

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

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VOL 38 DAY 38  
August 15, 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 38/DAY 38 of the trial  
27 proceedings in the above-noted matter, being held at the Superior  
28 Court of Justice, Courtroom 5-1, 330 University  
29 Avenue, Toronto, Ontario, on the 15th day of  
30 August, 2019.

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

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

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& Cathy Guirguis, Esq., The Chippewas of  
Saugeen First Nation,  
and the Chippewas of  
Nawash First Nation.

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& Michael McCulloch The Attorney General  
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& Julia McRandall, Esq., Her Majesty the  
& Richard Ogden, Esq., Queen in Right of  
& Jennifer Lepad, Esq., Ontario.  
& Peter Lemmond, Esq.,

REPORTED BY: Deana Santedicola, RPR, CSR, CRR

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-- Upon commencing at 10:01 a.m.

THE COURT: Good morning.

Mr. Ogden, please go ahead.

PROFESSOR JARVIS BROWNLIE; Under Prior  
Affirmation.

CROSS-EXAMINATION BY MR. OGDEN

(CONT'D):

Q. Thank you, Your Honour.

Good morning, Professor Brownlie.

A. Good morning.

Q. Yesterday we left off talking  
about a letter from Oliphant to Anderson in June  
1854, which is Exhibit 2094, and this was where  
Oliphant had passed on to Anderson that the  
Governor General wanted a surrender of the whole  
peninsula, and Anderson likely had those  
instructions in his mind at the August Treaty  
Council.

And then we looked briefly at Exhibit  
2066, which was the letter dated March 18, 1854,  
from Anderson to Charles Keeshig, and you had gone  
to this letter in cross-examination by Canada on  
July 25th where you considered the words in the  
letter, quote:

10:02:47 1 "[...] cede the remainder and I  
10:02:48 2 will forward this communication to  
10:02:50 3 Quebec."  
10:02:51 4 Do you recall that? We could bring it  
10:02:54 5 up, if you would like.  
10:02:55 6 A. I would like to see it, please.  
10:02:57 7 Q. Okay. And then you said:  
10:03:00 8 "He's definitely trying to make  
10:03:03 9 it the whole Peninsula here. I'm  
10:03:05 10 not sure that's what Keeshig was  
10:03:07 11 saying but..."  
10:03:12 12 A. So this is the one 18th March,  
10:03:15 13 1854?  
10:03:15 14 Q. Correct.  
10:03:15 15 A. Starting at the bottom left?  
10:03:16 16 Q. Yes. And let us know if you would  
10:03:21 17 like it larger.  
10:03:23 18 A. [Witness reviews document.]  
10:03:40 19 So this is in reply to the letter where  
10:04:03 20 Keeshig had written something like the Indians are  
10:04:06 21 now ready to sell or something and can they sell it  
10:04:11 22 to any white man or something; is that right?  
10:04:14 23 Q. I am not sure of the exact content  
10:04:16 24 of the original letter.  
10:04:21 25 A. I think it is just because he



1 says -- Anderson says here:

2 "But you can tell them that  
3 they can neither sell nor lease any  
4 part of it without the sanction of  
5 the government."

6 [As read.]

7 So I think he is responding to that.

8 Can you scroll up a bit, please, just  
9 so I can see the end of the letter? Thank you.

10 Okay, yes, I have read it.

11 Q. Okay, and your evidence was that  
12 Anderson is definitely trying to make this about  
13 the whole peninsula, a surrender of the whole  
14 peninsula, and so --

15 A. The remainder, whatever they are  
16 not reserving.

17 Q. Right, and so these two documents,  
18 Oliphant's letter to Anderson and then Anderson's  
19 letter here, so this was March and then Oliphant in  
20 June suggest that to the extent we can know  
21 Anderson's intention, that in July, at least, prior  
22 to the negotiations, he intended to ask the SON for  
23 the whole peninsula?

24 A. Probably, but of course, it is  
25 unspecific because here he says "mark off what you

1 want to reserve", and that is a completely  
2 unspecified amount.

3 Q. We should turn to the August  
4 negotiations. There was a -- just to recap,  
5 Anderson made a proposal and the SON made a  
6 counter-proposal, each of which was rejected by the  
7 other.

8 There are four primary documents that  
9 we can rely on to tell us what happened at those  
10 negotiations. We have Anderson's record of his  
11 address to the SON. Well, actually, we have more,  
12 because we have Kribs' letter, but setting that  
13 aside because it doesn't address the size of the  
14 reserves, we have Anderson's record of his address  
15 to the SON dated August 2nd, which is in Exhibit  
16 2175, but it doesn't refer to the reserve size.

17 And then we have three which refer to  
18 reserve sizes.

19 In Exhibit 2175, there is Anderson's  
20 report of August 16th, and then also in Exhibit  
21 2175 Rankin's letter to Anderson of August 2nd.

22 And then we have I am going to use  
23 Exhibit 2105 which is the notes of David Sawyer's  
24 response to Anderson 's proposal, which is dated  
25 August the 2nd.

10:07:10 1 So I am going to go through these  
10:07:11 2 separately, and then we'll look at them together,  
10:07:15 3 or rather tie them together.

10:07:16 4 So the first, Exhibit 2175, which is  
10:07:21 5 Anderson's August 16th report to Oliphant, it is  
10:07:34 6 PDF page 11 at the bottom of page 12 of the  
10:07:40 7 document. And this hasn't yet been highlighted,  
10:07:54 8 Your Honour. This is the start of Anderson's  
10:08:20 9 report to Oliphant dated August 16th, and I am  
10:08:27 10 going to read some of it and then stop and ask  
10:08:30 11 questions along the way.

10:08:32 12 First it starts:

10:08:33 13 "I have the honour to report to  
10:08:35 14 you that before entering upon the  
10:08:36 15 subject of the Indians ceding the  
10:08:38 16 Saugeen Reserve to the Crown for  
10:08:40 17 sale for their benefit, I had  
10:08:41 18 prepared the enclosed map, the more  
10:08:47 19 readily to explain to them the  
10:08:49 20 reserves which I thought it would be  
10:08:51 21 advisable for them to make (shaded  
10:08:53 22 in red and blue), the blue being for  
10:08:56 23 the manual labour school."

10:08:58 24 So I pause just to note that the above  
10:09:02 25 read capitalizes the "Saugeen Reserve", which do

10:09:08 1 you agree seems to refer to the whole reserve that  
10:09:10 2 he is talking about in his report?

10:09:16 3 A. Yes.

10:09:17 4 Q. And then --

10:09:19 5 A. Allowing for reserves, but yes.

10:09:21 6 Q. Right, and then he "prepared the  
10:09:26 7 enclosed map, the more readily to explain to them",  
10:09:30 8 so that was a map to show them and that the map  
10:09:35 9 appears to have had on it the proposed reserves; is  
10:09:38 10 that correct?

10:09:39 11 A. Yes.

10:09:39 12 Q. So you have said that the SON,  
10:09:43 13 with respect to previous requests for cession --  
10:09:46 14 not this request, you didn't refer to this request  
10:09:50 15 in your testimony when you made this comment -- but  
10:09:55 16 you said that the previous requests were general  
10:09:57 17 and vague and not specific; do you recall that?

10:10:00 18 A. Yes, the ones from Anderson.

10:10:02 19 Q. Right. And so you didn't mention  
10:10:06 20 this request and whether it was general and vague  
10:10:09 21 or specific or not, but there is a map or there was  
10:10:12 22 a map. We don't have the map, though. But in  
10:10:16 23 reliance on this report and the fact that he drew  
10:10:19 24 the proposed reserves on a map which he showed to  
10:10:23 25 the SON, do you accept that this August proposal

1 was specific and not general and vague?

2 A. Yes.

3 Q. So we'll go down further then  
4 where it says "At length [...]", which we have seen  
5 before, in the middle of this highlighted passage:

6 "At length, however, they began  
7 to waver, and requested leave to  
8 consult amongst themselves for an  
9 hour, and on their return to the  
10 council they agreed to cede all  
11 except those parts marked on the map  
12 in pencil "Limits proposed by the  
13 Indians.'"

14 So note the word "all". We don't know  
15 at the moment necessarily or certainly what the  
16 word "all" refers to, do we?

17 A. No, or the guide then is from the  
18 Rankin letter.

19 Q. Okay, but the SON marked the  
20 reserves that they wanted on the same map that  
21 Anderson brought with him; is that correct?

22 A. Yes.

23 Q. So the next paragraph then, which  
24 is not highlighted, starting "The reserves [...]",  
25 which I will read out these two paragraphs:

10:11:33 1 "The reserves which I have  
10:11:34 2 proposed contain in the aggregate  
10:11:36 3 about 34,600 acres, which is more  
10:11:40 4 than they will cultivate for two or  
10:11:41 5 three lives, and in my opinion it  
10:11:44 6 would be quite opposed to their  
10:11:46 7 interest were the Government to  
10:11:48 8 accede to their unwise conclusion,  
10:11:50 9 for in two days council they did not  
10:11:52 10 advance one good argument why the  
10:11:54 11 reserve should not be sold beyond,  
10:11:56 12 'We don't want to sell our land,'  
10:11:59 13 'We want to keep it for our  
10:12:00 14 children,' 'We expect Indians to  
10:12:02 15 come here to settle,' [et cetera],  
10:12:04 16 [et cetera], acknowledging at the  
10:12:05 17 same time their inability to manage  
10:12:07 18 their concerns."  
10:12:11 19 These are reserves that Anderson  
10:12:14 20 proposed to the SON; is that right?  
10:12:16 21 A. Yes.  
10:12:16 22 Q. And which he drew on the map?  
10:12:18 23 A. Yes.  
10:12:20 24 Q. And the next paragraph then:  
10:12:22 25 "At Colpoy's Bay, where the

10:12:23 1 proposed reserve contains 6,000  
10:12:25 2 acres, the missionary assures me the  
10:12:27 3 whole band put together have not 30  
10:12:30 4 acres under cultivation, and at  
10:12:31 5 Saugeen and Owen Sound where each  
10:12:34 6 reserve is intended to contain  
10:12:36 7 12,000 acres, neither band have 50  
10:12:38 8 acres under crop; under these  
10:12:40 9 circumstances, and acting for the  
10:12:42 10 good of the Indians, I would beg  
10:12:43 11 leave to suggest that the  
10:12:45 12 Government, as their guardian,  
10:12:47 13 assume the absolute control of their  
10:12:48 14 affairs, as parents over their  
10:12:50 15 children, and insist upon their  
10:12:51 16 doing that which may wisely be  
10:12:54 17 determined upon for their good."  
10:12:55 18 And so the next paragraph then, the  
10:13:01 19 start of it:  
10:13:10 20 "Therefore, with reference to  
10:13:11 21 the Saugeen tract, as there is no  
10:13:13 22 doubt but what the reserves, marked  
10:13:16 23 on the map in red and blue, are  
10:13:17 24 amply sufficient for them [...]"  
10:13:20 25 Just there, where he says "with

10:13:22 1 reference to the Saugeen tracts", that suggests the  
10:13:24 2 whole peninsula, doesn't it?

10:13:26 3 A. Yes.

10:13:26 4 Q. So these paragraphs that we have  
10:13:29 5 just looked at give the size of the reserves that  
10:13:31 6 Anderson proposed to the SON and he then drew on a  
10:13:34 7 map, don't they?

10:13:35 8 A. I'm sorry, I lost focus. Could  
10:13:38 9 you repeat, please?

10:13:39 10 Q. Yes, that is fine. These  
10:13:40 11 paragraphs that we just read give the size of the  
10:13:44 12 reserves that Anderson proposed to the SON and drew  
10:13:47 13 on the map?

10:13:47 14 A. Yes.

10:13:48 15 Q. And to repeat, the SON came back  
10:13:52 16 and drew their proposal for reserves on the same  
10:13:54 17 map?

10:13:55 18 A. Yes.

10:13:56 19 Q. So it is clear that Anderson  
10:14:00 20 proposed and drew on the map the following  
10:14:03 21 reserves: 6,000 acres at Colpoy's Bay; that is  
10:14:08 22 clear, is it?

10:14:09 23 A. Yes.

10:14:09 24 Q. 12,000 acres at Owen Sound?

10:14:12 25 A. Yes.



10:14:12 1 Q. 12,000 acres at Saugeen?

10:14:14 2 A. Yes.

10:14:14 3 Q. That adds up to 30,000 in total?

