matter or inquiry. The Tribunal’s task is always to determine whether it is reasonable to conclude that the historical person at issue “was considered to be an Algonquin or Nipissing” on the basis of the historical records.

F. Review of Historical Records Pertaining to Sophie Emelie Jamme dite Carriere (RIN # 11566)

1. Sophie Emelie Jamme dite Carriere (RIN # 11566), her parents and siblings

55. The earliest known document recording information about Sophie Emelie Jamme dite Carriere (RIN # 11566) is her baptismal record. This document indicates that Sophie Emelie Jamme dite Carriere (RIN # 11566) was baptised at St. Eustache’s Church in the County of Deux Montagne on June 2, 1807. She is identified on this record as “Marie Sophie Gammes dit Carriere”. Her parents are identified as Michel Gammes dit Carriere (RIN #55712) and Genevieve Falmard (RIN #55713). Both parents are noted as being of “de cette paroisse” (i.e., “of this parish”).⁵
56. This document does not indicate that the family is Algonquin or Indigenous.
57. The Enrolment Officer has confirmed, and the Tribunal accepts that, the “County of Deux Montagnes” was a large county bordering the north shore of the Ottawa River and Lac des Deux Montagne. This county included the parishes of St. Benoit, St. Scholastique, St. Colomban, St. Augustin, St. Eustache, and the mission of the Lake of Two Mountains (i.e., Oka) as well as parts of St. Jerome and the Township of Morin. The parish of St. Eustache, while close by, is separate and distinct from the mission of the Lake of Two Mountains.⁶
58. Sophie Emelie Jamme dite Carriere (RIN # 11566)’s parents were married on February 10, 1794, at Ste. Genevieve Church in Pierrefonds. The document recording this marriage identifies Michel Gammes dit Carriere (RIN #55712)’s parents as Pierre James dit Carriere (RIN #22690) and Charlotte Brisbois (RIN #31597). Genevieve Falmard (RIN #55713)’s parents are identified as Andre Falmard (RIN #31597) and Marie Mageleine Mare (RIN#

⁵ ALG 40439

⁶ See ALG 40510 which is a map taken from “Google Maps” on which the Enrolment Officer identifies the locations of St. Eustache and Oka.

31598). This document does not indicate that those involved in the wedding were Algonquin or Indigenous.⁷

59. Sophie Emelie Jamme dite Carriere (RIN # 11566) was one of 11 children born to Michel Gammes dit Carriere (RIN #55712) and Genevieve Falmard (RIN #55713). The Enrolment Officer indicates that the known records documenting the births, baptisms, marriages, and deaths of Sophie Emelie Jamme dite Carriere (RIN # 11566)'s siblings predominantly occurred at the parish church of St. Eustache.⁸ The Enrolment Officer provided the documents recording the marriages of 4 of Sophie Emelie Jamme dite Carriere (RIN # 11566)'s siblings, which all occurred at St. Eustache.⁹ These records do not indicate that Sophie Emelie Jamme dite Carriere (RIN # 11566), the named siblings or her parents are Algonquin or Indigenous.
60. Sophie Emelie Jamme dite Carriere (RIN # 11566)'s father, Michel Gammes dit Carriere (RIN #55712), died in 1818 and was buried on November 9, 1818, at St. Eustache Church.¹⁰ Neither he nor the witnesses to his burial were identified as being Algonquin or Indigenous.
61. Sophie Emelie Jamme dite Carriere (RIN # 11566)'s mother, Genevieve Falmard (RIN #55713), remarried in 1821. No one identified in his marriage record was identified as being Indigenous or Algonquin.¹¹ Genevieve Falmard (RIN #55713) was buried on July 5, 1851, at St. Eustache. She was not identified in her burial record as Algonquin or Indigenous.
62. Sophie Emelie Jamme dite Carriere (RIN # 11566) was buried on April 27, 1886, at the Ile du Calumet parish cemetery.¹² This document does not identify her as Algonquin or Indigenous.

