

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

DAY 74 VOL 74
January 15, 2020



77 King Street West, Suite 2020
Toronto, ON M5K 1A2
1.888.525.6666 | 416.413.7755

1
2
3
4
4
5
5
6
6
7
7
8
8
9
9
10
10
11

12

13

14
14
15
15
16
16
17

18

19

20
20
21
21
22
22
23

24

25

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE CHIPPEWAS OF SAUGEEN FIRST NATION, and THE
CHIPPEWAS OF NAWASH FIRST NATION
Plaintiffs

- and -

THE ATTORNEY GENERAL OF CANADA,
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, THE
CORPORATION OF THE COUNTY OF GREY, THE
CORPORATION OF THE COUNTY OF BRUCE, THE
CORPORATION OF THE MUNICIPALITY OF NORTHERN
BRUCE PENINSULA, THE CORPORATION OF THE TOWN OF
SOUTH BRUCE PENINSULA, THE CORPORATION OF THE
TOWN OF SAUGEEN SHORES, and THE CORPORATION OF
THE TOWNSHIP OF GEORGIAN BLUFFS
Defendants

Court File No. 03-CV-261134CM1

A N D B E T W E E N:

CHIPPEWAS OF NAWASH UNCEDED FIRST NATION and
SAUGEEN FIRST NATION
Plaintiffs

- and -

THE, ATTORNEY GENERAL, OF CANADA and HER MAJESTY
THE QUEEN IN RIGHT OF ONTARIO
Defendants

--- This is VOLUME 74 / DAY 74 of the trial
proceedings in the above-noted matter, being
held at the Superior Court of Justice, 330
University Avenue, Courtroom 5-1 Toronto,
Ontario, on the 15th day of January 2020.

B E F O R E:

The Honourable Justice Wendy M. Matheson

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

Renée Pelletier, Esq, for the Plaintiffs,
& Jaclyn McNamara, Esq., the Chippewas of
Saugeen First Frist
Nation, and the
Chippewas of Nawash
First Nation.

Michael Beggs, Esq., for the Defendant,
& Michael McCulloch, Esq., Attorney General
& Barry Ennis, Esq., of Canada.
& Alexandra Colizza, Esq.

Peter Lemmond, Esq., for the Defendant,
& Richard Ogden, Esq. Her Majesty the
Queen in Right of
Ontario.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

PAGE

WITNESS: ALEXANDER VON GERNET

Cross-examination by Ms. Pelletier (con't)..9618

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX OF EXHIBITS

NO. /	DESCRIPTION	PAGE
4505	Article entitled "A Possible Matouweskarini Hunting Camp: Excavations at the Highland Lake Site, Renfrew County", authored by Alexander von Gernet, 1991, and published in Second Annual Archeological Report, Ontario.	9661

1 --- Upon commencing at 10:04 a.m.

2 THE COURT: Morning.

10:04:06 3 MS. PELLETIER: Morning, Your Honour.

10:04:10 4 THE COURT: Counsel, thank you for
10:04:11 5 your email which I got about five minutes ago.
10:04:13 6 With one adjustment it sounds like a workable
10:04:18 7 plan. The adjustment is that the ruling will
10:04:22 8 have to be at 10 o'clock tomorrow morning,
10:04:24 9 followed by the TMC, and I have yet to confirm
10:04:30 10 facilities but we'll work that out, and then
10:04:33 11 your plan for Friday is fine.

10:04:35 12 One administrative matter, it would be
10:04:47 13 of assistance to Madam Court Reporter, and to me
10:04:50 14 as well, if whomever has the word file for
10:04:53 15 Justice Gans' order from last February could
10:05:00 16 email to both my office and Madam Court Reporter
10:05:05 17 before tomorrow morning. I don't know who has
10:05:07 18 that document? Is it you, Mr. Ogden?

10:05:11 19 MR. OGDEN: Yes, it is, and I can do
10:05:13 20 that, Your Honour.

10:05:14 21 THE COURT: You might as well copy
10:05:17 22 everybody. I might as well have a word file and
10:05:19 23 Madam Reporter is going to be assisted by it as
10:05:22 24 well.

10:05:23 25 MR. OGDEN: Certainly.

10:05:24 1 THE COURT: Anything else?

10:05:25 2 MS. PELLETIER: No.

10:05:26 3 THE COURT: Please go ahead.

10:05:28 4 MS. PELLETIER: Thank you, Your

10:05:28 5 Honour.

10:05:28 6 ALEXANDER VON GERNET:

10:05:28 7 PREVIOUSLY AFFIRMED.

10:05:28 8 CROSS-EXAMINATION BY MS. PELLETIER:

10:05:28 9 (Continued)

10:05:29 10 Q. Good morning, Dr. von Gernet.

10:05:30 11 A. Good morning.

10:05:31 12 Q. So we left off yesterday talking

10:05:33 13 about your alternative explanations of the

10:05:36 14 stories told by Lenore Keeshig, and just before

10:05:39 15 we broke we were speaking about the story of

10:05:42 16 Nanabush grieves. And you said you thought we

10:05:46 17 should take as the explanation for the story the

10:05:50 18 word of the Elder who told Lenore the story,

10:05:52 19 that the story was intended to be fictional.

10:05:56 20 And my friend on Monday took you to

10:05:58 21 Ms. Keeshig's transcript, where she discussed

10:06:01 22 her views that the residential school system was

10:06:04 23 to be blamed for the loss of knowledge of the

10:06:06 24 value of some of their stories.

10:06:08 25 And so I wanted to take you to what

10:06:10 1 you said about that on Monday in response to my
10:06:14 2 friend's question.

10:06:15 3 So I'm going to pull up a rough
10:06:17 4 transcript. This is for your testimony in-chief
10:06:25 5 of Monday, and it's beginning at page 100 of
10:06:28 6 this transcript.

10:06:36 7 THE COURT: As I have with other
10:06:37 8 witnesses I wish to point out to you, sir, that
10:06:40 9 a rough transcript means just that, it has not
10:06:44 10 been reviewed and corrected.

10:06:46 11 So while we do have excellent court
10:06:48 12 reporters it is not the same as a final
10:06:52 13 transcript, all right?

10:06:55 14 THE WITNESS: Understood, thank you.

10:06:56 15 THE COURT: Please go ahead.

10:06:57 16 BY MS. PELLETIER:

10:07:03 17 Q. You may very well remember this,
10:07:05 18 and perhaps you don't need to see the question
10:07:09 19 again but for your benefit, Dr. von Gernet,
10:07:11 20 start with the question that Mr. Beggs asked
10:07:14 21 you.

10:07:14 22 And so he showed you Lenore Keeshig's
10:07:17 23 testimony --

10:07:17 24 THE COURT: Which page are you on?

10:07:20 25 MS. PELLETIER: This is now page 98 of

1 the rough.

2 THE COURT: I thought you said 100?

3 MS. PELLETIER: Sorry, and I just
4 realized that I should provide the question so
5 I've gone now up to page 98.

6 THE COURT: All right.

7 THE WITNESS: Yes.

8 (Witness reading the document.)

9 BY MS. PELLETIER:

10 Q. So I just wanted to clarify with
11 you, Dr. von Gernet, that you are not here
12 trying to suggest that being exposed to
13 non-Indigenous world views would have the same
14 kind of impact on cultural knowledge as
15 residential schools would have?

16 A. What I'm saying is that the
17 notion that these stories are fictional, in my
18 view, need not have originated with anything
19 that was taught in the residential school
20 system.

21 The fact of the matter is that long
22 before the residential school system may or may
23 not have had that effect, Anishinaabe people
24 themselves were talking about their traditions
25 as being fictional.

10:10:20 1 So I don't doubt in the least that
10:10:29 2 there may have been individuals who taught at
10:10:33 3 these residential schools who basically said --
10:10:42 4 left the opinion that these stories were somehow
10:10:48 5 figments of people's imagination and somehow
10:10:54 6 consequence of primitive thinking, after all the
10:10:57 7 late 19th century that was a period when
10:11:07 8 virtually all of the people who are
10:11:11 9 non-Indigenous had those views.

10:11:14 10 So it wouldn't surprise me if those
10:11:17 11 views existed here in the residential school
10:11:20 12 system in the late 19th century and into the
10:11:23 13 early 20th century.

10:11:26 14 But, as I said, to attribute the
10:11:32 15 notion of attributing to Nanabush stories a
10:11:39 16 fictional characterization need not originate at
10:11:47 17 all with the residential school system.

10:11:51 18 Q. Thank you. I'd like to move on
10:11:54 19 now, still on the topic of the alternate
10:11:57 20 explanations that you present, but moving onto
10:11:59 21 the story or the account of the connected
10:12:01 22 islands.

10:12:04 23 So here, as I understand your
10:12:05 24 testimony, your alternative explanation for the
10:12:09 25 account about there having once been a

1 connection between Griffiths, White Cloud, Hay
2 Island, to each other and to Cape Croker, is
3 that whoever originally told the story would
4 have observed the connections between the
5 islands.

6 Have I summarized that correctly?

7 A. Well, there's actually two
8 possibilities. One is that at some point in
9 human history there was an eyewitness to the
10 connection of those islands to the peninsula, I
11 guess it's to the Cape Croker peninsula.

12 The second possibility is etiological
13 one, and that is the story originated as an
14 explanation for the existence of the islands;
15 and that whoever told the story did not actually
16 see the islands connected to the mainland but
17 rather assumed that they were, based on the
18 usual careful observations of the natural
19 environment and the use of analogical reasoning,
20 having seen such islands connect and reconnect
21 in other places on a regular basis.

22 So those are the -- so those are two
23 possibilities.

24 And, of course, the -- we don't have
25 the actual stories so we cannot determine

10:13:58 1 whether or to what degree it was etiological in
10:14:01 2 nature. All we have is a secondary source by a
10:14:07 3 non-Indigenous person who relayed information to
10:14:10 4 us that there was a tradition of this sort
10:14:14 5 extant in the middle of the 19th century.

10:14:18 6 And while that individual expressed
10:14:21 7 some initial reluctance, on second thought that
10:14:25 8 same individual himself came up with a form of
10:14:32 9 analogical reasoning when he alluded to the
10:14:36 10 events in the 19th century that saw that -- the
10:14:40 11 disconnection of the Toronto Islands and Long
10:14:44 12 Point.

10:14:48 13 Q. Would the observations of the
10:14:50 14 natural environment that may have led to the --
10:14:55 15 if you accept that it's -- if we accept that
10:14:57 16 it's an explanatory myth, would those
10:15:00 17 observations include observing the seasonal
10:15:03 18 changes in the water levels of Georgian Bay?

10:15:06 19 A. Well, I think that's a definite
10:15:09 20 possibility.

10:15:10 21 The secondary source actually made the
10:15:16 22 observation that the water was not deep between
10:15:20 23 the islands and the peninsula.

10:15:27 24 I know from my own observation, my
10:15:29 25 sister lives on Georgian Bay and -- at

10:15:33 1 Ipperwash, and there's literally no beach there,
10:15:38 2 none, for the first time in her living memory.

10:15:46 3 And I remember when the water at
10:15:48 4 Georgian Bay or, sorry, Lake Huron was -- gave
10:15:55 5 her a beach of a good 40 or 50 metres.

10:15:58 6 So there are seasonal -- not only
10:16:00 7 seasonal but fluctuation in living memory that
10:16:05 8 involve significant rises and falls of the
10:16:07 9 water. And so, you know, that's another
10:16:10 10 possibility.

10:16:13 11 Q. These observations could have
10:16:14 12 included then also the increase in size of the
10:16:17 13 islands when the water levels went down, as an
10:16:21 14 example?

10:16:22 15 A. Yes, I think that's one of the
10:16:28 16 observational features that I highlighted.

10:16:30 17 Q. And possibly also an observation
10:16:32 18 of the ancient trees in the water between the
10:16:34 19 islands?

10:16:35 20 A. Yes.

10:16:35 21 Q. And you would agree with me then
10:16:37 22 that all of these are assumptions? If you
10:16:41 23 accept that -- if we are to accept that this is
10:16:44 24 an etiological story we must assume that it
10:16:48 25 would have been based on these observations?

10:16:51 1 A. Well, if it's an etiological
10:16:59 2 narrative it could originate either in -- well,
10:17:06 3 let's put it this way, it could be either a
10:17:11 4 euhemeristic type of story or it could be an
10:17:14 5 etiological story.

10:17:16 6 In the case of the former it could
10:17:19 7 have been eyewitness observations of the -- of a
10:17:25 8 seasonal or other fall in the waters within the
10:17:31 9 memory of the first storyteller.

10:17:38 10 In an etiological sense it could
10:17:40 11 simply be the observation in other parts of the
10:17:47 12 Anishinaabe world where these are very common
10:17:50 13 features.

10:17:51 14 And then analogical reasoning does the
10:17:55 15 rest, in the same way that modern geologist
10:17:59 16 employ analogical reasoning based on their
10:18:07 17 empirical observations of features elsewhere in
10:18:12 18 the environment.

10:18:13 19 Q. But you would agree, and I
10:18:15 20 believe we discussed yesterday, that just
10:18:20 21 because -- if the reason is etiological does not
10:18:24 22 mean that it is necessarily recent. An
10:18:29 23 etiological explanation may have existed for
10:18:31 24 some time?

10:18:33 25 A. That's correct.

10:18:41 1 Q. And so in this instance -- I'm
10:18:43 2 trying to remind myself when the account of
10:18:47 3 the -- the date of the account of the islands
10:18:52 4 having been connected. If you can give me a
10:18:54 5 moment I will have that.

10:19:02 6 A. Well, the individual doesn't
10:19:03 7 actually date the account.

10:19:08 8 Q. So the date of the publication
10:19:09 9 that I was interested in --

10:19:12 10 A. It's 1865.

10:19:14 11 Q. Thank you, you saved me the
10:19:16 12 trouble.