10:14:19 4 A. Yes.

10:14:19 5 Q. And not 34,600 acres that he

10:14:23 6 proposed, but we also have the manual labour

10:14:26 7 school, so either the manual labour school land was

10:14:32 8 intended to be 4,600 acres or Anderson

10:14:37 9 miscalculated; do you agree?

10:14:38 10 A. Yes, that seems a bit large for

10:14:41 11 the manual labour school, but we don't know.

10:14:43 12 Q. We don't know. But it is not

10:14:45 13 clear, though, either from this report where the

10:14:48 14 manual labour school was to be located, is it?

10:14:50 15 A. Not from this one, but other

10:14:52 16 documents do mention it, I believe.

10:14:53 17 Q. There is a mention of somewhere

10:14:54 18 near the Half Mile Strip perhaps?

10:14:57 19 A. I think so. I thought it said --

10:15:01 20 I thought it said just north of the village at

10:15:05 21 Saugeen or something like that.

10:15:06 22 Q. On the --

10:15:07 23 A. Or just north of Sauble or

10:15:10 24 something.

10:15:10 25 Q. Where it met the strip, I think,

1 the Sauble River or where it met the strip. But  
2 these figures are specific figures, aren't they?

3 A. Yes.

4 Q. Drawn on a map?

5 A. Yes.

6 Q. Rankin's letter then is also in  
7 this exhibit, and it is lower down on the same  
8 page, PDF page 12 and then on the next page, sorry,  
9 page 13 of the original document, and this is  
10 Rankin's letter to Anderson about the SON  
11 counter-proposal of August 2nd, 1854, and you cover  
12 this letter in your report.

13 And Rankin had been at those  
14 negotiations apparently, hadn't he?

15 A. Yes.

16 Q. So I am going to read these first  
17 three paragraphs:

18 "By a rough estimate there  
19 appears to be in the whole of the  
20 Indian tract to the north of Derby  
21 and Arran about 450,000 acres.

22 Of this 450,000 acres, about  
23 190,000 lies to the south of a line  
24 from the middle of the group of  
25 Fishing Islands to Colpoy's Bay, and

10:16:35 1 about 260,000 to the north of that  
10:16:37 2 line, terminating at Cabot's Head  
10:16:40 3 and Cape Hind; this latter part  
10:16:43 4 probably contains but little that  
10:16:44 5 can be cultivated, being believed to  
10:16:46 6 be very rocky.

10:16:49 7 Of the 190,000 acres 130,000 is  
10:16:52 8 included within the two parcels  
10:16:54 9 desired to be retained by the  
10:16:56 10 Indians, including all the coast,  
10:16:58 11 both of Georgian Bay and Lake Huron,  
10:17:00 12 as far north as Colpoy's Bay and the  
10:17:02 13 Fishing Islands, leaving about  
10:17:05 14 60,000 acres south of these two  
10:17:06 15 mentioned points, while they are  
10:17:09 16 willing to part with this 60,000  
10:17:12 17 acres being included, and in a  
10:17:14 18 wedge-like shape."

10:17:15 19 The wedge-like shape is referring to  
10:17:17 20 the 60,000 that the SON desired to surrender?

10:17:21 21 A. Yes.

10:17:21 22 Q. So there is a bit we can take from  
10:17:25 23 this. First, Rankin's estimates must be relatively  
10:17:31 24 rough because the peninsula had not been surveyed  
10:17:34 25 at that point; is that correct?

10:17:34 1 A. Yes, although they had  
10:17:37 2 triangulation tactics that were somewhat accurate,  
10:17:39 3 but yes, it is an estimate.

10:17:40 4 Q. And we have the 260,000  
10:17:45 5 approximately in the north which is believed to be  
10:17:47 6 rocky and not able to be cultivated, which must be  
10:17:49 7 a more rough estimate, given the irregular  
10:17:53 8 coastline; do you agree?

10:17:55 9 A. Yes.

10:17:59 10 Q. And then 190,000 to the south of  
10:18:03 11 the line from the middle of the group of the  
10:18:05 12 Fishing Islands to Colpoy's Bay.

10:18:08 13 And at this point, Your Honour, we have  
10:18:12 14 our next illustration which I would like to pass up  
10:18:19 15 to be entered as a lettered Exhibit, and that is  
10:18:22 16 SC0964 entitled "Illustration of Bruce Peninsula  
10:18:33 17 With Approximate Acreage of North and South  
10:18:36 18 Regions", and we have hard copies available. This  
10:18:40 19 is for a lettered exhibit please, Your Honour.

10:18:44 20 I would ask the witness, when a letter  
10:18:49 21 is given to the exhibit, to write the letter on it,  
10:18:51 22 please.

10:18:52 23 THE COURT: Mr. Registrar, what is the  
10:18:53 24 next lettered exhibit?

10:18:55 25 THE REGISTRAR: Lettered Exhibit M-2.

1 THE COURT: Thank you.

2 EXHIBIT NO. M-2: Map entitled

3 "Illustration of Bruce Peninsula With  
4 Approximate Acreage of North and South  
5 Regions".

6 BY MR. OGDEN:

7 Q. Thank you.

8 Just for the record, I would like to  
9 note in the box at the base of the map containing  
10 information about the map itself, which appears to  
11 have been placed by the creator, the words "Date  
12 produced August 11, 2019", which suggests the date  
13 the map was made.

14 THE COURT: Where is that on the map?

15 Oh, I see it.

16 MR. OGDEN: In dark, in bold.

17 THE COURT: Yes.

18 BY MR. OGDEN:

19 Q. This appears on all the maps, Your  
20 Honour.

21 So, Professor Brownlie, you can assume  
22 that the line separating the north and south  
23 regions depicted on this map is drawn from the head  
24 of Colpoy's Bay to the middle of the Fishing  
25 Islands, and assume the acreages to be correct

1 here.

2 We have the southern region shown to be  
3 180,000 acres in the bottom left of the map,  
4 approximately, and then we have the actual acreage  
5 shown, and we have an approximate acreage of  
6 280,000 for the north.

7 And these are reasonably close to  
8 Rankin's estimates for the north and south regions,  
9 aren't they?

10 A. Yes.

11 Q. And we also see Cape Croker in  
12 this, Neyaashiinigmiiing, which is in the northern  
13 half, isn't it?

14 A. Yes.

15 Q. And in the southern part, we  
16 recall that SON wanted to retain 130,000, which, if  
17 you look, was to -- well, which was described as  
18 including the coast on Georgian Bay as far north as  
19 Colpoy's Bay and then the coast on Lake Huron as  
20 far north as the Fishing Islands, and then a 60,000  
21 acre wedge-like tract that they were willing to  
22 surrender.

23 Now, do you agree that this suggests,  
24 based on Rankin's report, that the SON wanted to  
25 keep the area where the mill site might be at

1 Sauble Falls?

2 A. Yes.

3 Q. And perhaps the area -- well, and  
4 also the area opposite the Fishing Islands which  
5 subsequently became Oliphant Township?

6 A. Yes.

7 Q. And now we can go to the evidence  
8 of SON's counter-proposal at Exhibit 2105.

9 This appears to be, Your Honour, a  
10 handwritten copy of Exhibit 2100, which Canada used  
11 in their examination. This is an easier-to-read  
12 copy, and so I am going to use this one. The  
13 pages, though, for reference, of the exhibit that  
14 Canada used, 2100, are pages 2 and 4 of the PDF.  
15 This is not the exhibit you are seeing. The  
16 exhibit you are seeing now is 2105. But for your  
17 notes, if you wish, it is page 2 and 4 of the PDF  
18 of Exhibit 2100, which are also page 102 and 104 of  
19 the original.

20 Now, Professor Brownlie, you agree that  
21 this -- well, do you agree that Exhibit 2100 was  
22 SON's response to Anderson's counter-proposal? Are  
23 you familiar with this and do you agree that this  
24 is SON's response to Anderson's counter-proposal?

25 You can scroll through it if you would

10:23:17 1 like.

10:23:17 2 A. Yes, I would just have to see.

10:23:19 3 [Witness reviews document.]

10:23:22 4 Q. And the particular pages I am  
10:23:24 5 going to go to are page 3 of the PDF and page 6 of  
10:23:29 6 the PDF.

10:23:31 7 A. [Witness reviews document.]

10:23:51 8 Q. If we could just pause there for a  
10:23:53 9 second, do you recognize that?

10:23:54 10 A. Yes.

10:23:55 11 Q. And then could you go down then to  
10:24:00 12 page 6 of the PDF, please. Is that enough? Would  
10:24:22 13 you want to scroll through further?

10:24:24 14 A. I would like to read it again. I  
10:24:30 15 am most of the way through this top part, the  
10:24:32 16 visible part.

10:24:33 17 Q. Okay.

10:24:37 18 A. [Witness reviews document.]

10:24:39 19 Please scroll down.

10:25:04 20 Please scroll down.

10:25:27 21 Please scroll down.

10:25:41 22 Q. At this point, actually, it jumps  
10:25:42 23 up to page 5, the text on the original, to PDF page  
10:25:50 24 5. If you could scroll up.

10:25:57 25 A. [Witness reviews document.]



10:26:10 1 Q. It continues there "payable  
10:26:14 2 annually".

10:26:35 3 A. [Witness reviews document.]  
10:26:39 4 Scroll down, please.

10:26:42 5 Q. Well, there we see "Owen Sound,  
10:26:46 6 2nd August 1854, David Sawyer on behalf of the  
10:26:49 7 Saugeen Band".

10:26:50 8 So for now, though, have you seen  
10:26:52 9 enough to identify this as the SON's response?

10:26:54 10 A. Yes.

10:26:54 11 Q. Okay, so thank you. Let's turn  
10:26:56 12 and go back up to PDF page 3, the fifth question  
10:27:04 13 asked:

10:27:05 14 "Are you the Saugeeng and Owen  
10:27:07 15 Sound Indians prepared to cede to  
10:27:09 16 the Government to be sold for your  
10:27:10 17 benefit the tract of land called  
10:27:12 18 'the Saugeeng Reserve'?"

10:27:14 19 And then it says:

10:27:16 20 "[...] reserving for the use of  
10:27:18 21 the Indian tribes the portion or  
10:27:20 22 blocks of land [...]"

10:27:21 23 Now, the "Saugeeng Reserve" is in  
10:27:24 24 quotes and capitalized. This is referring to the  
10:27:29 25 whole peninsula, isn't it?

1 A. Yes.

2 Q. Not the bottom half?

3 A. Yes, I think it must be.

4 Q. Thank you. At page 6, please, of  
5 the PDF, we have David Sawyer's response given for  
6 the SON, and on the left-hand side where there is a  
7 darker patch coming out there "our Great Father",  
8 and I am going to read that. If you disagree with  
9 my interpretation of the handwriting, please stop  
10 and let me know:

11 "[...] our Great Father we see  
12 the quantity of land to be reserved  
13 for our use as marked on the map is  
14 not large enough, therefore we beg  
15 our Great Father to increase the  
16 quantity to the pencil lines which  
17 we have drawn on the map embracing  
18 the Fishing Islands and Cape Croker  
19 with the tract from the Owens Sound  
20 to the head of Colpoy's Bay. These  
21 are the three reserves marked in  
22 pencil lines which we want to keep  
23 for ourselves and children on the  
24 mainland. The islands we say  
25 nothing about because they belong to

1 us and wish to keep them. The  
2 remainder of our reserve we are  
3 willing to cede to the government to  
4 be disposed of to the best  
5 advantage, the principal to be  
6 funded and the interest", and we go  
7 up to the top of page 5, "payable  
8 annually to us and our posterity for  
9 ever [...]"

10 [As read.]

11 Just to note, "disposed of to the best  
12 advantage" gives the Crown some discretion as to  
13 how the -- as to the land sales, doesn't it?

14 A. Yes, it does, although later they  
15 mention actual settlers.

16 Q. So the first question, though --  
17 well, the second question, they draw on the same --  
18 the SON here are saying that they draw on the same  
19 map which Anderson presented in his offer to them;  
20 is that right?

21 A. Yes, it looks like this document  
22 is also dated August 2nd; is that right?

23 Q. Yes, I think that is what we saw  
24 just before.

25 A. I think so too.

10:30:01 1 Q. And they proposed that they keep  
10:30:03 2 three reserves, one at Saugeen which appears to  
10:30:07 3 have been -- if you just could go back to page 6 at  
10:30:11 4 the bottom, please. You see three reserves, and  
10:30:22 5 they don't mention the one at Saugeen, but they say  
10:30:27 6 they have increased the quantity to the pencil  
10:30:30 7 lines.