⁷ ALG 40440

⁸ ALG 40441 – Note that this is a printout summary from the *Programme de recherche en démographie historique*. The PRDH is a university research program supported by the Social Science and Humanities Research Council of Canada, the Quebec government's Department of Education, and the Université de Montréal. Its purpose is to collect and catalogue parish and civil records beginning from the French colonization of Quebec in the seventeenth century. The Tribunal views summaries from the PRDH as being reliable. Also, much of the information in ALG 40441 has been confirmed by the Enrolment Officer accessing source documents (e.g., the parish records), which are identified and attached to *Document 1 – Enrolment Officer Report Regarding Sophie Emelie Jamme dite Carriere*

⁹ ALG 40491, ALG 40492, ALG 40493 and ALG 40494

¹⁰ ALG 40495

¹¹ ALG 40496 and ALG 40497

¹² ALG 40501

2. Sophie Emelie Jamme dite Carriere (RIN # 11566)'s marriage to Thomas Lagarde dit St. Jean (RIN #11565) and their children

63. Sophie Emelie Jamme dite Carriere (RIN # 11566) and Thomas Lagarde dit St. Jean (RIN #11565) were married on August 20, 1827, at St. Eustache Church.¹³ No one noted on the document recording this marriage is identified as Algonquin or Indigenous.
64. Sophie Emelie Jamme dite Carriere (RIN # 11566) and Thomas Lagarde dit St. Jean (RIN #11565) had ten known children. Nine of their children were baptized at St. Eustache between 1828 and 1842.¹⁴ The last of their children was baptised at the Notre Dame Cathedrale in Ottawa on September 2, 1845.¹⁵ None of these records indicate that those named (whether they be family members, godparents or witnesses) were Algonquin or Indigenous.
65. Sophie Emelie Jamme dite Carriere (RIN #11566)'s daughter, Sophie St. Jean (RIN #11561), married Francois Xavier Turcotte (RIN #11560) on October 5, 1849. This marriage took place at Ile du Grand Calumet, Quebec.¹⁶ None of the people recorded on the marriage record were noted as Algonquin or Indigenous in origin.
66. The Lagarde family is recorded on the 1851 census as living in the Litchfield, Pontiac, area near Ile du Grand Calumet. The family is noted as French Canadian in origin.¹⁷
67. Sophie Emelie Jamme dite Carriere (RIN # 11566) was enumerated on the 1871 census as living in Clarendon Township, South Pontiac, with her son Jules and next door to her son Maxime. Both households are enumerated as French in origin and born in Quebec.¹⁸
68. At pages 8 to 12 of *Document 1 – Enrolment Officer Report Regarding Sophie Emelie Jamme dite Carriere*, the Enrolment Officer reviews and describes the records pertaining to the marriages of Sophie Emelie Jamme dite Carriere (RIN #11566)'s children that occurred between 1853 and 1870 and also review available death and burial records. The Tribunal has reviewed the Enrolment Officer's report and the associated documents appended to her report.

¹³ ALG 11688

¹⁴ ALG 40275, ALG 40276, ALG 40277, ALG 40278, ALG 40279, ALG 40280, ALG 40281 and ALG 40371

¹⁵ ALG 40375 and ALG 40376

¹⁶ ALG 40378

¹⁷ ALG 40379

¹⁸ ALG 40399

69. The Enrolment Officer also conducted a review of census records for Sophie Emelie Jamme dite Carriere (RIN # 11566) known children. The Tribunal has reviewed the Enrolment Officer's summary of this review on page 13 of *Document 1 – Enrolment Officer Report Regarding Sophie Emelie Jamme dite Carriere* and the associated census records appended to her report.
70. After carefully reviewing the documents, the Tribunal agrees with the Enrolment Officer's statement that:

None of the documents located for Sophie Emilie Jamme dite Carrière, including her baptism, marriage, baptisms of her children, or census records, identified her or her immediate family members as being Indigenous nor Algonquin in origin.

3. Genealogical Profile for Sophie Emelie Jamme dite Carriere (RIN #11566)

71. The Enrolment Officer prepared a genealogical profile for Sophie Emelie Jamme dite Carriere (RIN #11566) tracing her ancestors through her paternal and maternal lines. The genealogy for Sophie Emelie Jamme dite Carriere (RIN #11566)'s paternal and maternal lines are set out in *Document 1 – Enrolment Officer Report Regarding Sophie Emelie Jamme dite Carriere* and the historical documents attached thereto.¹⁹
72. This profile was based on information from *Programme de recherche en démographie historique* in conjunction with marriage records. Through this research, the Enrolment Officer traced six generations of Sophie Emelie Jamme dite Carriere (RIN # 11566)'s ancestors.
73. Of the 70 individuals that were analyzed, the Enrolment Officer traced all but two couples back to France. As set out in her report, the available records associated with those couples do not suggest any Algonquin or Indigenous ancestry as one couple is noted as living in Virginia and the other is noted as being from France.²⁰
74. While those in support maintain that Sophie Emelie Jamme dite Carriere (RIN #11566) is of Algonquin ancestry they did not provide any material information that would cause the

¹⁹ See page 17 of *Document 1 – Enrolment Officer Report Regarding Sophie Emelie Jamme dite Carriere* for the Enrolment Officer's review of Sophie Emelie Jamme dite Carriere (RIN # 11566)'s paternal line and page 18 for the Enrolment Officer's review of his maternal line.

