

In the Matter Of:
The Chippewas of Saugeen First Nation et al v.
Attorney General Of Canada et al

DAY 3 / VOL 3
April 30, 2019



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1 Court File No. 94-CQ-50872CM
2 ONTARIO
3 SUPERIOR COURT OF JUSTICE

4 B E T W E E N:

5 THE CHIPPEWAS OF SAUGEEN FIRST NATION, and THE
6 CHIPPEWAS OF NAWASH FIRST NATION
7 Plaintiffs

8 - and -

9 THE ATTORNEY GENERAL OF CANADA,
10 HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,
11 THE CORPORATION OF THE COUNTY OF GREY, THE
12 CORPORATION OF THE COUNTY OF BRUCE, THE CORPORATION
13 OF THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA,
14 THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA,
15 THE CORPORATION OF THE TOWN OF SAUGEEN SHORES, and
16 THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS
17 Defendants

18 Court File No. 03-CV-261134CM1

19 A N D B E T W E E N:

20 CHIPPEWAS OF NAWASH UNCEDED FIRST NATION and
21 SAUGEEN FIRST NATION

22 Plaintiffs

23 - and -

24 THE ATTORNEY GENERAL OF CANADA and HER MAJESTY THE
25 QUEEN IN RIGHT OF ONTARIO

Defendants

26 --- This is VOLUME 3/DAY 3 of the trial
27 proceedings in the above-noted matter, being
28 Held at the Cape Croker Community Centre, 34
29 Community Centre Road, Lion's Head, Ontario, on the
30 30th day of April, 2019.

31 -----
32 B E F O R E: The Honourable Justice Wendy M.
33 Matheson
34
35

1 A P P E A R A N C E S:

2

3 H. W. Roger Townshend, Esq., for the Plaintiffs,
4 & Benjamin Brookwell, Esq., The Chippewas of
5 Saugeen First Nation,
6 and the Chippewas of
7 Nawash First Nation.

8

9 Michael Beggs, Esq., for the Defendant,
10 & Michael McCulloch, Esq., The Attorney General &
11 & Barry Ennis, Esq., of Canada.

12

13 David Feliciant, Esq., for the Defendant,
14 & Jennifer Le Pan, Esq., Her Majesty the
15 & Richard Ogden, Esq., Queen in Right of
16 & Julia McRandall, Esq., Ontario.

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23 REPORTED BY: Deana Santedicola, RPR, CSR, CRR

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I N D E X

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NO.	DESCRIPTION	PAGE/LINE NO.
3955:	Book entitled "Mishomis Book," authored by Edward Benton-Banai.	313:2
X:	Professor Hinderaker's July 28, 2013 report.	360:4
3956:	News article written by Lawrence Keeshig in The Canadian Echo, 1931, document number S-0930.	367:9
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09:28:03 1 -- Upon commencing at 10:00 a.m.

09:59:25 2
09:59:25 3 THE COURT: Good morning,
09:59:26 4 Mr. Townshend.

09:59:28 5 MR. TOWNSHEND: Good morning, Your
09:59:29 6 Honour.

09:59:29 7 THE COURT: Please go ahead.

09:59:29 8 KARL KEESHIG, WABANOIIZIS; Under Prior
09:59:31 9 Sacred Eagle Feather Affirmation.

09:59:31 10 EXAMINATION IN-CHIEF BY MR. TOWNSHEND
09:59:31 11 (CONT'D):

09:59:31 12 Q. We are continuing the examination
09:59:32 13 of Karl Keeshig.

09:59:34 14 Mr. Keeshig, yesterday you had talked
09:59:39 15 about some of the different Anishinaabe groups,
09:59:41 16 such as the confederacy, the clan, et cetera. One
09:59:45 17 piece that you had not talked about was the group
09:59:50 18 that is sometimes called band, and nowadays more
09:59:53 19 often called First Nation, but could you talk about
09:59:59 20 the role of that group in Anishinaabe organization?

10:00:01 21 A. Before I respond to the question,
10:00:10 22 I would like to say this first.

10:00:15 23 "Bozhoo, mino ghizheb, neekonisidoog."

10:00:21 24 What I have said is I greeted you and I
10:00:26 25 wished you a good morning. The last part of that

10:00:30 1 was "neekonisidoog," which is my relatives, and
10:00:35 2 that includes us all at this table and our visitors
10:00:39 3 that have come to bear witness to this.

10:00:41 4 That is customary before we continue on
10:00:50 5 with our meeting.

10:00:55 6 With respect to the question, I liken
10:01:00 7 the term "band" to the term "tribes." They don't
10:01:13 8 really capture our people in those terms. "Band"
10:01:25 9 is -- you have to interpret that out of the English
10:01:33 10 language and we come to a meaning that is very
10:01:35 11 similar to "encampment" or a "group of people."

10:01:43 12 So those terms such as that are
10:01:45 13 somewhat misleading in terms of how Anishinaabe
10:01:48 14 identify themselves.

10:01:53 15 I want to refer back to, again, the
10:01:56 16 Creation Story from whence we come, and the term is
10:02:04 17 "Anishinaabe," all-inclusive.

10:02:10 18 Similarly, when we talk about the term
10:02:13 19 "Nation" and "First Nation," we are trying to use a
10:02:18 20 term to capture something that it doesn't truly
10:02:23 21 fit. We have an understanding in the magnitude or
10:02:27 22 comprehensiveness of what a nation is. It was the
10:02:32 23 Creator who created nations. In our Creation
10:02:37 24 Story, the nation that we identify with is the
10:02:41 25 Anishinaabe, Anishinaabek, Anishinaabe Nation.

1 Now, with the terms that we, I wouldn't
2 even say are customary, but we have been
3 conditioned to use such as "band."

4 Nawash, Chippewas of Nawash was at one
5 time considered a band, and that association was
6 from the contact with the non- -- the light-skinned
7 race, when they would come across encampments which
8 in itself is not a nation anyway.

9 In the time of contact, if I could use
10 that word "encampment," our people lived their life
11 across the land, across the territory. Sometimes
12 they would go to the hunting camp where the game
13 was plentiful and known to be, and they would have
14 an encampment. Sometimes they would go to the
15 fishing grounds, and you are talking about families
16 moving to these locations to hunt or to fish.

17 So in that manner, those are
18 encampments, and I guess we could use the term
19 "band" when you are talking about it in that
20 context. But that is not a nation. What you
21 witnessed was not a nation.

22 If we can move forward since the 1600s
23 and the 1800s, the 1700s, into the 1900s, it is
24 only recently, within 20 years, I believe, that we
25 have incorporated the use of "First Nation" in our

1 signature. That is very recent times, but it also
2 had to do with the strength that Anishinaabe was
3 gathering with respect to their self and their
4 rights.

5 So the term "First Nation" was
6 introduced. The building that you are sitting in,
7 if you have noticed the signage on the front, it
8 says "Unceded First Nation," "Chippewas of Nawash
9 Unceded First Nation."

10 The efforts of our people and some of
11 the evidence that you see starting to shape around
12 our people such as that title there, it was a way
13 of this community, Chippewas of Nawash, to take
14 something back. So in that way, they identified to
15 the degree that they could with First Nation.

16 Chippewas of Nawash is a part of a
17 greater nation, the Anishinaabe, the Anishinaabek
18 Nation. Saugeen is the same. They are part of the
19 full nation. They may carry these titles as First
20 Nation in signature and signature head and legal
21 documentation, but we are all part of the
22 Anishinaabek Nation.

23 The Treaty of Niagara was a meeting of
24 nations, Anishinaabek Nations were represented
25 there from across Turtle Island.

10:06:56 1 So that is the full extent and the true
10:07:01 2 extent, and I'll even say the God-given extent of
10:07:06 3 who our people are.

10:07:11 4 Q. Thank you. Among these groups,
10:07:17 5 can you talk about how decisions would be made, and
10:07:20 6 I am especially interested in decisions about
10:07:24 7 lands, waters and resource access and decisions
10:07:27 8 about who could use them and, if some outsider came
10:07:31 9 in, how those decisions about that would be made
10:07:36 10 and which group would make them?

10:07:38 11 A. I'll have to give you the premise
10:07:50 12 of where my discussion will emanate from to respond
10:07:59 13 to that question, which is why it was important to
10:08:04 14 recite our Creation Story because there was a Great
10:08:13 15 Council held that I described in the Creation Story
10:08:16 16 and it included all of creation and how they sat in
10:08:22 17 Council with the Creator.

10:08:25 18 And the four colours of man were
10:08:27 19 represented and in attendance at that Council, also
10:08:34 20 referred to as the Great Circle of Life.

10:08:40 21 There was information exchanged there.
10:08:42 22 That Council, that Circle of Life, is the model by
10:08:47 23 which we make decisions. You can call that a
10:08:55 24 Council, a Council Meeting.

10:08:58 25 With respect to the Anishinaabek Nation

1 and all who are a part of that, to convene a
2 meeting of sorts, it is called a Grand Council,
3 including representation from everyone, the
4 decision-makers from every group that is associated
5 and has concern with whatever the discussion would
6 entail.

7 So on the Grand Council extent of
8 things, you are talking about the First Nations of
9 Turtle Island. That could include Pottawatomi,
10 Odawa, Ojibwe and others. I have just referenced
11 the three, the Three Fires Alliance.

12 When you get into the inner workings of
13 nation and land, there is associated protocol.
14 There is also common sense, and by that I mean you
15 don't harvest someone else's sugar bush as your
16 own. You don't take from another person's trap
17 line. You don't lift another person's net. You
18 don't occupy someone's fishing grounds.

19 Some of that is common sense, but if I
20 could be more clear on that, to not sound terse in
21 my response, I'll use another word, respect. You
22 apply respect with regard to it. We don't in our
23 communities go into other people's houses and dig
24 in their fridge, unless it is grandma's house.

25 So a lot of that is respect, common

1 sense. It is how we are to be as Anishinaabe
2 people. It is common to all humankind.

3 Within territory and these streams of
4 the same -- these branches of the same tree, if I
5 could use that analogy to describe the Anishinaabek
6 Nation, it is much like a feather. It has streams
7 going off of it, but it is all connected to the
8 centre.

9 The territory is much like this
10 feather, and so there is a relationship there that
11 has to be honoured, that you model, that is
12 modelled and to be modelled in nationhood.

13 So if for some reason there is
14 something that isn't in your locale or your
15 territory, if I could even use that term, there
16 would be protocols as such if you had to enter
17 another domain within that feather because there is
18 something there that is essential for you, be it
19 medicines. It may even be that your sustenance
20 such as the wildlife has moved.

21 And it would be protocol and customary
22 to approach those ones who have abided in the
23 locale that you desire to go in search of food, be
24 it fish, medicines or meat, and you would approach
25 those ones not simply to ask for permission, but

10:14:08 1 that would be one of the reasons why you would do
10:14:10 2 it, but the other reason is they could probably
10:14:14 3 show you where it is and what it is that you are
10:14:18 4 looking for.

10:14:21 5 The other thing with that is exchanges,
10:14:28 6 you would call it trade. Perhaps in my locale we
10:14:35 7 had an abundance of wild rice, one of the sacred
10:14:40 8 foods, and they didn't have wild rice in another
10:14:44 9 location but they had some rather tasty moose meat.
10:14:51 10 You would exchange it as a means of trade but it is
10:14:57 11 an exchange, something in place of something you
10:15:02 12 are asking for.

10:15:05 13 So those are some of the details in
10:15:11 14 terms of relationship and territory, but if I could
10:15:19 15 expand that beyond the nation of Anishinaabe and
10:15:25 16 Anishinaabe territory or place of livelihood, the
10:15:37 17 landmarks defined territory. It wasn't a line on a
10:15:48 18 map. It was the features of the land, be it a high
10:15:55 19 hill with a pointed rock on it, be it a river or a
10:16:01 20 shoreline. Those were the means of identifying
10:16:07 21 your territory. Again, if I could, it is a
10:16:14 22 best-fit definition when we say "territory" because
10:16:21 23 it is really "aaking," trying to capture our land.

10:16:33 24 But again, even when I use "our land,"
10:16:39 25 we understand that in terms of our gift of

1 creation, what the Creator provided for us, what he
2 designed and bound up in his gift of creation.

3 That was his promise, so when I say "our," I am not
4 talking in that sense of how you consider
5 ownership.

6 It is a very deep term. It is a very
7 deep sense that I am trying to convey.

8 So if another nation such as the Ongwe
9 Ongwe people, and that is --

10 Q. Do you mind telling us who that
11 is?

12 A. That is Six Nations. Again, I'm
13 using that term "Six Nations." You can go to them
14 and have them explain that to you.

15 But yesterday I recited a conflict
16 through our territory or the Anishinaabe realm of
17 life around the Great Lakes and particularly
18 Southern Ontario, Southwestern Ontario, in around
19 Georgian Bay when we were invaded by them.

20 After that had settled and our
21 friendships were restored and we understood the
22 finer details of what had happened there over time,
23 we have made things good between our people, the
24 Anishinaabe and the Ongwe Ongwe people.

25 We held a meeting in our community here

1 and one of our guests was of the Ongwe Ongwe
2 people. We were exploring our traditions and our
3 culture and our spiritual ways, and this old man, I
4 can't recall his name, I would have to research it,
5 but he was full in his culture and he spoke of the
6 custom or the protocol that existed between
7 Anishinaabe and the Ongwe Ongwe.

8 There was a time, he said, when we
9 would want to speak with each other, there was a
10 place on the cusp or between, again, territories,
11 an encampment, a special place that was known to
12 each nation. Either side, he said, when they
13 needed to council with each other would go to that
14 place and they would strike a fire or set up an
15 encampment.

16 Because it was known to either side
17 about that special place, when they seen the fire
18 there or the smoke signals, they would know that
19 there was a message waiting and they would send
20 someone to greet and to find out what it was, what
21 the message was between nations. We were told that
22 when you entered that encampment and you struck the
23 fire, that you stayed there until it was answered.

24 And so representatives from Anishinaabe
25 Nation would be sent to that encampment to find out

10:21:26 1 what it is that they wanted. They would do the
10:21:30 2 same. If we wanted to speak with them, we would go
10:21:35 3 to that encampment, set up, strike a fire, and I
10:21:42 4 will even use the term "Sacred Fire."

10:21:48 5 The message would be brought back and
10:21:50 6 it would be delivered to the leadership. By that I
10:21:57 7 mean when we talk about leadership, I had
10:22:02 8 referenced the clan system, each who have
10:22:12 9 leadership, so they would all be contacted. In
10:22:17 10 those days, we referred to the messengers as
10:22:20 11 "runners," so they would send runners with the
10:22:24 12 message. And in cases of serious concern, then you
10:22:34 13 would have what I will again refer to as Grand
10:22:40 14 Council.

10:22:40 15 You would meet on it, and perhaps in
10:22:45 16 response to the question, you would go back to that
10:22:49 17 encampment and strike a fire, should the two
10:22:56 18 nations, Ongwe Ongwe and Anishinaabe, desire to
10:23:00 19 council together.

10:23:04 20 So that is the model and the protocols
10:23:09 21 that I hope answer the question.

10:23:13 22 Q. Thank you. I wanted to ask for
10:23:17 23 some examples concerning between other parts of the
10:23:23 24 Anishinaabe Nation. For example, if you wanted to
10:23:27 25 go to Manitoulin Island to hunt deer, is that

10:23:34 1 something -- what would the protocol require for
10:23:36 2 that?

10:23:37 3 A. Well, current day there is various
10:23:41 4 practices, but it is very similar to what I have
10:23:46 5 described. It is perhaps not as full, and they
10:23:52 6 would probably send the fire department if you
10:23:54 7 struck a fire on the edge of their community.

10:23:59 8 But what you would do is you reach out
10:24:01 9 to the community. In many cases, you are required
10:24:05 10 to go to the, I'll call it, and again, I don't like
10:24:10 11 these terms, but "band office" and ask, or a
10:24:19 12 relative in that community, you would approach them
10:24:25 13 and ask them.

10:24:25 14 We don't spear-fish here. In some
10:24:30 15 communities they spear-fish for pickerel and there
10:24:38 16 is only certain locations that you can do that. So
10:24:40 17 people, even from this community, go there, so they
10:24:47 18 reach out to someone in that community for
10:24:49 19 permission. In some instances you actually have to
10:24:52 20 get permission from the leadership there, Chief and
10:24:54 21 Council.

10:24:55 22 It would be the same for not just
10:25:02 23 fishing, but perhaps the resource of medicines or
10:25:05 24 trees that are particular. In some communities,
10:25:08 25 they don't have cedar like we do here, so in many

10:25:12 1 ways, those other things that I have discussed come
10:25:18 2 into play.

10:25:18 3 Q. Could you give an example of where
10:25:20 4 there would be pickerel that people from here might
10:25:24 5 go and might want to harvest?

10:25:26 6 A. Well, Shawanaga, Magnetawan, and
10:25:34 7 the community Pickerel is where you go for pickerel
10:25:39 8 and they have locales in proximity to where those
10:25:46 9 communities are. There is a Pickerel River. There
10:25:50 10 is a Shawanaga River. There is a Magnetawan River.
10:25:59 11 And along those locales and in between there are
10:26:01 12 locations when the pickerel come in during the
10:26:05 13 spring. But even amongst those communities, they
10:26:09 14 extend and have protocol should they want to go and
10:26:14 15 gather pickerel in the Shawanaga River or the
10:26:23 16 Pickerel River, so on and so forth.

10:26:24 17 Q. Could you show on the map, which
10:26:26 18 is Exhibit P here, where those places are that you
10:26:28 19 mentioned, Shawanaga, Magnetawan and Pickerel
10:26:34 20 River?

10:26:34 21 A. With respect to those communities,
10:26:35 22 the detail is not clear on this map, so I can give
10:26:38 23 you location. I'll point that out for you.

10:26:48 24 It is on the east side of Georgian Bay,
10:26:54 25 there are a number of rivers along and through

10:26:57 1 here, but it is in this location here that those
10:27:00 2 communities that I am speaking of are and their
10:27:04 3 rivers.

10:27:08 4 THE COURT: Mr. Townshend, you are
10:27:09 5 referring to Exhibit?

10:27:12 6 MR. TOWNSHEND: Exhibit P.

10:27:13 7 THE COURT: P?

10:27:14 8 MR. TOWNSHEND: Yes.

10:27:15 9 THE COURT: Thank you.

10:27:16 10 BY MR. TOWNSHEND:

10:27:28 11 Q. Mr. Keeshig, could you explain how
10:27:29 12 and when you learned about this protocol of seeking
10:27:33 13 permission from other First Nations if you were
10:27:36 14 going to their territory?