10:19:17 13 So in this case, this account has --
10:19:20 14 was first recorded in 1865. And it could be
10:19:26 15 that even if we accept that it's an etiological
10:19:28 16 myth that it was based on observations of the
10:19:32 17 natural environment that may have happened 500
10:19:35 18 years prior?

10:19:43 19 A. Well, I don't know about 500
10:19:45 20 years prior but etiological myths can be
10:19:55 21 formulated and invented at any time in history.

10:20:01 22 Q. Including the past?

10:20:03 23 A. Well, necessarily the past since
10:20:07 24 as soon as you utter it, the tale, it becomes
10:20:10 25 part of the past.

10:20:11 1 Q. Thank you.

10:20:24 2 I'd like to move on now to what you
10:20:26 3 said about some of the assumptions that you
10:20:30 4 believe are present in the hypothesis of the
10:20:39 5 plaintiffs, being that the oral traditional
10:20:41 6 stories told by Lenore Keeshig preserve a memory
10:20:45 7 of a historical event.

10:20:46 8 And you have listed a total of seven
10:20:47 9 assumptions that you say must be made in order
10:20:49 10 to accept this hypothesis that the oral
10:20:51 11 traditions told by Lenore are based on
10:20:56 12 eyewitness accounts?

10:20:57 13 A. Well, it's actually more than
10:20:58 14 seven because at least one of those assumptions
10:21:03 15 has embedded within it hundreds of additional
10:21:05 16 assumptions which must hold at every generation
10:21:07 17 over the course of thousands of years.

10:21:10 18 Q. Well, I will -- we will walk
10:21:13 19 through each and every one of them.

10:21:18 20 But for now, before we get into each
10:21:19 21 of your seven assumptions that you discussed in
10:21:20 22 your examination in-chief, I want to make sure I
10:21:23 23 understand the reason why you believe this to be
10:21:25 24 important.

10:21:26 25 And my understanding is, that is

10:21:29 1 because of what you've said about parsimony,
10:21:32 2 which is that you should always favour the
10:21:35 3 hypothesis or explanation with the least
10:21:38 4 assumptions, is that correct?

10:21:41 5 A. Yeah. I wouldn't say "always"
10:21:44 6 but it is certainly a kind of rule of thumb that
10:21:49 7 most scientists adhere to.

10:21:57 8 Q. Now, while you say that the
10:21:58 9 plaintiffs' hypothesis requires seven
10:22:01 10 assumptions I'm going to suggest to you that it
10:22:03 11 actually only requires one more significant
10:22:06 12 assumption and a minor assumption.

10:22:08 13 And I'd like to walk you through each
10:22:10 14 of your seven to see if we can get on the same
10:22:12 15 page.

10:22:14 16 So the larger assumption that I would
10:22:17 17 suggest to you is required to accept that the
10:22:20 18 oral traditions, as told by Lenore Keeshig, are
10:22:24 19 based on eyewitness accounts, is that the story
10:22:27 20 has been passed down in this community for over
10:22:31 21 9,000 years from the eyewitnesses to the modern
10:22:34 22 tellers of these stories.

10:22:42 23 So I'm going to suggest to you that
10:22:43 24 six of your seven assumptions that you say are
10:22:45 25 required to accept this hypothesis are all

1 encompassed by this one larger assumption.

2 We can start with your first. What I
3 understand is your first assumption is that
4 you've pointed out the assumption must be --
5 there must have been a human eyewitness present?

6 I'll pause there and make sure I've
7 captured that correctly.

8 A. Well, there must have been at
9 least one human eyewitness to the early Holocene
10 condition, or conditions, or species, or events.

11 Q. Would you agree with me,
12 Dr. von Gernet, that the assumption that there
13 must have been a human eyewitness present is
14 contained in the larger assumption that the
15 story has been passed down in this community for
16 over 9,000 years?

17 A. No.

18 Q. Please explain.

19 A. Well, because the story could
20 have been passed down for over 9,000 years in a
21 different location, so the eyewitnesses may have
22 been somewhere else.

23 Q. That would not be the assumption
24 you would make to accept that the hypothesis
25 that the stories preserve a memory of a

10:24:17 1 historical event.

10:24:20 2 And I remind you that that is the
10:24:22 3 hypothesis, and to accept the hypothesis I'm
10:24:24 4 suggesting to you that the large assumption
10:24:25 5 that -- the larger assumption that needs to be
10:24:28 6 made is that the story has been passed down in
10:24:30 7 the community for over 9,000 years.

10:24:39 8 Well, there's much more to it than
10:24:41 9 that because obviously when you say "community"
10:24:43 10 what does that really mean? You're also making
10:24:45 11 additional assumptions about the continuity of
10:24:47 12 the concept of community.

10:24:48 13 Q. That's one of your other
10:24:50 14 assumptions, which we'll get to in a moment.
10:24:52 15 For now I want to focus on your first.

10:24:55 16 You say that the first assumption is
10:24:56 17 that there must have been an eyewitness present.
10:24:59 18 And I'm asking you whether you will agree with
10:25:02 19 me that if you accept the assumption that the
10:25:04 20 story has been passed down in the community for
10:25:06 21 9,000 years, that includes that there obviously
10:25:09 22 must have been an eyewitness?

10:25:14 23 A. Yes, you can embed some of the
10:25:15 24 assumptions in wider assumptions.

10:25:19 25 Q. And the second assumption that I

1 understand you pointed out is that those
2 eyewitnesses are connected to the current
3 holders of these oral traditions?

4 I'll pause there and make sure I've
5 captured that correctly.

6 A. Can you repeat that please?

7 Q. Your second assumption, as I
8 understand it, is that those eyewitnesses are
9 connected to the current holders of these oral
10 traditions. Which I believe is what you were
11 starting to talk about in the answer to my first
12 question?

13 A. Yeah. The assumption is is that
14 there's a connection between the raconteurs who
15 are telling the story today, who are in modern
16 times, and the early Holocene peoples who may
17 have been eyewitnesses to the events, conditions
18 or species in the early Holocene.

19 Q. Would you agree that for the
20 story to have been passed down in the community
21 there must have been a connection between the
22 eyewitness and the current storytellers?

23 A. Well, not necessarily, because
24 stories get passed down between people from
25 different communities.

10:27:00 1 So it's not -- I'm not sure what
10:27:04 2 you're getting at but --

10:27:06 3 Q. What I'm getting at is, if you
10:27:08 4 accept the larger assumption that the story has
10:27:12 5 been passed down in this community for over
10:27:14 6 9,000 years, that includes the assumption that
10:27:24 7 there is a connection between the eyewitness and
10:27:26 8 the current storyteller?

10:27:36 9 A. Well, there is clearly a
10:27:38 10 connection in the sense that the claim that's
10:27:40 11 made is that the current story, as told,
10:27:46 12 contains a kernel of eyewitness observation
10:27:53 13 thousands of years ago.

10:27:56 14 But, of course, it doesn't follow that
10:27:58 15 the assumption is necessarily that that person
10:28:03 16 is from the same community.

10:28:05 17 After all, you know, the Nanabush and
10:28:08 18 the giant beaver story, one of the ones that
10:28:11 19 Lenore Keeshig tells, actually comes from Rama,
10:28:17 20 many other ones come from other communities.

10:28:20 21 So it's -- that's why I'm a little
10:28:22 22 confused about your use of the term "community".

10:28:28 23 Q. For the ancestors -- if the
10:28:31 24 hypothesis is that the stories, as tell by
10:28:34 25 Lenore Keeshig, preserve a memory of a

10:28:36 1 historical event, so preserve a memory for the
10:28:39 2 plaintiff communities all the way back through
10:28:42 3 their ancestors to when these events happen,
10:28:45 4 that the assumption -- the assumption, to accept
10:28:47 5 that hypothesis, is that the story has been
10:28:49 6 passed down for over 9,000 years.

10:28:53 7 I'm suggesting to you that to accept
10:28:54 8 that assumption embedded within that is, of
10:28:57 9 course, that there must be a connection between
10:28:59 10 the eyewitness and the current storyteller.

10:29:02 11 If you accept it's been passed down
10:29:04 12 you can't have had a break in the chain or the
10:29:06 13 story can't come from elsewhere, it implies that
10:29:10 14 there must be a connection.

10:29:12 15 So I'm suggesting to you that your
10:29:14 16 second assumption is actually really contained
10:29:16 17 in the first.

10:29:21 18 A. Well, there's another assumption
10:29:23 19 within that and that is that it requires a
10:29:26 20 single, tradition-bearing population.

10:29:30 21 Q. We will get to that. That is
10:29:32 22 another assumption of yours which I promise I
10:29:34 23 will take you to.

10:29:35 24 Let's move on to your third assumption
10:29:36 25 which, again, I'll ask you if I'm stating it

10:29:41 1 correctly. I understood it to be that the oral
10:29:43 2 tradition is not subject to cultural diffusion?

10:29:54 3 A. Yes, you have to assume that it
10:29:56 4 hadn't come from somewhere else if you're going
10:29:58 5 to claim that the story relates to an ancestral
10:30:11 6 population that's in-situ.

10:30:14 7 Q. Would you agree that if we accept
10:30:16 8 that the assumption -- if we accept the
10:30:18 9 assumption that the eyewitness story was passed
10:30:21 10 down in this community for 9,000 years, it would
10:30:24 11 not matter whether there was cultural diffusion?
10:30:28 12 In other words, if you accept my assumption the
10:30:30 13 only cultural diffusion possible would be
10:30:33 14 outside the community?

10:30:39 15 A. No, I think you're muddling the
10:30:42 16 notion of cultural diffusion here. Cultural
10:30:47 17 diffusion can happen at any time.

10:30:51 18 You know, a story can be related in
10:30:53 19 the 19th century and appropriated by the local
10:31:01 20 community and adapted to other stories; and
10:31:09 21 that's how you can get features coming into it.
10:31:13 22 That's a well-known phenomenon.

10:31:19 23 So in order to sustain the deep-time
10:31:22 24 oral traditions claim you must carry an
10:31:28 25 assumption that that never happened.

1 Q. I understand that,
2 Dr. von Gernet. But what I'm asking is, if you
3 accept the assumption that I've put to you that
4 the story has been passed down in the community
5 for 9,000 years, if you accept that you don't
6 need to turn your mind to cultural diffusion,
7 would you agree?

8 Perhaps your cultural diffusion from
9 your perspective is a reason not to accept that
10 assumption, but if you accept the larger
11 assumption that the story has been passed down
12 for 9,000 years you don't need to worry about
13 cultural diffusion?

14 A. Well, if you're -- if I am
15 obliged to accept the assumption then by
16 definition I have to be blinded to all the other
17 possibilities.

18 Q. I'm merely trying to point out
19 that you've laid out a number of assumptions,
20 I'm suggesting to you that there needn't be that
21 many.

22 That if you accept -- that, yes, there
23 is an assumption, I agree with you. You need to
24 assume that the story, in fact, does preserve a
25 memory of a historical event, that the -- that

1 is the explanation of the hypothesis. To accept
2 that you do need to assume that the story has
3 been passed down in the community.

4 And so this assumption, I would
5 suggest, inherently means that the story is not
6 the product of cultural diffusion?

7 A. Well, I would agree that if you
8 blindly stick to one assumption you have
9 obviated the need to consider other assumptions.

10 Q. Your fourth assumption I'm going
11 to skip for now but we'll return to.

12 Move to your fifth, which I understand
13 to be that there was a chain of storytellers
14 transmitting the story for a period as long as
15 9,100 years.

16 And I'll give you a moment to let me
17 know if I've captured that.

18 A. Yeah. The assumptions is that
19 the stories, which purportedly reflect
20 eyewitness observations about these early
21 Holocene events, were subsequently told and
22 retold by a succession of Elders, or
23 storytellers, via an unbroken, intergenerational
24 chain of transmission that covers a period of
25 9,100 years at least.

1 Q. So would you agree with me that
2 this assumption is also implicit in the
3 assumption I've proposed? That the story has
4 been passed down in the community for over 9,000
5 years from the modern eyewitness to the modern
6 tellers of the story?

7 A. Well, there is no other way to
8 transmit such a story from 9,100 years ago,
9 unless you assume there was an unbroken,
10 intergenerational chain of transmission.

11 Q. Thank you.

12 And the sixth assumption that you
13 spoke about is that the current stories contain
14 a kernel of truth that has been passed down for
15 over 9,000 years. Have I stated that
16 accurately?

17 A. Yeah. The sixth assumption I
18 identified is that the end of the chain of
19 transmission, even though it might be couched in
20 myth, mythical language, nevertheless contains
21 some kind of a mere -- or even a kernel of truth
22 that reflects an eyewitness observation
23 ultimately.

24 Q. So, again, I would suggest to you
25 that this assumption is captured in the

1 assumption that I put forward to you, which is
2 that the story has been passed down in the
3 community for over 9,000 years?

4 A. Well, you know, the -- I'm now
5 seeing where the confusion reigns. Because
6 you're suggesting that all of these assumptions
7 are embedded in the first assumption but the
8 first assumption is actually the claim, and the
9 claim is dependent on a long list of
10 assumptions.

11 Q. I disagree. The claim is that
12 these stories preserves a memory of a historical
13 event. There are, I'm sure, stories within the
14 plaintiffs' communities that have been passed on
15 for several years, that have been around for
16 quite some time, that do not preserve a memory
17 of a historical event?

18 A. Yes.

19 Q. So if the claim is that these
20 oral traditions do have some historicity, then
21 you must accept the assumption that the story
22 has been passed down in the community for over
23 9,000 years.

24 And I'm suggesting that the sixth
25 assumption that we just looked at is contained

10:37:12 1 within that assumption that I've just put to
10:37:14 2 you.

10:37:17 3 A. But the first assumption actually
10:37:18 4 becomes the claim otherwise you turn into
10:37:21 5 circular reasoning.

10:37:23 6 If you are claiming, a priori, that
10:37:28 7 the oral tradition has a 9,100 year historicity
10:37:37 8 that claim can only be sustained by recourse to
10:37:40 9 the various assumptions I've identified.