²⁰ See page 10 and 11 of *Document 1 – Enrolment Officer Report Regarding Sophie Emelie Jamme dite Carriere* and ALG 40487 and ALG 40489

Tribunal to question the genealogical profile provided by the Enrolment Officer in *Document 1 – Enrolment Officer Report Regarding Sophie Emelie Jamme dite Carriere*.

G. Submissions by Those in Support

75. In their written submissions, those in support of Sophie Emelie Jamme dite Carriere (RIN #11566) described:
- a) their long standing family connections to areas around Pembroke, Petawawa, and Mattawa (in particular to Black Bay);
 - b) their way of life and that of their ancestors, including hunting, trapping, fishing, guiding (such as that done by Emmett Chartrand), living in the bush, and their knowledge of traditional medicines (which knowledge is carried, shared, and practiced by Jane Lagassie);
 - c) the history of the Carriere Family;
 - d) the marriage contract between Josephte Carriere and Jean Baptiste Daragon;
 - e) the Brunet Letter (Note that this document purportedly states that Thomas Lagarde dit St. Jean (RIN #11565) is descended from Algonquins. The Tribunal acknowledges that Thomas Lagarde dit St. Jean (RIN #11565) and Sophie Emelie Jamme dite Carriere (RIN #11566) were married. A document independently describing one spouse as Algonquin does not confirm the ancestry of the other spouse, although it can be a contextual factor. In any event, the Tribunal did not attach any weight to this letter for the reasons explained in its decision regarding Thomas Lagarde dit St. Jean (RIN #11565).
 - f) their position that the ancestor known as Sophie Emelie Jamme dite Carriere (RIN #11566) is really another person named “Marie Emilie”;
 - g) the hardships that they themselves and their ancestors experienced living in the area, including displacement and marginalization;
 - h) the history of social interaction and friendship with Algonquins;
 - i) their families and ancestors by way of photos;
 - j) the stone medicine wheel located on Joe Lagarde’s land; and
 - k) general historical information regarding voyageurs.

76. The submission by those in support included family histories in which grandparents spoke of their Algonquin or Indigenous roots and connections. Those in support also outlined the Indigenous ancestry of certain non-lineal ancestors.
77. Those in support submitted that “Algonquin History was mainly based on Oral History not written documented history.” Those in support also submitted that, to the extent that some history may have been documented in church records, many churches have burnt down, and the records were lost.
78. Those in support expressed concern that their family line is being judged in a negative light in the media and on social media.

H. Reasons for Decision

1. Introduction

79. As noted above, the Tribunal has concluded that Sophie Emelie Jamme dite Carriere (RIN #11566) is not 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 she was considered to be an Algonquin or Nipissing, or a sibling of such a person.
80. The Tribunal has come to this conclusion for the following reasons.

2. Genealogy and Family Records

81. As demonstrated by the genealogical profile provided by the Enrolment Officer, Sophie Emelie Jamme dite Carriere (RIN #11566)’s ancestors (with the exception of two couples) trace back to France. Also, documents relating to the two couples that were not traced back to France suggest that they were from Virginia or France. In any event, none of the records provide any indication that Sophie Emelie Jamme dite Carriere (RIN #11566) is descended from an Algonquin or Indigenous person.
82. This genealogical profile was not seriously disputed by those in support of Sophie Emelie Jamme dite Carriere (RIN #11566) remaining on the Schedule of Algonquin Ancestors. Indeed, the Carriere Family profile provided in *Document 4.4 – Initial Submission by D. Chaput and C. Mielke* indicates that various of Sophie Emelie Jamme dite Carriere (RIN #11566)’s ancestors came from France. Also, it is these French ancestors who were apparently captured by the Iroquois in 1689 and those ancestors were not Algonquin as was suggested at the hearing.

