

## **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 persons known as Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196)**

### **DETERMINATION AND REASONS FOR DETERMINATION REGARDING THE ALGONQUIN TRIBUNAL'S INQUIRY INTO FREDERICK FERRIS (RIN #5208) AND WALTER FERRIS (RIN #2196)**

Hearing Date:	May 12, 2023, Pembroke, Ontario
Date of Determination and Reasons:	August 4, 2023
Hearing Panel:	Ralph Lance (Chairperson), Andre Carle, Shelley Holmberg, Robin McLaren, and Robin Tinney
Legal counsel:	Ben Mills (Advisory Member) Angel Li
Persons filing written submissions:	Joan Holmes (Enrolment Officer) F. Van der Horn Veldon Coburn Chief Wendy Jocko Chief Greg Sarazin Chief Clifford Bastien B. Hewer
Persons making presentations at hearing:	Joan Holmes (Enrolment Officer) Chief Clifford Bastien

## **ALGONQUIN TRIBUNAL’S DETERMINATION REGARDING THE INQUIRY INTO FREDERICK FERRIS (RIN #5208) AND WALTER FERRIS (RIN #2196)**

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 Frederick Ferris (RIN #5208) and/or Walter Ferris (RIN #2196) 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 either or both of them were 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 determined that Frederick Ferris (RIN #5208) 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 he was considered to be an Algonquin or Nipissing, or a sibling of such a person.

Further to its inquiry, the Algonquin Tribunal has determined that Walter Ferris (RIN #2196) 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 he 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 Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196) be removed from the Schedule of Algonquin Ancestors.

Ralph Lance (Chairperson)  
Andre Carle,  
Shelley Holmberg  
Robin McLaren  
Robin Tinney

## **REASONS FOR DETERMINATION**

### **REASONS DELIVERED BY:**

**Lance (Chairperson), Carle, Holmberg,  
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**”).<sup>1</sup>
4. Included amongst the fourteen historic persons referred to the Tribunal for inquiry were Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196).<sup>2</sup> Frederick Ferris (RIN #5208) is the father of Walter Ferris (RIN #2196).

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<sup>1</sup> 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).

<sup>2</sup> 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.

5. The ANRs referral of Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196) (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 Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196) are 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 Frederick Ferris (RIN #5208) and/or Walter Ferris (RIN #2196), as the case may be, would remain on the Schedule of Algonquin Ancestors.
8. If the Tribunal determines that Frederick Ferris (RIN #5208) and/or Walter Ferris (RIN #2196) does not meet the above noted criteria, then Frederick Ferris (RIN #5208) and/or Walter Ferris (RIN #2196), as the case may be, 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 one or both of them 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 because 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 updates. 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 Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196), the following documents were filed with the Tribunal and made available on its website:
  - Document 1 – Enrolment Officer Report Regarding Frederick and Walter Ferris & Appendices
  - Document 2 – Initial Submission made by F. Van der Horn

- Document 3 – Enrolment Officers Reply to Initial Submissions Regarding Frederick and Walter Ferris
- Document 4 – Submission by V. Coburn regarding Frederick and Walter Ferris
- Document 5 – Submission by Chief W. Jocko on behalf of her community
- Document 6 – Enrolment Officers Reply to responding submission re #5208 #2196
- Document 7 – Reply Submission by Chief G. Sarazin on behalf of his community
- Document 8 – Reply Submission by Chief C. Bastien on behalf of his community
- Document 9 – Enrolment Officer’s Reply to submissions 5 & 7 re 5208 & 2196
- Document 10 – Enrolment Officer’s Reply to submission 8 re 5208 & 2196
- Document 11 – Submission by Chief C. Bastien on behalf of his community
- Document 12 – Submission by B. Hewer
- Document 13 – Enrolment Officer’s Reply to submissions 11-12 re 5208 and 2196
- Document 14 – Enrolment Officer’s Supplement Presentation for Frederick Ferris and Walter Ferris<sup>3</sup>
- Document 15 – Supplement to Oral Submission from Chief C. Bastien<sup>4</sup>
- Document 16 – Enrolment Officer’s Reply to Tribunal submission re 5208 2196<sup>5</sup>
- Document 17 - Report Regarding Ancestors Frederick and Walter Ferris (RIN #5208 & #2196) dated July 6, 2023<sup>6</sup>

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<sup>3</sup> At the hearing, the Enrolment Officer made a presentation that was similar to *Document 14 – Enrolment Officer’s Supplement Presentation for Frederick Ferris and Walter Ferris*. However, that presentation included some minor typographic and editorial errors that have been corrected Document 14.

<sup>4</sup> *Document 15 – Supplement to Oral Submission from Chief C. Bastien* was submitted after the hearing in support of submissions made by Chief Bastien at the hearing in response to questions from the Tribunal.

<sup>5</sup> *Document 16 – Enrolment Officer’s Reply to Tribunal submission re 5208 2196* was submitted so as to confirm and verify the information provided by Chief Bastien in *Document 15*.

<sup>6</sup> *Document 17 - Report Regarding Ancestors Frederick and Walter Ferris (RIN #5208 & #2196) dated July 6, 2023* was presented to the Tribunal by the Enrolment Officer in light of the public release of the 1931 Census by Library and Archives Canada, which occurred shortly after the May 12<sup>th</sup> hearing.