10:37:45 10 Q. We discussed this at length
10:37:46 11 yesterday, Dr. von Gernet, and I don't propose
10:37:49 12 to go through it with you again, other than to
10:37:51 13 remind you that what I suggested to you
10:37:53 14 yesterday is that is not what the plaintiffs are
10:37:56 15 trying to do.

10:37:56 16 We discussed circular reasoning, and I
10:37:59 17 understand your point that if you -- if the only
10:38:03 18 evidence that you have of the antiquity of the
10:38:05 19 stories is found within the story that is
10:38:07 20 circular reasoning.

10:38:08 21 And what I had suggested to you, I
10:38:10 22 will remind you, is here we are talking about
10:38:13 23 stories where the community, say take the giant
10:38:17 24 beaver, had a story for as long as they can
10:38:20 25 remember about when they used to roam the earth

1 with giant beavers; and they didn't know if
2 there was anything to support that, they didn't
3 have a date for that; they just knew that it was
4 a long time ago. And then they later discovered
5 that there is in fact geological evidence that
6 dates the giant beaver to 10,000 years ago. And
7 this becomes corroborating evidence, if you
8 will, of the fact that they have in fact been in
9 their place for that time much.

10 I don't want to get back into circular
11 reasoning with you and I want to move back to
12 the assumptions.

13 I'm asking if you will agree that the
14 assumption that the current stories contain a
15 kernel of truth that has been passed down over
16 9,000 years, is contained in the assumption I
17 have proposed, which is, the story has been
18 passed down in this community for over 9,000
19 years?

20 A. Yes. The assumption is
21 required -- or accepting this assumption -- or I
22 should say adopting this assumption is necessary
23 in order to sustain the claim.

24 Q. And the final assumption that you
25 state is required to accept the hypothesis of

1 the plaintiffs, is that the many storytellers
2 have the same understanding of the stories.

3 So I'll pause there and you can tell
4 me if I'm captured that correctly.

5 A. The way I put it is that, the
6 assumption is each set of raconteurs and
7 listeners, so you have a storyteller and a
8 listener, so there's a process of encoding
9 information and a process of retrieving
10 information.

11 So each time that happens the
12 participants have the same understanding of the
13 purpose of the stories, that purpose being
14 somehow to preserve a tradition about what
15 actually happened in the past.

16 And that may not seem apparent at the
17 beginning when I say it just like that, but one
18 has to consider the implications of that not
19 happening.

20 And the consequence of this not
21 happening, of course, is in the event that any
22 one or more of the hundreds of storytellers who
23 tell this, or the hundreds or thousands of
24 listeners who listen to it, in the event any of
25 those do not understand these stories to be told

10:41:09 1 for the purpose of communicating what actually
10:41:14 2 happened in the past, then what guarantees do
10:41:17 3 you have that any of this so-called "kernel of
10:41:20 4 truth" survives?

10:41:23 5 At that point it's -- you know, it may
10:41:27 6 be possible that a raconteur who's only interest
10:41:31 7 is in entertaining an audience will completely
10:41:35 8 change any element of the story at whim, or
10:41:40 9 might add or delete or, you know, details.

10:41:44 10 And I pointed out in my testimony that
10:41:45 11 this is not a speculation on my part, this is
10:41:49 12 demonstrable fact. We know that this actually
10:41:52 13 happened. The storytellers do delete details,
10:41:56 14 such as a waterfall, in their stories because
10:42:04 15 they didn't regard these stories necessarily as
10:42:08 16 ones that required the preservation of each
10:42:12 17 detail because they weren't viewed as -- in
10:42:21 18 terms of a historicity.

10:42:26 19 Q. Again, Dr. von Gernet, I would
10:42:28 20 suggest to you that this assumption is contained
10:42:31 21 in the assumption that the story has been passed
10:42:34 22 down in the community for over 9,000 years.

10:42:37 23 If there was a misunderstanding of the
10:42:39 24 story at any point along the way the story, that
10:42:44 25 we say preserves a memory of a historical event,

10:42:46 1 would not have been passed down and survived
10:42:49 2 9,000 years, it would become a different story
10:42:52 3 that doesn't preserve a memory of a historical
10:42:54 4 event.

10:42:55 5 So you do have to make that assumption
10:42:57 6 that the story containing the kernel of truth
10:43:00 7 has in fact been passed down for 9,000 years?

10:43:03 8 A. Yes, it's an assumption you need
10:43:05 9 to make to sustain the claim.

10:43:08 10 Q. Now, you've broken this down into
10:43:11 11 seven assumptions, and I believe you started off
10:43:14 12 by saying that there were even many more.

10:43:17 13 And speaking of some of the additional
10:43:21 14 assumptions that you -- you can take your seven
10:43:23 15 assumptions and I think break them down even
10:43:26 16 further.

10:43:26 17 So I'm wondering if you would agree we
10:43:26 18 could add an assumption that you have to assume
10:43:29 19 that storytelling was a part of every
10:43:32 20 generation? That's an additional assumption
10:43:36 21 that we can make?

10:43:37 22 A. Well, that is an additional
10:43:39 23 assumption but I think it's a perfectly
10:43:41 24 reasonable one since storytelling is ubiquitous
10:43:45 25 in the human species. And I would be greatly

1 surprised if at any point in history, since the
2 advent of modern cognition, that humans did not
3 tell stories.

4 Q. You have to assume that there was
5 no mass extinction of the eyewitnesses or
6 storytellers?

7 A. Obviously if -- that's related to
8 the chain of transmission.

9 Q. You have to assume that as
10 language shifted over time the storytellers
11 continued to have the language to appropriately
12 tell the story.

13 My point, Dr. von Gernet, is, as I
14 believe you stated at the beginning of this line
15 of questioning, I think you said you could break
16 it down into there are a hundred more
17 assumptions embedded in each?

18 A. Yeah. It's not only the number
19 of assumptions that you can list qualitatively,
20 it's also the number that you must list
21 quantitatively, because some of these
22 assumptions must hold in each and every
23 generation over the course of thousands of
24 years.

25 Q. So what I'm suggesting to you,

10:45:07 1 Dr. von Gernet, is you've done a very good job
10:45:10 2 of breaking down the assumptions and I suggest
10:45:13 3 to you that we could break them down even
10:45:15 4 further.

10:45:16 5 And I think you would agree that with
10:45:18 6 the exception of your fourth assumption, which
10:45:20 7 I'm going to turn to now, really there is but
10:45:23 8 one assumption, which is that the story has been
10:45:25 9 passed down in the community for over 9,000
10:45:27 10 years?

10:45:31 11 A. Well, I -- you know, I beg to
10:45:35 12 differ in terms of that representation. Because
10:45:39 13 it is not -- because of the -- okay, let me put
10:45:43 14 it this way, I do not have the advantage of
10:45:47 15 knowing precisely how this claim is going to be
10:45:50 16 characterized in argument by lawyers at the end
10:45:53 17 of these proceedings. The only thing I had to
10:45:55 18 go on was how the claim was represented in the
10:46:01 19 original Keeshig report, the original McCarthy
10:46:06 20 report and also in Dr. McCarthy's scientific
10:46:10 21 publications; that's all I had to go on.

10:46:13 22 So --

10:46:14 23 Q. Nor should you be concerned with
10:46:16 24 how the claim is going to be characterized in
10:46:18 25 legal argument, Dr. von Gernet.

10:46:20 1 A. That's perfectly fair. And I --
10:46:23 2 I will read it with interest when it comes but
10:46:26 3 it should have no impact on my testimony.

10:46:29 4 Q. That's right.

10:46:30 5 A. So what I'm left with then, from
10:46:33 6 the only characterization of the claim that I
10:46:35 7 have, is a feeling that there is sometimes a
10:46:41 8 confusion between what is assumed a priori and
10:46:47 9 what is claimed as a conclusion.

10:46:51 10 So sometimes what you characterize as
10:46:53 11 an assumption is actually a conclusion that is
10:46:58 12 the basis of the claim itself.

10:47:02 13 And so what I'm saying is that the
10:47:06 14 claim or conclusion in and of itself requires
10:47:10 15 one to sustain a large number of assumptions.

10:47:21 16 I grant that some of these assumptions
10:47:23 17 can be embedded within other assumptions, there
10:47:26 18 may be more assumptions, as you've noted.

10:47:32 19 My point in raising these assumptions,
10:47:35 20 which you say I've done a good job with, is that
10:47:38 21 the claim itself, as it was articulated, made no
10:47:47 22 mention of the assumptions. There was no
10:47:50 23 consideration whatsoever of these assumptions
10:47:53 24 and that is scientifically unsound.

10:48:04 25 Q. So I'd like to go back now to the

10:48:06 1 fourth assumption that you've stated is needed
10:48:10 2 to accept the hypothesis that the oral,
10:48:13 3 traditional stories, as told by Lenore Keeshig,
10:48:15 4 preserve a memory of historical events.

10:48:19 5 And I would agree with you that this
10:48:20 6 fourth assumption is in fact a separate
10:48:22 7 assumption. And, as I understand it, you've
10:48:25 8 stated that it is that features in the stories
10:48:31 9 must have been sufficiently noticeable and
10:48:33 10 dramatic to be deemed important enough to
10:48:36 11 generate stories about them.

10:48:38 12 Have I captured that correctly?

10:48:44 13 A. Well, that's part of it. The
10:48:49 14 more important point about that assumption, I
10:48:52 15 think, is that things that are witnessed are not
10:48:58 16 necessarily reported.

10:49:02 17 So even if you did have a dramatic
10:49:09 18 event the reasons that people have for recording
10:49:19 19 that for posterity may be quite different from
10:49:21 20 ones that we have; which is why there are
10:49:25 21 enumerable geological events that happened in
10:49:31 22 human prehistory that have never been
10:49:33 23 memorialized, or at least have not come down to
10:49:37 24 us in any kind of memorial.

10:49:42 25 So we must necessarily rely on

1 completely different evidence to reconstruct
2 those events.

3 So the point is, not only must you
4 assume that the events were sufficiently
5 perceptible and dramatic, but you also have to
6 assume that they were sufficiently of interest
7 to preserve for future generations.

8 Q. Yes, which I would suggest to you
9 that that second part, that they were
10 sufficiently of interest to preserve for future
11 generations, or to put another way, that they
12 were recorded, is, again, contained in the
13 larger assumption that the stories were passed
14 down and there is a story about it.

15 Would you agree that that's part of
16 the assumption that we've been talking about?
17 That in fact there's a story that has been
18 passed down?

19 A. Well, I agree that you have to
20 make that assumption in order to sustain the
21 claim.

22 Q. But moving to the point that I'm
23 going to give you this, that the fourth -- your
24 fourth assumption that the events would have
25 needed to have been sufficiently noticeable and

10:50:51 1 dramatic to be deemed important enough to
10:50:53 2 generate stories, I acknowledge that that is
10:50:58 3 separate from the assumption that I've put to
10:51:00 4 you about the stories having been passed down in
10:51:04 5 the community.

10:51:04 6 I'd like to suggest to you, however,
10:51:06 7 that this is a hurdle that all of the stories,
10:51:08 8 as told by Lenore Keeshig, in question here
10:51:12 9 meet, so I'd like to go through some of them.

10:51:16 10 So two of the stories, walking to
10:51:18 11 Manitoulin and the connected islands speak of an
10:51:21 12 area that was once land becoming submerged in
10:51:24 13 water, where people could once walk between two
10:51:28 14 places that they no longer are able to. And I'm
10:51:32 15 going to suggest to you that this would have
10:51:35 16 been significant to the people witnessing it?

10:51:43 17 A. You mean the islands that we were
10:51:43 18 talking about earlier?

10:51:46 19 Q. And the walking to Manitoulin
10:51:49 20 both involve areas that were once above -- that
10:51:51 21 were once land suddenly becoming submerged.

10:51:58 22 A. Well, I suppose it's -- under
10:52:01 23 that argument it's really hit and miss, because
10:52:04 24 there are numerous other islands and we don't
10:52:06 25 have any stories about those. And there's

1 numerous other places where you can walk from
2 one place to another and we don't have stories
3 about those. So you'd have to assume that there
4 are selected instances in which there was
5 sufficient interest to preserve stories about
6 them.

7 For example, one of the most important
8 events of the early Holocene was a complete
9 reversal of the flow of water which drained into
10 the French River, and down the Mattawa, and
11 through the Barron Canyon out through the Ottawa
12 system. I don't recall seeing any stories about
13 that.

14 There's a select -- I would grant that
15 if you want to make the argument then you'd have
16 to say that the human mind has a certain
17 selectivity in terms of what it would like to
18 preserve for the future, otherwise you'd have to
19 stories about everything and that's not the
20 case. History is less than the past.

21 Q. I'm not sure you've stopped
22 answering my question and gone off into
23 something else, Dr. von Gernet. I'm going to
24 try to bring you back.

25 Would you agree with me that -- let's

1 take the tunnel to Manitoulin story.

2 A. Yes.

3 Q. Walking -- once having been able
4 to walk to Manitoulin, what is now Manitoulin,
5 and suddenly not being able to do that is
6 something that would have been sufficiently
7 noticeable and dramatic?

8 A. Well, I don't know how long that
9 process took. It's sort of -- it's sort of like
10 that philosophical argument of the beard, which
11 is a notorious philosophical problem. At what
12 point does a clean-shaven man have a beard? I
13 mean, there are infinite times of -- during that
14 process where something is perceptible and
15 imperceptible.

16 So I just don't know enough about the
17 geology of that area to be able to opine on
18 whether it would have been humanly perceptible.

19 One thing I can say, of course, is
20 that if there was land between Tobermory and
21 Manitoulin Island then there was no such thing
22 as Manitoulin Island.

23 So I don't know how a story from one
24 place to another would exist to begin with if
25 there is not one place and another, it's just

10:55:28 1 one land mass.