10:27:37 15 A. Well, I married someone from
10:27:44 16 Shawanaga, and I have lived in that area, so I know
10:27:56 17 with respect to the protocols and the fishing along
10:27:58 18 the east side of Georgian Bay, I understand and
10:28:03 19 bore witness to what I described relative to those
10:28:08 20 First Nations.

10:28:11 21 Q. One other thing I wanted to pick
10:28:32 22 up. When you were talking about the Three Fires
10:28:36 23 Confederacy or Alliance and with those three,
10:28:42 24 Ojibwe, Odawa and Pottawatomi, can you talk about
10:28:47 25 the -- well, one thing that we will be hearing in

10:28:52 1 this case will be about Pottawatomi people coming
10:28:55 2 here, and you have identified as of Pottawatomi
10:29:00 3 descent yourself.

10:29:01 4 But what was the relationship between
10:29:03 5 the Ojibwe and the Pottawatomi before the
10:29:06 6 Pottawatomi arrived here?

10:29:08 7 A. Again, the foundation of the
10:29:16 8 relationship I have described in using the example
10:29:20 9 of the Creation Story, the Anishinaabek,
10:29:27 10 Anishinaabe Nation.

10:29:28 11 The Pottawatomi are part of this
10:29:31 12 feather, as is the Odawa and the Ojibwe. We are
10:29:35 13 part of the same feather. We are the same people.
10:29:41 14 The Medewin teachings are and belong to those three
10:29:50 15 streams of the Anishinaabe people.

10:30:06 16 And if I could add one last part to
10:30:08 17 that, you can apply that same principle to the
10:30:17 18 land. It is our land as Anishinaabe people.

10:30:24 19 Q. So yesterday you talked quite a
10:30:31 20 bit about the war with the Iroquois or
10:30:35 21 Haudenosaunee. I just wanted to ask when and how
10:30:40 22 you learned about that?

10:30:41 23 A. I grew up with it. I was born
10:30:56 24 into it, but my grandfather and other Elders in
10:31:08 25 this community put word to it. They talked about

10:31:17 1 that conflict. I had described in part yesterday
10:31:25 2 what had occurred here. I showed you on the maps
10:31:30 3 or the illustrations here behind me with respect to
10:31:33 4 that conflict. I identified two locations, one Red
10:31:39 5 Bay. My grandfather and others, uncles, all had
10:31:49 6 the same story where Red Bay got its name from.

10:32:00 7 In this community, I had mentioned that
10:32:05 8 there is a burial site, we refer to them as caves,
10:32:11 9 and there are remains to this day in those caves in
10:32:17 10 the sense of I'm talking about bones that are
10:32:21 11 there. Refuge was sought in those caves, and the
10:32:30 12 evidence, the physical evidence is there. And it
10:32:37 13 is even in this community somewhat of a guarded
10:32:40 14 secret in that sense that it is not to be
10:32:48 15 disturbed, in that sense. It is not a tourist
10:32:53 16 attraction.

10:32:58 17 I would be -- I wouldn't even want to
10:33:04 18 show you on the map where it is, is how serious I
10:33:13 19 take it. I visited that place with offering of
10:33:20 20 tobacco and prayers for those who lie there. It
10:33:30 21 used to be a place that we would have to pass to go
10:33:34 22 strawberry picking with my grandmother and her
10:33:37 23 sisters, and many of my cousins that are here know
10:33:44 24 what I am talking about, that sacred place.

10:33:52 25 So that conflict with the Iroquois

10:34:06 1 relatives, again, fully encompassed what you regard
10:34:11 2 as the Bruce Peninsula, but it was much broader
10:34:15 3 than that, including Southwestern Ontario and all
10:34:19 4 around Georgian Bay.

10:34:23 5 Q. So I would like to shift now. You
10:34:32 6 have talked about the protocols that existed
10:34:35 7 between other Anishinaabe groups and you have
10:34:39 8 talked about the protocols between the Anishinaabe
10:34:41 9 and the Haudenosaunee.

10:34:43 10 If there were to be some agreement with
10:34:46 11 Europeans regarding Anishinaabe, your traditional
10:34:51 12 territory, what procedures would Anishinaabe people
10:34:55 13 think were required for that?

10:34:57 14 A. We would apply using our
10:35:16 15 understanding of agreements in relationship to such
10:35:22 16 a meeting or agreement, if you will. It would be
10:35:33 17 on the nature of sacred. It would invoke spiritual
10:35:40 18 protocols that were part of us, such as Sacred
10:35:49 19 Fire, such as the Pipes, the Grandfather Pipes, so
10:35:56 20 it would include a lot of the spiritual traditional
10:36:02 21 protocol.

10:36:02 22 I don't know how well the historical
10:36:06 23 record which is not ours was kept, but those
10:36:14 24 protocols would have been at work. In the Treaty
10:36:21 25 of Niagara, you are talking about numbers and

10:36:23 1 representation from across North America.

10:36:31 2 That meeting, from what I recollect,
10:36:39 3 was spoken about, how important it was, how big it
10:36:47 4 was. It created a lot of attention and focus from
10:36:53 5 across North America. It was by far one of the
10:36:58 6 greater events with respect to the relationships
10:37:01 7 with our light-skinned brother.

10:37:09 8 Q. And how would decision-making
10:37:11 9 about such agreements be made on the Anishinaabe
10:37:15 10 side?

10:37:16 11 A. Each group would have met with
10:37:23 12 respect to concerns relative to such a meeting, but
10:37:30 13 I had also given an example of the decision-making
10:37:36 14 within those groups, such as the clan system.

10:37:47 15 They were all called to the meeting.
10:37:49 16 I'm not clear on the total gist of how the
10:37:52 17 messaging took place, but they were concerned
10:37:56 18 enough to all attend. So that register, again,
10:38:06 19 would capture the many representatives, again, if I
10:38:13 20 use the term "nation" but also use Anishinaabek,
10:38:20 21 Anishinaabe Nation would have been represented
10:38:21 22 there. So they would have already convened.

10:38:24 23 If you consider that meeting and why it
10:38:28 24 was held, and in the era and the climate in which
10:38:34 25 it was held, you can get a sense of the urgency of

10:38:39 1 that particular meeting. There was a lot of unrest
10:38:45 2 across North America with respect to contact and
10:38:50 3 the earth and the waters.

10:38:56 4 From the Anishinaabe perspective, when
10:39:02 5 I say "earth" and "water," I'm talking about our
10:39:09 6 Mother. So that is the seriousness of which I want
10:39:14 7 to convey that that meeting was about. People were
10:39:20 8 being persecuted. Our people were being scalped.
10:39:30 9 There was warfare and rift down the east coast of
10:39:36 10 Turtle Island at the points of contact. There were
10:39:41 11 light-skinned races fighting amongst themselves,
10:39:49 12 influencing and manipulating the people across the
10:39:52 13 land. That era of Pontiac, followed by the era of
10:40:06 14 Tecumseh, and what those two War Chiefs intended to
10:40:13 15 do and stood up for.

10:40:18 16 So the Treaty of Niagara in the latter
10:40:22 17 quarter of the 1700s then was intended to be the
10:40:33 18 treaty of all treaties, the agreement of all
10:40:36 19 agreements.

10:40:39 20 To our dismay and our displeasure, it
10:40:42 21 wasn't. And there is context for that too, what
10:40:48 22 has transpired in this claim afterwards with our
10:40:52 23 land, with our "aaking" that tells a lot about what
10:41:04 24 transpired at the Treaty of Niagara and what wasn't
10:41:10 25 lived up to in the beginning. That set the tone

10:41:18 1 for what would happen afterwards and the effect and
10:41:23 2 the impact that it would have on the Anishinaabe
10:41:26 3 people from Niagara, across this country you refer
10:41:35 4 to as Canada.

10:41:37 5 But the beginning of that first
10:41:42 6 agreement with the Crown, the analogies of "our
10:41:57 7 Great Father," our Great Father didn't have great
10:42:12 8 intentions, unfortunately.

10:42:20 9 Q. Talking about treaties and
10:42:25 10 agreements with European governments more
10:42:31 11 generally, in looking at the historical record, it
10:42:34 12 sounds, from the written record it sounds like it
10:42:38 13 was the Chiefs and Warriors who made those
10:42:41 14 agreements.

10:42:41 15 Now, would they have made those
10:42:46 16 agreements on their own, or is there more behind
10:42:49 17 that?

10:42:49 18 A. There is much more behind it. One
10:43:11 19 may refer to it as selective memory, but I'll refer
10:43:19 20 to it as you write what you want to write, you
10:43:26 21 create the narrative that you want to create, and
10:43:31 22 you pose that as history.

10:43:36 23 For Anishinaabe, when we play with that
10:43:39 24 word "history," we see two stories there -- or one
10:43:48 25 story, his story. My response to that is, what

10:43:56 1 about our story? What about our eyes, our
10:44:02 2 perspective with respect to the Treaty of Niagara
10:44:06 3 and any agreement therefore afterwards?

10:44:18 4 Q. Would community members other than
10:44:21 5 Chiefs and Warriors be involved in decision-making
10:44:25 6 about such agreements?

10:44:27 7 A. The subsets, if you want to use
10:44:40 8 "clans," then it's clans, that system. Those
10:44:43 9 clans, I guess mistakenly, could be referred to as
10:44:47 10 "families."

10:44:48 11 There is other terms such as
10:44:49 12 "principals" that were used in those days,
10:44:52 13 "principal man," "principal leaders."

10:44:58 14 That would have been and should have
10:45:05 15 been your clan leaders. It would have been your
10:45:10 16 women. It would have included the women. They
10:45:17 17 would have met amongst themselves or perhaps within
10:45:21 18 clans, all weighing what was being asked of them.

10:45:29 19 When you look at those agreements, you
10:45:35 20 see a bit of evidence there and the markings of
10:45:41 21 those that did attend, they marked with their
10:45:50 22 ododem, their totem, their clan.

10:45:57 23 There were arguments and discussion
10:45:59 24 after signature that all were not represented.
10:46:12 25 Time wouldn't permit it. It was a violation

10:46:19 1 because all were not present with respect to the
10:46:24 2 questions that they were being asked and the
10:46:27 3 decisions that they were to make.

10:46:35 4 So there was a lot of orientation that
10:46:41 5 was very outside of custom, such as the legal
10:46:50 6 transcripts that they were recorded on, such as the
10:46:56 7 language and the interpretation that was required.

10:47:03 8 So a lot of those things we had to work
10:47:07 9 through to try and develop an understanding of what
10:47:11 10 was being transacted, and you couldn't -- if you
10:47:21 11 couldn't read the language, you had to trust. If
10:47:25 12 you couldn't read the old English language and the
10:47:27 13 way it was scribed, then you had to trust.

10:47:32 14 But how do you convey certain things in
10:47:34 15 our language and interpret it into the English
10:47:39 16 language? That is a challenge.

10:47:44 17 I'll use a small example, a very simple
10:47:51 18 example. Everyone knows what a kettle is. Does
10:47:57 19 everyone know what a kettle is? In our language,
10:48:03 20 we say "Sheshepkik," and if I could translate that,
10:48:12 21 it means "duck pail." Kettle and duck pail somehow
10:48:22 22 don't fit together, do they?

10:48:26 23 It was a description of the same
10:48:31 24 object. In those days, you had the kettle or the
10:48:34 25 bowl or the pail and its mouth came up and out,

10:48:48 1 representing to us a duck, and so we call that
10:48:55 2 Sheshepkik.

10:48:57 3 Apply that then to the finer in-depth
10:49:01 4 of details when we talk about land transactions.
10:49:05 5 You barely knew us or our language and our
10:49:08 6 perspective and our view of creation, and I think
10:49:14 7 that worked against both sides with respect to what
10:49:19 8 was to have been that one great Treaty.

10:49:28 9 Q. You mentioned earlier this morning
10:49:33 10 about Pontiac. Can you tell me what information
10:49:39 11 has been passed down to you about Pontiac?

10:49:41 12 A. Well, I know they named a car
10:49:49 13 after him, probably because he was a fast runner, a
10:49:58 14 strong runner.

10:50:00 15 But in our history, Pontiac was one of
10:50:04 16 the great Warrior Chiefs, a leader among the
10:50:10 17 people. He was one that sought alliance to bring
10:50:19 18 Anishinaabe people together, to ally them together,
10:50:27 19 to prevent what was happening to Anishinaabe people
10:50:32 20 and the land.

10:50:35 21 Pontiac wanted to prevent the
10:50:39 22 encroachment and the taking of Turtle Island, was
10:50:42 23 his initiative. What I shared with you was in part
10:50:54 24 retrospect, but Pontiac we had heard of even in
10:51:00 25 this community as being a great warrior in

10:51:08 1 combatting the forces of evil that was fraughting,
10:51:11 2 that our people were being persecuted by.

10:51:18 3 But there is another Warrior Chief
10:51:24 4 after Pontiac, and they are very similar in terms
10:51:27 5 of what they stood up for for the land, the
10:51:34 6 alliance of peoples, Anishinaabe people,
10:51:39 7 Anishinaabe nation, and his name was Tecumseh.
10:51:46 8 There are many in this community that are directly
10:51:49 9 related to that one, Tecumseh. My blood is
10:51:55 10 connected to Tecumseh. I refer to him as my Great
10:52:03 11 Uncle.

10:52:06 12 He stood up for his people. He was
10:52:12 13 revered by the enemy, if I could use that term, for
10:52:25 14 a great cause of which I'll say part of which was
10:52:29 15 the striking of the Niagara Treaty. His efforts
10:52:40 16 shaped what we know today as Canada. He isn't
10:52:49 17 given much credit for it, but if Tecumseh hadn't
10:52:54 18 did and led as he did, Canada wouldn't be the
10:52:59 19 country that it is today.

10:53:06 20 A little more about Tecumseh. He
10:53:16 21 reached out to the Medewin Lodge for help. There
10:53:23 22 was oral account of Tecumseh coming to the Three
10:53:27 23 Fires Medewin Lodge seeking assistance. He left
10:53:37 24 with the support of the Medewin faith, the Medewin
10:53:46 25 Lodge. Unfortunately, as he promised that he was

10:53:50 1 going to return, he wasn't able to. He had lost
10:53:55 2 his life vying for and striving for his dream and
10:54:11 3 vision for the people.

10:54:22 4 Q. Just returning to Pontiac for a
10:54:26 5 minute, have you heard of this community being
10:54:30 6 involved in Pontiac's War?

10:54:34 7 A. My memory is weak with respect to
10:55:03 8 some of that, but he was mentioned in this
10:55:08 9 community that I recall, and with respect to the
10:55:18 10 Medewin Lodge, the Tecumseh relatives from here,
10:55:23 11 including myself and the Medewin Lodge, Three Fires
10:55:27 12 Medewin Lodge, have met with the descendants of
10:55:35 13 Pontiac and they are both represented today in the
10:55:40 14 Medewin Three Fires Lodge.

10:55:55 15 Q. Now, you have talked about the
10:55:57 16 Treaty of Niagara. Can you explain what you
10:56:07 17 understand to have been the agreement made at the
10:56:12 18 Treaty of Niagara?

10:56:13 19 A. First and foremost, I understood
10:56:26 20 it to be, as I had mentioned before, the Treaty of
10:56:31 21 Treaties, the end of the unrest that was happening
10:56:50 22 across Turtle Island relative to our relationships
10:56:52 23 with the newcomers. It was to be an end to that.

10:57:00 24 I also understood that there was to be
10:57:08 25 gifting relative to that transaction and that the

10:57:15 1 gifting was to be to time immemorial, continuous,
10:57:26 2 and that out of that Treaty there were conditions
10:57:31 3 related to the land.

10:57:45 4 That is the basics, I guess, or the
10:57:57 5 spirit of what I would like to say about that
10:58:04 6 particular agreement. I don't sit down every night
10:58:08 7 and read it and go into the details of it. In many
10:58:16 8 regards, it is a painful memory, as is what you are
10:58:22 9 calling treaties now and are depicted on these
10:58:27 10 illustrations behind me.

10:58:30 11 When I see these, I look back to the
10:58:34 12 Treaty of Niagara. Even if there was an agreement
10:58:46 13 that would have been lived up to, even though it
10:58:48 14 might have been hard to enter into, but had the
10:58:55 15 Treaty of Niagara been lived up to, I am sure our
10:58:58 16 relationship would be much different today.

10:59:04 17 Q. How did you learn about the Treaty
10:59:06 18 of Niagara?

10:59:07 19 A. Well, it wasn't referred to as the
10:59:15 20 "Treaty of Niagara," but I recall my grandfather
10:59:19 21 talking about a big meeting and the location
10:59:26 22 Niagara. We knew, although I hadn't seen it in my
10:59:32 23 young age, we knew of Niagara Falls. You are
10:59:38 24 talking a grandfather and his grandson having an
10:59:42 25 exchange when I was 11, 12 years old.

10:59:53 1 So I gave you some of the basic
10:59:57 2 recollections of a young boy talking to his
11:00:03 3 grandfather. It was years later that I would see
11:00:10 4 the evident truth of what my grandfather was
11:00:13 5 talking about.

11:00:20 6 Q. Did your grandfather talk about
11:00:22 7 other treaties in this territory?

11:00:25 8 A. Yes. He talked about these
11:00:34 9 islands out here in Georgian Bay, Griffith, White
11:00:44 10 Cloud and Hay Island, as we know them. He talked
11:00:48 11 about the settlements near Oxenden, Owen Sound
11:00:54 12 settlement, that strip between Owen Sound and
11:00:57 13 Saugeen or Port Elgin, referred to as the "Indian
11:01:05 14 Line."

11:01:10 15 He may not have used those terms
11:01:13 16 "Indian Line" but I knew that there were many
11:01:18 17 agreements that were not lived up to and that they
11:01:26 18 were a very sore spot in the hearts of everyone in
11:01:38 19 what is now Nawash.

11:01:43 20 And if I could add my grandfather's
11:01:50 21 words, his name was Alec Johnston, "They lied to
11:02:01 22 us."

11:02:04 23 Q. Do you understand that the
11:02:18 24 treaties in this territory have anything to do with
11:02:23 25 hunting or fishing?

1 A. No. If it did, there would be a
2 record of it. Hunting and fishing, I understood
3 that those were not a part of what was signed, is
4 what I understand.

5 Q. Can you talk more of how you
6 consider hunting and fishing and how you practice
7 it?

8 A. Hunting and fishing, as with many
9 activities of Anishinaabe people, it was a
10 spiritual rite; it was a spiritual practice, but a
11 necessary one.