19. The Tribunal members attentively reviewed Documents 1 to 13 in preparation for the hearing. The Tribunal re-reviewed those materials, as well as the other documents filed at or subsequent to the hearing, 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 Documents 1 to 16 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 May 12, 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 from the Tribunal.
23. The hearing was open to all interested parties.
24. Approximately 3 to 4 people attended in person. No one 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.<sup>7</sup>
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 (which are now posted on the Tribunal's website as *Document 14 – Enrolment Officer's Supplement Presentation for Frederick Ferris and Walter Ferris*). The Enrolment Officer answered questions from the panel and from those in attendance and spoke in response to submissions and comments made by others.

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<sup>7</sup> 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 such a way so as to reduce the potential for conflicts of interest. No objections were made regarding the composition of the panel.



28. Chief Clifford Bastien made submissions in support of keeping both Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196) on the Schedule of Algonquin Ancestors.
29. Various questions and comments were directed to the Enrolment Officer, which were discussed and answered.
30. The hearing concluded with the Tribunal indicating that it was reserving its decision so as to deliberate on this important matter and to review the written submissions again in light of the oral submissions presented at the hearing. The hearing ended with a closing prayer.

**D. The Tribunal's Determination**

31. All members of the Tribunal recognize and agree that Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196) were both Indigenous people and, hence, his descendants are of Indigenous ancestry.
32. The majority of Tribunal members (being three members) has determined on the basis of the record before the Tribunal that neither Frederick Ferris (RIN #5208) nor Walter Ferris (RIN #2196) 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 they were considered to be Algonquin or Nipissing; nor a sibling of such a person.
33. One Tribunal member agrees, on the basis of the record before the Tribunal, that Frederick Ferris (RIN #5208) 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 he was considered to be an Algonquin or Nipissing. However, this member's reasons are different from the reasons provided by the Majority.
34. Another member of the Tribunal has determined on the basis of the record before the Tribunal that Frederick Ferris (RIN #5208) 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.
35. The minority of Tribunal members (being two members) has determined on the basis of the record before the Tribunal that Walter Ferris (RIN #2196) 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.

36. As a result, both Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196) will be removed from the Schedule of Algonquin Ancestors because a majority of Tribunal members have concluded that they are not properly considered “Algonquin Ancestors” as that term is defined in the Proposed Beneficiary Criteria.
37. In coming to its determination, all members of the Tribunal had reference to all the information before the Tribunal and to the submissions made at the hearing. The Tribunal sincerely thanks all parties for their thoughtful submissions.
38. This matter was subject to meaningful discussion and deliberation amongst Tribunal members.
39. The reasons for the Tribunal’s majority decision and the reasons for the minority decision are set out below.

**E. Definition of Algonquin Ancestor**

40. All members of the Tribunal agree that the starting point of the Tribunal’s analysis is the definition of “Algonquin Ancestor”.
41. 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.
42. 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.

43. In this inquiry, the Tribunal was focused on Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196) and considered historical records pertaining to them. 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 ancestors. This was done to determine what those records might say about Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196) and whether they are properly considered Algonquin Ancestors.
44. 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.
45. 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.
46. 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.
47. 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.

48. 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.
49. The Tribunal also 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.
50. In addition, as the Tribunal held in the inquiries regarding François Kawitadijik (RIN# 6869) and Louis Michiminanakwakwe (RIN #7619), the definition does not state that the person must be identified as being “born” Algonquin or Nipissing or that being identified as originating from another Indigenous nation in one or more documents would absolutely disqualify a historical person from being “considered Algonquin or Nipissing” regardless of what other historical documents might indicate.
51. As the Tribunal previously stated, the application of the phrase “was 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 Frederick Ferris (RIN #5208)**

52. Very little is known about Frederick Ferris (RIN #5208)’s early life.
53. The earliest known document identifying Frederick Ferris (RIN #5208) is his marriage to Nancy Good on July 8, 1833. This document indicates that the wedding was officiated by J. McTavis, who was the Chief Factor of the Hudson’s Bay Company (“**HBC**”) post at Moose

Factory. This document has not been verified but reportedly came from the HBC Archives from Moose Factory.<sup>8</sup>

54. A document recording the baptism of Frederick Ferris (RIN #5208) and Nancy Good's children indicates that: a) Charlotte was born on June 17, 1834, at Matawakamaw Lake; b) Hugh Richard was born on May 3, 1837 at Flying Post; c) John was born on July 29, 1839 at Matawakamaw Lake; d) Walter was born on December 6, 1841 at Flying Post; and e) Mary was born on October 29, 1843 at Matawakamaw Lake.<sup>9</sup> These dates and locations are consistent with the HBC biographical sheet for Frederick Ferris (discussed below) which shows him in the Kinogumissie District from 1833 to 1848. This document is undated and has not been verified but is reported to have come from the HBC Archives for Moose Factor.
55. According to his HBC biographical sheet, Frederick Ferris (RIN #5208) worked for HBC from 1829 until 1848. Most of his service was spent in the Kinogumissie District at the Mattawagamingue Post but he also spent time at both Kenogamissi and Flying Post. All of these posts are located in northeastern Ontario on tributaries of the Moose River System. He also went on at least one expedition to Ungava, which is located in northern Quebec.<sup>10</sup>
56. The HBC biographical sheet indicates that Frederick Ferris (RIN #5208) is from the Parish of Hudson Bay.<sup>11</sup>
57. Subsequent to his retirement from HBC, it appears that Frederick Ferris (RIN #5208) and his family spent time in the Teminscamingue area as there is a record of his son, Guillaume, being baptised at Temiskaming.<sup>12</sup> This baptism is recorded in the Indian Registers of Marriages, Births, Deaths for the Albany-Temagami-Temiscamingue area.
58. Frederick Ferris (RIN #5208) and his family ultimately come to reside in the Pontiac area. In this regard, his daughter Sara was baptised at St. Alphonse Church in Chapeau in 1853.<sup>13</sup>