10:55:29 2 I mean, the whole thing to me is just
10:55:32 3 such a stretch that it requires considerable
10:55:39 4 mental gymnastics in order to entertain.

10:55:41 5 Q. I suggest to you the fact that --
10:55:42 6 one explanation for how that would be is if it
10:55:46 7 became a story is that it was witnessed in
10:55:48 8 someone's lifetime and was significant enough.
10:55:55 9 There once was a land mass and suddenly there
10:55:57 10 was not.

10:55:59 11 A. Well, again, that's what I'm
10:56:01 12 saying, is that you would have to assume that
10:56:02 13 and that's an assumption that can be a dangerous
10:56:08 14 one.

10:56:15 15 Q. Do you agree that giant beavers
10:56:17 16 roaming the land would have been something that
10:56:19 17 would have been sufficiently noticeable and
10:56:21 18 dramatic to be deemed important enough to
10:56:24 19 generate stories about them?

10:56:30 20 A. Well, there may be two answers to
10:56:33 21 that. If you lived in the early Holocene and
10:56:36 22 you were exposed on a daily basis to giant
10:56:40 23 beavers and mammoths and giant bears it may
10:56:45 24 not -- it may not have been anything unusual, in
10:56:50 25 the same way that, you know, would you really

1 have stories about buffalo if that was the
2 largest animal in your every-day existence?

3 It's dramatic to us now because we're
4 used to *Castor canadensis*. Would it have been
5 dramatic to people who lived at the time of
6 *Castoroides ohioensis*? I don't know. It's a
7 good question.

8 Depends on how rare they were.
9 There's a lot of variables involved in terms of
10 guessing as to how dramatic something has to be
11 to be memorialized.

12 Q. Moving to Georgian Bay once
13 having been brackish, I'd suggest to you that
14 water becoming undrinkable, for people who are
15 heavily reliant on the land for their survival,
16 that this would have been something that would
17 have been sufficiently important and noteworthy?

18 A. Again, there's -- you know, you
19 have the argument of the beard. At what point
20 does brackishness become problematic to the
21 human palate?

22 There's some subjectivities involved,
23 which is the reason why I raised Champlain's
24 observation in 1603, as related to him by the
25 Algonquin, that the waters of Lake Ontario

10:58:26 1 become increasingly brackish, that was in 1603.

10:58:37 2 I don't know. I mean, it's -- I don't
10:58:37 3 know where they got their drinking water,
10:58:39 4 whether they got it out of Georgian Bay or from
10:58:46 5 springs on the land. There's just too much
10:58:49 6 guessing involved in all of this.

10:58:52 7 Q. Now, finally, the breaking of the
10:58:54 8 Nadoway Barrier. I believe you acknowledged in
10:58:57 9 your testimony in-chief that this would have
10:59:00 10 been a dramatic event, would you agree?

10:59:12 11 A. Well, I would agree that the
10:59:13 12 geological assessment by scientists suggests
10:59:18 13 that it was "abrupt", that's the term that was
10:59:26 14 used in the scientific publication that was
10:59:28 15 relied on by Dr. McCarthy.

10:59:31 16 Q. I'd like to pull up the rough
10:59:33 17 transcript from yesterday. I wasn't planning on
10:59:48 18 pulling this up.

10:59:57 19 THE COURT: It's up to you but if you
10:59:59 20 have it in front of you you could read it to the
11:00:01 21 witness and the witness could indicate whether
11:00:01 22 he needs to see it or not.

11:00:05 23 BY MS. PELLETIER:

11:00:05 24 Q. It's at time stamp 10:32,
11:00:06 25 roughly.

11:00:36 1 So here, Dr. von Gernet, when you're
11:00:39 2 answering the question about the fourth
11:00:40 3 assumption that there would have been an event
11:00:42 4 that would have been significant enough, and
11:00:45 5 here you say:

11:00:51 6 "No, there's others. There's --
11:00:51 7 a fourth assumption is that the
11:00:51 8 geological events, or
11:00:51 9 Paleo-environmental conditions or
11:00:51 10 eyewitness -- or apparent eyewitness
11:00:51 11 observations of these various events
11:00:51 12 were deemed important enough to
11:00:51 13 actually generate stories about them.

11:00:51 14 So, for example, I can
11:00:51 15 understand, perhaps, you know, a
11:00:51 16 dramatic event like the Nadoway
11:00:51 17 Barrier breach 9,100 years ago why
11:00:51 18 that might stimulate some interest and
11:00:51 19 stories at the time, but then again
11:00:51 20 history is much less than the past."

11:01:22 21 So I'm putting to you, Dr. von Gernet,
11:01:24 22 that yesterday your testimony was that in fact
11:01:27 23 the Nadoway Barrier, that was your one example
11:01:31 24 of something that would in fact have been, in
11:01:33 25 your view, significant?

11:01:35 1 A. I didn't say it would in my view
11:01:37 2 be significant. I could understand how a
11:01:42 3 dramatic event like that could stimulate
11:01:44 4 interest and give rise to stories.

11:01:50 5 In terms of -- it all depends of
11:01:57 6 course on how long "abruptly" is.

11:02:00 7 I mean, I know I'm not here as a
11:02:07 8 geologist and so I necessarily have to defer to
11:02:10 9 Dr. McCarthy, who suggests or interprets the
11:02:15 10 term "abruptly" as being a matter of days or
11:02:24 11 weeks.

11:02:25 12 Q. I'm going to stop you there,
11:02:26 13 Dr. von Gernet, and say that, yes, you do need
11:02:30 14 to defer to Dr. McCarthy's evidence on that.

11:02:32 15 So you can assume that the Nadoway
11:02:34 16 Barrier broke in a matter of days.

11:02:37 17 A. Well, I can't assume that. I --

11:02:38 18 THE COURT: Sir, you can be asked to
11:02:40 19 assume that.

11:02:41 20 THE WITNESS: I can be asked --

11:02:42 21 THE COURT: You can be asked to assume
11:02:44 22 that.

11:02:44 23 THE WITNESS: Yes.

11:02:44 24 THE COURT: Which is not all the
11:02:45 25 plaintiffs' counsel has to do to do anything

1 with it, but for your purposes counsel can ask
2 you to assume that. All right?

3 THE WITNESS: Granted.

4 THE COURT: So making that assumption
5 what is your --

6 BY MS. PELLETIER:

7 Q. Making that assumption -- well, I
8 believe you testified to this yesterday,
9 Dr. von Gernet, and if you're changing your
10 testimony then, fine, you can let us know.

11 But that was an example that you
12 gave -- you called it a "dramatic event"?

13 A. Yes. It's a dramatic event
14 that -- if it occurred within the life span of a
15 person.

16 Q. Which I've asked you to assume.

17 A. Yes.

18 Q. More than that, a matter of days.

19 A. Yes. Then it -- I can see how it
20 might stimulate a story, or certainly interest
21 for a story, like thousands of other geological
22 events that happen in a relatively short period
23 of time.

24 Q. So I would like to move on then.

25 Just to confirm with you,

1 Dr. von Gernet, that in reviewing the stories of
2 Lenore Keeshig you did not do any independent
3 inquiry of how oral materials are communicated
4 and preserved for the Saugeen Ojibwe Nation, is
5 that correct?

6 A. Not specifically in relation to
7 the people you mentioned. I would have hoped
8 and assumed that Lenore Keeshig would have
9 provided that in her original report, which is
10 what -- which is -- from which I derived any of
11 the local context.

12 Q. In other words, your assessment
13 did not consider any internal checks? We spoke
14 about internal checks yesterday. Your
15 assessment did not consider any internal checks
16 SON might have with respect to the transmission
17 of their oral materials?

18 A. Well, I am intimately familiar
19 with the vast literature of Anishinaabe oral
20 narratives, and in that literature I have not
21 found any evidence of the kinds of internal
22 checks that you see in some other Indigenous
23 groups.

24 I've no reason to believe that the
25 particular group that you've just mentioned is

1 any different, but I may be wrong.

2 Q. To confirm, Dr. von Gernet, you
3 did not do any -- you didn't have any
4 independent inquiry into this matter? You
5 didn't look to see whether there were internal
6 checks within the Saugeen Ojibwe Nation; whether
7 they had been followed; how these stories were
8 transmitted; what protocols might have been in
9 place? Say what you will about whether you
10 think they may have existed, you simply did not
11 look?

12 A. Well, I know that there's nothing
13 in the literature. When you're asking me I
14 didn't look, I didn't go into the community and
15 ask Elders questions.

16 Ethical obligations would have obliged
17 me to tell them why I was asking such questions,
18 and as soon as I revealed the reasons I don't
19 know how much cooperation I would have received.

20 Q. And the fact that you did not
21 have information on any internal checks within
22 the community did not factor into your
23 assessment of these stories, is that correct?

24 A. Well, I assumed that if there
25 were such checks they would have been

1 highlighted by Lenore Keeshig or others who are
2 making the claim.

3 Q. I would like to bring up document
4 S1794.

5 Dr. von Gernet, I'm taking you to an
6 article that you wrote in 1991, it's entitled "A
7 Possible Matouweskarini Hunting Camp:
8 Excavations at the Highland Lake Site, Renfrew
9 County". And do you recognize this article?

10 A. I haven't read it in decades but
11 it obviously has my name on it.

12 Q. And you wrote it in 1991 and it
13 was published in the Second Annual Archeological
14 Report, Ontario?

15 A. Yes.

16 Q. And is this a reliable source?

17 A. Well, it's a source that at the
18 time was an outlet for the description of recent
19 discoveries that -- I believe that the ARO was
20 actually run in part by the Ontario government.

21 MS. PELLETIER: I would like to mark
22 this as the next exhibit, Your Honour.

23 THE COURT: Mr. Registrar.

24 THE REGISTRAR: Exhibit number 4505.

25 EXHIBIT NO. 4505: Article entitled "A

11:08:50 1 Possible Matouweskarini Hunting Camp:
11:08:50 2 Excavations at the Highland Lake Site,
11:08:50 3 Renfrew County", authored by Alexander
11:08:50 4 von Gernet, 1991, and published in
11:08:50 5 Second Annual Archeological Report,
11:08:50 6 Ontario.

11:08:52 7 MS. PELLETIER: Those are my
11:08:53 8 questions, thank you.

11:08:54 9 THE COURT: Thank you.
11:08:54 10 Mr. Beggs, any re-examination?

11:08:57 11 MR. BEGGS: No, Your Honour.

11:08:59 12 THE COURT: Sir, I have a couple of
11:09:00 13 questions for you. And after my questions I do
11:09:02 14 give counsel another chance to ask you questions
11:09:07 15 about the same subject matter, all right?

11:09:12 16 One of them relates to yesterday, but
11:09:14 17 also something you said this morning. Just take
11:09:21 18 them in the order I have them here.

11:09:23 19 Yesterday you were asked in
11:09:24 20 cross-examination about something that was
11:09:26 21 described as "scientific method". I took the
11:09:32 22 question to mean that phrase as a term of art,
11:09:34 23 and I think your answer also approached it that
11:09:39 24 way and you made a general description of it.

11:09:46 25 I don't -- we can bring the transcript

1 up if you need it, sir, but you may not.

2 And I'm going to just read the
3 sentence that forms part of your answer. You
4 say:

5 "That is you formulate hypotheses
6 and test those hypotheses and then you
7 deduce some form of conclusion from
8 your testing, that is the scientific
9 method as described in most of the
10 natural sciences, for example."

11 Do you recall that, sir?

12 THE WITNESS: Yes.

13 THE COURT: Now, I have a recollection
14 of the term of art which is from high school, so
15 you can talk about the number of decades, that
16 is pretty much the same as that answer. And I
17 just want to make sure I understand what you
18 mean in these ways.

19 Your answer suggested to me that the
20 testing is not limited to trying to disprove the
21 hypothesis, but maybe to prove or disprove the
22 hypothesis. Is that a correct understanding of
23 the scientific method? You just said "testing".

24 THE WITNESS: Yeah. Well, the
25 hypothetico-deductive method, which is what the

1 scientific method actually entails in terms of
2 its methodology, involves the formulation of a
3 hypothesis and then the testing of that
4 hypothesis. Not all scientists actually test
5 hypotheses with the intention of disproving it
6 but many do.

7 THE COURT: I'm just trying to
8 understand whether the scientific method
9 includes the concept that you may be trying to
10 prove something as opposed to just disproving
11 it?

12 THE WITNESS: Absolutely. So there
13 are, of course, many -- if you read scientific
14 articles on a regular basis you'll notice that
15 they come -- there's a very species of reasoning
16 that occurs.

17 And most of them try and test a
18 hypothesis either for the purposes of bolstering
19 a previous position, or for the purposes of
20 disproving somebody else's conclusion.

21 And so in that sense it's -- there's a
22 constant interplay between induction and
23 deduction and a constant effort to arrive at
24 some truth through testing.

25 THE COURT: And just the other

1 qualification, sir, is when you were locating
2 that in the natural sciences; and I just want to
3 make sure what you mean by the "natural
4 sciences".

5 THE WITNESS: Well, in the natural and
6 the physical sciences I should have said.

7 In the social sciences it's not
8 often -- it's not always the case that we use --

9 THE COURT: I don't want to make it
10 more complicated. I'm just trying to understand
11 what you include in the phrase "natural
12 sciences", and as you've expanded it "natural
13 and physical sciences". What does that include?

14 THE WITNESS: Well, that would include
15 fields like chemistry and physics and geology.
16 Most of the sciences that deal with the natural
17 world.

18 Once you get into the sciences that
19 deal with the human world then they're still
20 sciences but they are less likely to invoke the
21 hypothetico-deductive method, because many
22 propositions about humans are less susceptible
23 to those kind of scientific techniques.