12 And by that I mean if you adhere to
13 original instruction, when you are going to take
14 from the land or the water or from your Mother or
15 from the gift of creation, that sacred transaction
16 involved the use of your tobacco for what it is
17 that you are seeking.

18 In the case of hunting, it is the wild
19 game such as the deer, such as the beaver, such as
20 the moose, various animals. The same would be done
21 for the water and the life and the bounty of the
22 water. You would use your sacred tobacco and you
23 would pray and you would talk to the spirit about
24 what it is that you are intending and what it is
25 that you are looking for, and by that transaction,

11:04:48 1 that is a spiritual rite.

11:04:50 2 And should you ever be blessed with
11:04:54 3 receiving game through the use of hunting or
11:04:58 4 fishing or otherwise, but let's include plants and
11:05:02 5 medicines and picking, there would be that exchange
11:05:07 6 of tobacco. And why we use tobacco is spiritual in
11:05:15 7 nature.

11:05:18 8 I recited excerpts of the Creation
11:05:21 9 Story with respect to how the Creator blew his
11:05:25 10 breath, his spirit into creation, that everything
11:05:30 11 has a spirit and is of the Creator. And so the use
11:05:37 12 of tobacco is very important in our relationship
11:05:40 13 with the earth, our Mother and her bounty.

11:05:46 14 We are also warned with respect to our
11:05:54 15 tobacco and there is a story that I didn't relate
11:05:58 16 with respect to Wanaybozhoo, that one who was
11:06:06 17 lowered here, first known as Miskogabowut, then
11:06:16 18 known as Anishinaabe, then had his name bestowed
11:06:20 19 upon him by his grandmother. He is Wanaybozhoo.

11:06:27 20 Part of doing his work, he violated the
11:06:34 21 use of his tobacco when talking with his Creator,
11:06:42 22 and in that story everything stopped. All of
11:06:53 23 creation knew what had taken place and they all
11:06:58 24 looked in his direction because Wanaybozhoo himself
11:07:04 25 had violated sacred instruction.

1 It was a very serious act that had
2 occurred for the first time in creation. So
3 Wanaybozhoo was standing there looking around and
4 knew something was wrong, and there was a little
5 scurry under the leaves that came up at his side,
6 poked its head out of the leafs and whispered to
7 him "Wanaybozhoo, Asemaa." He told him, reminded
8 him, you forgot your Asemaa, your tobacco.

9 Wanaybozhoo realized his mistake and he
10 got his tobacco out and then he spoke to the
11 Creator. That is where that sacred rite of tobacco
12 comes from with respect to those activities that I
13 said are sacred regarding hunting and fishing and
14 taking the bounty from the earth, our Mother.

15 Q. Can you talk about how important
16 hunting is to Anishinaabe men and particularly
17 yourself?

18 A. Raising a family is a shared
19 responsibility. It is shared by, first and
20 foremost, your mother and your father, and it is
21 important to your little ones what each of those
22 partners give you and how they provide for you.
23 There is certain duties that the mom has and the
24 dad has, if I could confine it to those two
25 individuals, but you must understand family is a

11:09:58 1 lot broader than mom and dad; there are aunties,
11:10:07 2 uncles, grandparents, and there are extensions of
11:10:09 3 uncles and aunts through clan systems.

11:10:16 4 In our simpler and better times, when
11:10:22 5 the bounty on Turtle Island was full and the
11:10:27 6 customs and models that were practiced at that
11:10:34 7 time, there is a reason that the first teacher for
11:10:43 8 the little ones is the mother. The little ones
11:10:48 9 have to suckle. She has to breast-feed them. She
11:10:57 10 has to comfort. So your little ones are first
11:11:01 11 attached and connected to your mother, for she is
11:11:08 12 the doorway through which they entered creation.

11:11:12 13 The father in those times, his duties
11:11:15 14 were as that of hunter, gatherer. He went out to
11:11:24 15 hunt and to gather and to provide life for his
11:11:29 16 family, including his children. But not just his
11:11:33 17 family. It was often practiced that his bounty was
11:11:41 18 shared throughout the community, a practice that is
11:11:45 19 still known today in this community. They share
11:11:49 20 their bounty of fish and often their wildlife,
11:11:55 21 deer. It is still practiced today.

11:11:58 22 In those days, the hunters executed
11:12:09 23 that duty with pride. It was who they are. It
11:12:12 24 gave them something that was meaningful and that
11:12:16 25 they were relied on, depended on to do.

1 With respect to the man, a lot of those
2 types of roles and how he supported the family and
3 community, much of it related to hunting and
4 fishing and gathering or the building of things,
5 such as the lodges, wigwam, structures such as
6 that.

7 But there was always, and I believe it
8 is often overlooked, that doesn't say that
9 Anishinaabe "kwe" couldn't do the same, couldn't
10 hunt and couldn't fish herself, that she didn't
11 know how to do that, but it was largely in those
12 days a role that was fulfilled by the men or the
13 uncles, but men. It was those traits and those
14 skills that were taught to the children, and
15 particularly relative to hunting and fishing, the
16 young boys.

17 Many of the roles in those days were
18 the women. I had mentioned some of that with
19 respect to the water and their relationship with
20 water and how that relation comes with -- has come
21 from our Creation Story, our beginning.

22 After contact, many of those
23 characteristics or duties and that were affected by
24 the laws that were imposed, undermined by the laws,
25 residential schools. In our day we were attacked

1 by Ministry of Natural Resources and the law to
2 exorcise our spiritual connection with our land or
3 with our mother. In many regards, the men began to
4 lose their place and their worth in society. They
5 have had to adapt; we have had to adapt to survive.

6 Things are changing in many regards and
7 the adaptations that have been necessary. Now you
8 have to go to college or university. You have to
9 acquire skills. You have to apply yourself a
10 certain way in today's reality if you are to have
11 any chance at success.

12 There is so much that can be discussed
13 with regards to that question, but I'll share that
14 much.

15 Q. Just to tie up one thing, you
16 mentioned the term "Anishinaabe kwe" and I am not
17 sure that the Court understands what that means.

18 A. Anishinaabe kwe, "kwe" is our
19 women.

20 Q. Can you talk about if you have
21 relied on hunting in your lifetime?

22 A. I grew up on wild meat and
23 strawberries and bilberries and -- I don't like
24 onions, so I don't eat leeks. Mushrooms,
25 all-natural bounty in the land that we are meeting

11:17:04 1 in today. I fished with my grandfather in these
11:17:09 2 waters. I helped him carry his nets and rowed the
11:17:15 3 boat for him. Partridge, rabbit, snare lines, many
11:17:27 4 of -- my upbringing was on wild meat, the bounty
11:17:33 5 from our Mother.

11:17:34 6 Q. And where did you hunt?

11:17:37 7 A. We hunted where I grew up, when
11:17:46 8 you are coming into the community and down the
11:17:49 9 hill, by the Cape Croker Park. That is referred to
11:17:54 10 as Sydney Bay. Before all of the development
11:18:00 11 occurred, that was -- well, in my younger days that
11:18:06 12 was my playground and my cousins' and my sisters'.

11:18:10 13 But that was also the place that we
11:18:13 14 hunted. There is also another place up on the
11:18:23 15 Bruce Peninsula we refer to as the "Hunting Camp."
11:18:30 16 We would take during hunting season the week off to
11:18:33 17 go and exercise that right of hunting, and when we
11:18:43 18 felt up to it, we hunted off the reserve. We broke
11:18:49 19 your law. We knew the consequence of that, but we
11:19:00 20 did it anyways because it is our right.

11:19:11 21 Q. What have you heard about the
11:19:24 22 shores of the peninsula?

11:19:26 23 A. The shores are not a part of the
11:19:39 24 agreement, of any agreement. That is what I
11:19:59 25 understand. That is what I know to be true. By

11:20:07 1 "shorelines," we are not just talking about the
11:20:10 2 peripheries of the Great Lakes. We are talking
11:20:16 3 about all those entities of water, large and small,
11:20:23 4 and we call those lakes and that is what we are
11:20:26 5 talking about, or the rivers and streams that
11:20:34 6 course through our Mother's veins, the rivers and
11:20:39 7 the streams, that those too are not a part of the
11:20:44 8 agreement.

11:20:50 9 Even it was practiced, my recollection,
11:21:17 10 locally is that no one owned the shores, even
11:21:24 11 within this community, and you weren't -- you could
11:21:31 12 walk and you could walk the bay and you could walk
11:21:35 13 the shoreline. Should someone have a home or
11:21:40 14 something nearby, then the protocols of respect
11:21:48 15 that you should have been taught as a young child
11:21:51 16 should have been invoked.

11:21:56 17 So this notion of ownership is one we
11:22:01 18 struggle with. How can you own your Mother? How
11:22:12 19 is that possible that you can own her, buy her?
11:22:24 20 Those are all foreign notions that we have had to
11:22:31 21 contend with.

11:22:37 22 Q. Can you talk a bit about gathering
11:22:52 23 medicines and the importance of that and the
11:22:54 24 protocols involved in that?

11:22:56 25 A. Again, just to be clear, I guess,

11:23:06 1 and if the question comes up again and again, I'll
11:23:10 2 say this. For Anishinaabe, tobacco is always
11:23:21 3 first, always first. Use your tobacco first.

11:23:32 4 Very similar protocols with gathering
11:23:35 5 medicines as it relates to the wildlife, the
11:23:38 6 fishing and the hunting. You offer your tobacco.
11:23:46 7 Should you be looking for a particular medicine and
11:23:50 8 you can't find it, you may use your tobacco to seek
11:23:52 9 it, but because we knew our Mother so well, we knew
11:24:00 10 where to go to find the particular medicines that
11:24:02 11 we needed.

11:24:06 12 So you stand before the medicine with
11:24:08 13 your tobacco. You include the Creator in your
11:24:11 14 conversation, and you are talking to the
11:24:15 15 Grandmother or Grandfather of that medicine,
11:24:19 16 letting them know what it is that you seek, why you
11:24:23 17 have come. You apologize for what it is that you
11:24:27 18 have to do. You say, "I am taking life that I may
11:24:34 19 have life. Forgive me. Look upon me in a good
11:24:39 20 way."

11:24:40 21 Prayers are intimate and personal. I
11:24:46 22 gave you an example of what I would do, but there
11:24:52 23 are others that would do a very similar thing and
11:24:57 24 maybe perhaps express it more eloquently than I
11:25:01 25 can, but the point is that you use your tobacco

1 before you take life and when you are seeking life.

2 And then you would take only what you needed. You

3 would ensure that you left something there so that

4 there would be a continuance.

5 And the thing is a lot of these

6 medicine places, they belong to us all. The land

7 and the shorelines, as I mentioned earlier, they

8 belong to us all Anishinaabe.

9 So there are medicine places in this

10 community and those are the protocols that are in

11 place. And if they aren't in place, then it is a

12 reminder of what should be in place.

13 MR. TOWNSHEND: Could you give me one

14 moment, please.

15 Thank you, those are my questions.

16 THE COURT: Thank you, sir.

17 Which counsel from Canada will be

18 asking this gentleman questions?

19 MR. BEGGS: I will be, Your Honour.

20 THE COURT: All right, Mr. Beggs. So

21 we'll commence after the morning break. We'll take

22 a 20-minute break at this time.

23 -- RECESSED AT 11:26 A.M.

24 -- RESUMED AT 11:52 A.M.

25 THE COURT: Please go ahead, Mr. Beggs.

11:52:12 1 CROSS-EXAMINATION BY MR. BEGGS:

11:52:13 2 Q. Thank you, Your Honour.

11:52:14 3 Good morning, Mr. Keeshig.

11:52:18 4 A. "Mino ghizheb."

11:52:23 5 Q. Thank you. Before I start, I
11:52:25 6 would like to say that I heard what you said
11:52:29 7 yesterday, and because some of your teachings are
11:52:31 8 not for non-Anishinaabe ears, please just let me
11:52:35 9 know if I unwittingly tread into that territory and
11:52:40 10 I'm sure that will be fine.

11:52:43 11 A. What I shared is for all ears and
11:52:48 12 all eyes.

11:52:49 13 Q. Thank you.

11:52:51 14 To begin with, I would like to ask you
11:53:04 15 about the role of the Medewin Lodge in this
11:53:07 16 community. When I speak of "this community," is it
11:53:15 17 fair to use that term with respect to both the
11:53:20 18 Nawash and the Saugeen?

11:53:21 19 A. Yes, it would be fair. With
11:53:28 20 respect to our responsibilities as Medewin and that
11:53:35 21 sacred lodge and those sacred teachings, those are
11:53:39 22 all-encompassing Anishinaabe spiritual teachings.
11:53:47 23 In our lodge, the door is open to everyone of
11:53:52 24 Anishinaabe.

11:53:55 25 Q. Before I move into that then, I do

1 want to ask about what you have just let me know.

2 It is for all Anishinaabe, not just the Pottawatomi
3 and the Ojibwe and the Odawa?

4 A. Those are all Anishinaabe people.

5 Q. Yes, sorry, but are other
6 Anishinaabe peoples welcomed to the Medewin Lodge?

7 A. All Anishinaabe includes all the
8 people, the original, in your words perhaps,
9 "Indigenous people" of Turtle Island. Anishinaabe
10 is an all-encompassing and I'll use that term
11 "nation."

12 With respect to our Iroquois relatives,
13 they use another term. I believe that term is
14 "Ongwe Ongwe." They mean the same thing. They
15 have a word that is like ours. And we do have
16 people of that nation that have entered, by their
17 desire, the Medewin Lodge.

18 The requirement necessary to enter the
19 Medewin Lodge is you have to have first the blood
20 of the people. You have to have your spirit name
21 and you have to know your clan.

22 Q. Thank you. And I realized that I
23 was confusing two things when I asked my question.
24 You of course had said that the Three Fires Lodge
25 was the one that was made up of the Ojibwe, Odawa

11:56:03 1 and the Pottawatomi.

11:56:07 2 A. The Three Fires is the Alliance of
11:56:16 3 those three veins of Anishinaabe. That is not to
11:56:22 4 imply that it is Pottawatomi, Ojibwe and Odawa
11:56:28 5 Lodge in itself, but that distinction, the Three
11:56:38 6 Fires, it was those Nations and they were given
11:56:41 7 credit in the title for having taken care of the
11:56:47 8 fire and the sacred teachings and the protectors.

11:56:53 9 So those are the three responsibilities
11:56:55 10 of those three veins of Anishinaabe First Nation,
11:57:01 11 and so that lodge carries the title Three Fires
11:57:07 12 Medewin Lodge.

11:57:08 13 Q. Thank you. And you told us
11:57:12 14 yesterday while you were honouring various members
11:57:18 15 of the lodge that there was a member from this
11:57:23 16 community named Wasayabanokwe?

11:57:33 17 A. Wasayabanokwe, yes.

11:57:34 18 Q. And she was -- is she still alive
11:57:36 19 or --

11:57:37 20 A. No, she is not.

11:57:38 21 Q. Are there other members of this
11:57:39 22 community that are members of the lodge?

11:57:42 23 A. Yes.

11:57:42 24 Q. Is it a great number?

11:57:48 25 A. It is a growing number. The

11:58:05 1 actual Medewin by title in this community is
11:58:13 2 beyond, I believe beyond 10, but the -- those are
11:58:22 3 Medewin, but beyond that, our numbers that are part
11:58:32 4 of that but not yet, they haven't decided yet or
11:58:35 5 determined that they will become Medewin, but they
11:58:40 6 are a part of that lodge.

11:58:41 7 Q. Thank you. When you were
11:59:00 8 referring to the medicinal plants this morning, is
11:59:07 9 that part of the blessing that was given when you
11:59:10 10 were talking about the blessings given on the
11:59:16 11 shores when the migration reached the shore of the
11:59:20 12 peninsula?

11:59:20 13 A. Would you say that one more time,
11:59:29 14 please?

11:59:32 15 Q. Certainly. It's possible that I
11:59:34 16 am mixing up things. You said that there are a
11:59:38 17 number of plants this morning, a number of plants
11:59:40 18 with medicinal properties on the peninsula?

11:59:42 19 A. Yes.

11:59:42 20 Q. And yesterday you referred to a
11:59:47 21 healing blessing being given when the migration
11:59:54 22 arrived at the shores of the peninsula, and I am
11:59:56 23 just trying to see if those plants were medicinal
12:00:00 24 at that time?

12:00:04 25 A. Yes. You are referring to when

12:00:15 1 that Meegis rose up in what we refer to as
12:00:20 2 Nochemowenaning, that the other name in that locale
12:00:28 3 is Hope Bay, and when that Meegis rose up, it
12:00:33 4 extended blessing both to the waters and to the
12:00:41 5 land, identifying the plants that would be termed
12:00:50 6 and the term you are using is medicine.

12:00:54 7 So that additional blessing from the
12:00:57 8 Creator through the Meegis shell was bestowed to
12:01:02 9 the water and the plants at that location.

12:01:12 10 There are other locations of medicine.
12:01:17 11 How far the blessing was extended is not definable.
12:01:28 12 You can't define how far the Creator's blessing
12:01:31 13 through the shell extended. It isn't simply that
12:01:36 14 the shell went around blessing plants.

12:01:42 15 But if I could give you a bit of deeper
12:01:46 16 understanding with respect to medicines, in my
12:01:52 17 earlier testimony I had referenced when the Creator
12:01:58 18 molded Anishinaabe in his hands and how he reached
12:02:02 19 down to the earth and he took four parts of his
12:02:06 20 Mother and he molded them in his hands. When he
12:02:10 21 did that, the soils and the seeds fell back to the
12:02:16 22 earth.

12:02:18 23 In that part of the story, we are told
12:02:25 24 that what fell back to the earth would be the seeds
12:02:29 25 of the medicine that Anishinaabe is going to need

1 on his journey through creation.

2 So what are then those medicines? So
3 there is -- since that time would have been in time
4 of need, so if you haven't had a sickness before
5 and there wasn't a medicine that you knew of for
6 it, then you would seek it and that would become
7 traditional medicine knowledge and know-how.

8 So when that Meegis rose up over there,
9 there were medicines that were identified that were
10 necessary for the healing that was to take place
11 over there. That is the point that I was trying to
12 convey, and your question helped me to do that.

13 Q. Thank you. So it would be fair to
14 say that the Anishinaabe have been using these
15 plants at least since that time?

16 A. Using or --

17 Q. Or gathering these plants.
18 Perhaps earlier?

19 A. It was much earlier. There were
20 illnesses and sicknesses that were transferred or
21 travelled with the light-skinned race that we
22 hadn't experienced before, so there were medicines
23 that were particular to the illnesses and
24 sicknesses.