10:30:30 8 So one of those would be an increased  
10:30:33 9 or a larger Saugeen Reserve; is that correct?

10:30:35 10 A. Yes.

10:30:36 11 Q. And they increased the lines to  
10:30:41 12 encompass the Fishing Islands?

10:30:43 13 A. Yes.

10:30:43 14 Q. And then one reserve at Owen  
10:30:56 15 Sound, and they increased the line to go from Owen  
10:31:00 16 Sound to the head of Colpoy's Bay; is that right?

10:31:02 17 A. Yes.

10:31:02 18 Q. And they wanted to keep then the  
10:31:06 19 lands to the east of that line; is that right?

10:31:09 20 A. Yes. It appears so, yes.

10:31:12 21 Q. And that land would have  
10:31:13 22 encompassed what became and -- well, it would have  
10:31:18 23 encompassed the Nawash settlement, wouldn't it?  
10:31:21 24 Are you familiar with --

10:31:21 25 A. Yes, at Owen Sound, you mean?

10:31:23 1 Q. Yes.

10:31:23 2 A. Yes.

10:31:24 3 Q. And what became the Owen Sound

10:31:26 4 Reserve?

10:31:26 5 A. Yes.

10:31:27 6 Q. The Colpoy's Bay Reserve?

10:31:29 7 A. Yes.

10:31:30 8 Q. Land for the Caughnawagas?

10:31:32 9 A. Yes.

10:31:33 10 Q. The tract that was supposedly

10:31:36 11 ceded to the Credit Mississaugas?

10:31:40 12 A. Right.

10:31:40 13 Q. And land for any other First

10:31:43 14 Nations that might want to move to the Saugeen

10:31:45 15 Peninsula?

10:31:45 16 A. Yes.

10:31:46 17 Q. There was --

10:31:49 18 A. It is a large area.

10:31:50 19 Q. Right. And one reserve at Cape

10:31:54 20 Croker is mentioned?

10:31:55 21 A. Yes.

10:31:55 22 Q. But we don't know how big the SON

10:31:58 23 proposed that that reserve should be, do we?

10:32:00 24 A. No.

10:32:01 25 Q. But we note that Cape Croker is in

1 the northern half of the peninsula, isn't it?

2 A. Yes.

3 Q. Not in the southern 190,000 acres  
4 that Rankin referred to?

5 A. Right.

6 Q. So the remainder of the reserve as  
7 they are describing that they are willing to cede  
8 is everything except the reserves marked on the  
9 map, isn't it?

10 A. It does sound like it.

11 Q. Which reserves included Cape  
12 Croker?

13 A. Yes.

14 Q. Which was in the northern half of  
15 the peninsula?

16 A. Yes.

17 Q. And if we recall Anderson's  
18 report, he said that the SON agreed to cede all  
19 except those parts marked on the map in pencil,  
20 limits proposed by the Indians?

21 A. Yes.

22 Q. So the SON here are saying that  
23 they would surrender the northern half of the  
24 peninsula except for Cape Croker?

25 A. Yes, here it does seem so.

1 Q. And this also confirms that  
2 Anderson's proposal was for the whole peninsula,  
3 minus the reserves?

4 A. It does seem so.

5 Q. And then lastly -- well, so to  
6 summarize what Anderson sought from these three  
7 documents, he sought a surrender of the whole  
8 peninsula except four tracts of land, 12,000 acres  
9 at Owen Sound, 12,000 acres at Saugeen, 6,000 acres  
10 at Colpoy's Bay and approximately 4,600 acres for a  
11 manual labour school?

12 A. Yes. I can't reconcile it with  
13 Rankin's letter, but obviously we are going to come  
14 to that.

15 Q. And we don't know the exact  
16 boundaries of these potential reserves, though, do  
17 we?

18 A. Not exactly, except that I think  
19 the description of what -- I see that Owen Sound at  
20 the head of Colpoy's Bay seems fairly specific, and  
21 that looks to me like it would be just about half  
22 of the southern portion.

23 Q. Okay. Well, we had summarized the  
24 SON's counter-offer, three reserves, one to the  
25 east of the line -- well, Owen Sound to the head of

1 Colpoy's Bay was not what Anderson proposed. He  
2 proposed 12,000 acres at Owen Sound. So it was the  
3 SON who proposed Owen Sound to the head of Colpoy's  
4 Bay?

5 A. Yes.

6 Q. And that was one of their three  
7 reserves. One at Saugeen that they had increased  
8 to go up to and including the land opposite the  
9 Fishing Islands, and then between the Saugeen and  
10 Owen Sound Reserves a wedge-like shape that they  
11 were willing to surrender, this is not a reserve  
12 but the surrender of 60,000 acres, and then the  
13 reserve at Cape Croker they wanted to keep?

14 A. Yes.

15 MR. OGDEN: So I would like to  
16 introduce another illustration, Your Honour, which  
17 is SC0970. This is described as "Illustration or  
18 Approximate Areas Described in Exhibit 2104 (Letter  
19 From Rankin to Anderson Containing SON  
20 Counter-Proposal), Exhibit 2105, (Response to  
21 Survey Containing SON Counter-Proposal)."

22 This Exhibit 2104, Your Honour, is an  
23 original or a handwritten copy of Rankin's letter  
24 which is contained at 2175.

25 I would like to make this the next



1 exhibit, please.

2 THE COURT: Mr. Registrar.

3 THE REGISTRAR: N-1.

4 EXHIBIT NO. N-1: Map entitled  
5 "Illustration or Approximate Areas  
6 Described in Exhibit 2104 (Letter From  
7 Rankin to Anderson Containing SON  
8 Counter-Proposal), Exhibit 2105  
9 (Response to Survey Containing SON  
10 Counter-Proposal)."

11 BY MR. OGDEN:

12 Q. Thank you.

13 So again, Professor Brownlie, we ask  
14 you to assume that the acreages are accurate in  
15 this, and then what you will see here is an area  
16 "C" depicted east of the line between Owen Sound  
17 and the head of Colpoy's Bay?

18 A. Yes.

19 Q. And an area of "B" -- and just for  
20 a note, that this is depicted as approximately,  
21 well, 68,000 acres is what was described as that  
22 area "C" on the east.

23 And then we have an area "B", which is  
24 a wedge-like area -- or there is a wedge area I  
25 think we would call that, but equal to 60,000

10:36:40 1 acres; do you see that?

10:36:41 2 A. Yes.

10:36:41 3 Q. And to the left and what is left  
10:36:46 4 of the southern area is area "A" on the Lake Huron  
10:36:50 5 coast which goes from the Saugeen Village up to the  
10:36:57 6 Fishing Islands, up the coast to the Fishing  
10:37:01 7 Islands; do you see that?

10:37:01 8 A. Yes.

10:37:01 9 Q. And in addition, we have "D", Cape  
10:37:05 10 Croker, Neyaashiinigiing?

10:37:06 11 A. Yes.

10:37:07 12 Q. The next document I would like to  
10:37:11 13 show you is SC0967, which I would like to make the  
10:37:17 14 next lettered exhibit. It is "Illustration of  
10:37:22 15 Approximate Areas Described in Exhibit 2120 (Report  
10:37:26 16 to Superintendent General of Indian Affairs From  
10:37:30 17 Anderson, 16 August, 1854)", which is the original  
10:37:35 18 copy of the report in Exhibit 2175.

10:37:47 19 THE COURT: Mr. Registrar.

10:37:48 20 THE REGISTRAR: Exhibit letter N-2.

10:37:51 21 EXHIBIT NO. N-2: Map entitled  
10:37:22 22 "Illustration of Approximate Areas  
10:37:23 23 Described in Exhibit 2120 (Report to  
10:37:26 24 Superintendent General of Indian  
10:37:29 25 Affairs From Anderson, 16 August,

10:37:32 1 1854)".

10:37:55 2 BY MR. OGDEN:

10:37:58 3 Q. Thank you.

10:37:58 4 Again, Professor Brownlie, I would ask

10:38:03 5 you to assume that the acreages are accurate here,

10:38:07 6 and this is an illustration of areas of land in the

10:38:16 7 sizes stated by Anderson. You will see in the

10:38:18 8 bottom left the Colpoy's Bay Reserve 6,000 acres,

10:38:21 9 and then that is lettered "A", area "A"; "C", Owen

10:38:31 10 Sound Reserve, acreage 12,000; "D", which was the

10:38:38 11 Saugeen Reserve, acreage 12,000; and then we have

10:38:41 12 "B", manual labour school, acreage 4,600 and placed

10:38:48 13 near to the 1851 Treaty 67 Half Mile Strip.

10:38:56 14 Now, there had been, as you recall,

10:39:07 15 previous discussions about leasing or surrendering

10:39:11 16 and selling the mill site on Sauble Falls?

10:39:16 17 A. Yes.

10:39:17 18 Q. And then Keating's July proposal

10:39:19 19 included that land?

10:39:20 20 A. Yes.

10:39:20 21 Q. And it is likely, isn't it, given

10:39:24 22 Anderson's proposed reserve sizes that Anderson

10:39:28 23 proposed to the SON in August that they surrender

10:39:31 24 the mill site at Sauble Falls and the land opposite

10:39:36 25 the Fishing Islands where Oliphant Township is now

1 based, isn't it?

2 A. Yes, I think that was some of the  
3 land he most wanted.

4 Q. And do you agree that the SON  
5 would have understood that those areas were  
6 important to the Crown?

7 A. Yes.

8 Q. Now let's consider the reserves  
9 that the SON agreed to in Treaty 72. We know that  
10 the Colpoy's Bay Reserve under Treaty 72 was agreed  
11 to be 6,000 acres?

12 A. Yes.

13 Q. And that is the same as Anderson's  
14 August proposal, isn't it?

15 A. Yes, in size, yes.

16 Q. I will show you two further  
17 documents, please, SC0972 and SC0973.

18 Your Honour, these are printed web  
19 pages from the Indigenous and Northern Affairs  
20 Canada website showing reserve sizes which I would  
21 like to make numbered exhibits each.

22 The first is SC0972, a printed INAC  
23 website of Nawash Reserves.

24 THE COURT: And this is current  
25 information?

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10:40:58  
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MR. OGDEN: Yes, Your Honour.

THE COURT: All right.

MR. OGDEN: We see on the top left of the document the date of the web page -- it might be the date, actually, of download, 7/29/2019.

THE COURT: Any objection?

MS. GUIRGUIS: No.

THE COURT: They are separate documents in the database, are they?

MR. OGDEN: Yes.

THE COURT: All right, Mr. Registrar, what is the next numbered exhibit?

THE REGISTRAR: That is Exhibit No. 4191.

EXHIBIT NO. 4191: Printed Indigenous and Northern Affairs Canada web page of Nawash Reserves, date of download 7/29/2019.

THE COURT: All right, and you have a second page, do you, Counsel?

MR. OGDEN: Yes, this one is printed INAC web page of Saugeen Reserves.

THE COURT: All right, and the next number, Mr. Registrar?

THE REGISTRAR: Sorry, what SC number

1 is that?

2 MR. OGDEN: 0973.

3 THE REGISTRAR: That will be Exhibit  
4 No. 4192.

5 EXHIBIT NO. 4192: Printed Indigenous  
6 and Northern Affairs Canada web page of  
7 Saugeen Reserves, date of download  
8 7/29/2019.

9 THE COURT: Thank you.

10 BY MR. OGDEN:

11 Q. Thank you.

12 So, Professor Brownlie, we see there on  
13 this document Exhibit 4192 a reserve size for the  
14 Reserve Saugeen 29, which is the reserve at the  
15 south end of Bruce Peninsula, and I would ask you  
16 to accept that this is the current Chippewas of  
17 Saugeen Reserve 29 opposite Southampton.

18 A. Okay, yes.

19 Q. This is described as 3,815  
20 hectares, and I ask you to assume then that this is  
21 9,427 acres.

22 A. Okay.

23 Q. And this includes the area to the  
24 east of Colpoy Road near Southampton, which you  
25 will recall was added I think is the best way of

1 describing it after a dispute between the Saugeen  
2 and surveyors as to whether or not the reserve  
3 boundary ran due north or along Colpoy Road.