24 THE COURT: Where does archeology fit?

25 THE WITNESS: Archeology fits in both.

1 I had the good fortune of having
2 been -- of having education in both the sciences
3 and the humanities.

4 Early in my career archeology was
5 often a hypothesis-testing kind of field, but as
6 time went on with the advent of post-processual
7 approaches, and the advent of the post-modernist
8 movement, you began to have more of a sense that
9 archeology was -- that it was important to bring
10 the archeologists themselves into the picture as
11 opposed to a distance from the subject matter.
12 And so that is more of a humanistic part of the
13 enterprise.

14 So when I refer to "science" in my
15 report and testimony I'm not referring to the
16 hypothetico-deductive method I'm referring to
17 science writ large, that is the wider
18 understanding of science as a rigorous process
19 that has a skeptical stance and that strives for
20 objectivity.

21 THE COURT: You said -- if I did show
22 you the transcript you went on to talk about
23 that yesterday.

24 THE WITNESS: Yes.

25 THE COURT: My other question relates

11:15:46 1 to also something you said this morning,
11:15:48 2 indirectly. This morning you indicated in
11:15:50 3 answer to one of the questions that, unlike
11:15:52 4 other Indigenous groups in your extensive
11:15:56 5 research you didn't see any evidence of internal
11:15:59 6 checks.

11:16:01 7 So you were distinguishing these
11:16:04 8 Indigenous groups from others. And --

11:16:08 9 THE WITNESS: Not all of them.

11:16:09 10 THE COURT: Not all of them but my
11:16:11 11 question is, can you give me an example of the
11:16:15 12 types of internal checks that you came across in
11:16:18 13 other groups, without suggesting it's
11:16:21 14 comprehensive in any way.

11:16:24 15 THE WITNESS: Yes. I think I alluded
11:16:26 16 to this in earlier testimony. There were the
11:16:29 17 oral traditions that were -- that were the
11:16:35 18 subject of the Delgamuukw case in British
11:16:40 19 Columbia; which were traditions that were handed
11:16:43 20 down within clans by groups of Elders who had
11:16:52 21 opportunities to discuss the correctness, for
11:17:01 22 lack of a better word, of the content of the
11:17:05 23 traditions that they were telling.

11:17:06 24 So they were subject to internal
11:17:10 25 review, in a sense. That's a relatively

1 formalized process of internal checks. So there
2 are those kinds of examples elsewhere in the
3 Indigenous world.

4 There are also allusions, if not
5 specific evidence, to certain sanctions that
6 were made if particular individuals didn't
7 reiterate a story correctly. You get allusions
8 in the literature to that in some places in
9 Indigenous North America.

10 But my overall point is that the
11 existence of those kinds of internal mechanisms,
12 while it may lead to a circumstantial
13 probability of reliability is not necessarily
14 the case.

15 THE COURT: I'm just going to
16 interrupt you there to limit you to my question.

17 Just in that regard you made some
18 reference to birch-bark scrolls?

19 THE WITNESS: Yes.

20 THE COURT: Where does that fit in
21 this discussion about internal checks?

22 THE WITNESS: Anishinaabe peoples, not
23 all of them but some of them, and particularly
24 in the Midewiwin tradition, employed the use of
25 birch-bark scrolls.

11:18:50 1 These were basically sheets of birch
11:18:52 2 bark that were stitched together and they would
11:18:57 3 put markings on them which were mnemonic in
11:19:03 4 nature. In other words, it wasn't a language
11:19:05 5 that was put on paper it was a set of mnemonic
11:19:08 6 symbols which were intended to facilitate the
11:19:12 7 recall of oral traditions.

11:19:16 8 So that's something from which two
11:19:21 9 things we can derive. One is the understanding
11:19:29 10 of the frailties of human memory which resulted
11:19:31 11 in such a mechanism to begin with; but,
11:19:34 12 secondly, it also, unfortunately did not result
11:19:49 13 in the preservation of traditions in the long
11:19:52 14 term, much like wampum belts. Because you
11:19:55 15 always had to have that link between the symbol
11:19:59 16 and the oral tradition that goes with it, and as
11:20:01 17 soon as you lose that link it's no longer -- the
11:20:05 18 tradition is lost. So -- and the mnemonic
11:20:10 19 device no longer functions the way it was
11:20:12 20 originally intended.

11:20:13 21 THE COURT: So the last thing I wanted
11:20:14 22 to ask you about is based on an assumption that
11:20:18 23 I'm just going to ask you to make. I ask you to
11:20:22 24 assume that the Anishinaabe that are involved in
11:20:27 25 this litigation had, for the most of the period

1 of 8 or 9,000 years, no written language. And I
2 ask you to put to one side the mnemonic devices
3 that you were just speaking of.

4 So they had no written language for
5 most of that time and, therefore, were not
6 preserving their history by writing it down, as
7 was done elsewhere in the world.

8 THE WITNESS: Yes.

9 THE COURT: So making that assumption,
10 in your opinion how is that relevant or not?
11 Context, when assessing oral traditions?

12 It hadn't come up so I'd like your
13 view on it.

14 THE WITNESS: Well, there are
15 important differences between intergenerational
16 oral transmission and intergenerational written
17 transmission. And it has nothing to do with
18 whether one is more reliable or less reliable
19 than the other or whether one contains more
20 subjectivity or less. Subjectivities are
21 problems no matter whether it's oral or written.

22 But the one big crucial difference
23 between the two is that the oral traditions,
24 when they're told, are products of the present
25 in which they are told. They may contain

1 information from the past but as they're told
2 they are products of that present in which they
3 are told and, hence, they are subject to changes
4 in the present in which they are related.

5 A written document, on the other hand,
6 once it's written down, and unless it's a proven
7 forgery, it can exist in an archive for
8 centuries and it can be retrieved; and you can
9 be relatively certain that the information it
10 contains was written down at the time that the
11 document was dated. You can't make that
12 assumption with oral traditions because of the
13 possibility of changes that have occurred in the
14 course of the intervening generations since it
15 relies on memories of memories. That is a
16 significant difference.

17 And, as I said, that needs to be --
18 the short answer to your question is that that
19 needs to be taken into consideration.

20 It doesn't necessarily make the oral
21 traditions less reliable, but it is something
22 one needs to consider because it's -- the
23 confidence we have with any historical content
24 it might have decreases as a consequence of the
25 orality as opposed to the -- it being written

11:23:25 1 down.

11:23:27 2 THE COURT: Because of that I guess,
11:23:28 3 to formulate my question differently, would it
11:23:35 4 be reasonable to consider that the Anishinaabe,
11:23:36 5 relying on oral orality, as you just put it, to
11:23:43 6 convey their history might take more care in
11:23:46 7 doing so?

11:23:47 8 THE WITNESS: Well, that's an argument
11:23:49 9 that has been made by some. The problem is that
11:23:52 10 it's completely -- it's not subject to any kind
11:24:00 11 of confirmation. There's no evidence that at
11:24:10 12 any point in time they put more effort into
11:24:15 13 preserving their oral literature as a
11:24:23 14 consequence of its orality.

11:24:25 15 And quite the contrary, there's
11:24:27 16 considerable evidence of -- in the 19th century
11:24:31 17 of Elders lamenting the fact that they have
11:24:35 18 never recorded this material, which was the
11:24:39 19 reason why they encouraged many of their
11:24:41 20 Anishinaabe kinsmen who were literate to write
11:24:45 21 things down.

11:24:45 22 So there was a recognition already in
11:24:47 23 the 19th century of the merits of writing things
11:24:53 24 down to preserve long-term memory.

11:25:03 25 THE COURT: Thank you for that.

11:25:04 1 Mr. Beggs, do you have any questions
11:25:07 2 arising from my questions?
11:25:08 3 MR. BEGGS: No, Your Honour.
11:25:09 4 THE COURT: Ms. Pelletier?
11:25:10 5 MS. PELLETIER: I have one, Your
11:25:11 6 Honour.
11:25:12 7 THE COURT: Please go ahead.
11:25:13 8 MS. PELLETIER: Thank you.
11:25:14 9 FURTHER CROSS-EXAMINATION BY.
11:25:14 10 MR. PELLETIER:
11:25:14 11 Q. Dr. von Gernet, just on the topic
11:25:16 12 of the last question Her Honour asked you:
11:25:22 13 "[...] would it be reasonable to
11:25:25 14 consider that the Anishinaabe, relying
11:25:27 15 on orality, as you just put it, to
11:25:27 16 convey their history might take more
11:25:31 17 care in doing so?"
11:25:32 18 And your answer was that:
11:25:33 19 "[...] there is no evidence of
11:25:34 20 them -- there's no evidence that at
11:25:40 21 any point in time they put more effort
11:25:41 22 into preserving their oral literature
11:25:44 23 as a consequence of this orality."
11:25:46 24 And I wonder if you'd agree with me,
11:25:48 25 Dr. von Gernet, that the fact that communities

11:25:50 1 have internal checks are in fact just that,
11:25:53 2 evidence of them taking more care to preserve
11:25:57 3 their oral literature?

11:25:58 4 A. Well, if you give me the evidence
11:26:01 5 for the internal checks I can make that
11:26:04 6 assessment, but I have not seen any evidence of
11:26:08 7 that.

11:26:09 8 And more to the point is, even if
11:26:14 9 there was evidence in the 21st century among
11:26:18 10 Elders today I don't know how we can possibly
11:26:28 11 know whether those same checks existed in each
11:26:31 12 and every generation in the past. So it becomes
11:26:35 13 sort of an insoluble problem.

11:26:39 14 All I can tell you is that we have
11:26:42 15 testimony of Anishinaabe Elders in the 19th
11:26:44 16 century who were encouraging their literate
11:26:52 17 kinsmen to record these traditions, and who
11:26:56 18 lamented that they didn't have the means in the
11:26:59 19 past to preserve such traditions.

11:27:01 20 So those are the only facts that I
11:27:05 21 have, unless you can provide me with any other
11:27:08 22 facts that's all I have to go on.

11:27:16 23 Q. Thank you.

11:27:17 24 THE COURT: Thank you, Ms. Pelletier.

11:27:18 25 Thank you, sir, that does conclude

1 your testimony. You can step down from the
2 witness box.

3 THE WITNESS: Thank you, Your Honour.

4 THE COURT: I'm going to go on to the
5 scheduling question.

6 So we're going to adjourn until
7 tomorrow morning at 10:00 o'clock. The plan is
8 that I give you my ruling at that time. Between
9 now and then I will obtain a location for a
10 trial management conference that will take place
11 after that. All right?

12 I don't think it matters to you all,
13 but I should say that if there's any counsel
14 that are not attending in person tomorrow and
15 wish to attend I have said before that they need
16 only -- if someone could communicate to the
17 larger group arrange with one of you to call in
18 and put your cell phone on speaker. Certainly I
19 would not wish anyone, any of the lawyers,
20 especially the ones from out of town, not to be
21 able to participate. So I'm going to leave it
22 to you who is going to send out the email.

23 Because the other thing is we can't
24 fix a precise time today on that logistic. If
25 there are any important time constraints for

11:28:41 1 either those present or those not present that
11:28:44 2 you'd like to factor into the timing of that TMC
11:28:49 3 tomorrow you need only send me an email before
11:28:52 4 10 o'clock and I will try and make the necessary
11:28:55 5 adjustments.

11:28:56 6 Then, Mr. Beggs I understand you have
11:28:58 7 some matters you want to deal with on Friday
11:29:01 8 morning before Ontario opens, is that the gist
11:29:03 9 of it?

11:29:05 10 MR. BEGGS: Yes. That's correct, your
11:29:05 11 Honour.

11:29:06 12 THE COURT: Adjourned until 10 o'clock
11:29:09 13 tomorrow.

14 --- Whereupon the proceedings were
15 adjourned at 11:29 a.m.

16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

I, HELEN MARTINEAU, CSR, Certified
Shorthand Reporter, certify;

That the foregoing proceedings were
taken before me at the time and place therein
set forth;

That the testimony of the witness and
all objections made at the time of the
examination were recorded stenographically by me
[Note: Not all quotes have been verified
against source document, but transcribed as
read into the record];

That the foregoing is a true and
accurate transcript of my shorthand notes so
taken. Dated this 22nd day of January, 2020.