25 But before that time and in our

12:04:36 1 history, some of it captured in Creation Story, I

12:04:42 2 had referenced how Anishinaabe was so weakened

12:04:47 3 after the Flood, that cleansing, that some of the

12:04:51 4 knowledge was weak and that they were tripping

12:04:54 5 over, in some ways they explain it, they were

12:04:59 6 stepping on the very medicines that they needed to

12:05:03 7 heal themselves.

12:05:06 8 So the use of medicines, and although

12:05:09 9 we are using the terms in thinking that we are

12:05:12 10 talking about plants, it isn't just plants. Some

12:05:18 11 of it is the medicinal properties within the

12:05:22 12 animals as well, within the waters as well. And

12:05:28 13 all the medicines are not simply on the land; they

12:05:31 14 are on the peripheries of the shores and the lakes

12:05:33 15 and the streams, and some of them are contained

12:05:38 16 within the waters themselves.

12:05:39 17 Q. And are these medicines today at

12:05:45 18 risk or endangered, any of them?

12:05:52 19 A. Many of them. Your species at

12:05:59 20 risk fails to identify most of them, if you are

12:06:07 21 familiar with the species at risk legislation.

12:06:17 22 So in many regards, when we are

12:06:19 23 concerned about the land, we are including

12:06:26 24 obviously the medicines, the plant life,

12:06:34 25 all-encompassing, all of those things. But if

12:06:37 1 there is emphasis, then it is the medicines. All
12:06:44 2 medicines come from the earth. So how they are
12:06:52 3 garnered or gathered, again, it isn't just a matter
12:06:58 4 of knowing medicines and revealing what they are
12:07:03 5 because then they turn and may be used as a
12:07:07 6 commodity and end up in drugstores where you pay a
12:07:15 7 price.

12:07:15 8 So all of those, that kind of thinking
12:07:19 9 is wrapped up in our concern for the land and the
12:07:23 10 water.

12:07:24 11 Q. And do people, do Anishinaabe from
12:07:32 12 off the peninsula come to your territory to seek
12:07:39 13 such medicines?

12:07:39 14 A. I have personally been asked to
12:07:45 15 gather medicine from relatives in Manitoba where
12:07:51 16 this medicine does not grow, so yes, relatives
12:08:01 17 outside of our, again, if I use the term
12:08:06 18 "territory" have been often asking if we would
12:08:12 19 bring them something in terms of medicines for
12:08:17 20 their benefit.

12:08:20 21 So yes, we do gather medicines and
12:08:28 22 ensure that they go where they are needed to go.

12:08:32 23 Q. Thank you. I think I would like
12:08:41 24 to move to talking about some of the teachings you
12:08:48 25 provided yesterday and asking for some

12:08:52 1 clarifications to help my understanding of them.

12:08:55 2 A. Yes, if I may ask, can you turn
12:08:58 3 your mic? I'm having a hard time hearing.

12:09:01 4 Q. Oh, I'm sorry.

12:09:02 5 A. I think you have to tip it up.
12:09:04 6 Yes.

12:09:04 7 Q. Is this good?

12:09:06 8 A. That is better, yes.

12:09:07 9 Q. Yes.

12:09:08 10 THE COURT: I don't know if you can
12:09:09 11 pull that closer to you, but that would be helpful
12:09:13 12 if you could.

12:09:16 13 MR. BEGGS: Is this okay?

12:09:18 14 THE COURT: That is much better.
12:09:21 15 Perhaps repeat your comment that you made before
12:09:24 16 this gentleman indicated that he couldn't hear you.
12:09:27 17 You said you were going to ask some questions about
12:09:28 18 a certain subject. Could you repeat that, please.

12:09:31 19 MR. BEGGS: Oh, I believe I said that I
12:09:36 20 would like to turn to some of the teachings he
12:09:39 21 provided yesterday and ask some questions to help
12:09:42 22 clarify my understanding.

12:09:45 23 THE COURT: Okay, that is much more
12:09:46 24 audible. Please go ahead.

12:09:47 25 BY MR. BEGGS:

12:09:48 1 Q. Yes, thank you.

12:09:48 2 Now, I know these things must be
12:10:00 3 obvious to you, but perhaps you could tell us what
12:10:03 4 is a Water Drum and what does it mean in these
12:10:08 5 stories?

12:10:09 6 A. That is a good question. The
12:10:20 7 Water Drum in Anishinaabe's trek or journey through
12:10:30 8 life since the beginning of time when he was
12:10:32 9 lowered here, he did not come with the Water Drum.

12:10:38 10 The events related to the Water Drum,
12:10:42 11 and if I could be specific with respect to your
12:10:45 12 question, we refer to the Grandfather Water Drum.
12:10:58 13 That was the first Drum. We refer to that one as
12:11:05 14 the Drum of Drums.

12:11:11 15 There is in our teachings how that Drum
12:11:16 16 came to be, and much like Anishinaabe, that Drum
12:11:21 17 was lowered from the realm of the Mide realm. That
12:11:33 18 Mide realm for reference was in the Creation Story
12:11:37 19 that I recited the first day of testimony.

12:11:43 20 It was the Fourth Level, is the Mide
12:11:46 21 realm, there where resides the Medewin Spirit who
12:11:52 22 sits there in stead of the Creator or in the
12:11:58 23 Creator's stead. He is every bit the same as the
12:12:02 24 Creator, as the Creator placed him there and works
12:12:05 25 through the Mide Spirit.

1 So it is from that realm that the Water
2 Drum comes from. And if I could be more specific
3 with respect to that particular Drum, it is
4 referred to as the Medewin Grandfather Water Drum.

5 There was a time of need along our
6 trail as a people. In Wanaybozhoo's time he had
7 somewhat of a simple existence where all he needed
8 to do was offer his tobacco and communicate with
9 his grandfather or the Creator.

10 Over time, in the children that were to
11 come, our trek and our needs changed as a people,
12 and the response, there was a seeking with regards
13 to the needs and what was happening with
14 Anishinaabe. There was actually an exorcise, and
15 some of this I have to be careful with because it
16 is sacred in nature, but I want to answer your
17 question as best that I can that you would have
18 meaning because you are earnest in seeking why you
19 asked the question.

20 But in this time of need, they often
21 describe it in terms of what was happening among
22 the people. All men in their stories have events
23 and legacies of rift and illness. All colours of
24 man have those stories. Anishinaabe is no
25 different.

12:14:45 1 So in one of these times, there was
12:14:51 2 something that happened. There was someone that
12:14:54 3 was seeking and there was someone of us that was
12:15:00 4 taken.

12:15:04 5 Those concepts may be hard to
12:15:06 6 understand, but there was someone that was taken,
12:15:19 7 and they went to that high place that I am
12:15:23 8 referring to as the Mide realm and they visited
12:15:29 9 with the Grandfathers there and they were given --
12:15:37 10 privilege to be given sight of what the
12:15:41 11 Grandfathers were providing to be lowered to
12:15:49 12 Anishinaabe.

12:15:51 13 So that is part of the answer, but it
12:15:56 14 came down in the form of the Grandfather Medewin
12:16:05 15 Drum. That one existed for some time, but
12:16:10 16 something would happen later at the time that the
12:16:16 17 Grandfather was lowered. There is lots I'm leaving
12:16:21 18 out here, but that Drum was lowered and brought
12:16:28 19 with it what -- and relative to that, the Medewin
12:16:33 20 knowledge and teaching was through that Drum and
12:16:40 21 the message of the Creator was through that Drum.

12:16:44 22 And that Drum was not a traveller. It
12:16:48 23 didn't go all across the land, but its word was
12:16:54 24 sent out, its teaching was sent out, calling the
12:16:58 25 people, fulfilling their needs and their desires

12:17:06 1 for a better life. It was through that Drum and
12:17:09 2 the teachings that came with it and the one that
12:17:15 3 would sit with it.

12:17:20 4 What would happen later, and then again
12:17:26 5 there is another story that I want to be careful
12:17:28 6 with, and that relates to the Drum that came next,
12:17:38 7 and we refer to that one as a Little Boy Water
12:17:44 8 Drum.

12:17:46 9 The story is long about that one, but
12:17:53 10 his role and his relationship relates directly to
12:17:58 11 the message of the Grandfather Water Drum, much
12:18:01 12 like a grandfather and a grandson relationship,
12:18:06 13 much like Wanaybozhoo's relationship with the
12:18:09 14 Creator.

12:18:12 15 So that Little Boy Water Drum then took
12:18:18 16 the message of -- carried the message of the
12:18:23 17 Grandfather Drum or the Creator through the
12:18:25 18 Grandfather Drum to the people, and like a little
12:18:30 19 boy, he went to every village with the message of
12:18:34 20 the Grandfather.

12:18:37 21 That is the way the Little Boy Water
12:18:42 22 Drum worked, so there in the story are the two
12:18:47 23 first Drums that are Medewin.

12:18:53 24 And a bit of insight into what those
12:18:55 25 Drums are. Relative to my personal journey as a

12:19:02 1 Medewin, it was the little boy's message that I
12:19:14 2 first heard. It was the little boy's voice that I
12:19:21 3 responded to. His message told me of the
12:19:31 4 Grandfather Drum, and that is what I responded to
12:19:41 5 and that is what I followed.

12:19:47 6 In order for me to be a Medewin, to be
12:19:54 7 initiated, it is the Grandfather Drum, that is his
12:20:00 8 rite. He and he alone has that rite of initiation,
12:20:11 9 the role that that one plays in the initiation.

12:20:15 10 There are other things about that
12:20:22 11 Grandfather Drum that are particular to the
12:20:25 12 Grandfather Drum. When we came here, before we
12:20:35 13 left the Creator's side, he whispered into our ear
12:20:43 14 and he told each of us, "When your time is done, I
12:20:49 15 will call you back."

12:20:51 16 The little boy does a lot of the
12:20:56 17 Grandfather's work, but when it is time to go back
12:21:01 18 to the Creator, the little boy will do a lot of
12:21:07 19 work in assisting his Grandfather with that, but in
12:21:12 20 the rite, the last rites, it is the Grandfather
12:21:21 21 Drum who does that. The little boy cannot do that
12:21:27 22 work. It is the Grandfather Drum who has that
12:21:33 23 rite.

12:21:34 24 He gave the little boy, his grandson,
12:21:37 25 many duties and many tasks, but there are some

12:21:40 1 things that he held back and that is one example.

12:21:44 2 Q. Thank you.

12:22:05 3 Your Honour, yesterday a book was
12:22:08 4 mentioned several times and I would like to ask
12:22:16 5 permission and ask the Registrar to allow us to
12:22:20 6 show a digital copy of the book to the witness.

12:22:24 7 THE COURT: Can you be specific?

12:22:27 8 MR. BEGGS: The book was referred to by
12:22:30 9 Mr. Keeshig yesterday as the Mishomis Book by Chief
12:22:34 10 Edward Benton-Banai, and it is in the database at
12:22:39 11 S-1189. It is not yet an exhibit.

12:22:43 12 THE COURT: S-1189?

12:22:50 13 MR. BEGGS: Yes, Your Honour.

12:22:51 14 THE COURT: Is any party objecting to
12:22:53 15 it becoming an exhibit or being referred to this
12:22:56 16 morning?

12:22:56 17 MR. TOWNSHEND: No, Your Honour.

12:22:57 18 THE COURT: Anyone?

12:22:59 19 MR. OGDEN: No, Your Honour.

12:23:00 20 THE COURT: So there is no objection,
12:23:02 21 including from the Plaintiffs, so I don't see any
12:23:04 22 reason why you cannot then refer to it, if
12:23:09 23 Mr. Registrar has it, but I think you are supposed
12:23:12 24 to deal with the screens at your end. In other
12:23:16 25 words, Mr. Registrar can pull up the document.

12:23:21 1 Someone has done that?

12:23:23 2 MR. BEGGS: Thank you, Your Honour.

12:23:24 3 THE COURT: So I'm just looking at the
12:23:25 4 screen and I am seeing the middle of something.

12:23:27 5 MR. BEGGS: Yes, we'll take it to the
12:23:29 6 beginning of the book. Can we go to the front?

12:23:34 7 THE REGISTRAR: The Court's indulgence.
12:23:35 8 Are we marking this as an exhibit, Your Honour?

12:23:37 9 THE COURT: Yes. So I take it you wish
12:23:38 10 to mark this as an exhibit at this point?

12:23:41 11 MR. BEGGS: Yes, please, Your Honour.

12:23:43 12 THE COURT: And I have already asked
12:23:43 13 and no one objects to that.

12:23:45 14 MR. BEGGS: Perhaps I should ask, to
12:23:46 15 confirm with the witness.

12:23:47 16 THE COURT: You may ask the witness.

12:23:49 17 BY MR. BEGGS:

12:23:50 18 Q. Mr. Keeshig, if you could look at
12:23:51 19 your screen, is this a copy of the book that you
12:23:54 20 were referring to yesterday?

12:23:56 21 A. Yes.

12:23:57 22 Q. Thank you.

12:24:00 23 THE COURT: All right, that would be
12:24:00 24 the next exhibit, Mr. Registrar.

12:24:04 25 THE REGISTRAR: Exhibit number 3955.

12:24:07 1 THE COURT: Exhibit number 3955.

12:24:07 2 EXHIBIT NO. 3955: Book entitled

12:24:07 3 "Mishomis Book," authored by Edward

12:24:14 4 Benton-Banai.

12:24:14 5 MR. BEGGS: Thank you, Your Honour.

12:24:15 6 THE COURT: Can you just say again the

12:24:16 7 production number, sir.

12:24:17 8 MR. BEGGS: Oh, it was S-1189.

12:24:21 9 THE COURT: Thank you. Please go

12:24:23 10 ahead.

12:24:24 11 BY MR. BEGGS:

12:24:32 12 Q. I think, Mr. Keeshig, yesterday

12:24:34 13 you said there was a lot that --

12:24:37 14 THE COURT: Sorry, just before you go

12:24:38 15 ahead, who is operating the visual at this point?

12:24:44 16 MR. McCULLOCH: I am, Your Honour.

12:24:45 17 THE COURT: All right, Counsel, it is

12:24:51 18 normal to go to a part of a document, if that is

12:24:54 19 what you are doing.

12:24:55 20 MR. McCULLOCH: Yes.

12:24:55 21 THE COURT: Just so everyone who can

12:24:57 22 see the document understands what is happening. It

12:25:03 23 is probably better that Mr. Beggs not be trying to

12:25:07 24 ask a question at the same time, because we are all

12:25:09 25 wondering what is happening on the screen.

12:25:11 1 MR. McCULLOCH: Sorry, Your Honour.

12:25:12 2 THE COURT: All right.

12:25:14 3 BY MR. BEGGS:

12:25:14 4 Q. Thank you, Your Honour.

12:25:15 5 I think, Mr. Keeshig, you said
12:25:19 6 yesterday that there was a lot that could be added
12:25:21 7 to the Mishomis Book?

12:25:23 8 A. Uhm-hmm.

12:25:23 9 Q. That it doesn't perhaps come near
12:25:27 10 to containing all of the teachings of these
12:25:31 11 stories?

12:25:31 12 A. That's correct.

12:25:32 13 Q. Thank you. My friend,
12:25:37 14 Mr. Townshend, asked you yesterday about some time
12:25:39 15 frames with respect to, I guess I might call it,
12:25:47 16 the Migration Story?

12:25:48 17 A. Uhm-hmm.

12:25:49 18 Q. Now, I think on this page, which I
12:25:53 19 think is page -- is it 102 of the document?

12:26:34 20 THE COURT: Are you looking at page
12:26:35 21 102, is that the idea?

12:26:36 22 MR. BEGGS: I'm sorry?

12:26:37 23 THE COURT: Did you say you are looking
12:26:38 24 at page 102?

12:26:41 25 MR. BEGGS: Yes, it is 102 on the

12:26:42 1 printed page, but it is numbered 108 on the
12:26:46 2 electronic document.

12:26:47 3 THE COURT: All right, if you could
12:26:48 4 just make that clear on the record, sir. Please go
12:26:50 5 ahead.

12:26:51 6 BY MR. BEGGS:

12:26:51 7 Q. Thank you, Your Honour.

12:26:52 8 I believe Chief Benton-Banai gives an
12:27:00 9 estimate of a time frame. I guess it is the
12:27:04 10 paragraph beginning "At last the migration [...]"
12:27:10 11 and it says:

12:27:11 12 "At last the migration to the
12:27:13 13 chosen ground was at an end."

12:27:17 14 And I think he was referring to the end
12:27:19 15 of the entire migration that you referred to
12:27:23 16 yesterday; would that be right?

12:27:25 17 A. In terms of I guess the -- I
12:27:36 18 haven't done the math.

12:27:38 19 Q. Oh.

12:27:40 20 A. So it is hard to respond and
12:27:44 21 critique, I guess, the Mishomis Book in itself, but
12:27:48 22 I do understand that there are some -- that not all
12:27:53 23 of the detail is captured in the Mishomis Book,
12:27:58 24 that it provides snapshots to provide indication of
12:28:04 25 the Medewin stories.

1 So, like, I see "around 900 AD," again,
2 that doesn't -- personally, for me, that doesn't
3 have a meaning. I didn't look at the Mishomis Book
4 and say, well, is my Grand Chief telling the truth?
5 So no, I know he has dates and he has statements
6 like "500 years," so I would be careful with some
7 of the detail.

8 And I'll be clear that you cannot read
9 the Mishomis Book and think that you have Medewin
10 knowledge and understanding. It is much fuller
11 than what has been able to be captured in the
12 Mishomis Book, and some of it, you could have
13 volumes to the Mishomis Book since this was
14 written.

15 Q. Thank you. So I think it would be
16 fair to say that you could best say what you said
17 yesterday, which was that it all happened sometime
18 before 1492?

19 A. With respect to the incident that
20 I was citing.

21 Q. Right.

22 A. And Georgian Bay, that at that
23 point the migration had not gotten this far because
24 the light-skinned race hadn't determined that the
25 earth was round. So with a precise date, that

1 wouldn't be able to -- we didn't have dates in our
2 record. I believe in many regards in those days we
3 were talking about moons as a time frame, hence the
4 phrases such as "many moons ago" or "fifteen moons"
5 or "spring."

6 So there were various determinations
7 expressing time in those times, in that era. So I
8 have often talked or thought about myself with
9 respect to the event that took place where I
10 recited 1492 as a reference. It is helpful to look
11 back and try and trace the trail of the migration
12 to be in clarity and specifically point to a land
13 feature and say this is where that happened.