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<sup>8</sup> ALG 40080

<sup>9</sup> ALG 40081

<sup>10</sup> ALG 22432

<sup>11</sup> ALG 22432

<sup>12</sup> ALG 40085

<sup>13</sup> ALG 40083

59. The 1861 census for the Township of Aberdeen, Pontiac enumerated Frederick Ferris (RIN #5208) as living with his wife and four sons, who are identified as Richard, John, Walter and Joseph. In this census Frederick Ferris (RIN #5208)'s birthplace is listed as the "Rocky Mountains" and the birthplace of his wife is stated as being "Hudson's Bay". The four sons are noted as being born in Lower Canada. This family was not noted as being "Indian" on this census despite there being an ethnic identifier on the census form.<sup>14</sup>
60. Frederick Ferris (RIN #5208) was enumerated on the 1871 census for Deep River, Pontiac North as living with his wife Ann and his son Joseph. In this census, Frederick Ferris (RIN #5208) is identified as Irish in origin and a farmer by occupation.<sup>15</sup>
61. In 1881, Frederick Ferris (RIN #5208) and his family were enumerated on the census for Fort William, Pontiac and on the census for the townships of Sheen, Aberdeen, Esher, and Malakoff in Pontiac.
62. The 1881 census for Fort William, Pontiac identified Frederick Ferris (RIN #5208)'s birthplace as Ontario and that he was a as a farmer and hunter. Frederick Ferris (RIN #5208) and his family are identified as "Indian" in origin. The Enrolment Officer notes that the households in this district are almost exclusively "Indian" and those individuals who not identified as "Indian" were married to people who were.<sup>16</sup> Also, the Enrolment Officer notes that many of the households enumerated on this census are easily identified as Algonquin, such as Stokois, Bernard, Pizintasatc, Laronde, Chevalier, Ignace, Lamur, Leclerc, Antoine, Simon, Minens, Buckshot and Wabikons.<sup>17</sup> This confirms that by 1881 (and perhaps earlier), Frederick Ferris (RIN #5208) was living in an Algonquin community.
63. The 1881 census record from Sheen, Aberdeen, Esher, and Malakoff in Pontiac identified Frederick Ferris (RIN #5208)'s birthplace as Ontario and that he was a hunter. Frederick Ferris (RIN #5208) and his wife were identified as "Indian" in origin. Frederick Ferris (RIN #5208) was enumerated in the same census grouping as his son, Walter, and alongside other Algonquin

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<sup>14</sup> ALG 40077

<sup>15</sup> ALG 22439

<sup>16</sup> ALG 22445

<sup>17</sup> See page 9 of *Document 1 – Enrolment Officer Report Regarding Frederick and Walter Ferris & Appendices*

families, including Paul Chevrier/Chevalier (RIN #9690) whose father Paul Kwiwissens Chevalier (RIN#7883) is listed on the Schedule of Algonquin Ancestors.<sup>18</sup>

64. Frederick Ferris (RIN #5208) death was recorded on November 6, 1887. In the document recording his death, he is recorded as “metis”. His son, Walter Ferris (RIN #2196), is noted as a witness to the burial.<sup>19</sup> The Tribunal understands that in this context, “metis” was a reference to Frederick Ferris (RIN #5208) being a person of mixed Indigenous and European ancestry.
65. The Enrolment Officer indicates that it has been theorized that Frederick Ferris (RIN #5208) was the son of Hugh Faries, who was a fur-trader that lived between 1779 and 1852. However, there is no specific document that corroborates that theory. Rather, the theory appears to be based on the similar last name and the similarity in use of surnames between those associated with Hugh Faries and Frederick Ferris (RIN #5208). Hugh Faries was born in Montreal and was the son of Hugh Faries (Sr.) and Mary Warfinger. The identity of Hugh Faries’ wife is not known.<sup>20</sup> The movements of Hugh Faries are discussed in more detail in *Document 1 – Enrolment Officer Report Regarding Frederick and Walter Ferris & Appendices*.
66. On the basis of submissions from Chief Bastien, the Enrolment Officer also explored the possibility that the Joseph Ferris identified as Algonquin on the 1901 census for Cameron Township in the District of Nipissing is Frederick Ferris (RIN #5208)’s grandson. While this is possible, the Enrolment Officer was not able to confirm that this is the case.<sup>21</sup>

#### **G. Review of Historical Records Pertaining to Walter Ferris (RIN #2196)**

67. As noted above, Frederick Ferris (RIN #5208)’s son was Walter Ferris (RIN #2196).
68. The earliest known record identifying Walter Ferris (RIN #2196) is a document recording the baptism of Frederick Ferris (RIN #5208) and Nancy Good’s children. This document indicates Walter Ferris (RIN #2196) was born on December 6, 1841, at Flying Post and that his siblings were also born in north eastern Ontario.<sup>22</sup> This document is undated and has not been verified but is reported to have come from the HBC Archives for Moose Factory.

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<sup>18</sup> ALG 40084

<sup>19</sup> ALG 06061

<sup>20</sup> ALG 40093

<sup>21</sup> See *Document 13 – Enrolment Officer’s Reply to submissions 11-12 re 5208 and 2196*.