PER: HELEN MARTINEAU
CERTIFIED SHORTHAND REPORTER

1	9	9628:19	9652:15	apparent
10 9617:8	9,000 9628:21	accurately	9654:10,11	9641:16
9675:4,12	9629:16,20	9637:16	9672:24	9655:10
10,000 9640:6	9630:7,21	acknowledge	ahead 9618:3	approached
100 9619:5	9632:6 9633:6	9649:2	9619:15 9672:7	9661:23
9620:2	9634:10 9635:5,	acknowledge	Alexander	approaches
10:00 9674:7	12 9637:4,15	d 9654:8	9618:6 9661:3	9665:7
10:04 9617:1	9638:3,23	actual 9622:25	Algonquin	appropriated
10:32 9654:24	9640:16,18	adapted	9653:25	9634:19
11:29 9675:15	9642:22 9643:2,	9634:20	alluded 9623:9	appropriately
1603 9653:24	7 9645:9 9669:1	add 9642:9	9666:15	9644:11
9654:1	9,100 9636:15,	9643:18	allusions	Archeologica
1865 9626:10,	25 9637:8	additional	9667:4	I 9660:13 9661:5
14	9639:7 9655:17	9627:15	alternate	archeologists
1991 9660:6,12	98 9619:25	9630:11	9621:19	9665:10
9661:4	9620:5	9643:13,20,22	alternative	archeology
19th 9621:7,12	A	adhere 9628:7	9618:13	9664:24,25
9623:5,10	a.m. 9617:1	adjourn	9621:24	9665:4,9
9634:19	9675:15	9674:6	America	archive 9670:7
9671:16,23	abrupt	adjourned	9667:9	area 9649:12
9673:15	9654:13	9675:12,15	analogical	9651:17
2	abruptly	adjustment	9622:19 9623:9	areas 9649:20
20th 9621:13	9656:6,10	9617:6,7	9625:14,16	argument
21st 9673:9	Absolutely	adjustments	ancestors	9645:16,25
4	9663:12	9675:5	9632:23 9633:3	9649:23
40 9624:5	accept	administrativ	ancestral	9650:15
4505 9660:24,	9623:15	e 9617:12	9634:5	9651:10
25	9624:23	adopting	ancient	9653:19 9671:8
5	9626:15	9640:22	9624:18	arising 9672:2
50 9624:5	9627:10	advantage	animal 9653:2	ARO 9660:19
500 9626:17,19	9628:17,25	9645:14	Anishinaabe	arrange
8	9629:24 9630:3,	advent 9644:2	9620:23	9674:17
8 9669:1	19 9632:4	9665:6,7	9625:12	arrive 9663:23
	9633:4,7,11	AFFIRMED	9658:19	art 9661:22
	9634:7,8,12	9618:7	9667:22	9662:14
	9635:3,5,9,10,	agree 9624:21	9668:24 9671:4,	article 9660:6,
	15,22 9636:1	9625:19	20 9672:14	9,25
	9638:21	9629:11	9673:15	articles
	9640:25 9647:2	9630:18	Annual	9663:14
	accepting	9631:19 9634:7	9660:13 9661:5	articulated
	9640:21	9635:7,23	answering	9646:21
	account	9636:7 9637:1	9650:22 9655:2	assessing
	9621:21,25	9640:13	answers	9669:11
	9626:2,3,7,13	9643:17 9645:5	9652:20	assessment
	accounts	9647:5 9648:15,	antiquity	9654:12
	9627:12	19 9650:25	9639:18	

9658:12,15 9659:23 9673:6	9639:9 9640:12 9643:11,14,15 9644:17,19,22 9645:2 9646:15, 16,17,18,19,22, 23	beard 9651:10, 12 9653:19	breaking 9645:2 9654:7	cell 9674:18
assistance 9617:13	attend 9674:15	bears 9652:23	bring 9650:24 9660:3 9661:25 9665:9	centuries 9670:8
assisted 9617:23	attending 9674:14	beaver 9632:18 9639:24 9640:6	British 9666:18	century 9621:7,12,13 9623:5,10 9634:19 9671:16,23 9673:9,16
assume 9624:24 9634:3 9635:24 9636:2 9637:9 9643:18 9644:4,9 9648:4,6 9650:3 9652:12 9656:15,17,19, 21 9657:2,16 9668:24	attributing 9621:15	beavers 9640:1 9652:15, 23	broke 9618:15 9656:16	chain 9633:12 9636:13,24 9637:10,18 9644:8
assumed 9622:17 9646:8 9658:8 9659:24	audience 9642:7	beg 9645:11	broken 9643:10	Champlain's 9653:23
assumption 9628:12,16 9629:1,3,4,12, 14,23 9630:4,5, 16,19,25 9631:7,13 9632:4,6,15 9633:4,8,16,18, 22,24 9634:8,9, 12,25 9635:3, 10,11,15,23 9636:4,8,10 9637:2,3,12,17, 25 9638:1,7,8, 21,25 9639:1,3 9640:14,16,20, 21,22,24 9641:6 9642:20,21 9643:5,8,18,20, 23 9645:6,8 9646:11 9647:1, 6,7,14 9648:13, 16,20,24 9649:3 9652:13 9655:3, 7 9657:4,7 9668:22 9669:9 9670:12	authored 9661:3	began 9665:8	buffalo 9653:1	chance 9661:14
assumptions 9624:22 9627:3, 9,14,16,21 9628:4,10,24 9630:11,14,24 9635:19 9636:9, 18 9638:6,10	back 9633:2 9640:10,11 9646:25 9650:24	Beggs 9619:20 9661:10,11 9672:1,3 9675:6,10	call 9674:17	change 9642:8
	B	begin 9651:24 9668:11	called 9657:12	changing 9657:9
	back 9633:2 9640:10,11 9646:25 9650:24	beginning 9619:5 9641:17 9644:14	Camp 9660:7 9661:1	characterizati on 9621:16 9646:6
	bark 9668:2	belts 9668:14	canadensis 9653:4	characterize 9646:10
	Barrier 9654:8 9655:17,23 9656:16	benefit 9619:19	Canyon 9650:11	characterized 9645:16,24
	Barron 9650:11	big 9669:22	Cape 9622:2, 11	checks 9658:13,14,15, 22 9659:6,21,25 9666:6,12 9667:1,21 9673:1,5,11
	based 9622:17 9624:25 9625:16 9626:16 9627:11 9628:19 9668:22	birch 9668:1	captured 9629:7 9631:5 9636:17 9637:25 9641:4 9647:12	chemistry 9664:15
	basically 9621:3 9668:1	birch-bark 9667:18,25	care 9671:6 9672:17 9673:2	circular 9639:5,16,20 9640:10
	basis 9622:21 9646:12 9652:22 9663:14	blamed 9618:23	career 9665:4	circumstantia l 9667:12
	Bay 9623:18,25 9624:4 9653:12 9654:4	blinded 9635:16	careful 9622:18	claim 9632:10 9634:5,24 9638:8,9,11,19 9639:4,8 9640:23 9643:9 9645:15,18,24 9646:6,12,14,21 9648:21 9660:2
	beach 9624:1, 5	blindly 9636:8	carry 9634:24	
		bolstering 9663:18	case 9625:6 9626:13 9650:20 9664:8 9666:18 9667:14	
		box 9674:2	Castor 9653:4	
		brackish 9653:13 9654:1	Castoroides 9653:6	
		brackishness 9653:20		
		breach 9655:17		
		break 9633:12 9643:15 9644:15 9645:3		

claimed 9646:9	complicated 9664:10	9621:6 9641:20 9670:24 9671:14 9672:23	9641:4 9647:12 9667:7	9636:6
claiming 9639:6	comprehensi ve 9666:14		correctness 9666:21	current 9631:2,9,22 9632:8,11 9633:10 9637:13 9640:14
clans 9666:20	concept 9630:12 9663:9	considerable 9652:3 9671:16	corroboratin g 9640:7	
clarify 9620:10	concerned 9645:23	consideratio n 9646:23 9670:19	couched 9637:19	
clean-shaven 9651:12	conclude 9673:25	constant 9663:22,23	counsel 9617:4 9656:25 9657:1 9661:14 9674:13	<hr/> D <hr/>
Cloud 9622:1	conclusion 9646:9,11,14 9662:7 9663:20	constraints 9674:25	County 9660:9 9661:3	daily 9652:22
cognition 9644:2	condition 9629:10	contained 9629:14 9633:16 9638:25 9640:16 9642:20 9648:12	couple 9661:12	dangerous 9652:13
Columbia 9666:19	conditions 9629:10 9631:17 9655:9	content 9666:22 9670:23	court 9617:2,4, 13,16,21 9618:1,3 9619:7,11,15,24 9620:2,6 9654:19 9656:18,21,24 9657:4 9660:23 9661:9,12 9662:13 9663:7, 25 9664:9,24 9665:21,25 9666:10 9667:15,20 9668:21 9669:9 9671:2,25 9672:4,7 9673:24 9674:4 9675:12	date 9626:3,7,8 9640:3
commencing 9617:1	conference 9674:10	context 9658:11 9669:11	covers 9636:24	dated 9670:11
common 9625:12	confidence 9670:23	continued 9618:9 9644:11	Croker 9622:2, 11	dates 9640:6
communicate 9674:16	confirm 9617:9 9657:25 9659:2	continuity 9630:11	cross- examination 9618:8 9661:20 9672:9	days 9656:10, 16 9657:18
communicate d 9658:3	confirmation 9671:11	contrary 9671:15	crucial 9669:22	deal 9664:16, 19 9675:7
communicati ng 9642:1	confused 9632:22	convey 9671:6 9672:16	cultural 9620:14 9634:2, 11,13,16 9635:6,8,13	decades 9660:10 9662:15
communities 9631:25 9632:20 9633:2 9638:14 9672:25	confusion 9638:5 9646:8	cooperation 9659:19		decreases 9670:24
community 9628:20 9629:15 9630:7, 9,12,20 9631:20 9632:5,16,22 9634:10,14,20 9635:4 9636:3 9637:4 9638:3, 22 9639:23 9640:18 9642:22 9645:9 9649:5 9659:14, 22	connect 9622:20	copy 9617:21		deduce 9662:7
complete 9650:8	connected 9621:21 9622:16 9626:4 9631:2,9 9649:11	correct 9625:25 9628:4 9658:5 9659:23 9662:22 9675:10		deduction 9663:23
completely 9642:7 9648:1 9671:10	connection 9622:1,10 9631:14,21 9632:7,10 9633:9,14	corrected 9619:10		deemed 9647:10 9649:1 9652:18 9655:12
	connections 9622:4	correctly 9622:6 9629:7 9631:5 9634:1		deep 9623:22
	consequence			deep-time 9634:23
				defer 9656:8, 14
				definite 9623:19
				definition 9635:16
				degree 9623:1
				delete 9642:9, 13

Delgamuukw 9666:18	discussed 9618:21 9625:20 9627:21 9639:10,16	effort 9663:23 9671:12 9672:21	9660:6,25	Excavations 9660:8 9661:2
demonstrabl e 9642:12	discussion 9667:21	Elder 9618:18	enumerable 9647:21	excellent 9619:11
dependent 9638:9	disprove 9662:20,21	Elders 9636:22 9659:15 9666:20 9671:17 9673:10,15	environment 9622:19 9623:14 9625:18 9626:17	exception 9645:6
depends 9653:8 9656:5	disproving 9663:5,10,20	element 9642:8	Ethical 9659:16	exhibit 9660:22,24,25
derive 9668:9	distance 9665:11	else's 9663:20	etiological 9622:12 9623:1 9624:24 9625:1, 5,10,21,23 9626:15,20	exist 9651:24 9670:7
derived 9658:10	distinguishin g 9666:7	email 9617:5, 16 9674:22 9675:3	euhemeristic 9625:4	existed 9621:11 9625:23 9659:10 9673:11
description 9660:18 9661:24	document 9617:18 9620:8 9660:3 9670:5, 11	embed 9630:23	event 9627:7 9630:1 9633:1 9635:25 9638:13,17 9641:21,24 9642:25 9643:4 9647:18 9654:10 9655:3, 16 9656:3 9657:12,13	existence 9622:14 9653:2 9667:11
detail 9642:17	doubt 9621:1	embedded 9627:15 9633:8 9638:7 9644:17 9646:17	expanded 9664:12	explain 9629:18
details 9642:9, 13	drained 9650:9	empirical 9625:17	events 9623:10 9629:10 9631:17 9633:3 9636:21 9647:4, 21 9648:2,4,24 9650:8 9655:8, 11 9657:22	explanation 9618:17 9621:24 9622:14 9625:23 9628:3 9636:1 9652:6
determine 9622:25	dramatic 9647:10,17 9648:5 9649:1 9651:7 9652:18 9653:3,5,10 9654:10 9655:16 9656:3 9657:12,13	employ 9625:16	employed 9667:24	explanations 9618:13 9621:20
device 9668:19	drinking 9654:3	empirical 9625:17	encoding 9641:8	explanatory 9623:16
devices 9669:2	<hr/> E <hr/>	employ 9625:16	encompasse d 9629:1	exposed 9620:12 9652:22
differ 9645:12	earlier 9649:18 9666:16	employed 9667:24	encouraged 9671:19	expressed 9623:6
difference 9669:22 9670:16	early 9621:13 9629:9 9631:16, 18 9636:20 9650:8 9652:21 9665:4	encoding 9641:8	encouraging 9673:16	extant 9623:5
differences 9669:15	earth 9639:25	encodig 9641:8	end 9637:18 9645:16	extensive 9666:4
differently 9671:3	education 9665:2	encompasse d 9629:1	entails 9663:1	extinction 9644:5
diffusion 9634:2,11,13, 16,17 9635:6,8, 13 9636:6	effect 9620:23	encouraged 9671:19	enterprise 9665:13	eyewitness 9622:9 9625:7 9627:12 9628:19 9629:5,
disagree 9638:11		encouraging 9673:16	entertain 9652:4	
disconnectio n 9623:11		end 9637:18 9645:16	entertaining 9642:7	
discovered 9640:4		entails 9663:1	entitled	
discoveries 9660:19		enterprise 9665:13		
discuss 9666:21		entertain 9652:4	examination 9627:22	
		entertaining 9642:7	examples 9667:2	
		entitled		

9,13 9630:17,22 9631:22 9632:7, 12 9633:10 9634:9 9636:20 9637:5,22 9655:10	field 9665:5 fields 9664:15 figments 9621:5 file 9617:14,22 final 9619:12 9640:24 finally 9654:7 fine 9617:11 9657:10 fit 9664:24 9667:20 fits 9664:25 fix 9674:24 flow 9650:9 fluctuation 9624:7 focus 9630:15 follow 9632:14 forgery 9670:7 form 9623:8 9662:7 formalized 9667:1 forms 9662:3 formulate 9662:5 9671:3 formulated 9626:21 formulation 9663:2 fortune 9665:1 forward 9638:1 found 9639:19 9658:21 fourth 9636:10 9645:6 9647:1,6 9648:23,24 9655:2,7 frailties 9668:10	French 9650:10 Friday 9617:11 9675:7 friend 9618:20 friend's 9619:2 front 9654:20 functions 9668:19 future 9648:7, 10 9650:18	G Gans' 9617:15 gave 9624:4 9657:12 general 9661:24 generate 9647:11 9649:2 9652:19 9655:13 generation 9627:16 9643:20 9644:23 9673:12 generations 9648:7,11 9670:14 geological 9640:5 9647:21 9654:12 9655:8 9657:21 geologist 9625:15 9656:8 geology 9651:17 9664:15 Georgian 9623:18,25 9624:4 9653:12 9654:4 Gernet 9618:6, 10 9619:19	9620:11 9629:12 9635:2 9639:11 9642:19 9644:13 9645:1, 25 9650:23 9655:1,21 9656:13 9657:9 9658:1 9659:2 9660:5 9661:4 9672:11,25 get allusions 9667:7 giant 9632:18 9639:23 9640:1, 6 9652:15,22,23 gist 9675:8 give 9626:4 9636:16 9648:23 9656:4 9661:14 9666:11 9673:4 9674:8 good 9618:10, 11 9624:5 9645:1 9646:20 9653:7 9665:1 government 9660:20 grant 9646:16 9650:14 Granted 9657:3 greatly 9643:25 grieves 9618:16 Griffiths 9622:1 group 9658:25 9674:17 groups 9658:23 9666:4, 8,13,20 guarantees 9642:2 guess 9622:11 9671:2	guessing 9653:10 9654:6 gymnastics 9652:4 H hand 9670:5 handed 9666:19 happen 9633:3 9634:17 9657:22 happened 9626:17 9634:25 9641:15 9642:2, 13 9647:21 happening 9641:19,21 Hay 9622:1 heavily 9653:15 high 9662:14 Highland 9660:8 9661:2 highlighted 9624:16 9660:1 historical 9627:7 9630:1 9633:1 9635:25 9638:12,17 9642:25 9643:3 9647:4 9670:23 historicity 9638:20 9639:7 9642:18 history 9622:9 9626:21 9644:1 9650:20 9655:20 9669:6 9671:6 9672:16 hit 9649:23 hold 9627:16 9644:22 holders 9631:3,9
--	---	---	--	---	--