14 With respect to the Meegis that rose
15 over here, it is the same question, when did that
16 actually happen, because we know that it happened.
17 That would be helpful, but the point is I know what
18 happened, and in many regards, because I know that,
19 I don't have to necessarily go back and say it
20 happened on December, Friday the 13th, when I was
21 born.

22 So I want to be honest in responding to
23 your questions because I think it is important that
24 we arrive at the truth of matters, so that is how
25 I'll respond with respect to the question.

1 Q. Thank you. While I'm mentioning
2 the book, could you tell us what "Mishomis" means?

3 A. "Mishomis" is -- literally it is
4 Grandfather, and that term of endearment, its
5 broadest form is the relationship that
6 Miskogabowut, who I referenced in the opening, who
7 would then become known as Wanaybozhoo, how they
8 related to the Creator was using that term
9 "Grandfather."

10 That model of relationship is the same
11 model that Anishinaabe has and should have, that is
12 their role model of that relationship. So if you
13 are a grandfather or a mishomis, there is a model
14 for you with regards to that relationship and your
15 grandchildren, but it is synonymous with at this
16 level when we talk to our Creator.

17 We also refer to the sun, that first
18 Sacred Fire, that spirit up in the daytime sky. We
19 also use that term "Mishomis," our Grandfather.
20 For the moon we use the term "Nokomis," our
21 Grandmother. So the same depth of meaning apply to
22 that term as well, and that in itself, how that
23 happened is a part of the Creation Story which I
24 did not get into.

25 There is some reference to that in the

12:34:50 1 Mishomis Book, and I thought, well, if there is
12:34:55 2 already a record and people wanted a glimpse in
12:35:00 3 terms of the teachings that I was talking about,
12:35:05 4 they could refer to the Mishomis Book.

12:35:08 5 Q. Thank you. You mentioned
12:35:35 6 yesterday about Miskogabowut; is that right?

12:35:43 7 A. Yes.

12:35:43 8 Q. And I think you said that was to
12:35:52 9 convey the meaning of red one standing; is that
12:35:54 10 right, or am I wrong?

12:35:56 11 A. Miskogabowut, yes, yeah, the red
12:36:01 12 one standing.

12:36:02 13 Q. And you were mentioning him as one
12:36:05 14 of the four men, colours of men?

12:36:08 15 A. Yes.

12:36:08 16 Q. And you said he sat beside Megizi
12:36:16 17 and they became --

12:36:16 18 A. Megizi.

12:36:18 19 Q. Oh, Megizi, sorry.

12:36:20 20 A. Yeah, I don't say "miizii."

12:36:23 21 Q. Sorry, my apologies.

12:36:24 22 A. That laughter, there is another
12:36:26 23 meaning to the word that you expressed.

12:36:27 24 Q. Well, I hope I didn't curse.

12:36:29 25 A. And now it is a matter of record.

12:36:35 1 But --

12:36:38 2 Q. I'm sorry, so --

12:36:40 3 A. -- your endeavour --

12:36:41 4 Q. I was just wondering who was that?

12:36:45 5 Which coloured man was that?

12:36:46 6 A. Megizi?

12:36:50 7 Q. Yes.

12:36:50 8 A. That is the eagle.

12:36:51 9 Q. Oh, okay.

12:36:52 10 A. That is the eagle.

12:37:15 11 Q. And, I'm sorry, these seem to be

12:37:24 12 foolish questions, I'm sure. When you said

12:37:28 13 yesterday that this land that we are on was not a

12:37:34 14 stopping place on the migration, but you didn't

12:37:40 15 mean to -- people did stop here; they did stay

12:37:43 16 here, is that right? It wasn't --

12:37:48 17 A. There are and I believe even in

12:37:51 18 the Mishomis Book specific stopping places. That

12:37:58 19 was not all of the stopping places.

12:37:59 20 Q. Okay.

12:37:59 21 A. There were certain particular

12:38:03 22 places that they had to identify because it was

12:38:11 23 their bread crumbs along the trail, so they had to

12:38:17 24 look for specific stopping places.

12:38:24 25 But in between those stopping places,

12:38:27 1 there were times -- a stopping place would mean in
12:38:31 2 that context that they stayed there for awhile, and
12:38:37 3 that could be a generation or two in terms of time,
12:38:49 4 almost an area or a village that they stopped,
12:38:54 5 lived at and sent ahead scouts and people looking
12:39:00 6 for the next stopping place.

12:39:04 7 So I think that honestly captures, I
12:39:12 8 guess, the intent of what a stopping place is
12:39:14 9 relative to the migration.

12:39:16 10 Q. Thank you.

12:39:16 11 A. This place here was along the
12:39:20 12 migration trail but not one of those seven stopping
12:39:23 13 places.

12:39:24 14 Q. I see. You mentioned, I think --
12:39:42 15 I don't know if it was a stopping place, but at
12:39:45 16 least a mark, a landmark of Niagara Falls on the
12:39:51 17 migration route?

12:39:52 18 A. Yes.

12:39:53 19 Q. Did it have a name that they knew
12:39:58 20 it by?

12:39:58 21 A. I wouldn't be confident to give
12:40:04 22 you it in the language.

12:40:05 23 Q. Oh, okay.

12:40:07 24 A. And then there were other ways
12:40:16 25 that it was termed. For simplicity and for the

12:40:24 1 understanding of all, Niagara Falls is obviously
12:40:33 2 known to everyone at this table.

12:40:35 3 Q. And you have given us the names of
12:40:48 4 some of the spots or some of the important
12:40:51 5 locations in this territory. Is there a term that
12:40:55 6 applies to the territory as a whole, the territory
12:41:00 7 of the SON?

12:41:04 8 A. Well, I use terms like "aaking,"
12:41:18 9 which is like there is many ways and levels to
12:41:25 10 describe that relative to that Fourth Level, I
12:41:28 11 referred to it as "Mideaaking." In that context
12:41:33 12 there is many ways that you can interpret that. In
12:41:39 13 simple form, you could say land. In another
12:41:46 14 derivative of the same meaning you could be realm,
12:41:49 15 the realm of the Mide Spirit. It is the Mide land.

12:41:55 16 So in terms of our locale, it could be
12:41:59 17 in current context the SON aaking, the SON area,
12:42:06 18 the SON domain or Dominion, trying to capture, I
12:42:14 19 guess, what you would refer to as "territory. "

12:42:22 20 Q. Okay, thank you. While I'm
12:42:25 21 thinking of it, you mentioned a couple of locations
12:42:29 22 yesterday that I at least would find helpful to
12:42:34 23 identify more clearly, so if I could call up I
12:42:44 24 think it is Exhibit Q of the record, if that is all
12:42:49 25 right with the Registrar.

1 Sorry, this is a map that was provided
2 by one of the municipalities. It just has more
3 detail on it.

4 One of the places you mentioned
5 yesterday was in reference to the conflicts with
6 the Iroquois was Red Bay. Could you give us an
7 indication of where Red Bay might be?

8 A. On --

9 Q. Or where Red Bay would be, I
10 suppose. Perhaps --

11 A. Well, I am not able to on your
12 illustration here.

13 Q. Okay.

14 A. It is not big enough.

15 Q. Okay, maybe you could -- sorry, go
16 ahead, Mr. Townshend.

17 MR. TOWNSHEND: I have a mounted copy,
18 if that would be helpful.

19 MR. BEGGS: Yes, that would be very
20 helpful, thank you.

21 MR. TOWNSHEND: Or maybe I don't.

22 MR. BEGGS: No?

23 THE WITNESS: Well, I found it now. So
24 you can keep on looking.

25 Do you want a description of its

12:44:23 1 location, is that what you are --

12:44:25 2 BY MR. BEGGS:

12:44:26 3 Q. Yes, so just so we could find it
12:44:28 4 in the future.

12:44:29 5 A. If you can find Sky Lake, which is
12:44:33 6 -- on my screen it is west -- yes, that would be
12:44:40 7 west of Highway 6, at the bottom of the screen.

12:44:47 8 Q. Oh, yes.

12:44:50 9 A. And the text is there, "Red Bay."

12:44:58 10 Q. Okay, thank you.

12:45:02 11 A. Just south of Howdenvale.

12:45:06 12 Q. Right, I think that is probably
12:45:08 13 the best description, that it is south of
12:45:11 14 Howdenvale.

12:45:12 15 THE COURT: Well, sorry, I see Little
12:45:14 16 Red Bay. Is that what you are referring to, sir?

12:45:16 17 THE WITNESS: If you can find
12:45:20 18 Howdenvale --

12:45:21 19 THE COURT: I see Red Bay now, thank
12:45:22 20 you.

12:45:22 21 THE WITNESS: And then Red Bay is right
12:45:24 22 below it.

12:45:26 23 BY MR. BEGGS:

12:45:26 24 Q. So I think that is square D2 on
12:45:29 25 this grid, and it is, yes, south of Howdenvale on

12:45:35 1 the coast, on the Lake Huron coast.

12:45:39 2 And you also mentioned a Skull
12:45:44 3 Mountain. Where would that have been?

12:45:45 4 A. The actual location, I have never
12:45:51 5 been to that.

12:45:53 6 Q. Okay.

12:45:53 7 A. So in the form that I presented it
12:45:56 8 yesterday was through the oral account of it.

12:45:59 9 Q. Oh, okay.

12:46:00 10 A. I have often thought to do my own
12:46:05 11 personal trek to it to find out where that was, but
12:46:09 12 I am aware that it is over towards the Collingwood,
12:46:18 13 the elevated Collingwood area, somewhere in that
12:46:22 14 direction.

12:46:23 15 Q. Thank you. We don't need to find
12:46:29 16 that.

12:46:29 17 And Nochemowenaning --

12:46:46 18 A. Nochemowenaning.

12:46:47 19 Q. Yes, thank you. You said that was
12:46:50 20 known also as Hope Bay or that area?

12:46:52 21 A. It is a part of the Hope Bay, its
12:47:00 22 location, and if you would like to be definitive
12:47:03 23 with it on the map, if you go out to -- on the map,
12:47:12 24 there is -- it is called Cape Dundas.

12:47:16 25 Q. Is this on the Georgian Bay side

1 or the --

2 A. It is on the Georgian Bay side,
3 you'll find the large text "Melville Sound."

4 Q. Oh, yes.

5 A. Go to the left and up a bit, and
6 there is Cape Dundas, and right -- that little cove
7 that you see on that point below Cape Dundas, that
8 land that juts out there in that location, plus the
9 water in front of it, is Nochemowenaning.

10 But that term, although it means "the
11 healing waters," it is inclusive of the land at
12 that location, to the extent of which would be hard
13 to define in terms of the blessing that was
14 bestowed there and I guess in your terms the
15 archaeological relevance or evidence.

16 We have recently gone through struggle
17 over the ownership of those properties there, so it
18 is well documented with regards to our concerns and
19 the land and the water and those locations.

20 Q. And it still has significance
21 today to the people of the Anishinaabe; is that
22 correct?

23 A. Yes. We have, firstly, had to
24 stand up for it. This is a specific case where the
25 burial grounds were going to be bulldozed, and it

12:49:09 1 was a little child burial site that was the
12:49:14 2 distance from here to you that was in jeopardy of
12:49:16 3 being bulldozed over. Beyond that little child
12:49:22 4 that stopped that desecration, many, many other
12:49:29 5 burial plots, remains of little ones, remains of a
12:49:34 6 young girl, and the remains of an older man were
12:49:40 7 uncovered and disclosed, identified.

12:49:45 8 We were involved in that measure of
12:49:50 9 discovery. We, using our protocol of approaching
12:50:00 10 the Spirit, and to defend the land, had to disturb
12:50:10 11 a little bit so that others would believe us that
12:50:19 12 there are burials here.

12:50:21 13 And nothing has been disturbed since.
12:50:26 14 And it is not just the burial remains that are
12:50:35 15 there. There was a lot of other activities that
12:50:38 16 transpired there relative to Nochemowenaning and
12:50:42 17 its healing properties.

12:50:45 18 We have -- since and during the fight
12:50:53 19 for the land there, the Medewin stood up for it and
12:51:05 20 began ceremony relative to the water and the land.
12:51:11 21 The leader and the spiritual advisor that we called
12:51:16 22 in to assist us was the author of the Mishomis
12:51:21 23 Book, Eddie Benton-Banai, but he brought much more
12:51:27 24 than we anticipated. When he arrived in our
12:51:33 25 community, he recognized that land feature over

12:51:37 1 there; that bluff that points out caught his
12:51:42 2 attention, and what he said was, "This is what they
12:51:49 3 were talking about. This is the place they were
12:51:52 4 talking about."

12:51:54 5 What he is referencing is oral history
12:51:58 6 of how the people, his people over there in the
12:52:01 7 Wisconsin, Bad River area and Lac Courte Oreilles
12:52:14 8 in Wisconsin have oral history of this place
12:52:18 9 relative to Nochemowenaning because they travelled
12:52:21 10 over here in those days to seek healing at
12:52:25 11 Nochemowenaning.

12:52:29 12 The other evidence with respect to that
12:52:30 13 sacred place is there are geological evidence in
12:52:38 14 terms of stones and rocks that are not from this
12:52:43 15 location, and there is only specific places that
12:52:47 16 they are found. My recollection is the geological,
12:52:55 17 again, the stones are from Minnesota, Northern
12:53:02 18 Ontario, Wisconsin and other places yet to be
12:53:05 19 determined.

12:53:08 20 There is stones that we use in
12:53:11 21 ceremonial rite related to Nochemowenaning, so that
12:53:17 22 must explain how and why those stones got there.

12:53:27 23 Q. Thank you. When you were talking
12:53:56 24 some yesterday and some this morning about the
12:53:58 25 clans and their leaders, is "Ogimaa" the right term

12:54:07 1 for the clan leader?

12:54:08 2 A. "Ogimaa" is -- you can use the
12:54:14 3 term "Leader" but you can use it synonymously with
12:54:24 4 "Chief" or "Head," the "Head One," so I believe you
12:54:31 5 can use that term as such.

12:54:38 6 Q. Okay. Each community would have
12:54:46 7 several different clans as part of it; is that
12:54:49 8 right?

12:54:49 9 A. Yes.

12:54:50 10 Q. And would there be leaders for the
12:54:53 11 clan in each community, or would each leader be
12:54:58 12 somewhere else perhaps?

12:55:00 13 A. I think it would be appropriate to
12:55:04 14 have leadership within communities. One has to
12:55:12 15 consider the model of clanship in the pre-European
12:55:19 16 context as well. When you reference "community"
12:55:25 17 and we get into discussion about encampments,
12:55:30 18 encampments being family size, then encampment in
12:55:35 19 some cases might only be one clan, but in terms of
12:55:39 20 village and in the broader context a clan would
12:55:44 21 have a voice there.

12:55:45 22 That is, I guess, the perspective I
12:55:51 23 would like to put that in.

12:55:55 24 In today's model, and we are gradually
12:56:00 25 moving to this in many regards, after contact and

12:56:10 1 after the residential school era and that dark
12:56:20 2 period of the Sixth Fire that we -- the Sixth Fire
12:56:29 3 being one of those prophecies that foretold what
12:56:32 4 would happen to us as a people during that, so
12:56:33 5 after that, and Fourth and Fifth, again, if you
12:56:37 6 want to be a little bit more detailed, some of that
12:56:40 7 is in the Mishomis Book, there are descriptors
12:56:42 8 there.

12:56:51 9 So after that -- I don't want to use
12:56:53 10 the word "persecution," but after that horrible
12:56:56 11 time frame, many of the things were lost or hidden
12:57:04 12 or went to cover, affecting us as a people as a
12:57:09 13 whole and so even with regards to the clan systems.

12:57:22 14 So the duty and the role of the new
12:57:24 15 people that would rise up under the Seventh Fire,
12:57:29 16 when the dark cloud would have lifted, they would
12:57:32 17 go back and look for the Sacred Bundles and begin
12:57:37 18 to put them back together again. Include the clan
12:57:42 19 system in that statement, to put it back into
12:57:48 20 place, that it is functional and operational.

12:57:51 21 Some of the keys that we have with
12:57:54 22 respect to that is what we are discussing. In this
12:58:00 23 community, I couldn't tell you how many of the
12:58:03 24 clans are represented here, but there are more than
12:58:08 25 three, more than four. And each of those clans,

1 because every family has a clan, they would have a
2 voice in the direction of the community.

3 That is, in my mind, coming at some
4 point, at some time. That is part of restoring the
5 Bundles that is referred to in the prophecies, the
6 Mishomis Book, the Medewin teaching and the plight
7 of others that are waking up. Waking up was part
8 of the prophecy, that the people would wake up.

9 That is how I'll respond to that
10 question.

11 Q. Thank you.

12 THE COURT: Mr. Beggs, while you are
13 pausing, is this a time that would be appropriate
14 to stop for the luncheon break, or are you just
15 wrapping something up that you would like to
16 finish?

17 MR. BEGGS: No, this would be a fine
18 time. I won't be -- I'll be about a half hour
19 longer.

20 THE COURT: Thank you, sir. We can
21 take the luncheon break at this time until 2:15.

22 -- RECESSED AT 1:00 P.M.

23 -- RESUMED AT 2:15 P.M.

24 THE COURT: Please go ahead.

25 BY MR. BEGGS:

1 Q. Thank you, Your Honour.

2 Mr. Keeshig, I think I'm going to jump
3 in topics a bit and move to something you mentioned
4 earlier. You were speaking of Tecumseh, and I
5 suspect many or most know of Tecumseh, but perhaps
6 for the Court record, could you tell us who
7 Tecumseh was?

8 A. Tecumseh is my uncle. That is the
9 first, most important reference directly to myself
10 and my family. Tecumseh, he was a War Chief, and
11 the term for that would be "Ogitchita," that
12 "Warrior" tries to capture what that word is, and
13 "war" is only a part. That would be the ultimate
14 sacrifice of one who has that title is "Ogitchita."

15 There are other titles, there are other
16 layers of responsibility of Ogitchita that come
17 first. You do all that you can if you have that
18 title to prevent ultimate sacrifice and warfare and
19 taking of life, so you exhaust yourself with all of
20 those other responsibilities of trying to find
21 resolve before conflict.

22 Because I say "War Chief," he is
23 renowned for that and what he did as he approached
24 his ultimate sacrifice. He tried to continue with
25 the work of Pontiac. I see it very similar in his

14:17:45 1 actions, allying with, aligning or trying to ally
14:17:55 2 to bring the people together, to lessen the impact,
14:18:02 3 to prevent the impact that was occurring to the
14:18:05 4 land and the people.