4 A. Yes.

5 Q. So this includes that area. It  
6 does not include, though, the area to the west of  
7 the Colpoy Road that under Treaty 72 was to be  
8 surveyed and sold as soon as possible; do you  
9 recall that term?

10 A. The term "surveyed and sold as  
11 soon as possible"?

12 Q. No, it doesn't say "as soon as  
13 possible", but we'll go to it, actually.

14 A. But it says something similar.

15 Q. "Without delay" I think is the  
16 word, but we'll look at it. That is Exhibit 2175,  
17 please, at the top of PDF page 13 and 14 of the  
18 document, it is showing the reserve sizes or  
19 describing the reserve sizes under Treaty 72. In  
20 the second line there it says:

21 "And we wish it to be clearly  
22 understood that we wish the  
23 peninsula at the mouth of the  
24 Saugeen River to the west of the  
25 western boundary aforesaid to be

10:44:29 1 laid out in town and park lots, and  
10:44:31 2 sold for our benefit without delay."  
10:44:33 3 That is the area to the west of Colpoy  
10:44:36 4 Road, isn't it?  
10:44:36 5 A. Yes.  
10:44:36 6 Q. And it is likely, isn't it, that  
10:44:41 7 the SON proposed and asked for this area to be sold  
10:44:46 8 without delay?  
10:44:47 9 A. That is the same as it says here?  
10:44:52 10 Q. Well, do you agree that it is  
10:44:57 11 likely that the SON asked for this land to be  
10:44:59 12 surveyed and sold without delay?  
10:45:02 13 A. Yes.  
10:45:03 14 Q. And I would ask you to assume that  
10:45:05 15 this area here to the west of Colpoy Road is  
10:45:08 16 approximately a square mile, which would make it  
10:45:13 17 approximately 640 acres. So if we add that 640  
10:45:18 18 acres to the 9,471 acres, we get approximately  
10:45:24 19 10,100 acres. Anderson's August proposal was for a  
10:45:28 20 reserve at Saugeen that would be 12,000 acres,  
10:45:32 21 which is more than the Treaty 72 reserve plus the  
10:45:36 22 western portion here to be sold without delay; do  
10:45:39 23 you agree?  
10:45:39 24 A. Yes.  
10:45:39 25 Q. And then we have the Chief's Point



1 Reserve, if we go back to Exhibit 4192, please,  
2 SC0973. Chief's Point at the top, 28, 518  
3 hectares, which I ask you to assume is 1,280 acres,  
4 and this was not then Anderson's August proposal;  
5 correct? This Chief's Point Reserve, Anderson did  
6 not propose this reserve in August?

7 A. I believe that is right.

8 Q. So Chief's Point, plus Saugeen  
9 Reserve, plus the western portion to be sold  
10 without delay, is 10,100, plus 1,280, which is  
11 approximately 11,400 acres, a little bit less  
12 perhaps than 11,400 acres.

13 A. Why are we including the land to  
14 be sold without delay?

15 Q. Well, because that is in my  
16 question, firstly. Secondly, this was within the  
17 Saugeen tract and reserve prior to Treaty 72. But  
18 I am asking you to add those together. That  
19 portion more particularly, perhaps, was not  
20 extracted from Anderson's proposal according to any  
21 information that we have.

22 A. So you are saying that Anderson  
23 was not proposing that that land be sold, that he  
24 was proposing that it be part of the reserve,  
25 the --

10:47:25 1 Q. We don't have that information  
10:47:26 2 either way.

10:47:28 3 A. Okay.

10:47:30 4 Q. In any case, 11,400 acres is  
10:47:33 5 slightly less than Anderson's August proposal that  
10:47:36 6 the Saugeen have a reserve of 12,000 acres, isn't  
10:47:38 7 it?

10:47:38 8 A. Yes.

10:47:39 9 Q. And now to Exhibit 4191, please,  
10:47:44 10 which is SC0972. This shows Neyaashiinigmiing 27,  
10:47:58 11 which we understand this is also known as the Cape  
10:48:03 12 Croker Reserve, isn't it?

10:48:03 13 A. Yes.

10:48:03 14 Q. And that is 7,183.30 hectares,  
10:48:11 15 which I ask you to assume is approximately 17,750  
10:48:15 16 acres.

10:48:16 17 A. Okay.

10:48:17 18 Q. Now, this reserve was not included  
10:48:21 19 in Anderson's August proposal, was it?

10:48:24 20 A. That's right, it doesn't seem to  
10:48:26 21 be.

10:48:26 22 Q. But it was drawn on his map by the  
10:48:31 23 SON in their counter-proposal?

10:48:32 24 A. Yes.

10:48:32 25 Q. And so Oliphant would have seen

1 Cape Croker on the pencil marks, in the pencil  
2 marks on Anderson's map?

3 A. Yes.

4 Q. Now, Treaty 72 did not include an  
5 area for a manual labour school, though, did it?

6 A. I don't think so, no.

7 Q. So we are left with the reserve  
8 granted for - I won't say granted - the reserve at  
9 Owen Sound which was surrendered in 1857, so we  
10 don't have a current INAC list for that reserve or  
11 a description of that reserve.

12 The next map I would like to introduce,  
13 though, as a lettered exhibit, please, is SC0971,  
14 and this is described as "Treaty 72 Reserves and  
15 Caughnawaga Tract at the Start of 1856".

16 The Caughnawaga Reserve, you may  
17 recall, had -- well, you'll recall 16 lots of 100  
18 acres each, and here we have the tract showing  
19 1,800.

20 Now, for the record, though, this map  
21 uses the same base information as lettered Exhibit  
22 M, N and O, and lettered Exhibit O depicts the  
23 Treaty 72 reserves.

24 This map shows the reserve at Owen  
25 Sound as having 11,464 acres. So I would ask you

10:50:44 1 to assume that that is or is close to the reserve  
10:50:50 2 as surveyed for the Nawash at Owen Sound after  
10:50:56 3 Treaty 72.

10:50:58 4 Now, taking that assumption, Anderson's  
10:51:03 5 proposal for a reserve at Owen Sound was that it be  
10:51:09 6 12,000, which is slightly more than the SON agreed  
10:51:16 7 to and had surveyed after Treaty 72; is that right?

10:51:21 8 A. Yes.

10:51:21 9 Q. So to recap, at the Colpoy's Bay  
10:51:27 10 Reserve, it is the same size as Anderson's August  
10:51:29 11 proposal.

10:51:30 12 The Owen Sound Reserve, as agreed, is  
10:51:34 13 slightly smaller than the one in Anderson's August  
10:51:37 14 proposal.

10:51:37 15 The Saugeen Reserve plus the western  
10:51:40 16 portion to be surveyed and sold without delay was  
10:51:43 17 slightly smaller than the one -- well, it was  
10:51:45 18 smaller at about 10,100 acres than the one in the  
10:51:52 19 August proposal.

10:51:52 20 There is no reserve for a manual labour  
10:51:54 21 school.

10:51:55 22 Now, Anderson's August proposal did not  
10:51:58 23 include Chief's Point or Cape Croker, but these  
10:52:03 24 were added in the October Treaty Council with  
10:52:06 25 Oliphant. It is not clear, though, is it, who

1 proposed those two reserves, Chief's Point and Cape  
2 Croker, in the Treaty Council with Oliphant, at  
3 least?

4 A. Right.

5 Q. Now, if we turn back to Exhibit  
6 2175, the description of the Treaty here at page 13  
7 of the PDF and 14 of the document --

8 THE COURT: Before we do that --

9 MR. OGDEN: Yes, Your Honour.

10 THE COURT: -- are you intending to do  
11 anything with this map that you handed to the  
12 Court?

13 MR. OGDEN: Further with the witness do  
14 you mean? Oh, did I not mark it? Sorry, Your  
15 Honour. I apologize. Yes, I would like to mark  
16 this as the next lettered exhibit.

17 THE COURT: Mr. Registrar.

18 THE REGISTRAR: Lettered Exhibit O-1.

19 EXHIBIT NO. O-1: Map entitled "Treaty  
20 72 Reserves and Caughnawaga Tract at  
21 the Start of 1856".

22 BY MR. OGDEN:

23 Q. Thank you.

24 So to look then at the description of  
25 the reserves in Treaty 72, for the Saugeen under

10:53:19 1 "1st", at the end of this paragraph we have:

10:53:24 2 "We do also reserve to  
10:53:25 3 ourselves that tract of land called  
10:53:27 4 Chief's Point [...]"

10:53:31 5 And it gives a description of it which  
10:53:33 6 follows after the stated desire to have the western  
10:53:37 7 portion surveyed and sold without delay, which  
10:53:42 8 suggests perhaps that it was added after the main  
10:53:47 9 negotiations; do you agree?

10:53:49 10 A. Sorry, why is it that we think it  
10:53:56 11 was added afterwards?

10:53:57 12 Q. Well, it says "we do also", and  
10:54:00 13 this is the best information we have on this point.  
10:54:07 14 It is added and it is added after the agreement  
10:54:13 15 that the lots on the western portion be surveyed  
10:54:17 16 and sold for their benefit without delay.

10:54:25 17 A. I had just assumed that they dealt  
10:54:28 18 with it separately because it was a separate  
10:54:31 19 parcel.

10:54:32 20 Q. Well, in either case, though, we  
10:54:34 21 don't know for certain, but either Oliphant  
10:54:41 22 proposed it and proposed Cape Croker, in which case  
10:54:48 23 his proposal was in terms of aggregate acreage near  
10:54:52 24 to or far better than Anderson's, or the SON  
10:54:58 25 proposed Chief's Point and Cape Croker in the

1 negotiations, and Oliphant accepted that, in which  
2 case the SON secured from Oliphant valuable  
3 concessions. Do you agree that those are the two  
4 options?

5 A. Yes, that sounds right.

6 Q. Now I would like to compare this  
7 map, lettered Exhibit O-1, with lettered Exhibit  
8 N-2. So O-1 is the Treaty 72 reserves plus the  
9 Caughnawaga tract, and lettered Exhibit N-2,  
10 Anderson's proposal.

11 Do you agree that, as illustrated in  
12 these exhibits, there is no substantial difference  
13 between Anderson's proposal and the Treaty 72 SON  
14 reserves, with the exception of the absence of a  
15 manual labour school reserve and the addition for  
16 the benefit of the SON of the Cape Croker and  
17 Chief's Point reserves?

18 If you would like, I can repeat that.

19 A. Yes, please.

20 Q. Do you agree that, as illustrated  
21 in these exhibits, there is no substantial  
22 difference between Anderson's proposal in August  
23 and the Treaty 72 SON reserves, with the exception  
24 of the absence of the manual labour school reserve  
25 and the addition for the benefit of the SON of the

1 Cape Croker and Chief's Point reserves?

2 THE COURT: Yes, Ms. Guirguis?

3 MS. GUIRGUIS: Just with the  
4 understanding of your ruling in mind that this  
5 witness isn't supposed to be asked about proving  
6 the facts in these maps, is the question about the  
7 two proposals or is it about the assumptions in  
8 these illustrations, comparing the two  
9 illustrations or the proposals that are laid out,  
10 Anderson's proposal and the reserves now set aside  
11 for the SON.

12 THE COURT: Well, I think the question  
13 falls within my ruling because it doesn't require  
14 that this witness agree that these maps are  
15 accurate. He is being asked to assume that they  
16 are.

17 MS. GUIRGUIS: Thank you, Your Honour.

18 THE COURT: If that turns out not to be  
19 proved, well, that is another matter, but this is  
20 when we have this gentleman and so we'll ask him  
21 now.

22 MS. GUIRGUIS: Thank you, Your Honour.

23 THE COURT: Go ahead. You better  
24 repeat the question.

25 BY MR. OGDEN:



10:57:42 1 Q. Thank you.

10:57:47 2 Do you agree that, as illustrated in  
10:57:50 3 these exhibits, there is no substantial difference  
10:57:52 4 between Anderson's proposal in August and the  
10:57:55 5 Treaty 72 SON reserves, with the exception of the  
10:57:58 6 absence of the manual labour school reserve and the  
10:58:01 7 addition to the benefit of the SON of the Cape  
10:58:04 8 Croker and Chief's Point reserves?

10:58:06 9 A. Yes, as shown on these maps, yes.  
10:58:10 10 I notice some minor differences between the two  
10:58:13 11 Saugeen Reserves, but otherwise they look the same.