<p>Holocene 9629:9 9631:16, 18 9636:21 9650:8 9652:21</p> <p>Honour 9617:3,20 9618:5 9660:22 9661:11 9672:3, 6,12 9674:3 9675:11</p> <p>hoped 9658:7</p> <p>human 9622:9 9629:5,9,13 9643:25 9647:22 9650:16 9653:21 9664:19 9668:10</p> <p>humanistic 9665:12</p> <p>humanities 9665:3</p> <p>humanly 9651:18</p> <p>humans 9644:2 9664:22</p> <p>hundred 9644:16</p> <p>hundreds 9627:15 9641:22,23</p> <p>Hunting 9660:7 9661:1</p> <p>hurdle 9649:7</p> <p>Huron 9624:4</p> <p>hypotheses 9662:5,6 9663:5</p> <p>hypothesis 9627:4,10 9628:3,9,25 9629:24 9630:3 9632:24 9633:5 9636:1 9640:25 9647:2 9662:21, 22 9663:3,4,18</p>	<p>hypothesis- testing 9665:5</p> <p>hypothetico- deductive 9662:25 9664:21 9665:16</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>identified 9637:18 9639:9</p> <p>imagination 9621:5</p> <p>impact 9620:14 9646:3</p> <p>imperceptible 9651:15</p> <p>implications 9641:18</p> <p>implicit 9637:2</p> <p>implies 9633:13</p> <p>important 9627:24 9647:10,14 9649:1 9650:7 9652:18 9653:17 9655:12 9665:9 9669:15 9674:25</p> <p>in-chief 9619:4 9627:22 9654:9</p> <p>in-situ 9634:6</p> <p>include 9623:17 9664:11,13,14</p> <p>included 9624:12</p> <p>includes 9630:21 9632:6 9663:9</p> <p>Including 9626:22</p>	<p>increase 9624:12</p> <p>increasingly 9654:1</p> <p>independent 9658:2 9659:4</p> <p>Indigenous 9658:22 9666:4, 8 9667:3,9</p> <p>indirectly 9666:2</p> <p>individual 9623:6,8 9626:6</p> <p>individuals 9621:2 9667:6</p> <p>induction 9663:22</p> <p>infinite 9651:13</p> <p>information 9623:3 9641:9, 10 9659:21 9670:1,9</p> <p>inherently 9636:5</p> <p>initial 9623:7</p> <p>inquiry 9658:3 9659:4</p> <p>insoluble 9673:13</p> <p>instance 9626:1</p> <p>instances 9650:4</p> <p>intended 9618:19 9668:6, 20</p> <p>intention 9663:5</p> <p>interest 9642:6 9646:2 9648:6,10 9650:5 9655:18 9656:4 9657:20</p> <p>interested 9626:9</p>	<p>intergenerati onal 9636:23 9637:10 9669:15,16</p> <p>internal 9658:13,14,15, 21 9659:5,21 9666:5,12,24 9667:1,11,21 9673:1,5</p> <p>interplay 9663:22</p> <p>interprets 9656:9</p> <p>interrupt 9667:16</p> <p>intervening 9670:14</p> <p>intimately 9658:18</p> <p>invented 9626:21</p> <p>invoke 9664:20</p> <p>involve 9624:8 9649:20</p> <p>involved 9653:9,22 9654:6 9668:24</p> <p>involves 9663:2</p> <p>Ipperwash 9624:1</p> <p>Island 9622:2 9651:21,22</p> <p>islands 9621:22 9622:5, 10,14,16,20 9623:11,23 9624:13,19 9626:3 9649:11, 17,24</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>job 9645:1 9646:20</p>	<p>Justice 9617:15</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Keeshig 9618:14 9627:6 9628:18 9632:19,25 9645:19 9647:3 9649:8 9658:2,8 9660:1</p> <p>Keeshig's 9618:21 9619:22</p> <p>kernel 9632:12 9637:14,21 9640:15 9642:3 9643:6</p> <p>kind 9620:14 9628:6 9637:21 9647:24 9664:23 9665:5 9671:10</p> <p>kinds 9658:21 9667:2,11</p> <p>kinsmen 9671:20 9673:17</p> <p>knew 9640:3</p> <p>knowing 9645:15</p> <p>knowledge 9618:23 9620:14</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lack 9666:22</p> <p>laid 9635:19</p> <p>Lake 9624:4 9653:25 9660:8 9661:2</p> <p>lamented 9673:18</p> <p>lamenting 9671:17</p>
---	--	---	---	---

land 9649:12, 21 9651:20 9652:1,9,16 9653:15 9654:5	listed 9627:8	lot 9653:9	Mattawa 9650:10	merits 9671:23
language 9637:20 9644:10,11 9668:4 9669:1,4	listen 9641:24	M	matter 9617:12 9620:21 9634:11 9656:10,16 9657:18 9659:4 9661:15 9665:11 9669:21	method 9661:21 9662:9, 23,25 9663:1,8 9664:21 9665:16
large 9630:4 9646:15 9665:17	listener 9641:8	Madam 9617:13,16,23	matters 9674:12 9675:7	methodology 9663:2
larger 9628:16 9629:1,14 9630:5 9632:4 9635:10 9648:13 9674:17	listeners 9641:7,24	made 9623:21 9627:9 9630:6 9632:11 9646:21 9661:24 9667:6, 17 9671:9	Mccarthy 9645:19 9654:15 9656:9	metres 9624:5
largest 9653:2	literally 9624:1	mainland 9622:16	Mccarthy's 9645:20 9656:14	middle 9623:5
late 9621:7,12	literate 9671:20 9673:16	make 9627:22 9629:6,24 9631:4 9643:5, 9,21 9648:20 9650:15 9662:17 9664:3, 9 9668:23 9670:11,20 9673:5 9675:4	means 9619:9 9636:5 9673:18	Midewiwin 9667:24
lawyers 9645:16 9674:19	literature 9658:19,20 9659:13 9667:8 9671:13 9672:22 9673:3	making 9630:10 9657:4, 7 9660:2 9669:9	mechanism 9668:11	mind 9635:6 9650:16
lead 9667:12	litigation 9668:25	mammoth 9652:23	mechanisms 9667:11	minor 9628:12
leave 9674:21	lived 9652:21 9653:5	man 9651:12	meet 9649:9	minutes 9617:5
led 9623:14	lives 9623:25	management 9674:10	memorial 9647:24	misundersta nding 9642:23
left 9618:12 9621:4 9646:5	living 9624:2,7	Manitoulin 9649:11,19 9651:1,4,21,22	memorialized 9647:23 9653:11	mnemonic 9668:3,5,18 9669:2
legal 9645:25	local 9634:19 9658:11	mark 9660:21	memories 9670:15	modern 9625:15 9628:21 9631:15 9637:5 9644:2
length 9639:10	locating 9664:1	markings 9668:3	memory 9624:2,7 9625:9 9627:6 9629:25 9632:25 9633:1 9635:25 9638:12,16 9642:25 9643:3 9647:4 9668:10 9671:24	moment 9626:5 9630:14 9636:16
Lenore 9618:14,18 9619:22 9627:6, 11 9628:18 9632:19,25 9647:3 9649:8 9658:2,8 9660:1	location 9629:21 9674:9	mass 9644:5 9652:1,9	mention 9646:22	Monday 9618:20 9619:1, 5
levels 9623:18 9624:13	logistic 9674:24	material 9671:18	mentioned 9658:7,25	morning 9617:2,3,8,17 9618:10,11 9661:17 9666:1, 2 9674:7 9675:8
life 9657:14	long 9620:21 9623:11 9636:14 9638:9 9639:24 9640:4 9651:8 9656:6 9668:13	materials 9658:3,17	mere 9637:21	move 9621:18 9627:2 9633:24 9636:12 9640:11 9657:24
lifetime 9652:8	long-term 9671:24	Matouweskar		movement 9665:8
limit 9667:16	longer 9649:14 9668:17,19	ini 9660:7 9661:1		moving 9621:20
limited 9662:20	looked 9638:25			
link 9668:15,17	lose 9668:17			
list 9638:9 9644:19,20	loss 9618:23			
	lost 9668:18			

9648:22 9653:12 muddling 9634:15 myth 9623:16 9626:16 9637:20 mythical 9637:20 myths 9626:20	non-indigenous 9620:13 9621:9 9623:3 North 9667:9 noted 9646:18 noteworthy 9653:17 notice 9663:14 noticeable 9647:9 9648:25 9651:7 9652:17 notion 9620:17 9621:15 9634:16 notorious 9651:11 number 9635:19 9644:18,20 9646:15 9660:24 9662:15 numerous 9649:24 9650:1	9625:7,17 9626:16 9636:20 9655:11 observed 9622:4 observing 9623:17 obtain 9674:9 obviated 9636:9 occurred 9657:14 9670:13 occurs 9663:16 office 9617:16 Ogden 9617:18,19,25 ohioensis 9653:6 Ojibwe 9658:4 9659:6 Ontario 9653:25 9660:14,20 9661:6 9675:8 opens 9675:8 opine 9651:17 opinion 9621:4 9669:10 opportunities 9666:21 opposed 9663:10 9665:11 9670:25 oral 9627:5,10 9628:18 9631:3, 9 9634:1,24 9638:20 9639:7 9647:2 9658:3, 17,19 9666:17 9668:7,16 9669:11,16,21, 23 9670:12,20 9671:5,13	9672:22 9673:3 orality 9670:25 9671:5,14 9672:15,23 order 9617:15 9627:9 9634:23 9640:23 9648:20 9652:4 9661:18 original 9645:19 9658:9 originally 9622:3 9668:20 originate 9621:16 9625:2 originated 9620:18 9622:13 Ottawa 9650:11 outlet 9660:18	9631:20,24 9632:5 9633:6, 11 9634:9 9635:4,11 9636:3 9637:4, 14 9638:2,14,22 9640:15,18 9642:21 9643:1, 7 9645:9 9648:13,18 9649:4 past 9626:22, 23,25 9641:15 9642:2 9650:20 9655:20 9670:1 9673:12,19 pause 9629:6 9631:4 9641:3 Pelletier 9617:3 9618:2, 4,8 9619:16,25 9620:3,9 9654:23 9657:6 9660:21 9661:7 9672:4,5,8,10 9673:24 peninsula 9622:10,11 9623:23 people 9620:23 9621:8 9631:24 9647:18 9649:13,16 9653:5,14 9658:7 people's 9621:5 peoples 9631:16 9667:22 perceptible 9648:5 9651:14, 18 perfectly 9643:23 9646:1 period 9621:7 9636:14,24 9657:22 9668:25
<hr/> N <hr/>	<hr/> O <hr/>	<hr/> P <hr/>		
Nadoway 9654:8 9655:16, 23 9656:15 Nanabush 9618:16 9621:15 9632:17 narrative 9625:2 narratives 9658:20 Nation 9658:4 9659:6 natural 9622:18 9623:14 9626:17 9662:10 9664:2, 3,5,11,12,16 nature 9623:2 9668:4 necessarily 9625:22 9626:23 9631:23 9632:15 9642:15 9647:16,25 9656:8 9667:13 9670:20 needed 9647:1 9648:25 needn't 9635:20				