<sup>22</sup> ALG 40081

69. Walter Ferris (RIN #2196) is enumerated in the 1861 census for the Township of Aberdeen, Pontiac and, at that time, Walter Ferris (RIN #2196) was living with his parents and three brothers. Walter Ferris (RIN #2196) was noted as being born in Lower Canada and working as a labourer. No racial origin was provided on this census.<sup>23</sup>
70. Walter Ferris (RIN #2196) married Anna McDonald-McDonnell (RIN #2197) on July 28, 1864 at the Wesleyan Methodist church in Rolph Township, Renfrew County. This document states that both Walter Ferris (RIN #2196) and Anna McDonald-McDonnell (RIN #2197) were born at Moose Factory, Hudson's Bay Territory.<sup>24</sup> Walter's father is identified as Frederick Ferris (RIN #5208) and his mother as Ann Nancy Good.<sup>25</sup>
71. The Tribunal notes that Anna McDonald-McDonnell (RIN #2197) was the subject of another inquiry. By way of a determination dated July 18, 2023, the Tribunal found that Anna McDonald-McDonnell (RIN #2197) is properly considered an "Algonquin Ancestor" as that term is defined in the Proposed Beneficiary Criteria.
72. Walter Ferris (RIN #2196) was enumerated in the 1871 census for Deep River, Pontiac North. In that census Walter Ferris (RIN #2196) is noted as having been born in Quebec along with his children. He was also described a farmer and being of Irish origin.<sup>26</sup>
73. Walter Ferris (RIN #2196) and his family were enumerated on both the 1881 census for Fort William, Pontiac, and the 1881 census for the townships of Sheen, Aberdeen, Esher, and Malakoff in Pontiac.
74. The census record from Fort William, Pontiac recorded that Walter Ferris (RIN #2196) was born in Quebec and that he was a farmer and shantyman. Walter Ferris (RIN #2196) and his family were also noted as being "Indian" in origin. This census indicates that Walter Ferris (RIN #2196) and his family were living in a community where the vast majority of people were recorded as "Indian" and those who were not recorded as such were married to people

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<sup>23</sup> ALG 40077

<sup>24</sup> The Tribunal notes that the recording of Anna McDonald-McDonnell (RIN #2197)'s birthplace as being Moose Factory is not consistent with other documents relating to Anna McDonald-McDonnell (RIN #2197), which are discussed in the Tribunal's decision regarding Anna McDonald-McDonnell (RIN #2197). In short, Anna McDonald-McDonnell (RIN #2197)'s baptismal record indicates that she was baptized at Temiscamingue, Quebec when she was 9 months old.

<sup>25</sup> ALG40078

<sup>26</sup> ALG 22439



who were.<sup>27</sup> According to the Enrolment Officer, this district enumerated 45 families living in 44 households and only 6 individuals were noted as having an origin other than “Indian”. Many of the households were easily identified as Algonquin, such as Stokoïs, Bernard, Pizintasatc, Laronde, Chevalier, Ignace, Lamur, Leclerc, Antoine, Simon, Minens, Buckshot and Wabikons.<sup>28</sup>

75. The census record from Sheen, Aberdeen, Esher, and Malakoff in Pontiac, recorded Walter Ferris (RIN #2196) was born in Quebec and was of “Indian” origin. Walter Ferris (RIN #2196)’s household was enumerated on the same census grouping as his parents, and alongside families that are known to be Algonquin (specifically, Paul Chevrier/Chevalier (RIN #9690) whose father, Paul Kwiwissens Chevalier (RIN #7883), is listed on the Schedule of Algonquin Ancestors).<sup>29</sup>
76. Walter Ferris (RIN #2196) and his family were enumerated on the 1891 census for Mattawa. Walter Ferris (RIN #2196)’s birthplace is given as the North-West Territories. The respective birthplaces of his father and mother are Manitoba and the North-West Territories. No racial origin question appeared on this census.<sup>30</sup> According to this census, Walter Ferris (RIN #2196) and his family were enumerated as living next door to Algonquin families.
77. Walter Ferris (RIN #2196) and his family were enumerated on the 1901 census for the town of Mattawa, Nipissing District. In this census, Walter Ferris (RIN #2196) was listed as having been born in Ontario and being “Algonquin French Breed” in origin. His wife “Annie” was listed as “Algonquin Scotch Breed,” and his children were listed as “Algonquin French Breed.”<sup>31</sup> Walter Ferris (RIN #2196) and his family were enumerated as living amongst a group of families whose members were variously identified as Algonquin, Algonquin FB (French Breed), or Algonquin SB (Scottish Breed) with “R” for red given as their “colour.” There are a few individuals who are noted as “W” for white and French; all of whom are in households with spouses and children who are noted as Algonquin. Notable Algonquin families included in this grouping are: Ignace Bastien (RIN #8792); Thomas Pierre (RIN

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<sup>27</sup> ALG 22445

<sup>28</sup> See page 12 - 13 of *Document 1 – Enrolment Officer Report Regarding Frederick and Walter Ferris & Appendices*.

<sup>29</sup> ALG 22442

<sup>30</sup> ALG 22447

<sup>31</sup> ALG 22454

#8803); Joseph Parent and his wife Marie Leclerc (RIN #9675); Louis Musky dit Arandokwe (RIN #55932) whose wife was Catherine Inini dit Napons (RIN #55931); Augustin Pilon's widow Catherine Lamure (RIN #3812); Jean Baptiste Jacko (RIN #4577); Frank Leclaire/Leclerc (RIN #2174), George Crawford (RIN #8782) and his wife Madeleine Leclaire/Leclerc (RIN #2175).