14:18:11 5 My lineage to Tecumseh is through my
14:18:16 6 grandmother's line. I can trace that back to
14:18:25 7 Tecumseh's sister, is where the connection that I
14:18:30 8 have with Tecumseh. There are many -- there is
14:18:36 9 interpretations of her Anishinaabe name, but I'm
14:18:40 10 not going to share that. There are history books
14:18:45 11 that have that title.

14:18:52 12 The evidence or testament of my
14:18:54 13 relationship to Tecumseh through, I would say, then
14:18:57 14 my -- through his sister would be I have family who
14:19:07 15 carry her Pipe. It is a woman's Pipe. So we have
14:19:19 16 in possession that Pipe that goes back and connects
14:19:24 17 us with Tecumseh's sister, the family of Tecumseh.

14:19:32 18 Could you repeat that question again?
14:19:43 19 I feel there is more that needs to be said.

14:19:46 20 Q. Well, it is up to you, but I asked
14:19:55 21 just if you could explain who Tecumseh was.

14:19:58 22 A. Okay, there is more I would like
14:19:59 23 to add then.

14:20:01 24 Q. Certainly.

14:20:05 25 A. Tecumseh's dodem, clan, was

14:20:11 1 Turtle. His Spirit name, and again, I'm not going
14:20:24 2 to say it in the language, but his Spirit name
14:20:26 3 relates to the panther in the sky, and you can
14:20:32 4 picture a meteor as an example of that meaning.

14:20:43 5 Tecumseh, they say by nation that he
14:20:58 6 was Shawanee, and if you think that that is
14:21:02 7 different from an Anishinaabe, you would be
14:21:07 8 mistaken. Many of the clues of migration and our
14:21:13 9 people are layered in the language, the languages
14:21:20 10 and the dialects. "Shawanee," "Zhawanee," many
14:21:28 11 ways that you can work your way linguistically
14:21:32 12 through the language. What is being said in that
14:21:36 13 word is "shawan," "Shawanee," the people of the
14:21:49 14 south.

14:21:49 15 With regard to the migration that we
14:21:54 16 discussed and looking for where the water grows on
14:21:58 17 the water, I had referenced what happened when they
14:22:05 18 come across the Great Lakes and the many streams
14:22:07 19 and rivers that they encountered. There were many
14:22:16 20 pathways that were there that they had to choose
14:22:18 21 from, that they explored, looking where the food
14:22:25 22 grows on top of the water.

14:22:28 23 Some of those treks that they went on,
14:22:32 24 some of those water streams that they went on took
14:22:35 25 them to different places across Turtle Island all

14:22:39 1 in search of where the food grows on top of the
14:22:41 2 water.

14:22:44 3 I would propose that how they ended up
14:22:50 4 in the south and to be known as Shawnee relates to
14:22:54 5 the migration. Hence the term "Shawnee."

14:23:07 6 I think that is what I wanted to add to
14:23:12 7 the record.

14:23:12 8 Q. Thank you. Just for clarity, it
14:23:29 9 was in the early 1800s that Tecumseh made his
14:23:34 10 sacrifice?

14:23:34 11 A. He fought in the War of 1812.
14:23:38 12 That was the -- in that war, and again, in the
14:23:51 13 southwest part of what we now know as Ontario, down
14:23:56 14 in the area of Thamesville. There is record of him
14:24:02 15 there and the battle and the location where he met
14:24:06 16 his ultimate sacrifice. The communities are
14:24:15 17 Walpole Island, Kettle and Stony Point, Chippewa of
14:24:22 18 the Thames, I want to say Buck Town, it is
14:24:35 19 Delaware.

14:24:35 20 The name will come to me, but I think
14:24:40 21 -- there is a lot of information. There is another
14:24:42 22 community there of Delaware. They all have oral
14:24:51 23 history and connections related to that battle, and
14:25:00 24 particularly with respect to retrieving his body
14:25:02 25 from the battlefield and hiding its location.

14:25:10 1 Q. Have you heard of any people of
14:25:12 2 the SON who fought alongside Tecumseh?

14:25:15 3 A. Yes, there are. I would struggle
14:25:26 4 to name them, but there is more; there is a number
14:25:31 5 of families that have connections to having stood
14:25:35 6 beside Tecumseh in battle from this community and
14:25:40 7 others.

14:25:56 8 I can't recall specifically. The names
14:26:02 9 slip me.

14:26:12 10 Q. That would be fine. It is okay.

14:26:15 11 A. Yeah, I was going to say a name,
14:26:17 12 but I wouldn't be sure.

14:26:18 13 Q. Okay.

14:26:19 14 A. And I wouldn't want to misspeak.

14:26:21 15 Q. When you said it was from your
14:26:32 16 grandmother's line that you were connected, is that
14:26:37 17 the grandmother married to Alec Johnston, the
14:26:43 18 grandfather you have spoken about?

14:26:45 19 A. Yes. Her parents would have
14:26:54 20 been -- Kegadonce Jones was her father. That would
14:26:55 21 be my great grandfather.

14:27:03 22 Q. Do you know if that is related to
14:27:04 23 the Peter Jones who signed Treaty 72?

14:27:15 24 A. I believe, I believe so.

14:27:20 25 Q. Just one last area I wanted to ask

14:27:28 1 about. Because you are the first witness in this
14:27:34 2 proceeding, I wanted to ask your help to introduce
14:27:37 3 some of the people that we will hear about or hear
14:27:40 4 from during the course of the trial.

14:27:43 5 So your father was Donald Keeshig; is
14:27:55 6 that correct?

14:27:55 7 A. Yes, that's correct.

14:27:56 8 Q. And he has passed on?

14:27:58 9 A. He has passed on.

14:27:59 10 Q. And had you heard that he had
14:28:04 11 provided evidence in this case that was recorded?

14:28:09 12 A. I don't know what evidence he
14:28:10 13 provided, but I had heard reference to him.

14:28:13 14 Q. In his evidence, which isn't yet
14:28:22 15 before the Court, he makes reference to a Lawrence
14:28:28 16 Keeshig. Do you know who that would be?

14:28:30 17 A. Lawrence Keeshig is my uncle,
14:28:35 18 regarded as my uncle.

14:28:38 19 Q. Did he have -- did Mr. Lawrence
14:28:45 20 Keeshig have much in the way of traditional
14:28:48 21 knowledge or the history of the people?

14:28:50 22 A. Lawrence Keeshig was an old -- in
14:28:58 23 my day, in my younger days, he was an old
14:29:02 24 grandfather. I knew him as an old person, young in
14:29:10 25 my age. We lived beside him. We had a pathway

14:29:15 1 from our home to his home, and so a lot of my
14:29:21 2 childhood, that is the connection and that is the
14:29:26 3 memory.

14:29:28 4 Q. And you know Lenore Keeshig who is
14:29:42 5 going to be a witness to this trial?

14:29:44 6 A. Yes.

14:29:44 7 Q. She is your sister; is that right?

14:29:47 8 A. She is my sister.

14:29:48 9 Q. And Joanne is your sister?

14:29:50 10 A. Yes, she is my sister.

14:29:51 11 Q. Do you know of a George Keeshig?

14:29:55 12 A. Yes.

14:29:56 13 Q. Was he related to you?

14:29:59 14 A. I know more than one George
14:30:00 15 Keeshig.

14:30:01 16 Q. Oh, sorry.

14:30:02 17 A. But the one you are speaking about
14:30:03 18 is the father of the one, the other one that I
14:30:07 19 know.

14:30:07 20 Q. Oh.

14:30:07 21 A. George Keeshig is my grandfather's
14:30:11 22 brother.

14:30:12 23 Q. Was he the caretaker of some
14:30:17 24 properties at one point?

14:30:18 25 A. He was the custodian at the day

14:30:21 1 school that I went to.

14:30:25 2 Q. Do you know how long he worked
14:30:26 3 there?

14:30:27 4 A. No. I thought he owned the place.

14:30:33 5 Q. Oh. I guess my last question
14:30:47 6 actually is do you know if you are related to the
14:30:55 7 Charles Keeshig who signed the Treaty 72?

14:31:02 8 A. Yes, I know who that is. My
14:31:06 9 recollection also is that he is the brother of
14:31:10 10 Peter Keeshig who is the father of my great
14:31:17 11 grandfather, John Wesley Keeshig. I believe that
14:31:23 12 is how the lines work.

14:31:31 13 I believe Charles attended Upper Canada
14:31:36 14 College, I believe, but I have no record of that,
14:31:44 15 and yes.

14:31:45 16 Q. Well, I promised that was my last
14:31:47 17 question, so I'll keep to that. And thank you very
14:31:50 18 much.

14:31:52 19 A. Miigwech.

14:31:54 20 MR. BEGGS: Thank you, Your Honour.

14:31:54 21 THE COURT: Thank you. Which Counsel
14:31:56 22 to Ontario will be asking this gentleman questions?

14:31:58 23 MR. OGDEN: I am, Your Honour, Richard
14:32:02 24 Ogden.

14:32:02 25 THE COURT: Mr. Ogden, please go ahead.

14:32:05 1 MR. OGDEN: It might take one moment to
14:32:07 2 rearrange the equipment.

14:32:09 3 THE COURT: Please go ahead.

14:32:17 4 CROSS-EXAMINATION BY MR. OGDEN:

14:33:15 5 Q. Bozhoo, Mr. Keeshig.

14:33:17 6 A. Bozhoo.

14:33:17 7 Q. Thank you for the knowledge and
14:33:18 8 the teachings that you have shared with us already,
14:33:20 9 and thank you for offering more to us today.
14:33:23 10 Miigwech.

14:33:24 11 A. Uhm-hmm.

14:33:25 12 Q. My obligations are to represent my
14:33:27 13 clients, the Queen in Right of Ontario today, and
14:33:30 14 to assist the Court by putting evidence before it
14:33:33 15 to help assess the claim of the SON. And so part
14:33:38 16 of my task is to seek to clarify the evidence that
14:33:41 17 the Court considers.

14:33:43 18 So I'll start by asking you briefly
14:33:48 19 about the Three Fires Medewin Lodge.

14:33:50 20 THE COURT: Sir, can you just ask that
14:33:53 21 question a little bit more loudly.

14:33:55 22 BY MR. OGDEN:

14:33:57 23 Q. Yes, Your Honour.

14:33:57 24 I will start by asking you about the
14:34:00 25 Three Fires Medewin Lodge. Is it possible to be

14:34:07 1 Ojibwe or Odawa or Pottawatomi without being a
14:34:13 2 member of the Medewin Lodge?

14:34:14 3 A. Yes.

14:34:18 4 Q. And there are other ways of being
14:34:22 5 Ojibwe or Odawa or Pottawatomi without being a
14:34:28 6 member of the Medewin Lodge?

14:34:30 7 A. If you are already Pottawatomi,
14:34:42 8 Ojibwe, Odawa, then that is who you already are.
14:34:49 9 With respect to the Medewin Lodge and those three
14:34:54 10 that you mentioned, the Three Fires, I explained in
14:34:58 11 earlier testimony the title of Three Fires and that
14:35:06 12 distinction or that attribute to those three
14:35:15 13 nations.

14:35:16 14 The Medewin Lodge, as in the Medewin
14:35:24 15 teaching, is through the Creation Story that I
14:35:26 16 shared. That was given to Anishinaabe.
14:35:32 17 Anishinaabe, again, I reference it in terms of
14:35:35 18 meaning of "Nation," if we can use that
14:35:43 19 distinction, Anishinaabe Nation, that Anishinaabe
14:35:47 20 applies to all, all Indigenous peoples of Turtle
14:35:55 21 Island, that you don't have to be one of those
14:35:57 22 three to be a member or to be -- the process is
14:36:04 23 initiation. That is how you become Medewin.

14:36:09 24 You don't have to be Medewin to be a
14:36:12 25 part of the Three Fires Medewin Lodge, but most

14:36:17 1 people that come to listen, observe teaching, to
14:36:25 2 decide for themselves that they would desire to do
14:36:28 3 the Creator's work through the Three Fires Medewin
14:36:36 4 Lodge. In order for them to do that, they would
14:36:38 5 have to have Anishinaabe blood, Indigenous blood.
14:36:45 6 They would have to have their Spirit name in place,
14:36:49 7 and they would have to have their clan, and then
14:36:54 8 they would have to undertake the steps necessary to
14:36:59 9 enter the Medewin Lodge, which is not an easy
14:37:02 10 process but it is driven by the Spirit.

14:37:10 11 So it involves the Spirit, and whether
14:37:17 12 or not they are successful determines how well they
14:37:21 13 understand the teachings, all of the barriers that
14:37:29 14 life would offer, obstacles that life may offer on
14:37:33 15 their journey to become Medewin, it would be up to
14:37:39 16 them to overcome that.

14:37:42 17 So it is a spiritual process. It isn't
14:37:46 18 easy, and it will take them to the task. And there
14:37:56 19 is no determination how long it would take them.
14:38:01 20 Some of those that have entered the Medewin Lodge
14:38:04 21 are able to accomplish it through the year, through
14:38:08 22 the four seasons; whereas others it has taken them
14:38:13 23 years to make it there, to be successful.

14:38:19 24 So some of the information that I
14:38:26 25 provided over these past few days relate to the

14:38:32 1 Medewin teachings. I had referenced the first one,
14:38:43 2 the first one where the question was asked "From
14:38:48 3 whence does life flow?"

14:38:50 4 In response to that, I provided
14:38:54 5 Creation Story information. I referenced who asked
14:39:01 6 the question and why they asked the question. The
14:39:06 7 Medewin teaching, the response to that question is
14:39:12 8 the Mide teaching and the Mide Sand Scroll that the
14:39:23 9 Creator gave in response to that question. That is
14:39:25 10 what I can't share with you. I can't show that to
14:39:28 11 you. Only Medewin, those that are seeking that,
14:39:34 12 can lay their eyes on it.

14:39:37 13 There is locations where and how that
14:39:47 14 occurred, how the Creator responded to Wanaybozhoo.
14:39:54 15 There is a high place that Wanaybozhoo went. There
14:40:06 16 is something that occurred there. When it came
14:40:13 17 from that high place, its image was cast on the
14:40:19 18 earth, and Wanaybozhoo on behalf of the children
14:40:25 19 that were to come recorded it for all of time for
14:40:31 20 his children, the Anishinaabe. That image is the
14:40:40 21 teaching that I am talking about of which I cannot
14:40:44 22 share.

14:40:49 23 We heard that that high place could
14:40:52 24 possibly be Devil's Tower. I believe -- well, that
14:41:00 25 is in the middle States. It is in what is now the

14:41:03 1 United States. There is a record of that
14:41:06 2 particular land formation that I am talking about.
14:41:12 3 It is referred to as "Devil's Tower."

14:41:18 4 The other thing, if you looked at that
14:41:23 5 image of it, it looks like the Grandfather Drum,
14:41:28 6 which is why it garners our attention.

14:41:34 7 Q. Thank you. And the information
14:41:40 8 you have just provided about becoming a member or
14:41:43 9 being a member of the lodge, you talked about the
14:41:47 10 present. Would that information be the same for
14:41:53 11 the past, and in particular 1763, around the time
14:42:00 12 that the British came to this territory?

14:42:01 13 A. I am having a hard time picking up
14:42:05 14 everything that you have said.

14:42:06 15 Q. I apologize. I'll repeat the
14:42:10 16 question.

14:42:11 17 The information you have just provided
14:42:14 18 about becoming a member or being a member of the
14:42:18 19 lodge, you talked about the present. Would that
14:42:23 20 information be the same for the past, and in
14:42:26 21 particular 1763, around the time that the British
14:42:31 22 came to this territory?

14:42:33 23 A. We haven't changed anything.

14:42:39 24 Q. Thank you. I would like to ask
14:43:00 25 you a question about the Mishomis Book, which is

1 Exhibit 3955. And you have said that the Mishomis
2 Book does not capture all aspects of the Medewin
3 tradition, and so I would like to refer you to
4 something you said yesterday about the Migration
5 Story.

6 And Mr. Townshend asked you, and for
7 the record, it was about 2:26 p.m., he asked:

8 "Am I understanding correctly
9 that it is the Medewin tradition
10 that moved more than a nation?"

11 And you answered:

12 "Yes."

13 And I would like to take you to page 94
14 of that book, please, that is printed page 94 and
15 100 on the PDF version.

16 And if you look to the left-hand side,
17 at the beginning of the second paragraph, I am
18 going to read that and then ask you a question
19 about it. It says:

20 "When the seven prophets came
21 to the Anishinaabe, the nation was
22 living somewhere on the shores of
23 the Great Salt Water in the East.
24 There are many opinions about where
25 this settlement was. It is

14:45:11 1 generally agreed that the Ojibways
14:45:15 2 and other Algonquin Indians were
14:45:17 3 settled up and down the eastern
14:45:18 4 shores of North America. We have
14:45:20 5 some idea of the size of the nation
14:45:21 6 from these words that have been
14:45:23 7 handed down:"

14:45:27 8 And so my question, sir, is do you
14:45:31 9 agree with the statement that the nation was living
14:45:35 10 "somewhere on the shores of the Great Salt Water in
14:45:40 11 the East"?

14:45:42 12 A. In the context of the time that
14:45:48 13 this book was put together, I have no problem with
14:45:54 14 how it was framed here. It was -- and I believe
14:46:07 15 also there is information in this book where he is
14:46:16 16 not totally definitive in some of what he shared.
14:46:29 17 Even this statement, as you read it, "many
14:46:34 18 opinions," so I would emphasize that.

14:46:39 19 And I would also remind you that at the
14:46:44 20 time that this book was written, we had already had
14:46:50 21 generations of residential school, impositions on
14:46:57 22 our people, the revival of the Sacred Bundles, the
14:47:02 23 recollection and recall.

14:47:04 24 So for the purposes of this book, I
14:47:08 25 think that that should be in consideration, that

14:47:14 1 recalling everything, you do the best that you can
14:47:22 2 with oral accounts, and that is what Budwaywidun or
14:47:32 3 Eddie Benton-Banai did here, but he didn't give a
14:47:37 4 full picture. He gave snapshots and, in this case,
14:47:40 5 he uses Ojibway.

14:47:45 6 The same accounts, if you went to the
14:47:50 7 east coast and spoke to them, their accounts
14:47:54 8 relating to the migration, the same migration, have
14:47:59 9 a different perspective in their memories, but they
14:48:03 10 know the importance of their location relative to
14:48:08 11 the migration.