person 9623:3 9632:15 9657:15 9674:14	9653:19 9667:10 9671:12 9672:21 9673:8	9635:24 9638:16 9641:14 9643:3 9647:4 9648:7, 10 9650:5,18 9671:24 9673:2, 19	promise 9633:22	
perspective 9635:9	pointed 9629:4 9631:1 9642:10	preserved 9658:4	propose 9639:11	Q
phenomenon 9634:22	population 9633:20 9634:6	preserves 9638:12 9642:25	proposed 9637:3 9640:17	qualification 9664:1
philosophical 9651:10,11	position 9663:19	preserving 9669:6 9671:13 9672:22	propositions 9664:22	qualitatively 9644:19
phone 9674:18	possibilities 9622:8,23 9635:17	pretty 9662:16	protocols 9659:8	quantitatively 9644:21
phrase 9661:22 9664:11	possibility 9622:12 9623:20 9624:10 9670:13	previous 9663:19	prove 9662:21 9663:10	question 9619:2,18,20 9620:4 9631:12 9649:8 9650:22 9653:7 9655:2 9661:22 9665:25 9666:11 9667:16 9670:18 9671:3 9672:12 9674:5
physical 9664:6,13	possibly 9624:17 9673:10	PREVIOUSLY 9618:7	proven 9670:6	questioning 9644:15
physics 9664:15	post-modernist 9665:7	primitive 9621:6	provide 9620:4 9673:21	questions 9659:15,17 9661:8,13,14 9666:3 9672:1,2
picture 9665:10	post-processual 9665:6	prior 9626:18, 20	provided 9658:9	
place 9640:9 9650:2 9651:24, 25 9659:9 9674:10	posterity 9647:19	priori 9639:6 9646:8	publication 9626:8 9654:14	R
places 9622:21 9649:14 9650:1 9667:8	precise 9674:24	probability 9667:13	publications 9645:21	raconteur 9642:6
plaintiff 9633:2	precisely 9645:15	problem 9651:11 9671:9 9673:13	published 9660:13 9661:4	raconteurs 9631:14 9641:6
plaintiffs 9627:5 9639:14 9641:1	prehistory 9647:22	problematic 9653:20	pull 9619:3 9654:16	raised 9653:23
plaintiffs' 9628:9 9638:14 9656:25	present 9621:20 9627:4 9629:5,13 9630:17 9669:24 9670:2, 4 9675:1	problems 9669:21	pulling 9654:18	raising 9646:19
plan 9617:7,11 9674:7	preservation 9642:16 9668:13	proceedings 9645:17 9675:14	purportedly 9636:19	Rama 9632:19
planning 9654:17	preserve 9627:6 9629:25 9632:25 9633:1	process 9641:8,9 9651:9,14 9665:18 9667:1	purpose 9641:13 9642:1	rare 9653:8
point 9619:8 9622:8 9623:12 9635:18 9639:17 9642:5, 24 9644:1,13 9646:19 9647:14 9648:3, 22 9651:12		product 9636:6	purposes 9657:1 9663:18, 19	re-examination 9661:10
		products 9669:24 9670:2	put 9625:3 9635:3 9638:1 9639:1 9641:5 9645:13 9648:11 9649:3 9668:3,5 9669:2 9671:5,12 9672:15,21 9674:18	read 9646:2 9654:20 9660:10 9662:2 9663:13
			putting 9655:21	reading 9620:8

realized 9620:4	refer 9665:14	remember 9619:17 9624:3 9639:25	retold 9636:22	school 9618:22 9620:19,22 9621:11,17 9662:14
reason 9625:21 9627:23 9635:9 9653:23 9658:24 9671:19	reference 9667:18	remind 9626:2 9630:2 9639:13, 22	retrieved 9670:8	schools 9620:15 9621:3
reasonable 9643:24 9671:4 9672:13	referring 9665:15,16	Renfrew 9660:8 9661:3	retrieving 9641:9	science 9665:14,17,18
reasoning 9622:19 9623:9 9625:14,16 9639:5,16,20 9640:11 9663:15	reflect 9636:19	repeat 9631:6	return 9636:11	sciences 9662:10 9664:2, 4,6,7,12,13,16, 18,20 9665:2
reasons 9647:18 9659:18	reflects 9637:22	report 9645:19,20 9658:9 9660:14 9661:5 9665:15	revealed 9659:18	scientific 9645:20 9654:14 9661:21 9662:8, 23 9663:1,8,13 9664:23
recall 9650:12 9662:11 9668:7	regard 9642:15 9667:17	reported 9647:16	reversal 9650:9	scientifically 9646:24
received 9659:19	Registrar 9660:23,24	Reporter 9617:13,16,23	review 9666:25	scientists 9628:7 9654:12 9663:4
recent 9625:22 9660:18	regular 9622:21 9663:14	reporters 9619:12	reviewed 9619:10	scrolls 9667:18,25
recognition 9671:22	reigns 9638:5	representatio n 9645:12	reviewing 9658:1	seasonal 9623:17 9624:6, 7 9625:8
recognize 9660:9	reiterate 9667:7	represented 9645:18	rigorous 9665:18	secondary 9623:2,21
recollection 9662:13	related 9634:18 9644:7 9653:24 9670:4	required 9628:17,25 9640:21,25 9642:16	rise 9656:4	select 9650:14
reconnect 9622:20	relates 9634:5 9661:16 9665:25	requires 9628:9,11 9633:19 9646:14 9652:3	rises 9624:8	selected 9650:4
reconstruct 9648:1	relation 9658:6	research 9666:5	River 9650:10	selectivity 9650:17
record 9673:17	related 9623:3	residential 9618:22 9620:15,19,22 9621:3,11,17	roam 9639:25	send 9674:22 9675:3
recorded 9626:14 9648:12 9671:18	relevant 9669:10	respect 9658:16	roaming 9652:16	sense 9625:10 9632:10 9663:21 9665:8 9666:25
recording 9647:18	reliability 9667:13	response 9619:1	rough 9619:3,9 9620:1 9654:16	sentence 9662:3
recourse 9639:8	reliable 9660:16 9669:18 9670:21	rest 9625:15	roughly 9654:25	separate 9647:6 9649:3
	reliant 9653:15	result 9668:12	rule 9628:6	
	relied 9654:15	resulted 9668:10	ruling 9617:7 9674:8	
	relies 9670:15		run 9660:20	
	reluctance 9623:7		<hr/> S <hr/>	
	rely 9647:25		S1794 9660:4	
	relying 9671:5 9672:14		sanctions 9667:5	
			Saugeen 9658:4 9659:6	
			saved 9626:11	
			scheduling 9674:5	

set 9641:6 9668:5	source 9623:2, 21 9660:16,17	stitched 9668:2	storyteller 9625:9 9632:8 9633:10 9641:7	suggested 9639:13,21 9662:19
sheets 9668:1	span 9657:14	stop 9656:12	storytellers 9631:22 9636:13,23 9641:1,22 9642:13 9644:6, 10	suggesting 9630:4 9633:7, 15 9635:20 9638:6,24 9644:25 9666:13
shifted 9644:10	speak 9649:11	stopped 9650:21	stretch 9652:3	suggests 9654:12 9656:9
short 9657:22 9670:18	speaker 9674:18	stories 9618:14,24 9620:17 9621:4, 15 9622:25 9627:6 9628:22 9629:25 9631:24 9632:24 9634:20 9636:19 9637:13 9638:12,13 9639:19,23 9640:14 9641:2, 13,25 9642:14, 15 9644:3 9647:3,8,11 9648:13 9649:2, 4,7,10,25 9650:2,5,12,19 9652:19 9653:1 9655:13,19 9656:4 9658:1 9659:7,23	strives 9665:19	summarized 9622:6
show 9665:21	speaking 9618:15 9643:13 9669:3	story 9618:15, 17,18,19 9621:21 9622:3, 13,15 9624:24 9625:4,5 9628:19 9629:15,19 9630:6,20 9631:15,20 9632:4,11,18 9633:5,13 9634:5,9,18 9635:4,11,24 9636:2,5,14 9637:3,6,8 9638:2,21 9639:19,24 9640:17 9642:8, 21,24 9643:2,6 9644:12 9645:8 9648:14,17 9651:1,23 9652:7 9657:20, 21 9667:7	storytelling 9643:19,24	support 9640:2
showed 9619:22	species 9629:10 9631:18 9643:25 9663:15	subject 9634:2 9661:15 9665:11 9666:18,24 9670:3 9671:10	subjectivities 9653:22 9669:20	surprise 9621:10
side 9669:2	specific 9667:5	subjectivity 9669:20	submerged 9649:12,21	surprised 9644:1
significant 9624:8 9628:11 9649:16 9652:8 9655:4,25 9656:2 9670:16	specifically 9658:6	subsequently 9636:21	succession 9636:22	survival 9653:15
simply 9625:11 9659:10	speculation 9642:11	sudden 9649:21 9651:5 9652:9	sufficient 9650:5	survived 9643:1
single 9633:20	spoke 9637:13 9658:13	sufficiently 9647:9 9648:4, 6,10,25 9651:6 9652:17 9653:17	suggest 9620:12 9628:10,17,23 9636:5 9637:24 9642:20 9645:2 9648:8 9649:6, 15 9652:5 9653:13	survives 9642:4
sir 9619:8 9656:18 9661:12 9662:1, 11 9664:1 9673:25	springs 9654:5	susceptible 9664:22	sustained 9639:8	sustain 9634:23 9640:23 9643:9 9646:15 9648:20
sister 9623:25	stamp 9654:24	symbol 9668:15	system 9618:22 9620:20,22 9621:12,17 9650:12	symbols 9668:6
Site 9660:8 9661:2	stance 9665:19	stating 9633:25		
sixth 9637:12, 17 9638:24	start 9619:20 9629:2	step 9674:1		
size 9624:12	started 9643:11	stick 9636:8		
skeptical 9665:19	starting 9631:11	stimulate 9655:18 9656:3 9657:20		
skip 9636:11	state 9640:25			
so-called 9642:3	stated 9637:15 9644:14 9647:1, 8			
social 9664:7	stating 9633:25			
someone's 9652:8	step 9674:1			
SON 9658:16	stick 9636:8			
sort 9623:4 9651:9 9673:13	stimulate 9655:18 9656:3 9657:20			
sounds 9617:6				

T	20,23 9663:3,24	9632:11	transmitted	unsound
taking 9660:5 9673:2	thing 9645:17 9651:19,21 9652:2 9668:21 9674:23	9636:21 9641:25 9647:3 9649:8 9669:24, 25 9670:1,3	9659:8	9646:24
tale 9626:24	things 9647:15 9668:9 9671:21, 23	tomorrow 9617:8,17 9674:7,14 9675:3,13	transmitting 9636:14	unusual 9652:24
talk 9631:11 9662:15 9665:22	thinking 9621:6	topic 9621:19 9672:11	trees 9624:18	usual 9622:18
talking 9618:12 9620:24 9639:22 9648:16 9649:18	thought 9618:16 9620:2 9623:7	Toronto 9623:11	trial 9674:10	utter 9626:24
taught 9620:19 9621:2	thousands 9627:17 9632:13 9641:23 9644:23 9657:21	total 9627:8	trouble 9626:12	V
techniques 9664:23	thumb 9628:6	tradition 9623:4 9634:2 9639:7 9641:14 9667:24 9668:16,18	truth 9637:14, 21 9640:15 9642:4 9643:6 9663:24	variables 9653:9
tellers 9628:22 9637:6	time 9624:2 9625:24 9626:21 9634:17 9638:16 9640:4, 9 9641:11 9644:10 9653:5 9654:24 9655:19 9657:23 9660:18 9665:6 9669:5 9670:10 9671:12 9672:21 9674:8, 24,25	tradition- bearing 9633:20	tunnel 9651:1	vast 9658:19
telling 9631:15 9666:23	times 9631:16 9651:13	traditional 9627:5 9647:3	turn 9635:6 9639:4 9645:7	view 9620:18 9655:25 9656:1 9669:13
tells 9632:19	timing 9675:2	traditions 9620:24 9627:11 9628:18 9631:3, 10 9634:24 9638:20 9666:17,19,23 9668:7,13 9669:11,23 9670:12,21 9673:17,19	type 9625:4	viewed 9642:17
term 9632:22 9654:13 9656:10 9661:22 9662:14 9668:14	TMC 9617:9 9675:2	transcript 9618:21 9619:4, 6,9,13 9654:17 9661:25 9665:22	types 9666:12	views 9618:22 9620:13 9621:9, 11
terms 9642:18 9645:12 9650:17 9653:9 9656:5 9663:1	Tobermory 9651:20	transmission 9636:24 9637:10,19 9644:8 9658:16 9669:16,17	U	virtually 9621:8
test 9662:6 9663:4,17	today 9631:15 9673:10 9674:24	transmit 9637:8	ubiquitous 9643:24	von 9618:6,10 9619:19 9620:11 9629:12 9635:2 9639:11 9642:19 9644:13 9645:1, 25 9650:23 9655:1,21 9656:13 9657:9 9658:1 9659:2 9660:5 9661:4 9672:11,25
testified 9657:8	told 9618:14,18 9622:3,15 9627:6,11 9628:18		ultimately 9637:23	W
testimony 9619:4,23 9621:24 9642:10 9646:3 9654:9 9655:22 9657:10 9665:15 9666:16 9673:15 9674:1			unbroken 9636:23 9637:9	walk 9627:18 9628:13 9649:13 9650:1 9651:4
testing 9662:8,			understand 9621:23 9627:23 9629:3 9631:1,8 9635:1 9636:12 9639:17 9641:25 9647:7 9655:15 9656:2 9662:17 9663:8 9664:10 9675:6	walking 9649:10,19 9651:3
			understandin g 9627:25 9641:2,12 9662:22 9665:18 9668:9	wampum 9668:14
			understood 9619:14 9634:1	
			undrinkable 9653:14	
			unlike 9666:3	

wanted 9618:25 9620:10 9668:21	worry 9635:12
water 9623:18, 22 9624:3,9,13, 18 9649:13 9650:9 9653:14 9654:3	writ 9665:17
waterfall 9642:14	write 9671:20
waters 9625:8 9653:25	writing 9669:6 9671:23
ways 9662:18	written 9669:1, 4,16,21 9670:5, 6,10,25
weeks 9656:11	wrong 9659:1
well-known 9634:22	wrote 9660:6, 12
whatsoever 9646:23	<hr/> Y <hr/>
whim 9642:8	year 9639:7
White 9622:1	years 9626:18, 20 9627:17 9628:21 9629:16,20 9630:7,21 9632:6,13 9633:6 9634:10 9635:5,12 9636:15,25 9637:5,8,15 9638:3,15,23 9640:6,16,19 9642:22 9643:2, 7 9644:24 9645:10 9655:17 9669:1
whomever 9617:14	yesterday 9618:12 9625:20 9639:11,14 9654:17 9655:22 9657:8 9658:14 9661:16,19 9665:23
wider 9630:24 9665:17	
witnessed 9647:15 9652:7	
witnesses 9619:8	
witnessing 9649:16	
wondering 9643:17	
word 9617:14, 22 9618:18 9666:22	
words 9634:12 9658:12 9668:4	
work 9617:10	
workable 9617:6	
world 9620:13 9625:12 9664:17,19 9667:3 9669:7	