78. Walter Ferris (RIN #2196) was enumerated on the 1911 census for Mattawa. Walter Ferris (RIN #2196) was noted as being born in Quebec, and Irish in origin, with his occupation given as labourer.
79. Walter Ferris (RIN #2196) was enumerated on the 1921 census for Mattawa Town as living with his wife and their son John and his family. Walter Ferris (RIN #2196) and his wife are noted as having been born in Quebec, with both of their parents also being born in Quebec. Their origin was given as Algonquin, which was crossed through and re-written as Indian. The replacement of the word "Algonquin" with "Indian" was made for this entire family group, along with other Algonquin households such as the Leclaire, Lamure, Pierre, Musky and Dufond families.<sup>32</sup>
80. Walter Ferris (RIN #2196) and his family were enumerated on the 1931 census for Mattawa Town. Walter Ferris (RIN #2196) and his wife are identified as Algonquin.<sup>33</sup>
81. As confirmed by the census records noted above, Walter Ferris (RIN #2196) resided amongst known Algonquin families during the time that he lived in Mattawa.
82. Walter Ferris (RIN #2196) witnessed a number of life events for Algonquins or had life events associated with his family witnessed by Algonquins as follows:
  - a) Walter Ferris (RIN #2196)'s re-baptism at St. Anne's, Mattawa, on September 26, 1873, was witnessed by Loysa Atkinson (RIN #8705).<sup>34</sup>
  - b) Walter Ferris (RIN #2196)'s daughter, Jane Maria Ferris was witnessed by Mary McIsaac nee Petrin (RIN #4762).<sup>35</sup>

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<sup>32</sup> ALG 22493

<sup>33</sup> *Enrolment Officer's Supplementary report in response to a Responding Submission by an Interested Party*

<sup>34</sup> ALG 02466

<sup>35</sup> ALG 40091

- c) Walter Ferris (RIN #2196) witnessed the baptism of Charlotte Jane Atkinson (RIN #16814).<sup>36</sup>
  - d) The godparents of Walter Ferris (RIN #2196)'s son, Walter Joseph Ferris, were Paul Chevalier and Mani Suzanne, both of whom are of descendants of Algonquin Ancestors.<sup>37</sup>
  - e) Walter Ferris (RIN #2196) witnessed the burial of Charlse Fils du Grand, whose wife was Cecile Leclair (RIN #2176) and was a descendent of Algonquin Ancestors.<sup>38</sup>
  - f) Walter Ferris (RIN #2196) witnessed the burial of Charlotte Stephens (nee Commanda) (RIN #21464) who is a descendant of an Algonquin Ancestor.<sup>39</sup>
  - g) The burial of Walter Ferris (RIN #2196)'s mother was witnessed by Augustus Pilon (RIN# 5456) and Ignace Simon (RIN #1725) who were both descendants of Algonquin Ancestors.<sup>40</sup>
  - h) Walter Ferris (RIN #2196) was a witness to the burial of Amable Dufond (who is also known as Inini dit Napons (RIN# 7411)). Amable Dufond was a signatory to the 1863 Petition from the Indians of the Village of Lake of Two Mountains requesting hunting grounds at the head waters of the Madawaska River and is an Algonquin Ancestor.<sup>41</sup>
  - i) Walter Ferris (RIN #2196)'s son, John Ferris, married Angeline McDonald (RIN #3777) who was a descendant of Algonquin Ancestors.<sup>42</sup>
83. Walter Ferris (RIN #2196) died on May 7, 1932. On his civil death record, Walter Ferris (RIN #2196) is noted as being born in the North-West Territory and Indian in origin. His parents are also noted as being born in the North-West Territory. Walter Ferris (RIN #2196)'s son, John, was the informant on the death certificate.<sup>43</sup>

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<sup>36</sup> ALG 22112

<sup>37</sup> ALG 22112

<sup>38</sup> ALG 02757

<sup>39</sup> ALG 06644

<sup>40</sup> ALG 06768

<sup>41</sup> ALG 07090

<sup>42</sup> ALG 22464

<sup>43</sup> ALG 01799

## **H. Reasons provided by the Majority of the Tribunal Members**

84. As indicated above, the majority of Tribunal members (the “**Majority**”) has concluded that neither Frederick Ferris (RIN #5208) nor Walter Ferris (RIN #2196) meet the criteria so as to be considered an “Algonquin Ancestor”.

### **1. Frederick Ferris (RIN #5208)**

85. The Majority’s decision with respect to Frederick Ferris (RIN #5208) is based on the fact that:

- a) he was identified as being from Hudson Bay on his HBC biographical sheet;
- b) he is identified as “metis” on his death record, which was witnessed by his son; and
- c) there is an absence of any document that identifies him as being Algonquin.

86. The available historical records suggest that he was from northern Ontario and spent the early part of his working years in northeastern Ontario.

87. The Majority recognizes him as being of Indigenous descent but there is insufficient information on which to conclude that he was considered to be Algonquin.