83. It is difficult to see how a historical person whose ancestors trace their roots back to France could be considered an “Algonquin Ancestor” as that term is described in the Proposed Beneficiary Criteria.
84. Also, apart from the genealogy, none of the documents recording life events: a) identify Sophie Emelie Jamme dite Carriere (RIN #11566), her ancestors or her children as Algonquin or Indigenous; or b) indicate that Sophie Emelie Jamme dite Carriere (RIN #11566) and her family members were witnesses or participants in the life events of Algonquins or vice-versa.
85. The Tribunal understands that those in support claim that the ancestor who is the subject of this inquiry is not the person identified as Sophie Emelie Jamme dite Carriere (RIN #11566) whose full genealogy is described above. Rather, those in support contend that Sophie Emelie Jamme dite Carriere (RIN #11566) is a woman named “Marie Emilie, who is alleged to be the daughter of Michael Carriere and a woman named Marie Magdeleine Catherine dite (Norgeil or Longeil). This argument is based on an unverified document that is included in *Document 4.9 – Initial Submission by D. Chaput and C. Mielke*. Those in support contend that this document describes Michael Carriere as a voyageur and an Algonquin who is from Lac de Deux Montagne.
86. The Tribunal does not accept this argument.
87. There is no reason to doubt that Sophie Emelie Jamme dite Carriere (RIN # 11566)’s parents are Michel Gammes dit Carriere (RIN #55712) and Genevieve Falmard (RIN #55713). Her parents are recorded as such in the document recording her baptism at St. Eustache’s Church in the County of Deux Montange on June 2, 1807,²¹ and on the document recording her marriage on August 20, 1827, at St. Eustache Church.²²
88. The Tribunal recognizes that Sophie Emelie Jamme dite Carriere (RIN #11566) is identified as “Marie Sophie Gammes die Carriere” in the document recording her baptism at St. Eustache on June 2, 1807. However, that does not provide a basis to reject that record in favour of a photocopy of an unverified document. Those in support have not provided any basis on which the Tribunal could reasonably concluded, or even speculate, that the “Marie Emilie” identified

²¹ ALG 40439

²² ALG 11688

in the photocopy of an unverified document is Sophie Emelie Jamme dite Carriere (RIN # 11566).

89. The Tribunal also shares the concerns expressed by the Enrolment Officer regarding this document.²³
90. On July 20, 2023, the Tribunal received an additional submission from Connie Mielke and Denise Chaput. This submission was with respect to Marie Madeline Marier's first husband, who is claimed to be Thomas Dicaire. The Tribunal finds that information pertaining to Thomas Dicaire is not relevant as he is not related to Sophie Emelie Jamme dite Carriere (RIN #11566). Michel Bisailon (1712-1749). This submission also comments on the potential "lateral connection" between Marie Anne Bizelan (RIN #31639) and a person named Michel Bisailon (1712-1749). This alleged connection does not provide a basis on which the Tribunal could conclude that Sophie Emelie Jamme dite Carriere (RIN # 11566) is identified in such a way so as to reasonably conclude that she was considered to be an Algonquin.

3. Other evidence

91. Recognizing that the term "Algonquin Ancestor" is nuanced and multifaceted, the Tribunal has also considered whether there are other grounds on which Sophie Emelie Jamme dite Carriere (RIN #11566) might have been considered to be "Algonquin".

(i) Marriage Contract

92. Those in support rely on a marriage contract between Joseph James dite Carriere (RIN #11566) and Jean Baptiste Daragon dit Lafrance. Joseph James dite Carriere (RIN #31676) is Sophie Emelie Jamme dite Carriere (RIN #11566)'s sister.
93. This document is identified as ALG 40504 and is included in *Document 1 – Enrolment Officer Report Regarding Sophie Emelie Jamme dite Carriere*. The Enrolment Officer has confirmed that this document is archived at the Notarial Acts of Terrebonne, Quebec.
94. The marriage contract lists various items and assigns a monetary value to them. Those in support interpret the document as listing a number of allegedly Indigenous items, including a bed of cattails, a headdress, an Indian dress, a pair of shoes made of leather-animal-skin, an

²³ See page 15 of *Document 8 – Enrolment Officer's Response to initial submissions 2 & 4 re #11566*

Indian coat, 2 headpieces or hats made of skunk-aux coefs de mouffete, an Indian shawl and something made of alder trees.²⁴