10:58:19 12 Q. Now, putting the maps aside, based  
10:58:22 13 on the documents that we have reviewed which are  
10:58:27 14 exhibits and your knowledge of those and the size  
10:58:36 15 of the reserves proposed by Anderson, and assuming  
10:58:42 16 then also, separate from the illustration but I  
10:58:45 17 would ask you to assume that the Owen Sound Reserve  
10:58:50 18 guaranteed or under Treaty 72 was approximately 11  
10:58:57 19 and a half thousand acres.

10:58:59 20 Do you agree that there was no  
10:59:02 21 substantial difference between Anderson's proposal  
10:59:05 22 in August and the Treaty 72 SON reserves, with the  
10:59:10 23 exception of the absence of the manual labour  
10:59:12 24 school reserve and the addition for the benefit of  
10:59:14 25 the SON of the Cape Croker and Chief's Point

1 reserves?

2 A. Yes, they look much the same.

3 Q. Just to be clear, I am not asking  
4 you to refer to the maps at this point but to your  
5 knowledge of the documents. So when you say "they  
6 look much the same", you are referring and relying  
7 on your knowledge of the documents, is that  
8 correct, with the assumption that the Nawash  
9 Reserve was 11 and a half thousand, approximately?

10 A. Yes, I do think the documents show  
11 this.

12 Q. I want to return to your report  
13 and your concluding opinion on page 43, please. In  
14 the last sentence here, the last paragraph says:

15 "Thus, when Laurence Oliphant  
16 arrived for his unannounced treaty  
17 council on August 13, 1854, the  
18 Saugeen Ojibway were unprepared and  
19 found themselves required to respond  
20 to a new proposal that appears to  
21 have been considerably more  
22 extensive than previous requests for  
23 surrenders."

24 Now, this is the central statement of  
25 your opinion, isn't it, on the issue of the SON's

1 ability -- or sorry, this is the central statement  
2 in your opinion on the issue of the SON's  
3 opportunity to consider Oliphant's proposal in  
4 October 1854?

5 A. Yes.

6 Q. And it follows from the analysis  
7 set out in your report on the previous pages?

8 A. Correct.

9 Q. And in those pages, you discuss  
10 Anderson's proposal and you cite Anderson's August  
11 16th report, but you don't discuss the part of it  
12 where he detailed the size of the reserves here  
13 proposed to the SON; that is correct, isn't it?

14 A. Yes, I think it is.

15 Q. You do discuss Rankin's letter of  
16 August 2nd, which you were taken to in examination  
17 in-chief and we have mentioned a couple of times,  
18 and you rely on this letter, don't you, for your  
19 opinion on page 43?

20 A. Yes.

21 Q. If we turn back a page, in the  
22 last paragraph, and I am going to read it all, you  
23 say this:

24 "His next sentence [...]", and  
25 this is Rankin's next sentence,

11:02:05 1 "stated that the 'principal  
11:02:08 2 advantage' he and Anderson were  
11:02:10 3 trying to accomplish would fail as  
11:02:13 4 long as the Saugeen Ojibway  
11:02:15 5 'persist[ed]' in objecting to sell  
11:02:21 6 any other portion of the 100,000  
11:02:23 7 acres" -- and it is in bold "any  
11:02:23 8 other portion of the 100,000  
11:02:28 9 acres" -- "than this inland  
11:02:29 10 wedge-like piece' [emphasis added].  
11:02:33 11 He also specified that the 'parts  
11:02:36 12 most desired by the whites' included  
11:02:38 13 'the mill site on the Au Sable  
11:02:46 14 River, [and] the coast opposite the  
11:02:48 15 Fishing Islands, where a town may be  
11:02:50 16 laid out to advantage.' In short,  
11:02:52 17 Rankin's letter seems to indicate  
11:02:53 18 that on August 2, 1854, Anderson was  
11:02:56 19 asking the Saugeen Ojibway to  
11:02:59 20 surrender 100,000 acres of land  
11:03:01 21 south of Colpoy's Bay and that they  
11:03:02 22 were only willing to part with  
11:03:06 23 60,000 acres of it."  
11:03:08 24 And then you go straight on to your  
11:03:11 25 closing opinion, "Thus, when Laurence Oliphant

1 arrived [...]"

2 Now, 190,000 acres in the southern area  
3 minus 34,000 for the three community reserves and  
4 the manual labour school is about 155,000 acres,  
5 isn't it, 190,000 --

6 A. Sorry, can you repeat the figures?

7 Q. Sure. 190,000 minus 34,600, which  
8 is about 35,000, is about 155,000?

9 A. Yes.

10 Q. So it should be that Anderson  
11 proposed a surrender of about 155,000 acres in the  
12 southern region, shouldn't it?

13 A. I am not following you because I  
14 am looking at the quote that I extracted from  
15 Rankin's letter in the middle of page 42.

16 Q. Well, let's turn back to Exhibit  
17 2175, please, and Rankin's letter at PDF page 12,  
18 which is 13 of the document, the 2nd August:

19 "Sir,

20 By a rough estimate [...]"

21 And the fourth paragraph there I am  
22 going to read it out:

23 "Should they persist in  
24 objecting to sell any other portion  
25 of the 190,000 acres than this

11:04:44 1 inland wedge-like piece [...]"

11:04:49 2 And then it says that the principal  
11:04:50 3 advantage would fail.

11:04:57 4 Let's turn now to Exhibit 2104, please,  
11:05:01 5 which is Rankin's letter not contained in  
11:05:07 6 Oliphant's report. There is a transcription here,  
11:05:13 7 but if you go down, please, to the fourth  
11:05:19 8 paragraph, I believe, and to page 2 of the PDF:

11:05:28 9 "Should they persist in  
11:05:29 10 objecting to sell any other portion  
11:05:31 11 of the 190,000 acres than this  
11:05:34 12 inland wedge [...] the principal  
11:05:37 13 advantage [...] will [...] fail  
11:05:38 14 [...]"

11:05:38 15 And then if we go down to page 5,  
11:05:40 16 please, there is a handwritten version and it says  
11:05:44 17 "Copy", there is a paragraph here:

11:05:46 18 "Should they persist in  
11:05:48 19 objecting to sell any other portion  
11:05:49 20 of the 190,000 acres than this  
11:05:52 21 inland wedge like piece [...]"  
11:05:55 22 [As read.]

11:05:57 23 So Rankin was talking about the SON  
11:05:59 24 refusing to surrender more than 60,000 of the  
11:06:03 25 190,000 acres in the southern half of the

1 peninsula, isn't he?

2 A. Yes.

3 Q. Not 100,000 acres?

4 A. Persisted -- I'm sorry, can you  
5 repeat the question?

6 Q. Well, in your report --

7 A. No, it was clear. I am just  
8 trying to keep the figures in my head, that is all.

9 Q. Well, Rankin was talking about the  
10 SON refusing to surrender more than 60,000 acres  
11 out of 190,000 acres; do you agree with that?

12 A. Yes. Oh, I see, I have actually  
13 misquoted it here.

14 Q. So the statement there, yes, the  
15 100,000 acres is an error there, isn't it?

16 A. Yes, the letter actually says  
17 190,000.

18 Q. Right, and you mentioned 100,000  
19 yesterday, so you weren't aware of that error  
20 yesterday, were you?

21 A. No.

22 Q. All right, until now?

23 A. Correct.

24 Q. And you accept then, don't you,  
25 that Oliphant's October proposal for surrender was

1 not considerably more extensive than Anderson's  
2 August proposal?

3 A. Yes, it does appear so.

4 Q. Between August and October 1854,  
5 the SON collectively changed their mind about a  
6 surrender, didn't they?

7 A. You mean before Oliphant arrived?

8 Q. Well, at some point between  
9 Anderson's proposal and signing the Treaty 72  
10 document -- well, actually, my question is not  
11 clear, so I am going to withdraw it and ask you --  
12 well, we are going to look for the factors that  
13 explain the SON decision to surrender in Treaty 72,  
14 and one of which I would ask you to accept is the  
15 addition of the reserves at Cape Croker and Chief's  
16 Point was a factor in the SON accepting Oliphant's  
17 proposal?

18 A. Yes, it could have been. That was  
19 part of what they had expressed in the previous  
20 documents we looked at, correct, from earlier in  
21 1854.

22 Q. So I would like for you to  
23 consider two other reasons for agreeing to the  
24 surrender.

25 The first is that the SON perceived, as



1 a result of the Southampton land sales at the end  
2 of September 1854, that the value of their land was  
3 very high. And we are going to look at this. Are  
4 you familiar with the Southampton land sales?

5 A. I am not sure. I don't think so.

6 Q. Could we go to --

7 A. You mean the land that wasn't part  
8 of theirs, that wasn't theirs?

9 Q. That wasn't part of the Saugeen  
10 Reserve tract north of the peninsula. Are you  
11 familiar, familiar with those sales?

12 A. No, I don't think so.

13 Q. So Exhibit 4129, please. This is  
14 Chapter 5 of "The History of the County of Bruce"  
15 by Norman Robertson. And you had said in your  
16 testimony that this book was reliable for some  
17 things, and although Norman Robertson was not a  
18 trained historian and so may not have regarded or  
19 analyzed his sources critically, he had probably  
20 done a lot of research; is that correct?

21 A. Yes.

22 Q. Okay, so pages 67 to 69, please,  
23 of the original and PDF page 24, on the left --  
24 have you read these pages?

25 A. Yes, I remember them now.

1 Q. Okay, so on the left we see "The  
2 'Big' Land Sale", and in the bottom paragraph on  
3 that page:

4 "The 'Big' Land Sale, as it is  
5 commonly called, at which the  
6 residue of Crown land and school  
7 lands in the county [...]"  
8 And this is below the Saugeen  
9 Peninsula; correct?

10 A. Yes.

11 Q. "[...] were offered for sale  
12 (see Appendix K for copy of  
13 advertisement), was the great event  
14 in the county during the year 1854.  
15 The date of this sale was September  
16 27th."

17 And then it goes down the -- I am going  
18 to just state some facts and see if you recall them  
19 from this document.

20 That the land sales occurred at  
21 Southampton; is that right?

22 A. Yes, I think so, yes.

23 Q. Starting on September 27th?

24 A. Yes.

25 Q. And if you can go to where it says

11:11:14 1 there:

11:11:17 2 "On the day named in the  
11:11:18 3 advertisement these settlers and  
11:11:19 4 other intending purchasers arrived  
11:11:21 5 at Southampton two or three thousand  
11:11:23 6 strong."

11:11:25 7 And so many of those, though, were  
11:11:27 8 squatters who had come to obtain legal rights to  
11:11:31 9 the land in the Huron County?

11:11:33 10 A. Yes.

11:11:33 11 Q. And that hundreds slept in sheds,  
11:11:40 12 as it says there at the top of the next page?

11:11:43 13 A. Yes.

11:11:43 14 Q. And under bushes, and there is a  
11:11:48 15 colourful description of nocturnal -- well, perhaps  
11:11:57 16 not even nocturnal, but of disputes between people  
11:12:01 17 and fights, brawls even; do you agree?

11:12:08 18 A. Yes.

11:12:09 19 Q. And if you go down further --  
11:12:12 20 well, actually, it says there, it talks about the  
11:12:15 21 baker having to work 24 hours a day and keep his  
11:12:18 22 shop door closed and pass bread through a window.  
11:12:23 23 That is in about the sixth line?

11:12:25 24 A. Yes.

11:12:25 25 Q. And then later it describes the

11:12:31 1 land agent took in so much money and gave so many  
11:12:35 2 grants that he was exhausted and unable to work for  
11:12:40 3 a week; do you recall that?

11:12:41 4 A. Yes, I do.

11:12:42 5 Q. So have you been to Southampton in  
11:12:47 6 the Saugeen Reserve?

11:12:48 7 A. Yes.

11:12:48 8 Q. So you know that Southampton is  
11:12:51 9 just over the river from the Chippewa Hill  
11:12:53 10 settlement?

11:12:53 11 A. Yes.

11:12:53 12 Q. And members of the Saugeen  
11:12:59 13 community there would have known of these land  
11:13:02 14 sales and the events surrounding them, wouldn't  
11:13:04 15 they?

11:13:05 16 A. I am sure they would.

