

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

DAY 17/ VOL 17
June 03, 2019



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

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Court File No. 94-CQ-50872CM

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 17/DAY 17 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 3rd day of June 2019.

B E F O R E:

The Honourable Justice Wendy M. Matheson

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A P P E A R A N C E S :
H.W. Roger Townshend, Esq., for the Plaintiffs,
& Benjamin Brookwell, Esq., The Chippewas of
Saugeen First
Nation, and the
Chippewas of Nawash
First Nation.

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

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

REPORTED BY: Helen Martineau, CSR.

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I N D E X

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WITNESS: ROBERT PAUL NADJIWAN

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4015	Transcription of an oral history interview, July 26th, 2005, with Ed Koening. Document SC0213.	1488
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09:38:01 1 --- Upon commencing at 10:03 a.m.

10:03:50 2 THE COURT: Good morning.

10:03:52 3 MR. BROOKWELL: Good morning, Your
10:03:52 4 Honour.

10:03:54 5 THE COURT: Please go ahead.

10:03:55 6 MR. BROOKWELL: This morning we have
10:03:56 7 Mr. Paul Nadjiwan who is in the gallery and I
10:03:59 8 would like to invite him up to the witness
10:04:01 9 stand. Mr. Nadjiwan is going to take his oath
10:04:03 10 today on some sacred objects that he has brought
10:04:06 11 with him, and as part of that oath will be
10:04:11 12 singing a very short drum song.

10:04:14 13 THE REGISTRAR: Good morning, sir.

10:04:23 14 MR. NADJIWAN: Good morning.

10:04:25 15 THE REGISTRAR: Would you like to make
10:04:26 16 an oath on the Holy book or make a solemn
10:04:29 17 affirmation to tell the truth?

10:04:38 18 MR. NADJIWAN: Well, as our lawyer has
10:04:40 19 explained I'll make an oath on the sacred items
10:04:41 20 that I've brought here.

10:04:47 21 THE REGISTRAR: Sure. Can you state
10:04:49 22 your first and last name for the record?

10:04:50 23 MR. NADJIWAN: Well, I have two names.
10:04:51 24 I have the all caps name, Robert Paul Nadjiwan,
10:04:54 25 and I also have a native name that I go by in

1 our ceremonies and things like that.

2 THE REGISTRAR: Can you state your
3 official name and spell it please for the
4 record?

5 THE WITNESS: Robert Nadjiwan.
6 R-O-B-E-R-T N-A-D-J-I-W-A-N.

7 I'll just do a very brief explanation
8 of this song that I'm going to sing here this
9 morning.

10 Some of you may know that back in the
11 '80s when Pierre Elliot Trudeau was last Prime
12 Minister we started a series of discussions,
13 which carried over into Brian Mulroney's
14 government, and they created Section 65 of the
15 Canadian Constitution.

16 So this song that I'm going to sing
17 here today is the first song that they sang when
18 they started those meetings. So this song
19 carries on from that time period to today.

20 (Traditional song being sung.)

21 MR. BROOKWELL: Thank you,
22 Mr. Nadjiwan.

23 Your Honour, before we get started
24 with some questions with Mr. Nadjiwan there were
25 two preliminary matters just to raise today.

1 We've put up a copy of Exhibit Q, which
2 Mr. Nadjiwan will be marking up today with
3 sticky tabs, so it's been placed over top of the
4 exhibit. And at the end of the day, once it's
5 marked up, we'll arrange for it to be scanned
6 and e-mailed to the Registrar.

7 And the other matter is Mr. Nadjiwan
8 today is going to be giving evidence regarding
9 Anishinaabe place names throughout the
10 territory, and so we've prepared an aide du
11 memoire chart, which we've circulated to
12 counsel, for the court reporter, and for Your
13 Honour to refer to during his testimony to help
14 keep the names organized and easier to refer to.

15 On the last page there's also a list
16 of hunting locations that Mr. Nadjiwan will
17 refer to, just for ease of reference, and will
18 allow him to mark up the map with the
19 corresponding numbers rather than writing in
20 further detail.

21 THE COURT: Is it your intention --
22 obviously there's no problem with this gentleman
23 marking up the map with the numbers that
24 correspond to this location. That looks like a
25 helpful approach. But, given the preparation of

10:11:13 1 this document, is it your intention to also go
10:11:15 2 through every single name on every single line?
10:11:18 3 Because it seems we can just mark this document
10:11:23 4 and save a great deal of time.

10:11:25 5 MR. BROOKWELL: Well, the intention
10:11:26 6 today was to go through some of the names and
10:11:28 7 have Mr. Nadjiwan explain to us the meaning of
10:11:30 8 the names

10:11:30 9 THE COURT: That's different. That's
10:11:32 10 not what I'm asking about.