95. The Enrolment Officer disagrees that all of these items should be considered Indigenous. More specifically, the Enrolment Officer states that the reference to “indien/indienne” in relation to clothing is likely referring to items made from cotton from India. In support of her argument, the Enrolment Officer states that the term “indien/indienne” was not commonly used in French in that period to mean Indigenous. Instead, the term “sauvage” would be used. Those in support disagree with the Enrolment Officer’s position and submit that in other places, the document specifically refers to “cotton” as opposed to “indien/indienne”.
96. The marriage contract is a contract that was drafted by a notary. The contract provides an inventory of items with reference to the materials from which the items were fabricated (e.g., iron chest, animal skin shoes, wool hat, wool shirt). In that context, it is more likely that the reference to “indien/indienne” is a reference to the material from which those items were fabricated so as to justify the valuation or so that the articles can be identified at a later time.
97. In addition, the document was created by a notary as part of a French civil law process. It was not documenting some ceremonial or traditional process that could be characterized as Algonquin or Indigenous. Indeed, when questioned by the Tribunal whether “marriage contracts” were used in the Algonquin community, the Enrolment Officer indicated that they were associated with French people and that she had not come across a marriage contract for known Indigenous or Algonquin people.
98. The Tribunal does not find that items fabricated from animal skin or natural materials (such as wood) are exclusively indicative of Algonquin or Indigenous culture in this context. All cultures in Canada, particularly at that time, would have had items made from such materials.
99. Also, the Tribunal is not prepared to accept that references to “coife” are references to traditional Indigenous ceremonial headdresses. There is no basis for the Tribunal to make such an inference from the available information or the context of this document.
100. Even if the Tribunal were to give those in support the benefit of the doubt and were to assume that the items specifically identified as “indien/indienne” such as the dress by those in support

²⁴ See pages 6 and 7 of *Document 4.5 – Initial Submission by D. Chaput and C. Mielke*

were Indigenous, there is no basis to suppose that they are specifically Algonquin or that their listing in a marriage contract would confer Algonquin or Indigenous ancestry on Josephte James dite Carriere (RIN #31676) or that she “was considered to be an Algonquin”.

101. Further, this document needs to be understood and interpreted in light of the fact that Josephte James dite Carriere (RIN #31676)’s ancestors, like those of her sister, Sophie Emelie Jamme dite Carriere (RIN #11566), almost exclusively trace back to France and, in any event, do not demonstrate any Algonquin or Indigenous ancestry.
102. Those in support seem to argue on the basis of the rhetorical question, how would Josephte James dite Carriere (RIN #31676) be in possession of such a collection apparently Indigenous items if she were not herself Indigenous? The Tribunal is of the view that it is much more plausible to conclude that, in light the lack of any other known connection to Indigenous culture or ancestry, the items are not “Indigenous” in nature but are being described on the basis of the material from which they were fabricated.
103. Even if the items are considered as being Indigenous, there is no basis to assume that they are specifically Algonquin, as opposed to another Indigenous group that was in the Montreal, Great Lakes or St. Lawrence area at the time.

(ii) Information pertaining to descendants of Sophie Emelie Jamme dite Carriere (RIN #11566)

104. The Tribunal notes that its inquiry is focused on the subject ancestor at issue and not other people. As set out above, an “Algonquin Ancestor” must be a specific historical person.
105. A determination of Algonquin ancestry does not run from the present day back in time whereby the attributes or lifestyle of present day people or their intermediary ancestors are assigned to some historical person. Rather, it runs forward in time from the historical person who is the “Algonquin Ancestor”, and it is that historical person who must be considered an Algonquin or Nipissing. The descendants benefit from the legacy of their ancestors, not the other way around. The object of the analysis is the subject ancestor; also recognizing that information pertaining to the subject ancestor’s parents, children and siblings may inform the analysis.
106. As such, the information regarding the lifestyle and experiences of present day people and their immediate ancestors (parents or grandparents) do not, on their own, provide a basis on which

the Tribunal may properly infer that the subject ancestor (in this case Sophie Emelie Jamme dite Carriere (RIN #11566)) was considered Algonquin by her contemporaries.

107. Also, the oral history presented is of a general nature and is not specific to Sophie Emelie Jamme dite Carriere (RIN #11566).

108. When assessing oral history, the Tribunal must be cognizant of the guidance set out in Article 8 of the Special Resolution, which provides that:

When the Tribunal is asked to consider the probative value of evidence presented as Oral History, the Tribunal shall assess whether the Oral History is reliable and what weight is properly assigned to such Oral History by considering all the circumstances relevant to the Oral History and the matter that is sought to be proven by the Oral History, including:

a) the original source of the Oral History;

b) how the Oral History has been recorded and transmitted to others over time;

c) whether the person presenting the Oral History is a reasonably reliable source for the Oral History;

d) the degree to which the Oral History is known to members of the Algonquin Collective from which the Oral History is said to originate or otherwise relates; and

e) the degree to which the Oral History is corroborated by or consistent with other evidence that is available to the Tribunal

109. The present case is not a situation where the only evidence on the Tribunal's record is the claimed oral history and an apparent collective understanding of Indigenous ancestry amongst the descendants of Sophie Emelie Jamme dite Carriere (RIN #11566). In the present case, the ancestor who is the subject of inquiry is not known to be a descendant of an Algonquin or Indigenous person but is confirmed as a descendant of people who almost exclusively trace their ancestry back to France and, in any event, do not display any Algonquin or Indigenous ancestry.