11:13:06 17 Q. And we talked about the condition  
11:13:12 18 in Treaty 72 that there be an immediate survey and  
11:13:15 19 sale of the plot to the west of the western  
11:13:20 20 boundary of the Saugeen Reserve, and I will just  
11:13:24 21 describe or repeat the words again:

10:44:20 22 "And we wish it to be clearly  
10:44:22 23 understood that we wish the  
10:44:24 24 peninsula at the mouth of the  
10:44:25 25 Saugeen River to the west of the

10:44:27 1 western boundary aforesaid to be  
10:44:29 2 laid out in town and park lots, and  
10:44:31 3 sold for our benefit without delay."

11:13:39 4 So this was October 13, which is a  
11:13:42 5 little over two weeks after the Southampton land  
11:13:46 6 sales?

11:13:46 7 A. Yes.

11:13:47 8 Q. And this area described in that  
11:13:49 9 Treaty 72 condition is just across the river from  
11:13:52 10 Southampton?

11:13:53 11 A. Yes.

11:13:53 12 Q. And so the SON clearly wished to  
11:13:56 13 benefit without delay from the settler enthusiasm  
11:14:01 14 for land; do you agree?

11:14:02 15 A. Yes.

11:14:03 16 Q. And this was a factor in their  
11:14:05 17 decision in October 1854 to surrender the  
11:14:09 18 peninsula?

11:14:09 19 A. Well, at least to surrender the  
11:14:12 20 most valuable lands.

11:14:13 21 Q. You are also aware, aren't you, of  
11:14:42 22 the Indian Department's survey of First Nations in  
11:14:47 23 1854?

11:14:47 24 A. Yes.

11:14:51 25 Q. And asking specific questions

1 about whether these First Nations would move to  
2 Owen Sound and whether they would contribute to a  
3 manual labour school on the Saugeen Reserve?

4 A. Yes.

5 Q. And the department received  
6 responses between early August and early October  
7 1854?

8 A. Yes.

9 Q. And you are aware of the  
10 responses?

11 A. Yes.

12 Q. And they were mostly negative to  
13 both of those questions?

14 A. Yes.

15 Q. And so that provided information  
16 to the Indian Department that other First Nations  
17 did not wish to move to the Saugeen Peninsula?

18 A. Correct.

19 Q. And this information was likely  
20 communicated to the SON by Oliphant at the Treaty  
21 Council in October?

22 A. Oh, yes, that is very likely.

23 Q. At that point then the SON knew  
24 that there was no need to retain the tract of land  
25 to the east of the line between the head of

1 Colpoy's Bay and Owen Sound, other than the tract  
2 for the John Jones Band at Colpoy's Bay, the land  
3 for whatever Caughnawaga families were there and  
4 land for themselves, the Nawash settlement at Owen  
5 Sound; do you agree with that?

6 A. No. I don't believe that their  
7 primary purpose in trying to retain those lands was  
8 to provide settlements for specific groups. I  
9 believe their primary purpose was to try to retain  
10 as much of the peninsula as they could and that  
11 arguing for settlements for specific groups was a  
12 tactic.

13 Q. Do you agree then that there was  
14 substantially less need to the SON to retain that  
15 tract of land?

16 A. No. I believe that the fact that  
17 other groups had said they did not want to move  
18 there deprived them of one of their arguments for  
19 retaining the land, but I believe they still wanted  
20 to retain as much of it as they could.

21 Q. Well, by 1854, previous to 1854,  
22 the SON community had made a decision to give at  
23 least 20 to 25,000 acres to the Caughnawaga  
24 Mohawks; do you recall that?

25 A. Yes.

11:17:54 1 Q. And the Saugeen community, at  
11:17:58 2 least, and probably the Nawash community, had  
11:17:59 3 decided to give the Crown, agreed to give the Crown  
11:18:03 4 the right to decide how much land went to the  
11:18:06 5 Caughnawaga Mohawks?

11:18:07 6 A. Yes.

11:18:07 7 Q. And the SON community decision had  
11:18:10 8 been made to give about 6,000 acres to the Credit  
11:18:14 9 Mississaugas in that area?

11:18:15 10 A. Yes.

11:18:15 11 Q. And the SON community decision had  
11:18:18 12 probably been made to give what was described in  
11:18:23 13 the Caughnawaga agreement as the tract ceded to the  
11:18:27 14 Colpoy's Bay John Jones Band?

11:18:29 15 A. Yes.

11:18:29 16 Q. And in so doing before October  
11:18:34 17 1854, the SON community had decided to forgo the  
11:18:40 18 income from the sale of those lands?

11:18:47 19 A. The theoretical income from the  
11:18:49 20 sale of those lands.

11:18:50 21 Q. Correct.

11:18:53 22 A. But again, they were giving the  
11:18:55 23 land to another Indigenous group.

11:18:59 24 Q. Well, let me ask a different  
11:19:02 25 question then. The SON had decided and it had in



11:19:08 1 those decisions to give those lands recognized that  
11:19:13 2 it would no longer be able to use those lands as it  
11:19:17 3 wished?

11:19:19 4 A. Did they not say that they didn't  
11:19:22 5 want to give the Mohawks title or control of the  
11:19:28 6 lands?

11:19:28 7 Q. Control of the other parts of the  
11:19:30 8 territory. If you recall, the word used was  
11:19:33 9 "territory", in distinction from "parcel" or  
11:19:37 10 "tract".

11:19:38 11 A. So you think they were talking  
11:19:40 12 about the land other than what they were giving to  
11:19:46 13 the Caughnawagas?

11:19:46 14 Q. Well, yes, and so that is my  
11:19:50 15 question to you.

11:19:52 16 A. Yes, so they -- yeah, in giving  
11:19:56 17 the land to the Caughnawagas, they were -- sorry,  
11:19:58 18 what did you ask me most recently?

11:20:02 19 Q. The SON had decided and it had in  
11:20:08 20 those decisions decided to give those lands -- it  
11:20:21 21 had recognized in those decisions that it would no  
11:20:23 22 longer be able to use those lands, the Caughnawaga  
11:20:26 23 tract, the Credit Mississauga tract, the Colpoy's  
11:20:33 24 Bay John Jones tract, that it would no longer be  
11:20:38 25 able to use those lands as it wished?

11:20:43 1 A. Here is what I would say to that.  
11:20:44 2 My feeling is that they preferred to have  
11:20:47 3 Indigenous people settling on the peninsula rather  
11:20:50 4 than, say, giving those tracts to white settlers,  
11:20:53 5 because one can only speculate but my suspicion is  
11:21:00 6 that the reason is that they believed they would  
11:21:02 7 have more in common with them and probably come to  
11:21:06 8 terms more easily so that they would, for instance,  
11:21:10 9 probably expect to be able to hunt over those lands  
11:21:13 10 and trap and use them for fishing stations or  
11:21:16 11 whatever.

11:21:16 12 But the fact that they showed strong  
11:21:18 13 preference for having Indigenous people settling  
11:21:20 14 there suggests that they expected that relationship  
11:21:25 15 to be more beneficial for them, which makes me  
11:21:28 16 think they would believe, for instance, that both  
11:21:31 17 the Credit River people and the Caughnawaga people  
11:21:34 18 would allow that land to be used for hunting.

11:21:39 19 Q. Although the intention was that  
11:21:44 20 the lands would be -- at least we have direct  
11:21:50 21 evidence from the Credit Mississaugas that they  
11:21:52 22 would have 100 acres per family, which is for  
11:21:55 23 farming largely, isn't it?

11:21:57 24 A. Yes.

11:21:59 25 Q. Agricultural use?

11:21:59 1 A. Yes. But then they might have had  
11:22:02 2 an agreement among all of them that some of the  
11:22:05 3 lands would be farm lands, which of course is still  
11:22:09 4 quite suitable for hunting in many instances, and  
11:22:13 5 that they would all use the territory around it for  
11:22:15 6 hunting.

11:22:16 7 Anyway, it appears that they believed  
11:22:18 8 they would come to more agreeable terms with  
11:22:22 9 Indigenous settlers.

11:22:25 10 Q. Well, could you pull in front of  
11:22:27 11 you, please, two of the lettered exhibits, K-2 and  
11:22:32 12 L-1, which are the Caughnawaga lettered exhibits.

11:22:40 13 And if you see, they are the areas "A",  
11:23:01 14 "C" and "D", plus "B" which is the Owen Sound  
11:23:06 15 Reserve, but "A", "C" and "D", the John Jones,  
11:23:10 16 Caughnawaga and Credit Mississauga tracts, that the  
11:23:19 17 SON had before October 1854 decided to forgo the  
11:23:25 18 income from -- the theoretical income, you said,  
11:23:29 19 from the sale of those lands, that those are the  
11:23:31 20 areas we are talking about, aren't they?

11:23:40 21 A. Yes, assuming that they are  
11:23:41 22 correctly marked on the map, but yes.

11:23:43 23 Q. And then turn up also -- or  
11:23:46 24 instead next lettered Exhibit N-1 which is the SON  
11:24:14 25 counter-proposal, and the area "C" there that in

1 August the SON had proposed they would keep to the  
2 east of the line between Owen Sound and the head of  
3 Colpoy's Bay, and this was an area for other First  
4 Nations to move to, as you recall, plus for  
5 themselves, the Nawash at Owen Sound?

6 A. Yes, on N-1?

7 Q. Yes, N-1.

8 A. The orange part on N-1, yes.

9 Q. So in October 1854, the SON  
10 negotiators knew that they could keep that land,  
11 that other First Nations were not going to come to  
12 and use, other than already the John Jones Band at  
13 6,000 acres, and so this is area "C". In October  
14 1854, the SON negotiators knew that they could keep  
15 that land or they could surrender it to the Crown  
16 for sale. That was the choice before them in  
17 respect of this land in area "C" in October 1854?

18 A. Are you asking me to agree to  
19 that?

20 Q. Yes.

21 A. Well, I find it a little bit  
22 simplified, and here is why. They were already  
23 experiencing settlers squatting on their territory,  
24 and so it wasn't really a simple matter of deciding  
25 to keep it and having no problems keeping it or

11:25:44 1 agreeing to sell it or agreeing to surrender it in  
11:25:47 2 the Treaty.

11:25:48 3 What they faced, instead, was a  
11:25:49 4 situation in which they were under extreme pressure  
11:25:52 5 from the settlers and the land speculators and the  
11:25:55 6 mill site operators and so on to surrender lands.  
11:25:59 7 They had been told by government officials that the  
11:26:02 8 government officials couldn't or wouldn't stop  
11:26:05 9 squatting or the effect of timber.

11:26:10 10 And so what they faced was a situation  
11:26:13 11 in which they didn't really have an option of  
11:26:16 12 keeping that peninsula in peace with no further  
11:26:20 13 challenges or problems. In fact, they were being  
11:26:25 14 told if they did keep it and refused to surrender  
11:26:28 15 it, that it would be taken one way or another.

11:26:30 16 Q. In terms of responding directly to  
11:26:44 17 the proposal to surrender it, though, the answers  
11:26:48 18 to Oliphant were yes surrender and no surrender; is  
11:26:55 19 that correct?

11:26:55 20 A. Well, one can try to negotiate,  
11:26:57 21 which they probably did.

11:26:58 22 Q. And after the negotiation, then  
11:27:01 23 their options were yes surrender and no  
11:27:05 24 surrender?

11:27:05 25 A. Yes.

1 Q. Of this remaining land and what  
2 was portion "C" here. And at that point, since the  
3 SON community had already decided that it was  
4 prepared theoretically or to forgo theoretical  
5 income from those lands, the SON negotiators appear  
6 to have chosen to surrender, to obtain what value  
7 they could from the sales of those lands; do you  
8 agree?

9 A. Yes, I think they must have  
10 decided that that was the most tenable final  
11 decision under all of the circumstances, the  
12 pressure they were facing and so on.

13 Q. So on the western side then of  
14 this same lettered Exhibit N-1 and the approximate  
15 shape of the western reserve the SON wished to  
16 retain, and I would like you to compare that,  
17 please, with O-1, which is the Treaty 72 reserves  
18 and Caughnawaga tract.

19 A. Sorry, we are comparing O-1 and  
20 what, N-1?

21 Q. And N-1, the same exhibit we just  
22 had up.

23 A. Okay, I have them both in front of  
24 me.

25 Q. So the area "A" on N-1 is in the

1 same general location as the Saugeen Reserve under  
2 Treaty 72, isn't it? It starts on the bottom left  
3 of that area of the peninsula and then goes up. It  
4 is the same general location. What I am saying is  
5 it is on the western and southern side of the  
6 coast.