14:48:11 12 So even the term "Nation," again being
14:48:18 13 used here to try and convey a thought.

14:48:24 14 So there are those things in this
14:48:31 15 written book that, again, using the language, you
14:48:38 16 cannot convey full perspective. Budwaywidun is
14:48:47 17 full-blood Ojibway, and he qualifies his statements
14:48:57 18 when using what he calls "the foreign language,"
14:49:03 19 because he knows that there are things in this
14:49:08 20 foreign language that you cannot interpret. There
14:49:14 21 are things in the Anishinaabe language, excuse me,
14:49:18 22 in the Anishinaabe language that there are no words
14:49:20 23 for in English.

14:49:25 24 This book would be regarded as almost
14:49:36 25 elementary, but even at that, it is very profound.

1 Budwaywidun was also -- in Canada it
2 was residential schools, but if you explore what
3 they went through in the States, you get an idea of
4 what they had to bear with respect to being
5 Ojibway, Pottawatomi or Odawa.

6 So you can rely so much on the book, is
7 what I am saying, and you can get a glimpse into
8 what is being said, but there is a fuller story to
9 what has been revealed in this book and there would
10 be volumes. If Budwaywidun had time in his life to
11 write everything down, there would be many volumes
12 with the same problem, because you cannot convey
13 accurately enough the Anishinaabe language into an
14 English written form.

15 That is the disposition of trying to
16 convey our way of life to others who do not have
17 the language.

18 Q. Thank you. There is another quote
19 on the right-hand side of the page that I would ask
20 the same question to you, and rather than ask you
21 to have to repeat yourself, I'll read the quote and
22 then ask you if you would like simply to refer to
23 the statement you made in respect of the first
24 quote.

25 And it is up to you. You can say more

14:52:01 1 if you would like, but if you wish, that would be
14:52:04 2 okay. So that is on the right-hand side, you will
14:52:12 3 see the paragraph starting:

14:52:14 4 "This fullness of life [...]"

14:52:16 5 But I would like to start with the next
14:52:19 6 sentence:

14:52:20 7 "There was much discussion
14:52:21 8 among all the Anishinaabe about the
14:52:24 9 migration and the prophecies of the
14:52:26 10 Seven Fires. Huge gatherings were
14:52:28 11 held to discuss the plans of the
14:52:30 12 nation. Many people did not want to
14:52:32 13 move their families on the journey
14:52:34 14 to the West."

14:52:37 15 And I heard the statement you just
14:52:39 16 made, but for fairness, I would like to take you to
14:52:42 17 this sentence as well and ask you whether your
14:52:47 18 response would be the same as to whether or not you
14:52:49 19 agree with that statement?

14:52:50 20 A. You are asking questions that I
14:53:00 21 believe you should be asking Budwaywidun, Eddie
14:53:04 22 Benton-Banai. This is his work, and I heard him
14:53:09 23 speak, even about his book, because he has been
14:53:15 24 asked questions about his book and, as I say, this
14:53:20 25 book does not contain it all. It is a perspective.

14:53:30 1 It gives the gist of oral history, what he heard as
14:53:43 2 a younger person.

14:53:48 3 The content, again, with respect to the
14:53:52 4 migration and the many discussions, I had
14:53:59 5 referenced earlier about my challenge to convey
14:54:04 6 Creation Story teachings being but one person.
14:54:11 7 When the Creation Story was related, I had
14:54:16 8 referenced the many grandmothers and grandfathers,
14:54:20 9 leaders of the lodge, that would recite the
14:54:25 10 Creation Story and the seven days that it would
14:54:28 11 take them to do that, all putting a part of the
14:54:32 12 story in place.

14:54:36 13 It would be the same challenge for
14:54:43 14 Budwaywidun, and he does qualify in the title of
14:54:54 15 his book "Ojibway," but the general -- the detail,
14:55:08 16 again, is -- it captures the migration and it gives
14:55:14 17 the story. The use of terms like "nation" and
14:55:21 18 those things, again, I would use carefully.

14:55:30 19 Were you to ask Budwaywidun about the
14:55:33 20 same use of that term, I think you would get a
14:55:43 21 broader answer and more detail, even such as what
14:55:47 22 you are asking me.

14:55:50 23 Q. Thank you. Do you know or know of
14:56:03 24 a man called Basel Johnston?

14:56:07 25 A. Basel?

14:56:12 1 Q. Basel, yes, sorry.

14:56:16 2 A. Yes, I know Basel.

14:56:19 3 Q. Is he a member of this community?

14:56:20 4 A. He is.

14:56:20 5 Q. And do you recognize Basel
14:56:26 6 Johnston as a good source of knowledge on the
14:56:28 7 history of Anishinaabe?

14:56:29 8 A. We all have information of sorts.
14:56:36 9 Basel is a good resource in many areas. Basel is
14:56:43 10 not Medewin.

14:56:54 11 Q. At different times you have talked
14:57:11 12 about what Anishinaabek is or who are Anishinaabek,
14:57:17 13 and you have described Anishinaabek as all
14:57:24 14 Indigenous people, all Indigenous peoples, perhaps,
14:57:27 15 on Turtle Island. And so that includes those who I
14:57:34 16 would call or call themselves Haudenosaunee. Is
14:57:38 17 that correct? Is that how you are using the word
14:57:42 18 "Anishinaabek"?

14:57:45 19 A. It is hard to pick up clearly what
14:57:46 20 you are saying.

14:57:47 21 Q. Sorry, I apologize. I am not
14:57:48 22 speaking louder because I can hear the
14:57:50 23 amplification, but I can do, yes.

14:57:52 24 Would you like me to repeat the
14:57:54 25 question?

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A. Yes.

Q. Okay. Today and yesterday you have referred to Anishinaabek, and you have described Anishinaabek as all Indigenous peoples on Turtle Island, including people who would call themselves Haudenosaunee or Six Nations Iroquois. Is that the way you are using the expression "Anishinaabek"?

A. Am I using the term "Anishinaabek" or "Anishinaabe" as a description for all of the Indigenous peoples on Turtle Island, is that the question?

Q. That was my question, yes.

A. The answer is yes.

Q. And --

A. The second part of your question relates to?

Q. Well, that was all my question. But I have a follow-up question, which is, do you have a descriptor for people who are within the same language group, what some people call Algonquian peoples, people who can understand each other when they speak, for instance, Ojibwe, Pottawatomi, Odawa, in distinction from the Haudenosaunee? Do you have a word to describe the

14:59:17 1 first language group?

14:59:19 2 A. The Iroquois people, they have a
14:59:31 3 term that they call themselves specifically, I
14:59:39 4 believe. The Haudenosaunee I believe is the --
14:59:42 5 that would be in the context, I believe, perhaps --
14:59:44 6 and I am not clear. You would have to talk to
14:59:46 7 them, but I believe that is -- we had the Medewin,
14:59:49 8 and they are Haudenosaunee.

14:59:52 9 There is another word that I had
14:59:54 10 mentioned, and again, I'm not a specialist, but the
15:00:03 11 term is "Ongwe Ongwe." They have a word, is what I
15:00:08 12 am trying to say, that serves like we use
15:00:14 13 "Anishinaabe," so they have another -- in their
15:00:20 14 language they have a term that is used the same way
15:00:25 15 to identify all peoples in or on Turtle Island.

15:00:30 16 So that was -- your original question,
15:00:35 17 you had those two terms in there, "Anishinaabe" and
15:00:39 18 "Haudenosaunee"?

15:00:41 19 Q. Yes.

15:00:41 20 A. But the last question that you
15:00:43 21 asked, again, I want clarification on that.

15:00:47 22 Q. What word -- well, I'll ask --

15:00:53 23 A. Oh, Algonquin, that is what it
15:00:54 24 was, correct?

15:00:55 25 Q. Well, yes, I'll ask it in a

15:00:57 1 different way. What word do you use in
15:01:01 2 Anishinaabemowin to distinguish people from
15:01:06 3 Haudenosaunee, to distinguish people who are
15:01:12 4 Ojibwe, Pottawatomi, Odawa? Is there a word, is
15:01:16 5 perhaps the first question?

15:01:19 6 A. Well, I guess, firstly, I'm not
15:01:23 7 trying to distinguish anybody from Haudenosaunee.
15:01:25 8 I'm not trying to identify something other than who
15:01:28 9 they are.

15:01:34 10 My perspective with respect to
15:01:38 11 Algonquian, I would use "Algonquian" synonymous to
15:01:47 12 Iroquois. Those are two umbrella terms. Although
15:01:54 13 there are communities that refer to themselves as
15:01:57 14 "Algonquin Nation," my adaptation to that is that
15:02:05 15 it is a linguistic umbrella is how I adapt to the
15:02:11 16 use of the term "Algonquian."

15:02:14 17 And under that Algonquian linguistic
15:02:18 18 umbrella, you can include the relative offshoots of
15:02:26 19 the same feather analogy as Ojibwe, Pottawatomi,
15:02:33 20 Odawa, Soto, Dakota, Cree. They can converse and
15:02:45 21 speak among each other and understand each other
15:02:49 22 with subtleties in how they speak. Because of the
15:02:56 23 familiarity with the structure of it, it is very
15:03:00 24 close and understandable to those that speak those
15:03:04 25 languages, if you want to call it that.

1 The Haudenosaunee or the Iroquois
2 people, they refer to themselves as Six Nations.
3 We can't directly converse in the language because
4 of the difference, but you would have to ask them
5 with respect to your question that you are asking
6 me in how they define themselves and their
7 language.

8 But we do have spiritual relation and
9 connection with them. I had mentioned that we do
10 have Haudenosaunee or Six Nation people in our
11 lodge that have come and asked. They do have
12 Anishinaabe blood. There is no difference between
13 using that word and saying it, "Anishinaabe blood,"
14 they have that and they have clan and they have
15 Spirit name. And our door is open, as I said, to
16 Anishinaabe across Turtle Island.

17 Q. Thank you. I want to ask you a
18 question about Pontiac or Pondiac. Do you prefer
19 Pontiac or Pondiac?

20 A. I think we are splitting hairs in
21 pronunciation. "Pontiac," "Pondiac," depending on
22 what microphone you are using, it sounds the same.

23 Q. Or the accent, perhaps.

24 And you are aware of the conflicts
25 between people led by Pontiac and the British

15:05:42 1 starting in 1763?

15:05:45 2 A. I can't relate details depicting
15:06:04 3 the full breadth of Pontiac's life. Even the
15:06:14 4 accounts, the written accounts, which I have done,
15:06:18 5 explored and looked at, having heard of Pontiac, so
15:06:23 6 in that way there are many stories about him, but
15:06:32 7 as a child I heard of Pontiac and that -- I
15:06:39 8 understood that there was reverence for the man and
15:06:42 9 Chief that he was.

15:06:45 10 So as a young man and a young boy, I
15:06:50 11 heard of him and I knew of his reverence amongst our
15:06:56 12 people, but in terms of detail of his life, I
15:07:06 13 cannot recount to any great degree other than what
15:07:12 14 I had heard as a child. And to give you anything
15:07:15 15 in retrospect would be, having explored and
15:07:22 16 researched Pontiac, through another person's eyes
15:07:26 17 and another person's words, written or otherwise,
15:07:31 18 but the oral account is I heard of Pontiac as a
15:07:35 19 young boy.

15:07:36 20 Q. What I would like to do is ask you
15:07:41 21 some specific -- about some specific facts and then
15:07:48 22 ask you whether you have any recollection of things
15:07:53 23 you were told as a boy or other things you have
15:07:54 24 heard that you would call oral history perhaps,
15:07:58 25 other than things you have read, about those

1 specific facts.

2 So do you know the name Eric
3 Hinderaker?

4 A. You would have to say that again.

5 Q. Eric Hinderaker. I'll spell it
6 for the record. It is H-i-n-d-e-r-a-k-e-r.

7 A. No.

8 Q. He is an historian that Counsel
9 for the Saugeen Ojibway Nation are going to offer
10 to this Court as an expert. Professor Hinderaker
11 has prepared a report for this litigation,
12 including information about Pontiac's conflict.

13 Your Honour, Professor Hinderaker's
14 report -- his ability, I apologize, his ability to
15 be qualified as an expert is not being challenged
16 by any of the parties. Ontario has added to the
17 database being used in this litigation his initial
18 report dated July 28, 2013. The document number is
19 SC-0043.

20 And I ask that this document be marked
21 for now as a lettered exhibit so that I may put
22 parts of it to the witness.

23 THE COURT: Does any Counsel object to
24 Dr. Hinderaker's July 2013 report being marked as a
25 lettered exhibit at this time?

15:09:46 1 MR. TOWNSHEND: No objection.

15:09:47 2 MR. McCULLOCH: Your Honour, we simply
15:09:49 3 have some concerns. We would like to notice that
15:09:53 4 while --

15:10:00 5 THE COURT: The podium, Counsel, the
15:10:02 6 other direction. There is another podium.

15:10:05 7 MR. McCULLOCH: Yes, this is simply to
15:10:06 8 put on the record that while we accept that
15:10:09 9 Professor Hinderaker is admissible as an expert, we
15:10:14 10 have reserved the right to challenge the scope of
15:10:17 11 some of the expertise in his report.

15:10:20 12 So we have some concerns that this may
15:10:23 13 prejudice our position that the scope of his
15:10:27 14 qualification as detailed by the Plaintiffs goes
15:10:31 15 beyond or misrepresents his actual expertise.

15:10:35 16 THE COURT: Have you had an
15:10:36 17 opportunity, sir, to discuss with examining counsel
15:10:42 18 what part or parts of this document he intends to
15:10:45 19 use this afternoon? Have you had that opportunity,
15:10:49 20 sir?

15:10:51 21 MR. McCULLOCH: No, Your Honour.

15:10:52 22 THE COURT: All right. Is it possible
15:10:53 23 that might address your concern, sir?

15:10:55 24 MR. McCULLOCH: It is possible, yes.

15:10:57 25 THE COURT: All right. So what we'll

1 do is we'll take an early afternoon break until
2 3:30, during which time please have that discussion
3 and you can tell me after the afternoon break if
4 you maintain any concern. All right?

5 MR. McCULLOCH: Certainly, Your Honour.

6 -- RECESSED AT 3:11 P.M.

7 -- RESUMED AT 3:30 P.M.

8 THE COURT: Mr. Ogden.

9 MR. OGDEN: Your Honour, I have spoken
10 to counsel for Canada, and he has no objection to
11 me reading these passages to the witness.

12 THE COURT: Mr. Townshend?

13 MR. TOWNSHEND: Your Honour, I have no
14 objection to that either. I just wanted to put on
15 record that, as I think Your Honour knows,
16 Professor Hinderaker did three reports and one may
17 not give the full picture of his views.

18 I have talked to Mr. Ogden about where
19 he is going with this. I don't think that will be
20 an issue in this case.

21 THE COURT: Thank you for putting that
22 on the record.

23 I take it, Mr. Ogden, that you asked
24 that Professor Hinderaker's July 28, 2013 report be
25 marked as a lettered exhibit at this time?

15:32:16 1 MR. OGDEN: Yes.

15:32:17 2 THE REGISTRAR: Exhibit X.

15:32:19 3 THE COURT: X, all right. Please go
15:32:19 4 ahead.

15:32:19 5 EXHIBIT X: Professor Hinderaker's
15:32:28 6 July 28, 2013 report.

15:32:28 7 THE COURT: All right, please go ahead.

15:32:31 8 BY MR. OGDEN:

15:32:32 9 Q. Thank you, Your Honour.

15:32:33 10 This is page 34 of the printed
15:32:39 11 document. It is also page 34 of the PDF. And I am
15:32:44 12 going to ask you a question about the second
15:32:45 13 paragraph which starts with the words "Two groups
15:32:50 14 [...]" but I am going to move to the words "After a
15:32:59 15 group [...]," it is the second line on the
15:33:02 16 right-hand side that says:

15:33:03 17 "After a group of Saginaw
15:33:09 18 Ojibwa warriors captured the fort at
15:33:12 19 Michilimackinac and killed most of
15:33:14 20 the traders and soldiers there, the
15:33:15 21 Odawas and Nipissings stepped in,
15:33:18 22 offered protection to the surviving
15:33:19 23 officers, and then mediated an end
15:33:24 24 to the conflict."
15:33:25 25 My question, Mr. Keeshig, is whether

15:33:27 1 you are aware of any oral history to support that
15:33:29 2 statement?

15:33:30 3 A. From what I am reading, I don't
15:33:40 4 have oral history with respect to that,
15:33:45 5 Michilimackinac.

15:33:47 6 The oral history that I do have, if it
15:33:54 7 is the same place, has to do with a lacrosse game
15:34:01 8 that took place outside the fort. Michilimackinac,
15:34:07 9 we are talking about what is now Michigan; is that
15:34:11 10 correct?

15:34:12 11 Q. Yes.

15:34:13 12 A. And how, again, with respect to
15:34:25 13 this lacrosse game that was being held as a
15:34:31 14 strategic initiative, distracting the attention of
15:34:37 15 the soldiers or those within the fort and how the
15:34:44 16 women in their robes and that concealed the arms
15:34:55 17 for the warriors that were playing the lacrosse
15:34:58 18 game, and how, through the extent of that lacrosse
15:35:07 19 game, the soldiers or those within the fort let
15:35:13 20 down their guard, opened up their gates and began
15:35:23 21 to watch what they thought was a friendly game.

15:35:28 22 And within the game, someone happened
15:35:35 23 to throw the lacrosse ball in the direction or into
15:35:40 24 the fort, and that was strategic in overcoming that
15:35:49 25 fort.

1 I remember being told the story, and
2 that is as far as I'll go. I was a child, I was
3 young when I heard the story, but it was a moment
4 of pride. The terms "Odawa" and "Nipissing," those
5 terms were not in my story. It was Anishinaabe
6 people, Anishinaabe who played this game, which
7 would include, I guess, if you -- I see you have
8 Ojibwa, Ojibway, and Odawas.

9 "Nipissing" is an interesting term. I
10 presume that might have to do with a location
11 distinction, perhaps, which is sometimes used, even
12 though they are perhaps one of the other Odawa,
13 Ojibwe or Pottawatomi or other, you know, veins of
14 that. I am not familiar with Nipissing as such, so
15 I wouldn't want to, you know, guess at where that
16 term comes from.

17 But again, I don't know that there is
18 official record and research regarding the skirmish
19 that I am talking about and the overtaking of that
20 fort, but it was a story that I was told in my
21 younger years.

22 Q. Thank you. Lower on the page is a
23 sentence that starts:

24 "Among the Great Lakes nations

25 [...]"