110. The Tribunal does not question the fact that those who made presentations were told by parents or grandparents that they had Indigenous roots. However, the claimed oral history cannot be attributed to (or otherwise attached to) Sophie Emelie Jamme dite Carriere (RIN #11566) so as to provide a basis on which the Tribunal could reasonably conclude that Sophie Emelie Jamme dite Carriere (RIN #11566) was considered to be Algonquin or Nipissing.

111. For example, neither the Family History Submitted by Ronald Romain Sr.,²⁵ nor the History told by Geoff Soulliere,²⁶ demonstrate that Sophie Emelie Jamme dite Carriere (RIN #11566) was considered to be an Algonquin. Also, the Tribunal cannot reasonably conclude that Sophie Emelie Jamme dite Carriere (RIN #11566) was considered Algonquin based on the life and experiences of Emmett Chartrand, who worked as a trapper and guide.
112. Furthermore, it is not clear how the Tribunal could reasonably infer that Sophie Emelie Jamme dite Carriere (RIN #11566) was considered to be Algonquin on the basis of stone monuments, maps, the physical features of her descendants and other general information. Even if the Tribunal were to accept that such information provides an indication of being Indigenous or even Algonquin, it is difficult to see how such considerations could be specifically attributed to Sophie Emelie Jamme dite Carriere (RIN #11566).
113. The Tribunal recognizes that those in support have alleged that Indigenous people are not always well documented and that records could have been lost due to fires, floods and other such circumstances. The Tribunal cannot confirm that all documents pertaining to Sophie Emelie Jamme dite Carriere (RIN #11566) are on its record. However, it is clear that records pertaining to Sophie Emelie Jamme dite Carriere (RIN #11566) and her family are available. The Tribunal cannot make a determination on the theory that records pertaining to Sophie Emelie Jamme dite Carriere (RIN #11566) have been destroyed or lost and that those records would have provided a basis for the Tribunal to reasonably conclude that Sophie Emelie Jamme dite Carriere (RIN #11566) was considered to be an Algonquin. This would be pure speculation that runs counter to the available information.

I. Consideration of Chadwick Decision

114. The Tribunal is aware that the Honourable James B. Chadwick, a retired Justice of the Ontario Superior Court of Justice, heard an application to add Sophie Emelie Jamme dite Carriere (RIN #11566) to the Preliminary List of Algonquin Ancestors. This application was made and determined pursuant to the provisions of the Preliminary Draft Agreement-in-Principle.
115. In a decision dated May 1, 2013, Justice Chadwick decided that:

²⁵Page 12 of PDF of *Document 2 – Initial Submissions made by L. Clouthier on behalf of Lagarde_Carriere line*

²⁶Page 32 of PDF of *Document 2 – Initial Submissions made by L. Clouthier on behalf of Lagarde_Carriere line*

When one considers the historical documents, in particular the marriage contract between Emilie Carriere's sister, Josephte, and the geographic location of the family, along with the oral history, I am satisfied that the applicants have met the onus upon them and have established that Emilie Carrier is an aboriginal of Algonquin heritage.

116. The Tribunal has attentively reviewed Justice Chadwick's decision.
117. The Tribunal is not obligated or bound to adhere to Justice Chadwick's decision.
118. In this regard, the Tribunal notes that its jurisdiction and authority is determined by the Special Resolution.
119. Article 77 of the Special Resolution provides 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.
120. Justice Chadwick's decision is a decision made by another decision-making body and falls within Article 77 of the Special Resolution.
121. The Tribunal members have great respect for those who have participated in the difficult task of making decisions regarding enrolment and the identification of Algonquin Ancestors, including Justice Chadwick. However, the Tribunal must make decisions based on the evidence before it and in accordance with the requirements of the Special Resolution and the criteria set out in the definition of "Algonquin Ancestor".
122. As set out above, the evidence before the Tribunal does not provide a sufficient basis on which to reasonably conclude that Sophie Emelie Jamme dite Carriere (RIN #11566) meets the criteria set out in the definition of Algonquin Ancestor. In particular, her genealogy traces her roots almost exclusively back to France and provides no indication of Indigenous or Algonquin ancestry. Also, there is a lack of documentation showing her connection to Algonquins, such as being a witness to life events for Algonquins or having them be a witness of her (or her family's) life events.
123. The Tribunal disagrees with Justice Chadwick's interpretation of the marriage contract pertaining to Sophie Emelie Jamme dite Carriere (RIN #11566)'s sister. This is a legal document made with a view to the civil code that describes property owned by the bride. The Tribunal does not understand how owning items labeled as "indien/indienne" that are described in this manner confers Indigenous ancestry on a person whose genealogy does not.