7 A. Okay, it is a great deal larger,  
8 but it starts in the same place.

9 Q. Yes, it is along the coast and it  
10 starts in the same place. Now, if you look at "A",  
11 what that includes, there is a lot of inland area  
12 there, but in terms of the coast and the coastal  
13 area, from that area that in August they wished to  
14 retain, not just based on this map but based on the  
15 description in Rankin's letter that they wanted to  
16 retain up to the Fishing Islands, the coast up to  
17 the Fishing Islands, they surrendered or they gave  
18 up the lands that the Crown greatly desired. They  
19 gave up Sauble Falls and the Sauble River for the  
20 mill site and they gave up Oliphant Township; do  
21 you agree with that?

22 A. Yes.

23 Q. And they appear to have given up  
24 also access by non-SON people to Lake Huron via at  
25 least the northern part of Sauble Beach; do you

11:30:10 1 agree with that?

11:30:11 2 A. Yes.

11:30:12 3 Q. And the SON knew that these were  
11:30:17 4 areas that would facilitate settlement and thereby  
11:30:22 5 encourage people to come and live on the peninsula?

11:30:25 6 A. Yes.

11:30:25 7 Q. And then the SON also kept -- or  
11:30:29 8 also the SON kept Chief's Point?

11:30:32 9 A. Yes.

11:30:32 10 Q. And then they knew that there was  
11:30:36 11 no need to retain land for a manual labour school?

11:30:38 12 A. Yes.

11:30:41 13 Q. I am going to suggest to you that  
11:30:56 14 the Southampton land sales, the results of the  
11:30:58 15 Indian Department's survey and the addition of Cape  
11:31:02 16 Croker and Chief's Point Reserves explain the SON's  
11:31:07 17 decision to surrender in October 1854; do you  
11:31:13 18 agree?

11:31:13 19 A. No. The Saugeen land sales -- or  
11:31:21 20 sorry, the Southampton land sales, I think it  
11:31:27 21 entirely plausible that that would play a role in  
11:31:30 22 their decision, but they also knew from all the  
11:31:35 23 previous exchanges with different white parties  
11:31:42 24 over different areas, they also knew what areas the  
11:31:46 25 whites most wanted and those areas the whites



11:31:51 1 wanted very much, but they weren't that extensive.

11:31:54 2 And so a perfectly reasonable response  
11:31:57 3 to the Southampton land sales would have been to  
11:31:59 4 surrender certain areas that they knew were most  
11:32:05 5 desired and get the money from that and see what  
11:32:09 6 happened, which is consistent with the letter Kribs  
11:32:12 7 sent the day before the Treaty Council -- or sorry,  
11:32:18 8 the day before Oliphant arrived for Treaty 72 in  
11:32:23 9 which he said that they wanted to sell a portion of  
11:32:27 10 the lands and see what happened or see what money  
11:32:30 11 they got.

11:32:35 12 They had surrendered the Half Mile  
11:32:37 13 Strip three years before in 1851, and they weren't  
11:32:40 14 happy with what had happened as a result of that  
11:32:43 15 surrender. The road had been built and I don't  
11:32:48 16 think they received any money yet either, so I  
11:32:50 17 think they were fairly skeptical about further land  
11:32:53 18 sales.

11:32:53 19 So it makes sense that they would have  
11:32:55 20 wanted to surrender more limited amounts and see  
11:33:00 21 what happened.

11:33:01 22 Q. All right, and yes, and you said  
11:33:05 23 that that would be a perfectly reasonable response,  
11:33:07 24 I take it, so it is a perfectly reasonable  
11:33:12 25 response, though, to do what they did do, which is

1 to agree to the surrender in Treaty 72?

2 A. I -- well, I don't think that they  
3 considered it --

4 Q. Well, I am not asking you --

5 A. -- their preference.

6 Q. I am not asking --

7 A. It is not as reasonable. It is  
8 not as reasonable because --

9 Q. You have given your opinion on  
10 what would have been a perfectly reasonable  
11 response for them to do to surrender less. You can  
12 give your opinion on whether it would also be a  
13 reasonable response to do what they did do, which  
14 is agree to surrender the peninsula minus the  
15 reserves.

16 A. That is a less reasonable response  
17 in that --

18 Q. But still reasonable?

19 A. It was disadvantageous for them.

20 MR. OGDEN: Thank you, Professor  
21 Brownlie.

22 Your Honour, those are my questions.

23 THE COURT: All right. We'll take the  
24 morning break, after which we'll see if there is  
25 any re-examination.

1 Sir, even though your cross-examination  
2 has concluded, you still may be asked questions, so  
3 I would ask that you continue to do other things  
4 with your out-of-Court time, all right.

5 -- RECESSED AT 11:35 A.M.

6 -- RESUMED AT 11:59 A.M.

7 THE COURT: Just a moment, Counsel.

8 MS. GUIRGUIS: No problem.

9 THE COURT: All right, please go ahead.

10 RE-EXAMINATION BY MS. GUIRGUIS:

11 Q. Thank you, Your Honour.

12 Professor Brownlie, Mr. Feliciant on  
13 Monday asked you questions about your research  
14 regarding specific Indian Agents and about whether  
15 you did any research about the Indian Agents at  
16 Saugeen or at Nawash. You answered that you had  
17 completed research about the Indian Agent at Cape  
18 Croker for an article you published about what you  
19 described as the soldier settlement.

20 Can you briefly elaborate on that  
21 research?

22 A. Yes.

23 MR. FELICIAN: Your Honour, doesn't  
24 that go a bit beyond the question I asked? I did  
25 not ask the witness to elaborate on the research or

12:01:55 1 what that research uncovered. I simply asked did  
12:01:58 2 you do any. The witness said yes, I did. And I  
12:02:00 3 left it at that.

12:02:01 4 It strikes me that this is going beyond  
12:02:05 5 a re-examination because this is evidence that  
12:02:07 6 could have been introduced in-chief if the  
12:02:11 7 Plaintiffs felt it was important to do so. There  
12:02:13 8 was no clarification but yes, I did. That is the  
12:02:16 9 way the evidence was left.

12:02:21 10 THE COURT: While you are right that  
12:02:23 11 there is no clarification to yes, I did, but I  
12:02:26 12 think I will permit a brief explanation of what the  
12:02:29 13 witness meant when he said he did research, and I  
12:02:32 14 emphasize brief.

12:02:34 15 MR. FELICIAN: Thank you, Your Honour.

12:02:37 16 THE WITNESS: The Soldier Settlement  
12:02:45 17 Act was a scheme for veterans of the First World  
12:02:49 18 War, both Indigenous and non-Indigenous, and I  
12:02:53 19 looked at the records of that program and its  
12:02:58 20 administration in Southern Ontario, including a  
12:03:05 21 significant number of case files relating to Cape  
12:03:08 22 Croker in the 1920s and '30s.

12:03:12 23 BY MS. GUIRGUIS:

12:03:14 24 Q. Thank you. So earlier this week  
12:03:19 25 Mr. Ogden asked you about the language of the

1 written version of the speech by Bond Head that has  
2 come to be known as Treaty 45 1/2. Particularly, he  
3 also asked about the interpretation of the promise  
4 in Treaty 45 1/2 to, quote, "protect forever for  
5 you, the Saugeen Indians, from the encroachment of  
6 the whites", suggesting that it was not the  
7 peninsula as a whole but perhaps only to lands  
8 under cultivation.

9 And you answered that your view is that  
10 the promise referred to the peninsula as a whole,  
11 in part because the other construction was, quote,  
12 "not consistent with the way the Treaty territory  
13 was treated thereafter by both government officials  
14 and the Saugeen Ojibway."

15 So I have two questions about this.

16 The first is can you briefly specify  
17 the subsequent actions of the government officials  
18 that you were referring to there?

19 A. Yes. We have seen often in the  
20 documents we have been looking at references to the  
21 Saugeen Peninsula and the Saugeen Reserve, and it  
22 is very clear that everyone had very much the same  
23 idea of what it was, which is the entire Saugeen  
24 Peninsula, and one example is the declaration of  
25 1847 which specifies more or less exactly that, the

12:04:51 1 peninsula and the islands around it.

12:04:52 2 Q. Can you please briefly specify on  
12:04:56 3 the subsequent actions of the Saugeen Ojibway that  
12:04:59 4 you were referring to in your answer?

12:05:00 5 A. Yes, similarly, one set of  
12:05:10 6 evidence that occurs to me is precisely the  
12:05:14 7 negotiations around lands on the peninsula,  
12:05:17 8 different parties asking for different areas of  
12:05:20 9 land, and again, it is very clear from what the  
12:05:23 10 Saugeen Ojibway answered that they were referring  
12:05:28 11 to the whole peninsula.

12:05:29 12 Q. Thank you. Mr. Ogden took you to  
12:05:35 13 a few pages of the Treaty 9 Commission Report, it  
12:05:40 14 was added as Exhibit 4190, and put to you that  
12:05:44 15 there were two examples of periods of First Nation  
12:05:47 16 Chiefs considering a surrender for the proposal,  
12:05:52 17 two examples of short periods, and you answered,  
12:05:54 18 quote:

15:07:18 19 "Yes, this was a place where  
15:07:19 20 they had been asking for a treaty  
15:07:22 21 for years, in the area of Treaty 9."  
12:06:03 22 First, can you clarify who is "they" in  
12:06:06 23 your answer?

12:06:07 24 A. The Cree peoples of what became  
12:06:12 25 Treaty 9 territory.

12:06:15 1 Q. Second, can you comment on why  
12:06:17 2 this is relevant to the answer you gave to Mr.  
12:06:21 3 Ogden's question about the period of time that the  
12:06:23 4 First Nation Chiefs in those examples needed to  
12:06:26 5 consider surrender proposals?

12:06:27 6 A. Yes, this was a case where the  
12:06:33 7 Cree parties who signed Treaty 9 had been asking  
12:06:38 8 for the Treaty for years, and so this was a case  
12:06:44 9 where they had decided in advance that they wanted  
12:06:47 10 the Treaty. And also, in this instance they did  
12:06:52 11 not believe they were giving up any land.

12:06:57 12 So they had already decided they wanted  
12:07:01 13 to make a treaty years previously, so it was  
12:07:06 14 entirely uncontroversial in these communities that  
12:07:08 15 they were going to sign a treaty as soon as the  
12:07:12 16 government would come and make one with them, and  
12:07:15 17 so they didn't need time to deliberate.

12:07:19 18 MS. GUIRGUIS: Thank you, Professor  
12:07:20 19 Brownlie.

12:07:20 20 Thank you, Your Honour.

12:07:23 21 Those are my questions.

12:07:25 22 THE COURT: Now, Professor Brownlie, I  
12:07:25 23 have a couple of questions, and after my questions,  
12:07:30 24 counsel are, in a very limited way, allowed to ask  
12:07:35 25 questions. So we are not quite done yet.

12:07:37 1 This won't take long.

12:07:38 2 So over the course of your lengthy  
12:07:40 3 testimony, you have now been testifying on several  
12:07:44 4 different occasions about the receipt for payment  
12:07:47 5 to Jacobs. I don't think we need to bring it up on  
12:07:51 6 the screen. It is Exhibit 2469.

12:07:55 7 And yesterday, in answer to some  
12:07:59 8 questions by Mr. Ogden, you were asked about the  
12:08:04 9 verb "procuring" in that receipt, and I imagine you  
12:08:07 10 remember that general topic.

12:08:09 11 THE WITNESS: Yes.

12:08:10 12 THE COURT: You still have to pay  
12:08:11 13 attention to the microphone. Thank you, sir.

12:08:14 14 THE WITNESS: Yes.

12:08:15 15 THE COURT: And after a series of  
12:08:16 16 questions, you gave this answer. You said:

14:32:46 17 "Yes, I agree there are a  
14:32:49 18 number of ways it could be made  
14:32:51 19 clearer. The procuring here, it  
14:32:53 20 isn't definitely clear to which of  
14:32:55 21 them it refers."

12:08:29 22 Do you recall that, sir?

12:08:30 23 THE WITNESS: Yes. Yes, I do.

12:08:32 24 THE COURT: And the "which of them" is  
12:08:34 25 either Mr. -- let's see what the titles are --



12:08:38 1 either Jacobs or Oliphant.

12:08:40 2 THE WITNESS: Yes.