88. In the Majority’s view, the information that is presently available regarding his parents (who are suggested as being Hugh Faries and potentially Josepht Mainville) and his grandparents (who are suggested as being Hugh Faries (Sr.) and Mary Warfinger) is not of assistance to the Tribunal in determining whether Frederick Ferris (RIN #5208) was considered Algonquin as the information does not include any national or ethnic information.<sup>44</sup> The information confirms that Frederick Ferris (RIN #5208) is of Indigenous descent but does not provide information that would help discern whether he might specifically be of Algonquin descent.

89. For the Tribunal to conclude that a historical person is properly considered an “Algonquin Ancestor”, the Tribunal must find a basis on which to conclude that the historical person under consideration is identified in a historical document in such a way so as to reasonably conclude that the historical person was considered Algonquin.

90. The information on the Tribunal’s record does not provide a reasonable basis on which to make such a conclusion.

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<sup>44</sup> This is discussed in *Document 1 – Enrolment Officer Report Regarding Frederick and Walter Ferris & Appendices* and *Document 16 – Enrolment Officer’s Reply to Tribunal submission re 5208 2196*.

91. Indeed, the available information regarding Frederick Ferris (RIN #5208) indicates that he is from the Hudson Bay area which suggests that he is Cree or possibly Ojibway in origin.
92. Also, in the document recording his death, Frederick Ferris (RIN #5208) is identified as “metis” in origin. It is noteworthy that his son, Walter Ferris (RIN #2196), was the witness to the burial, which suggests that the information regarding Frederick Ferris (RIN #5208)’s origins came from Walter Ferris (RIN #2196).<sup>45</sup> In the Majority’s view, this provides further confirmation that Frederick Ferris (RIN #5208) was not of Algonquin ancestry and that he was not considered to be an Algonquin.

## **2. Walter Ferris (RIN #2196)**

93. The Majority is of the view that Walter Ferris (RIN #2196) is of Indigenous descent. However, there is insufficient evidence on which to conclude that he was considered to be Algonquin.
94. In this regard, the Majority notes that he was born in northern Ontario to parents whose ancestry is not known or established.
95. The Majority recognizes that Walter Ferris (RIN #2196) and his children are identified on the 1901 census for the town of Mattawa, Nipissing District, as “Algonquin French Breed” in origin,<sup>46</sup> that he is also identified as “~~Algonquin~~ Indian” on the 1921 census for Mattawa Town,<sup>47</sup> and that he is identified as “Algonquin” on the 1931 census for Mattawa Town.<sup>48</sup> However, his identification as such is not enough to overcome the fact that he was born in northern Ontario to parents of unknown Indigenous origin.
96. The Majority notes that the criteria set out in the definition of “Algonquin Ancestor” is not such that the Tribunal should find that a historical person is an Algonquin Ancestor because they may be identified as Algonquin in a census records, which are fraught with errors. In this regard, the Majority notes that Walter Ferris (RIN #2196) is identified as Irish in both the 1871 and the 1911 censuses.

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<sup>45</sup> ALG 06061

<sup>46</sup> ALG 22454

<sup>47</sup> ALG 22493

<sup>48</sup> *Enrolment Officer’s Supplementary report in response to a Responding Submission by an Interested Party*

97. The definition of “Algonquin Ancestor” requires the Tribunal to determine whether the person was “considered to be Algonquin”. This requires the Tribunal to look closely at the relevant historical documents and the context in which they were created.
98. The Tribunal recognizes, as noted above, that Walter Ferris (RIN #2196) was witnessed to various life events of Algonquins and Algonquins witnessed life events associated with him and his family. However, the Tribunal notes that Walter Ferris (RIN #2196)’s spouse, Anna McDonald-McDonnell (RIN #2197), was an Algonquin woman from Temiskaming. The connection between Walter Ferris (RIN #2196) and other members of the Algonquin community located in Mattawa are explainable based on Anna McDonald-McDonnell (RIN #2197) being Algonquin.
99. The Majority is of the view that Walter Ferris (RIN #2196) married an Algonquin woman (being Anna McDonald-McDonnell (RIN #2197)) and on that basis lived and associated with other Algonquins. However, living in the community and associating with Algonquins does not provide a reasonably basis on which to conclude that Walter Ferris (RIN #2196) “was considered to be an Algonquin”.

#### **I. Reasons provided by the Minority of the Tribunal Members**

100. As indicated above, the minority of Tribunal members (the “**Minority**”) has concluded that Frederick Ferris (RIN #5208) does not meet the criteria so as to be considered an “Algonquin Ancestor”. However, the Minority has concluded that Walter Ferris (RIN #2196) does indeed meet the criteria and is properly considered an “Algonquin Ancestor”.

##### **1. Frederick Ferris (RIN #5208)**

101. There are two minority opinions with respect to Frederick Ferris (RIN #5208).
102. First, one member of the Minority decided that Frederick Ferris (RIN #5208) should not be considered an Algonquin Ancestor as there is insufficient information on which to reasonably conclude Frederick Ferris (RIN #5208) was considered an Algonquin.
103. Second, another member of the Minority has decided that Frederick Ferris (RIN #5208) is properly considered an Algonquin Ancestor on the basis of where he retired to and on the prominence that his son had in the Algonquin community.
104. The reasons for these conclusions are set out below.