124. Also, the Tribunal does not find that the family's location is informative in this case. The Tribunal has been called upon to assess or consider Indigenous identity on the basis of where people lived. However, such analysis was undertaken when it is evident that the person being examined was Indigenous, such as a child being born in northern Ontario where there were only Indigenous woman or women of mixed Indigenous and European Ancestry.
125. Sophie Emelie Jamme dite Carriere (RIN #11566) lived with her natal family, and then with her husband and children, in and around the greater Montreal area from 1807 until approximately 1843, and specifically lived in St. Eustache. During that time, every person in or around the greater Montreal area, including those at St. Eustache, lived in proximity to an Indigenous population.
126. As noted above, the Tribunal has considered the oral history presented by those in support during the course of its inquiry. That oral history cannot be used to attribute Algonquin ancestry to Sophie Emelie Jamme dite Carriere (RIN #11566) as it is general in nature and does not provide a basis on which to conclude that Sophie Emelie Jamme dite Carriere (RIN #11566) was considered to be Algonquin by her contemporaries.
127. As a final comment, the Tribunal recognizes that Justice Chadwick is a well respected and accomplished arbitrator and judge. However, Justice Chadwick's decision was not a "legal" decision that was based on his understanding and application of the statutory, regulatory, or common law that apply in Ontario or Canada. Rather, it was a factual decision based on his understanding and appreciation of the facts on the record before him (which is different from the record before this Tribunal). Justice Chadwick holds no particular expertise in matters that pertain to Algonquin enrolment or ethno-historical issues that pertain to the Algonquin Nation. This Tribunal is in an equal, if not better, position to assess the facts associated with this matter.
128. Furthermore, it appears to the Tribunal that the record before Justice Chadwick was quite different from the records before this Tribunal.

J. The connection that individuals have with Algonquin culture and ways

129. Those in support described their connection with Algonquin culture and ways and how being identified as part of the Algonquin community is important to them.

130. The Tribunal accepts these statements as genuine. The Tribunal also accepts that those who were enrolled on the basis of being a lineal descendant of Sophie Emelie Jamme dite Carriere (RIN #11566) did so in good faith.
131. The Tribunal recognizes that its determination may result in individuals being removed from the Enrolment List. This is the reality of the Tribunal's inquiry process and the fact that this process is being undertaken to ensure that beneficiaries to the treaty being negotiated with the Governments of Ontario and Canada are Aboriginal rights-bearing Algonquins.
132. However, the Tribunal notes that its determination is only with respect to Sophie Emelie Jamme dite Carriere (RIN #11566). It is possible that those who rely on Sophie Emelie Jamme dite Carriere (RIN #11566) may have an alternative Algonquin Ancestor or may be a descendant of another historical person who may qualify as an Algonquin Ancestor. These are considerations for those affected by this decision to explore and research. The Tribunal's present ruling does not preclude Algonquin (or Indigenous) ancestry by some other historical person.

K. Conclusion

133. The Tribunal has unanimously determined that Sophie Emelie Jamme dite Carriere (RIN #11566) is not 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 she was considered to be an Algonquin or Nipissing, or a sibling of such a person.
134. Pursuant to Article 100 of the Special Resolution, 124. Sophie Emelie Jamme dite Carriere (RIN #11566) will be removed from the Schedule of Algonquin Ancestors.
135. Pursuant to Article 103 of the Special Resolution, the Enrolment Officer will undertake a review of the Enrolment List to identify those individuals who no longer meet Article 2.1(b)(ii) of the Enrolment Criteria and remove the names of those individuals from the Enrolment List. The Enrolment Officer will also provide the names of those individuals to the Tribunal Chairperson who will notify those individuals that they are no longer Enrolled.