1 And the sentence is referring to the
2 meeting at Niagara about which you have given
3 evidence already. I'll read the sentence now:

4 "Among the Great Lakes nations
5 who were present at Niagara, none
6 admitted any role in the war."

7 And my question is the same as I asked
8 before, which is whether you are aware of any oral
9 history to support that statement?

10 MR. TOWNSHEND: Your Honour, that does
11 raise a point. Dr. Hinderaker's report, in other
12 places or perhaps in any of the other reports, does
13 make it clear that he believes that when they said
14 they were not involved in the war that they were
15 not telling the truth.

16 THE COURT: Well, before you sit down,
17 Mr. Townshend, is that an objection?

18 MR. TOWNSHEND: It is an objection if
19 the question is intended that what is being put to
20 him is Dr. Hinderaker's complete opinion on that
21 point. It is taking one sentence, and there's
22 other things that Dr. Hinderaker says about that
23 point.

24 THE COURT: What is your response,
25 Counsel?

1 MR. OGDEN: It is a very narrow point,
2 and I believe the witness can be asked whether he
3 has any oral history in respect of the point. If
4 he does, then perhaps it may extend beyond the
5 narrow point and that can be his evidence. But I
6 don't see that as a reason not to put the question
7 to him.

8 THE COURT: Well, this gentleman has
9 heard that there are multiple reports and there may
10 be I'm going to put it generally as other
11 references in these reports to similar or the same
12 matters.

13 Mr. Townshend has put his objection on
14 the record.

15 Now, the question was whether or not
16 this gentleman has any oral history that supports
17 this particular statement, and it seems to me that
18 if there are other relevant statements that aren't
19 put to this gentleman, that may have an impact on
20 the use that you may make of the answer, but I
21 still think the question can be asked. I would ask
22 that you repeat the question.

23 BY MR. OGDEN:

24 Q. Thank you, Your Honour, yes.

25 Mr. Keeshig, the question relates to

1 the following statement --

2 THE COURT: I would ask you to keep
3 your voice up, sir. I am not sure if it is just a
4 coincidence that everyone except me in this case
5 has a soft voice, but I don't see any -- if you are
6 trying not to speak too loudly, don't try, because
7 I find it marginal and I think everyone in the room
8 should be able to hear.

9 So please speak up. That goes for
10 everybody, except the witness who I can hear
11 perfectly well.

12 Please go ahead.

13 BY MR. OGDEN:

14 Q. I can do that, Your Honour.

15 Mr. Keeshig, the question is in
16 relation to this statement:

17 "Among the Great Lakes nations
18 who were present at Niagara, none
19 admitted any role in the war."

20 My question is, are you aware of any
21 oral history to support that statement?

22 A. This is in relation to the
23 Michilimackinac?

24 Q. It is in relation to Pontiac's
25 War, what has been described as Pontiac's War.

1 A. I don't have anything to offer in
2 terms of oral history with regard to your question.
3 It does state "none admitted any role." It only
4 plants a question with me. What was the question?
5 Were they questioned, "Did you participate in
6 Pontiac's War?" Is that the question that they
7 were asked? I don't have anything to offer other
8 than I have questions with respect to it.

9 MR. OGDEN: Thank you. Your Honour,
10 there is a document that counsel for the Plaintiffs
11 and Ontario and Canada have agreed should have been
12 included in the primary collection of documents, as
13 it is referred to in at least two expert reports,
14 those two are of one of Ontario's experts,
15 Dr. Reimer, and that this document was not included
16 by error and should have been included and, if it
17 had been, would have been offered for the Court as
18 an exhibit already.

19 And counsel have agreed to ask that
20 this document now be exhibited.

21 THE COURT: Can you describe the
22 document, sir?

23 MR. OGDEN: Your Honour, this is one of
24 a series of news articles written by Lawrence
25 Keeshig, who has been identified by the witness

15:44:23 1 already this afternoon, in 1931 in a newspaper
15:44:31 2 called "The Canadian Echo."

15:44:37 3 THE COURT: I consent that shall be the
15:44:39 4 next exhibit. Mr. Registrar, what number is the
15:44:42 5 next exhibit?

15:44:43 6 THE REGISTRAR: Can you give me the
15:44:45 7 document number, please?

15:44:48 8 MR. OGDEN: S-0930.

15:44:53 9 THE REGISTRAR: Exhibit number 3956.

15:44:53 10 EXHIBIT NO. 3956: News article written
15:44:53 11 by Lawrence Keeshig in The Canadian
15:45:31 12 Echo, 1931, document number S-0930.

15:45:31 13 THE COURT: Thank you, please go ahead.

15:45:35 14 MR. OGDEN: Thank you, Your Honour.

15:45:36 15 There is another document which is
15:45:38 16 another one of the newspaper articles in the same
15:45:40 17 series that was not referenced by an exhibit --
15:45:44 18 sorry, by an expert but is one that I have asked
15:45:52 19 counsel whether they would agree to offer as an
15:45:54 20 exhibit, and that document number is SC-0045.

15:46:03 21 THE COURT: What is the description of
15:46:04 22 the document, Counsel?

15:46:06 23 MR. OGDEN: It is a Lawrence Keeshig
15:46:26 24 article in The Canadian Echo, 1931, January 8th.

15:46:41 25 THE COURT: Any objection?

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MR. TOWNSHEND: No objection.

THE COURT: No? That shall be the next exhibit, Mr. Registrar.

THE REGISTRAR: Are we talking about "Historical Sketches of Cape Croker Indians"?

MR. OGDEN: Yes.

THE REGISTRAR: Exhibit number 3957.

EXHIBIT NO. 3957: News article written by Lawrence Keeshig published in The Canadian Echo, January 8, 1931, document number SC-0045.

THE COURT: Thank you.

BY MR. OGDEN:

Q. Mr. Keeshig, you said earlier today, in reference I believe to the meeting at Niagara, that at Treaty time if you didn't speak English it was necessary to trust, and my question then is do you accept that of the signatories for the SON to Treaty 72 of 1854, there were people included in those signatories who could speak and write English?

A. I couldn't testify to their literacy and understanding in English, nor their capacities to understand it.

Q. And earlier today I believe you

15:48:29 1 said that Peter Jones attended or you thought he
15:48:39 2 may have attended Upper Canada College?

15:48:41 3 A. I believe that was with reference
15:48:45 4 to Charles Keeshig and not Peter Jones.

15:48:50 5 Q. Thank you. You have shared with
15:49:18 6 us, I believe yesterday, that the use of the Pipe
15:49:24 7 in ceremony indicates a tie to the Creator. Is
15:49:27 8 that a correct statement on my part?

15:49:30 9 A. That the use of the Pipe --

15:49:36 10 Q. In ceremony indicates a tie to the
15:49:38 11 Creator?

15:49:39 12 A. If it is a traditional Pipe in the
15:49:48 13 sense of a spiritual Pipe, yes. If it is a corn
15:49:56 14 cob pipe, no, or any pipe as such for leisure.

15:50:09 15 Q. Well, I'll be asking about the use
15:50:17 16 of a traditional Pipe, and if the answer is yes, it
15:50:24 17 does indicate a tie to the Creator, does that
15:50:29 18 include during a Treaty Council, the use of a
15:50:32 19 traditional Pipe during a Treaty Council?

15:50:34 20 A. It would typically be what you
15:50:36 21 would use it for and why you use a Pipe of such
15:50:41 22 reverer. Sacred Pipe I guess is the term I would
15:50:48 23 use. You would, as I'm holding this tobacco in my
15:50:54 24 hand in lieu of a Pipe. The Pipe is the medium by
15:51:04 25 which you -- one of the mediums by which you use

15:51:09 1 your Sacred Tobacco and you fill that Pipe. When
15:51:13 2 you do that, you include the Creator in your
15:51:16 3 conversation. In a sense, you seal the
15:51:27 4 obligations.

15:51:29 5 So, you know, in that way weddings are
15:51:33 6 done. When you marry in tradition and you use a
15:51:38 7 Pipe, you are sealing that marriage, you are
15:51:43 8 creating that union among a couple. And also do
15:51:46 9 that in adoption ceremony.

15:51:49 10 So there is many ways that you use a
15:51:51 11 Pipe that are sacred in nature.

15:51:55 12 Q. So if a Pipe is used, a Sacred
15:52:09 13 Pipe, I apologize, if a Sacred Pipe is used in a
15:52:15 14 Treaty Council, that signifies that the
15:52:18 15 Anishinaabek intends to be bound by the agreement
15:52:21 16 that is made in that Treaty Council, doesn't it?

15:52:24 17 A. I think that that is correct.
15:52:43 18 That would also imply that both parties understand
15:52:49 19 what is happening, that the bond is sacred and that
15:52:58 20 both parties have included the Creator in their
15:53:03 21 agreement, that both parties are truthful and that
15:53:10 22 they will live up to their responsibilities to the
15:53:14 23 relationship.

15:53:18 24 That doesn't say they both were. It
15:53:23 25 implies that they were.

1 Q. I would like to ask you about
2 Treaty 72, what is known as Treaty 72 of 1854 in
3 respect of what is known as the Bruce Peninsula.

4 And can I ask you, you agree that the
5 Treaty 72 happened; that is a yes or no?

6 A. Yes.

7 Q. And that there was an agreement?

8 A. I would struggle with "agreement."
9 It was to have an agreement, I guess was the
10 intent.

11 Q. Was the intent that there be an
12 agreement for the surrender of land?

13 A. In the simple context of that day,
14 it was believed to have been land.

15 Q. And --

16 A. I'm just providing, again, my view
17 of it, my first knowledge of what we are talking
18 about. I'll have to -- my grandfather Alec
19 Johnston, as a young boy my question to him about
20 these things can be summed up in one line that he
21 told me: "They lied to us."

22 So, much of what you are asking me now
23 is in retrospect of what I have read on it up to
24 this time. I am not -- I didn't research the whole
25 thing. I am aware of it. And so I wasn't totally

15:56:36 1 involved in this initiative of claims, not fully
15:56:40 2 apprised.

15:56:44 3 So had I have known the questions, my
15:57:03 4 answers would probably be different, in more
15:57:11 5 detail, but the oral part of this that sticks with
15:57:19 6 me are the words of my grandfather, "They lied to
15:57:23 7 us."

15:57:26 8 I know why that statement was made and
15:57:31 9 it was because of all that had been signed before
15:57:36 10 which hadn't been lived up to. That is probably
15:57:44 11 the extent that I can share on that particular
15:57:52 12 Treaty, as you say.

15:57:53 13 Q. Have there been concerns within
15:58:04 14 the community, the SON community, about how the
15:58:10 15 Crown managed the proceeds of land sales?

15:58:16 16 A. Can you define "SON community"?

15:58:19 17 Q. Within either the Chippewas of
15:58:23 18 Saugeen or the Chippewas of Nawash.

15:58:26 19 A. And the question is again?

15:58:28 20 Q. Sorry. Are you aware of whether
15:58:34 21 there have been concerns within either the
15:58:38 22 Chippewas of Saugeen community or the Chippewas of
15:58:42 23 Nawash community about how the Crown managed the
15:58:46 24 proceeds of land sales?

15:58:50 25 A. Yes, particular to this community.

1 With respect to Saugeen, you'll have to ask them.

2 Q. You said that you had been
3 involved at least partly, those are my words, in
4 the Treaty claims and the land claims just now. Is
5 it correct that you did yourself research into
6 those claims in the late 1970s and early 1980s?

7 A. I was a summer student and that
8 was the time frame that I was referencing with
9 respect to the role that I played in Treaty
10 research. That is when I got to review or put my
11 eyes on the Treaty documents of the time.

12 And so it was a short-lived experience
13 by a young student. That is about all I can say in
14 terms of yes, I was involved for a short period of
15 time in Treaty research.

16 Q. And do you remember other people
17 who were involved with you, in particular Darlene
18 Johnston, Eric Johnston and Cindy Ashkewe?

19 A. Yes.

20 Q. Did you report to Chief and
21 Council about your research?

22 A. It was a summer program. We were
23 managed. In terms of reporting, perhaps it was --
24 again, how the program worked, I couldn't clearly
25 give you the details, but there was a means of

16:02:02 1 apprising your employer on the work that you were
16:02:05 2 doing. Much of it was searching for information in
16:02:18 3 that regard.

16:02:19 4 Q. And that is information about the
16:02:20 5 same Treaty claims that are the subject of this
16:02:23 6 trial; is that correct?

16:02:24 7 A. I couldn't provide you the
16:02:33 8 specifics in terms of how that research was used.
16:02:39 9 I would struggle to quantify and put my finger on
16:02:44 10 the value that our research was applied.

16:02:49 11 Q. Mr. Keeshig, thank you for sharing
16:02:57 12 your knowledge and your teachings. Miigwech.

16:02:59 13 A. Miigwech.

16:03:01 14 MR. OGDEN: Your Honour, those are my
16:03:02 15 questions.

16:03:03 16 THE COURT: Thank you, Mr. Ogden.

16:03:04 17 Mr. Townshend, do you have any
16:03:06 18 re-examination of this gentleman?

16:03:10 19 MR. TOWNSHEND: Yes, I do.

16:03:12 20 RE-EXAMINATION BY MR. TOWNSHEND:

16:03:23 21 Q. Mr. Ogden was taking you to the
16:03:25 22 Mishomis Book and trying to contrast what it said
16:03:31 23 and what you had said about the Migration Story and
16:03:36 24 how it was to be understood.

16:03:37 25 So my question is, have you discussed

1 with Eddie Benton since the book was written about
2 the Migration Story and how it is to be
3 interpreted?

4 A. I haven't specifically questioned
5 him on the content of what was written, but I heard
6 him in his -- I heard him speak of it, and having
7 heard him speak with respect to that book, it could
8 be revisited, revised, added to, to a more fuller
9 context, which is why I say you can rely on the
10 Mishomis Book to a point with regards to the detail
11 that it contains, but it gives the spirit. It
12 gives you a point in the right direction.

13 You have to understand that it was also
14 the first of its kind. So I would still recommend
15 it as reading. There is value in it. Many people
16 that come to our lodge have already read the
17 Mishomis Book, so there is value in it, but you
18 can't read the Mishomis Book and become Medewin.
19 And there is content that wouldn't be included in
20 that book that is Medewin content.

21 Q. Do you know if Eddie Benton now
22 believes that the proper interpretation of the
23 Migration Story is of a mass migration of a whole
24 nation?

25 A. I don't believe that Eddie is of

16:06:20 1 the same thoughts when he wrote this book about
16:06:24 2 that mass migration. In fact, I have heard him
16:06:29 3 discuss that migration with respect to if everyone
16:06:37 4 lived on the east coast; I have heard him address
16:06:43 5 that point.

16:06:47 6 And I shared, and perhaps I should have
16:06:51 7 given credit to it with respect to that, that
16:06:58 8 Turtle Island was not just populated on the east
16:07:03 9 coast and that the migration was relative to the
16:07:16 10 Sacred Bundles but it also included people and
16:07:23 11 families.

16:07:35 12 So it wasn't that Turtle Island was a
16:07:40 13 vacant lot waiting for somebody to own it. If you
16:07:50 14 look into what I had shared with regards to the
16:07:55 15 Creation Story and the work of Wanaybozhoo, his
16:08:05 16 stories don't happen on the east coast. He didn't
16:08:12 17 just play and go through his trials and
16:08:15 18 tribulations on the east coast. He was all over
16:08:24 19 Turtle Island.

16:08:30 20 I was fortunate enough in my own life
16:08:36 21 to have visited the place where he ran with the
16:08:40 22 buffalo. I don't know that that is captured in the
16:08:45 23 Mishomis Book, but it is a story of when
16:08:49 24 Wanaybozhoo ran with the buffalo. And I had an
16:08:55 25 experience at that location that made me question

16:09:01 1 what happened, what I seen and what I witnessed.

16:09:08 2 So I took that question to Peter

16:09:14 3 O'Chiese, who was Medewin who lived in Alberta who

16:09:19 4 reconnected to us in the east. I asked him that

16:09:24 5 question, told him where I was and described the

16:09:29 6 event that took place. It was a simple answer:

16:09:38 7 "That valley that you are looking down into is the

16:09:41 8 valley that Wanaybozhoo ran with the buffalo."

16:09:49 9 So we didn't just live on the east

16:09:58 10 coast, as what may be implied both in the Mishomis

16:10:07 11 Book. Budwaywidun, again, I believe, because I

16:10:14 12 heard him speak of it with regards to that

16:10:19 13 question, is my recollection and what I understand.

16:10:32 14 MR. TOWNSHEND: Thank you, those are

16:10:34 15 all my questions.

16:10:35 16 THE COURT: Thank you, sir.

16:10:36 17 And thank you, sir, for your

16:10:38 18 assistance. That concludes your testimony.

16:10:39 19 THE WITNESS: Miigwech.

16:10:42 20 THE COURT: All right, you can take a

16:10:43 21 seat in the gallery, if you wish.

16:10:46 22 Mr. Townshend, your next witness?

16:10:49 23 MR. TOWNSHEND: Your Honour, we are way

16:10:52 24 ahead of schedule. The schedule had Mr. Keeshig

16:11:00 25 until Thursday.

1 THE COURT: I know the schedule.

2 MR. TOWNSHEND: I know Your Honour
3 dislikes gaps. I am not ready for my next witness,
4 who will be Ted Johnston.

5 He is also in his mid 80s and would
6 prefer to start at the beginning of the day rather
7 than at the end of the day. So I would ask to
8 start him tomorrow morning.

9 THE COURT: That is perfectly
10 satisfactory, sir. So we'll just, in those
11 circumstances, we'll adjourn now, and I do know the
12 gentleman's name, but just for the record, who is
13 the next witness?

14 MR. TOWNSHEND: Edward Johnston.

15 THE COURT: All right, 10 o'clock
16 tomorrow morning. Thank you, sir.

17
18 -- Adjourned at 4:11 p.m.

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REPORTER'S CERTIFICATE

I, DEANA SANTEDICOLA, RPR, CRR,
CSR, Certified Shorthand Reporter, certify;

That the foregoing proceedings were
taken before me at the time and place therein set
forth, at which time the witness was put under oath
by me;

That the testimony of the witness
and all objections made at the time of the
examination were recorded stenographically by me
and were thereafter transcribed;

That the foregoing is a true and
correct transcript of my shorthand notes so taken.

Dated this 6th day of May, 2019



NEESON COURT REPORTING INC.

PER: DEANA SANTEDICOLA, RPR, CRR, CSR
CERTIFIED REAL-TIME REPORTER

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