***(i) One Member's View – Insufficient Information to Include as an Algonquin Ancestor***

105. Like the Majority, the Minority recognizes him as being of Indigenous descent but there is insufficient information on which to conclude that he was considered to be Algonquin.
106. One member of the Minority will not go so far as the Majority and ascribe to Frederick Ferris (RIN #5208) an identity that is not evident from the historical records. This member is of the view that it is possible that Frederick Ferris (RIN #5208) was Algonquin in origin but there is insufficient information to come to a conclusion one way or the other.
107. This member recognizes that Frederick Ferris (RIN #5208)'s HBC biographical sheet indicates that he is from the Parish of Hudson Bay. However, that identification is not sufficient to say that Frederick Ferris (RIN #5208) is Cree or Ojibway. Indeed, on the basis of the historical records, it is not clear how Frederick Ferris (RIN #5208) may have come to be identified as coming from the Parish of Hudson Bay as there are no primary sources of information on the Tribunal's record that would confirm that to be the case. The Minority is not willing to speculate regarding his Indigenous origins one way or the other, whether they be Ojibway, Cree, or Algonquin. There simply is not enough information.
108. This member notes that Frederick Ferris (RIN #5208)'s work with the HBC was not associated with a specific post and that he worked as a guide and as part of a canoe brigade. This means that throughout his career he was constantly in transit and was employed because of his abilities in the canoe. This type of employment does not suggest a particular connection with Hudson Bay or the Kinogumissiee district.
109. Furthermore, the information regarding the Frederick Ferris (RIN #5208)'s origins, as stated in the HBC biographical sheet, is questionable in light of the information suggesting that his parents and grandparents may be from the Montreal area.<sup>49</sup> To be clear, this member does not rely on this information regarding Frederick Ferris (RIN #5208)'s parents/grandparents to conclude that he is Algonquin. Rather, that information provides a sufficient basis on which to question whether he is properly identified in the HBC biography as being "from" the Hudson Bay Parish and also provides a basis on which to question whether he is Cree or Ojibway.

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<sup>49</sup> See page 9 and 10 of *Document 1 – Enrolment Officer Report Regarding Frederick and Walter Ferris & Appendices* and *Document 16 – Enrolment Officer's Reply to Tribunal submission re 5208 2196*

110. On that basis, the record before the Tribunal does not provide any indication that Frederick Ferris (RIN #5208) is Algonquin other than the fact that he moved to the territory after his employment with the HBC ended. Being an Indigenous person in the territory is not a sufficient basis on which to conclude that Frederick Ferris (RIN #5208) is Algonquin.

***(ii) Another Member's View - Frederick Ferris (RIN #5208) is properly considered an Algonquin Ancestor***

111. One member of the Tribunal is of the view that Frederick Ferris (RIN #5208) is properly considered an Algonquin Ancestor.
112. This member questions the identification of Frederick Ferris (RIN #5208)'s origins as stated on the HBC biographical sheet. This information does not provide a sufficiently reliable basis to conclude that Frederick Ferris (RIN #5208) originated from Hudson Bay and certainly does not provide a basis to conclude that he originates from a specific Indigenous nation.
113. Furthermore, as noted above, Frederick Ferris (RIN #5208)'s work with the HBC was not associated with a specific post and he worked as a guide and as part of a canoe brigade. This means that throughout his career he was constantly moving and was employed because of his abilities in the canoe. This type of employment does not suggest a particular connection with Hudson Bay or the Kinogumissee district.
114. In this member's view, Frederick Ferris (RIN #5208) ought to be considered an Algonquin Ancestor because of his activities after his retirement.
115. In this regard, Frederick Ferris (RIN #5208) and his family spent time in the Temiscamingue and were identified as Indigenous in the context of that community.<sup>50</sup> Also, Frederick Ferris (RIN #5208) and his family ultimately came to reside in the Pontiac area and continued to live in Algonquin Territory for the rest of his life.
116. Additionally, the census information indicates that he lived in close association with Algonquins. In this regard, the 1881 census for Fort William, Pontiac, puts him and his family in a district that is almost exclusively "Indian" and those individuals who are not identified as "Indian" were married to people who were.<sup>51</sup> Further, as indicated by the Enrolment Officer,

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<sup>50</sup> The baptism of his son, Guillaume, was recorded in the Indian Registers of Marriages, Births, Deaths for the Albany-Temagami-Temiscamingue area 0 ALG 40085

<sup>51</sup> ALG 22445



many of the households enumerated on this census are easily identified as Algonquin, such as Stokois, Bernard, Pizintasatc, Laronde, Chevalier, Ignace, Lamur, Leclerc, Antoine, Simon, Minens, Buckshot and Wabikons.<sup>52</sup> This confirms that by 1881 (and perhaps earlier), Frederick Ferris (RIN #5208) was living in an Algonquin community.

117. That Frederick Ferris (RIN #5208) and his family were living with Algonquins is confirmed in the 1881 census record for Sheen, Aberdeen, Esher, and Malakoff in Pontiac. This census confirms that Frederick Ferris (RIN #5208) and his family were enumerated alongside well-known Algonquin families, including Paul Chevrier/Chevalier (RIN #9690) whose father, Paul Kwiwissens Chevalier (RIN#7883), is listed on the Schedule of Algonquin Ancestors.<sup>53</sup>
118. Finally, this member notes that Frederick Ferris (RIN #5208)'s son, Walter Ferris (RIN #2196) and his family, continued to live with and amongst Algonquins and shared life events. Indeed, it is evident to this member that Walter Ferris (RIN #2196) rose to a level of prominence and respect in the Algonquin community.