12:08:41 3 THE COURT: Okay. So your evidence was  
12:08:44 4 it was not clear to which person that verb was to  
12:08:50 5 be connected, and in my wording, sir, I would call  
12:08:53 6 that a document that is ambiguous. Do you  
12:08:57 7 understand what I mean by that?

12:08:58 8 THE WITNESS: Yes.

12:08:58 9 THE COURT: Capable of more than one  
12:09:00 10 meaning.

12:09:01 11 THE WITNESS: Yes.

12:09:01 12 THE COURT: All right, fine.

12:09:02 13 Now, also on several occasions in your  
12:09:07 14 testimony you have been asked questions about the  
12:09:10 15 Oliphant memoir, and you have talked at some length  
12:09:14 16 about that.

12:09:15 17 And correct this if it is not  
12:09:20 18 appropriate, but I might summarize a lot of that  
12:09:22 19 evidence to say that if there is a statement of  
12:09:26 20 fact that appears only in that memoir and is not  
12:09:29 21 otherwise documented, that you would approach that  
12:09:33 22 with skepticism? I think you used that word.

12:09:36 23 THE WITNESS: Yes.

12:09:36 24 THE COURT: All right. And there is  
12:09:43 25 evidence you gave yesterday, and I am just trying

12:09:47 1 to understand the end of all of this evidence. I  
12:09:56 2 think yesterday you said, or it may have been  
12:09:58 3 earlier, sir, that you had serious reservations  
12:10:01 4 about those kinds of statements in that book where  
12:10:03 5 they weren't otherwise appearing in other records.

12:10:06 6 THE WITNESS: Yes.

12:10:07 7 THE COURT: And in answers to questions  
12:10:10 8 last week or at an earlier stage - I am losing  
12:10:17 9 track a little bit of when these things took  
12:10:19 10 place - but I looked it up, about the fistfight  
12:10:22 11 that is recorded for the only time in this memoir,  
12:10:27 12 and you agreed that it was completely fictional.  
12:10:31 13 That is your opinion?

12:10:32 14 THE WITNESS: Yes, I think it is  
12:10:33 15 probably fictional.

12:10:34 16 THE COURT: All right. And yesterday  
12:10:36 17 you said that you only used the memoir to the  
12:10:42 18 extent that it says things that aren't otherwise  
12:10:45 19 documented for the subject of the role of Jacobs,  
12:10:51 20 and I take it that that is the two mentions in that  
12:10:54 21 description of the fistfight about Jacobs giving  
12:10:57 22 advice to Oliphant; is that correct? Have I got  
12:11:02 23 that right?

12:11:02 24 THE WITNESS: Yes, I think there might  
12:11:06 25 be a few more statements about Jacobs in that

12:11:09 1 passage in the memoir.

12:11:12 2 THE COURT: But there were two that you  
12:11:13 3 particularly noted where it states in the  
12:11:15 4 description in the memoir that Jacobs gave Oliphant  
12:11:19 5 advice?

12:11:20 6 THE WITNESS: Yes.

12:11:21 7 THE COURT: And each of them were in  
12:11:22 8 relation to Oliphant's participation or  
12:11:25 9 non-participation in the fight itself?

12:11:26 10 THE WITNESS: Yes.

12:11:28 11 THE COURT: Am I following it? Okay,  
12:11:29 12 good.

12:11:30 13 So as I understood your evidence, you  
12:11:36 14 said that one of the reasons why in your report you  
12:11:41 15 place some weight on the two statements that Jacobs  
12:11:44 16 gave advice is because of the receipt that I have  
12:11:47 17 just mentioned?

12:11:48 18 THE WITNESS: Yes.

12:11:48 19 THE COURT: All right, so my question  
12:11:50 20 for you is this. Can you clarify for me how as a  
12:11:54 21 historian you used a document that you agree is  
12:12:01 22 ambiguous, allowing for more than one  
12:12:03 23 interpretation, to give credence to these two  
12:12:07 24 statements in this book that you have repeatedly  
12:12:10 25 said in this Court should generally be ignored - my

1 words, not yours. How as an historian did you find  
2 that receipt to be adequate for that purpose?

3 THE WITNESS: I initially didn't read  
4 it as grammatically ambiguous.

5 THE COURT: No, that is okay. I am  
6 just talking about as of yesterday.

7 THE WITNESS: Yes.

8 THE COURT: So you know, I can  
9 understand that you might have developed your  
10 thinking, but where are you on it today, sir?

11 THE WITNESS: I have thought about it  
12 further.

13 THE COURT: Yes.

14 THE WITNESS: The other thing that  
15 seems to me of great importance is the amount.

16 THE COURT: Right, but I am asking you  
17 to put that to one side, because you did say more  
18 than one reason. So the only one I ask you to  
19 focus on is that as to -- oh, I see, okay.

20 You were cross-examined on the amount,  
21 and I am not going to ask you about those.

22 So really my only question is with  
23 respect to the use of the verb "procuring", which  
24 was part of your opinion, I am trying to understand  
25 as of yesterday's evidence how as a historian you

12:13:17 1 would find that phraseology would cause you to give  
12:13:24 2 more credence to the statements in this memoir?

12:13:32 3 THE WITNESS: Well, I hope I am  
12:13:44 4 answering your question. I still think the amount  
12:13:46 5 of money is very significant because it is a lot  
12:13:48 6 more than someone would be paid solely for  
12:13:51 7 interpreting.

12:13:52 8 THE COURT: No, I understood that  
12:13:53 9 evidence. That is a different question.

12:13:54 10 THE WITNESS: Okay, sorry, I don't  
12:13:56 11 understand the question.

12:13:57 12 THE COURT: My question is just the  
12:13:58 13 phraseology, sir. One of the reasons why you  
12:14:01 14 singled out these facts in this memoir as, you  
12:14:10 15 know, not complete fiction, which is the rest of  
12:14:12 16 it, was the -- and I don't want to change your  
12:14:18 17 wording, sir, but basically reading the receipt to  
12:14:22 18 attribute the word "procuring" to Jacobs. But as  
12:14:28 19 of yesterday, I think you have indicated that it is  
12:14:30 20 ambiguous?

12:14:31 21 THE WITNESS: Yes, I still agree that  
12:14:36 22 the wording is ambiguous, but I also think that the  
12:14:42 23 likelier meaning is the one I did initially  
12:14:46 24 attribute, and the reason I think that is that if  
12:14:49 25 Jacobs' role was solely that of interpreter, I

1 think that is what the receipt would have said, you  
2 know, money paid for interpreting or for  
3 translating for the Treaty.

4 THE COURT: The difficulty with that,  
5 sir, is it would be customary in the legal world,  
6 which is not necessarily relevant, to say, you  
7 know, payment for services rendered re land  
8 acquisition by the person who did the photocopying,  
9 and nothing to do with the acquisition itself. It  
10 is just a topic.

11 And this receipt could be read that  
12 same way, which is the topic is Oliphant's  
13 procuring of the surrender and nothing to do with  
14 what Jacobs did or didn't do.

15 So that provides some of my personal  
16 background, so I just want to get clarity about  
17 what a historian would say about that.

18 THE WITNESS: I have never seen that  
19 language in Indian Affairs files before.

20 THE COURT: Well, not the language I  
21 used.

22 THE WITNESS: No, no, but I never have  
23 seen them say they paid someone for procuring a  
24 surrender.

25 THE COURT: But it doesn't say that.

12:15:58 1 THE WITNESS: Or I have never seen any  
12:15:59 2 of those words used. Normally, they would say for  
12:16:02 3 interpreting or for translating or something like  
12:16:03 4 that.

12:16:04 5 THE COURT: All right.

12:16:05 6 THE WITNESS: So I don't know how a  
12:16:07 7 legal scholar would evaluate it, but I found that  
12:16:10 8 language -- and we don't know for sure who wrote --  
12:16:16 9 well, you see, I mean, I can't remember. Are there  
12:16:18 10 three -- there is the one document that is the  
12:16:20 11 requisition or whatever, and it I believe uses that  
12:16:25 12 language.

12:16:26 13 And then there is a second document  
12:16:27 14 that is Peter Jacobs acknowledging receipt. I --  
12:16:32 15 it looks to me as though that one is written by  
12:16:35 16 Peter Jacobs. It looks to me as though the  
12:16:37 17 handwriting matches his signature, and he uses that  
12:16:41 18 same language, or actually he uses not exactly the  
12:16:46 19 same words but the same construction.

12:16:50 20 So all of that and the fact that I have  
12:16:53 21 never seen any other records that describe treaty  
12:16:57 22 translation in anything like those ways leads me to  
12:17:00 23 believe that the likeliest interpretation is that  
12:17:03 24 they meant he was being paid for assisting to  
12:17:06 25 procure the surrender, acknowledging at the same

12:17:09 1 time that the wording is grammatically ambiguous.

12:17:13 2 I would just add one more  
12:17:15 3 clarification, if I may. I wouldn't say one should  
12:17:19 4 ignore the memoir, the reason being that some  
12:17:24 5 aspects of it do conform to his report.

12:17:28 6 THE COURT: No, I understand that, sir,  
12:17:29 7 but these two statements appear within a story that  
12:17:37 8 you have testified more than once is fiction.

12:17:39 9 THE WITNESS: Well, parts of it are.

12:17:41 10 THE COURT: Okay, well, the record will  
12:17:43 11 speak for itself. You have answered my question.

12:17:45 12 Ms. Guirguis, do you have any follow-up  
12:17:49 13 questions arising from my questions?

12:17:51 14 MS. GUIRGUIS: No, Your Honour.

12:17:51 15 THE COURT: Mr. Beggs?

12:17:53 16 MR. BEGGS: Unfortunately, it requires  
12:17:57 17 me to check a few documents, which may take a  
12:18:01 18 minute or two.

12:18:01 19 THE COURT: Well, perhaps I'll see if  
12:18:03 20 Ontario has any questions while you do that?

12:18:07 21 MR. OGDEN: No, Your Honour.

12:18:08 22 THE COURT: All right. Okay, well,  
12:18:10 23 we'll take five minutes so that Canada can check  
12:18:13 24 the few documents and we'll resume.

12:18:17 25 If you could just let Mr. Registrar



1 know, please, when you are ready.

2 MR. BEGGS: Thank you, Your Honour.

3 -- RECESSED AT 12:18 P.M.

4 -- RESUMED AT 12:26 P.M.

5 THE COURT: Mr. Beggs.

6 MR. BEGGS: Thank you, Your Honour.

7 My apologies for the delay, but I have  
8 no questions.

9 THE COURT: Thank you.

10 Sir, that concludes your testimony.  
11 You can, after all of these days, step down from  
12 the witness stand. Thank you very much.

13 THE WITNESS: Thank you, Your Honour.

14 THE COURT: Have counsel conferred over  
15 the schedule tomorrow and, if so, with what  
16 outcome?

17 MS. GUIRGUIS: Yes, Your Honour, we  
18 have conferred.

19 The motion we believe will be done by  
20 about 11:00, 11:30, so we can call Carl Benn at  
21 that time. We'll have him ready in the courtroom.

22 THE COURT: All right, so I am trying  
23 to think -- I think those were the only two things  
24 we had on the potential list for tomorrow.

25 MS. GUIRGUIS: Yes, that's correct, and

12:27:54 1 sorry to correct, it is the motion and speaking to  
12:27:55 2 the positions with respect to the documents.

12:27:57 3 THE COURT: The documents, the recently  
12:28:00 4 produced documents, that issue?

12:28:01 5 MS. GUIRGUIS: Yes, the -- yes.

12:28:03 6 THE COURT: Okay. Well, we'll adjourn  
12:28:06 7 for today and resume at 10 o'clock tomorrow  
12:28:09 8 morning.

12:28:09 9  
10 -- Adjourned at 12:28 p.m.

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REPORTER'S CERTIFICATE

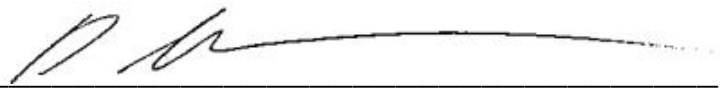
I, DEANA SANTEDICOLA, RPR, CRR,  
CSR, Certified Shorthand Reporter, certify;

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 18th day of August, 2019



NEESON COURT REPORTING INC.

PER: DEANA SANTEDICOLA, RPR, CRR, CSR  
CERTIFIED REAL-TIME REPORTER

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