TO: Joan Holmes (Enrolment Officer)
Lynn Clouthier
Veldon Coburn

Connie Mielke
Denise Chaput
Chief Wendy Jocko
Chief Greg Sarazin
Dr. Daryll Leroux on behalf of AOPFN Chief and
Council
L. Bertrand
Pam Vanstradden
Angelina Commanda
Hazel Turcotte

AND TO: Algonquin Negotiation Representatives

AND TO: Enrolment Officer

AND TO: Algonquins of Ontario Consultation Office (for public
posting)

ADDENDUM

1. In an effort to increase the transparency of the Tribunal's process and to hold true to the teachings of the Seven Grandfathers, the Tribunal takes this opportunity to explain how it handled the unexpected and concerning incident that occurred at the June 19, 2023, hearing regarding Thomas Lagarde Thomas Lagarde dit St. Jean (RIN #11565) and how that incident relates to this inquiry.
2. On the basis of the information that is available to the Tribunal, the Tribunal understands the facts relevant to this incident to be as follows:
 - a) During the course of her presentation in support of keeping Thomas Lagarde dit St. Jean (RIN #11565) on the Schedule of Algonquin Ancestors, Connie Mielke made statements that were highly critical of Dr. Daryll Leroux and impugned his professionalism and motivations. Despite being cautioned by the Advisory Member that such comments are not relevant to the issue of at hand, Ms. Mielke persisted indicating that this is her time to speak.
 - b) Dr. Leroux attended the hearing as a representative of Chief and Council of the AOPFN and was unsettled by Ms. Mielke's comments.
 - c) During a break in the Tribunal's hearing, an incident occurred whereby attendees in support of keeping Thomas Lagarde dit St. Jean (RIN #11565) on the Schedule of Algonquin Ancestors directed chatter and perhaps specific comments at Dr. Leroux. While accounts are not clear, this interaction appears to have culminated in Dr. Leroux being bumped by a person attending the hearing in support of keeping Thomas Lagarde dit St. Jean (RIN #11565) on the Schedule of Algonquin Ancestors.
 - d) Dr. Leroux left the hearing indicating that he had been assaulted and did not feel safe.
 - e) Within minutes of Dr. Leroux leaving the hearing, the Tribunal received comments through the chat function on its electronic video conferencing platform that Dr. Leroux had been assaulted.
3. The next day a representative of AOPFN Chief and Council attended the hearing for Sophie Emilie Jamme dite Carriere (RIN #11566) and expressed their concern regarding reports of Dr.

Leroux being assaulted and that it is wholly inappropriate for anyone to be treated in such a manner. AOPFN Chief and Council asked to receive a report from the Tribunal regarding the events that transpired at the June 19th hearing.

4. In the course of reporting on this matter, Member Jan Leroux and Member Andre Carle discussed the events of June 19th hearing as they pertain to the incident involving Dr. Leroux with representatives of AOPFN Chief and Council and also outlined the Tribunal's established procedure at hearings. They did not discuss other aspects of the inquiry or any other Tribunal business.
5. Also, the Advisory Member spoke with the AOPFN's legal counsel with a view to addressing any concerns that the AOPFN Chief and Council may have as it relates to the incident involving Dr. Leroux.
6. Ultimately, AOPFN Chief and Council indicated that they were disappointed with the incident and also indicated that the Tribunal should provide an opportunity for Dr. Leroux to make responding submissions in respect of both the inquiry into Thomas Lagarde dit St. Jean (RIN #11565) and the inquiry into Sophie Emilie Jamme dite Carriere (RIN #11566). Dr. Leroux did not attend the hearing regarding Sophie Emilie Jamme dite Carriere (RIN #11566) on June 20th due to his treatment the day before.
7. The Tribunal held a hearing on July 6, 2023 via electronic video conference, as noted above.
8. Between the time when AOPFN Chief and Council indicated their concerns regarding the incident and when the Tribunal concluded its hearing and retired to deliberate on this matter, Member Jan Leroux and Member Andre Carle did not speak to the other panel members regarding the Tribunal's proceedings.
9. When the Tribunal commenced its deliberations of this matter, the Chairperson first called upon Members Deroneth, McLaren and Tinney to provide their views and then expressed her own views regarding the outcome of this inquiry. These members were unanimous in their conclusion that Sophie Emilie Jamme dite Carriere (RIN #11566) is not properly considered an Algonquin Ancestor on the basis of the evidence before the Tribunal and for the reasons described above. The Chairperson then called upon Member Andre Carle to provide his views. Member Andre Carle agreed with the conclusion reached by the other members. The

Chairperson and Members Deroneth, McLaren and Tinney confirm that they came to their decisions on their own and independently from any other members.

Deborah Moore (Chairperson)
Andre Carle
Connie Deroneth
Robin McLaren
Robin Tinney