## **2. Walter Ferris (RIN #2196)**

119. The Minority is of the view that Walter Ferris (RIN #2196) is properly considered an Algonquin Ancestor. He is recognized as being Algonquin in census records and on the basis of being named as a witness to the life events of Algonquins. Furthermore, he lived almost his entire life in Algonquin territory and was surrounded by Algonquins his whole adult life. In the Minority's opinion, this provides a very strong basis on which to conclude that Walter Ferris (RIN #2196) is properly considered an Algonquin Ancestor.
120. The Minority recognizes that the genealogy of Walter Ferris (RIN #2196) is not known as little is known about the ancestry of his parents in terms of national origins other than the fact that he is of mixed European and Indigenous descent.
121. However, the definition of Algonquin Ancestor is more nuanced than simply considering genealogy. As the Tribunal held in the inquiries regarding François Kawitadjik (RIN# 6869) and Louis Michiminanakwakwe (RIN #7619), the definition does not state that the person must be identified as being "born" Algonquin or Nipissing or that being identified as originating

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<sup>52</sup> See page 9 of *Document 1 – Enrolment Officer Report Regarding Frederick and Walter Ferris & Appendices*

<sup>53</sup> ALG 40084

from another Indigenous nation in one or more documents would absolutely disqualify a historical person from being “considered Algonquin or Nipissing” regardless of what other historical documents might indicate.

122. In this case, neither Walter Ferris (RIN #2196) nor his parents are specifically associated with another Indigenous nation. The historical records are, at best, inconclusive regarding their national origins. Indeed, the idea that Frederick Ferris (RIN #5208) is “from” the Parish of Hudson Bay or is otherwise Cree or Ojibway is questionable on the basis of the records that suggest his parents/grandparents are from Montreal.
123. The Minority is focused on whether Walter Ferris (RIN #2196) “was considered to be an Algonquin or Nipissing” by his contemporaries. This requires an examination of the historical documents and the historical context in which they were created.
124. In the Minority’s view, there are at least three records that specifically identify Walter Ferris (RIN #2196) as “Algonquin”, which are the 1901, 1921 and the 1931 censuses.
125. The Minority realizes that the 1921 census identifies Walter Ferris (RIN #2196) as “~~Algonquin~~ Indian”. However, in the Minority’s view, recording Walter Ferris (RIN #2196) in that way confirms an intention to identify him as being “Algonquin”. It is not clear why “Algonquin” was struck through in favor of the term “Indian”. However, the Minority does not believe that the purpose of doing so was to reflect the notion that Walter Ferris (RIN #2196) was not Algonquin. This is evident from the fact that many other known Algonquins are enumerated in the same manner on this census.
126. The Minority also realizes that the 1931 census post-dates the 1921 date specifically included in the definition of “Algonquin Ancestor”. To be clear, the Minority does not rely on the 1931 census as a means of satisfying the criteria for Walter Ferris (RIN #2196) to be considered an Algonquin Ancestor. Rather, the Minority is of the view that the 1931 census confirms and corroborates the information set out in documents that were created in 1921 or earlier and indicate that Walter Ferris (RIN #2196) was considered to be an Algonquin.
127. The Minority is also cognizant that Walter Ferris (RIN #2196) was identified as “Irish” on the 1871 and 1911 censuses. However, the Minority puts no weight on that identification as it appears that those censuses showed a preference to identify European origins as opposed to

Indigenous origins. Other people who are known to be Algonquin are identified as having European origins on these censuses. For example, Anna McDonald-McDonnell (RIN #2197) is identified as “Scotch” on the 1871 census and Frank Leclerc (RIN #2174) is identified as French on the 1911 census. Their identification as such does not mean that they are not of Algonquin ancestry.

128. The government censuses that identify Walter Ferris (RIN #2196) are not the only document on the Tribunal’s record. The Minority finds that Walter Ferris (RIN #2196) was considered to be an Algonquin also on the basis of the number of life events that he witnessed or participated in for other Algonquins and vice versa.
129. These documents and life events are described above.
130. It is not only the number of life events – there being 9 in total that are documented in addition to him being married to an Algonquin woman. It is also who the events pertained to and the solemnity of the event.
131. In this regard, the Minority notes that Walter Ferris (RIN #2196) witnessed the burial of Amable Dufond (who is also known as Inini dit Napons (RIN# 7411)).
132. Amable Dufond (aka Inini dit Napons (RIN# 7411) was an important leader and was a signatory to the 1863 Petition from the Indians of the Village of Lake of Two Mountains requesting hunting grounds at the head waters of the Madawaska River and is an Algonquin Ancestor.
133. The fact that Walter Ferris (RIN #2196) was a witness to his burial is significant and demonstrates Walter Ferris (RIN #2196)’s standing in the Algonquin community.
134. In the Minority’s view, these factors (being identification in three census documents as Algonquin and living with Algonquins, living most of his life in the territory, and the life events described above) provide a reasonable basis on which to conclude that Walter Ferris (RIN #2196) was Algonquin.
135. Furthermore, there is insufficient evidence regarding his genealogy so as to render this conclusion unreasonable.

## **J. Conclusion**

136. The Tribunal has determined that Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196) are 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 they were considered to be Algonquin or Nipissing, or a sibling of such a person.
137. Pursuant to Article 100 of the Special Resolution, Frederick Ferris (RIN #5208) and Walter Ferris (RIN #2196) will be removed from the Schedule of Algonquin Ancestors.
138. 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)

F. Van der Horn

Veldon Coburn

Chief Wendy Jocko

Chief Greg Sarazin

Chief Clifford Bastien

B. Hewer

**AND TO:** Algonquin Negotiation Representatives

**AND TO:** Enrolment Officer

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