10:11:33 11 MR. BROOKWELL: Sorry, I would like to
10:11:34 12 mark the document as a lettered exhibit.

10:11:38 13 THE COURT: Well, certainly if you
10:11:39 14 wish to ask this gentleman to explain some of
10:11:41 15 the names that's a different matter. What I'm
10:11:44 16 encouraging you to do is to otherwise, when
10:11:47 17 we're talking about locations, use the numbers
10:11:49 18 as opposed to the three columns of information
10:11:52 19 on this document that could be marked as an
10:11:55 20 exhibit.

10:11:57 21 MR. BROOKWELL: Yes, when I'm going
10:11:58 22 through I'll be referring to the numbers and
10:12:01 23 Mr. Nadjiwan will explain with respect to that
10:12:03 24 number.

10:12:04 25 THE COURT: And are you intending that

1 he explain all of these numbers or are there
2 some that you've selected for that purpose?

3 MR. BROOKWELL: The intention was to
4 go through but if --

5 THE COURT: And expand on what's in
6 this chart?

7 MR. BROOKWELL: Yes, that's right.

8 THE COURT: As I look at the chart
9 there's not commentary on all the numbers. We
10 have about 76 items.

11 MR. BROOKWELL: Yes. For the hunting
12 locations --

13 THE COURT: A number of them have no
14 additional commentary but some do?

15 MR. BROOKWELL: That's right, and the
16 hunting locations he'll bring through to explain
17 to us where the location is and what he does in
18 terms of what he hunts in that location.

19 And for the place names the intention
20 would be to expand on some of them, but the
21 exercise was to be able to mark the map.

22 THE COURT: Yes, I understand. That's
23 no problem.

24 I would ask you to be efficient as you
25 go through this very long list rather than

1 routinely asking identical questions for each
2 item and thoughtful about what it is that you're
3 trying to elicit that is not already here.

4 MR. BROOKWELL: Yes. I think -- I
5 hear your point about expediency and I think --

6 THE COURT: It's not expediency; it's
7 efficiency.

8 MR. BROOKWELL: Efficiency, sorry.

9 THE COURT: Yes.

10 MR. BROOKWELL: What we'll do is for
11 the ones that there isn't extensive points to
12 expand upon Mr. Nadjiwan will mark it on the map
13 and we'll move to the following.

14 THE COURT: I'm sure you, as counsel,
15 know which ones are important and you'll focus
16 on those and we'll get them all on the map.

17 MR. BROOKWELL: Yes, that's correct.

18 THE COURT: Now, before we begin, I
19 would like the members of the public that are in
20 the back to at least have a theoretical chance
21 of seeing this map, which they cannot from the
22 current location. I wonder if it can be moved
23 to Mr. Nadjiwan's left, because I understand
24 that you're going to use post notes?

25 MR. BROOKWELL: Yes, that's right.

1 THE COURT: Which is fine. I'm just
2 saying, even if it could be put on a 45-degree
3 angle.

4 MR. BROOKWELL: Oh, I see.

5 THE COURT: So that there's even some
6 hope that the members of the public in the back
7 can see what is happening at the front.

8 MR. BROOKWELL: Yes, we can do that,
9 and we've put up on the screen the electronic
10 copy.

11 THE COURT: Yes, that's helpful but it
12 won't explain what the witness is saying in his
13 evidence.

14 MR. BROOKWELL: Yes, thank you.

15 THE COURT: While you are doing that,
16 I take it, counsel, there's no objection to it
17 becoming an exhibit? Everyone is shaking their
18 head. No?

19 It will be a numbered exhibit and
20 become evidence so that, again, it will stand
21 for what it says, and this gentleman may be
22 asked to expand on elements of it.

23 MR. BROOKWELL: Thank you, Your
24 Honour.

25 THE COURT: Mr. Registrar, what number

10:14:42 1 would that be?

10:14:42 2 MR. BROOKWELL: It's SC0208,

10:14:44 3 Mr. Registrar.

10:14:46 4 THE COURT: Is that that --

10:14:46 5 MR. BROOKWELL: That's in the

10:14:48 6 database.

10:14:51 7 THE REGISTRAR: Exhibit number 4013.

10:14:52 8 THE COURT: 4013.

10:14:52 9 EXHIBIT NO. 4013: Map with markings

10:14:52 10 and sticky notes by Robert Nadjiwan.

10:14:52 11 Document SC0208.

10:15:03 12 THE COURT: That's better.

10:15:04 13 EXAMINATION IN-CHIEF BY MR. BROOKWELL:

10:15:13 14 Q. Mr. Nadjiwan, before we start

10:15:14 15 with the chart I'd like to ask you some

10:15:16 16 questions to introduce yourself. Can you start

10:15:17 17 by telling us when you were born?

10:15:20 18 A. July 1st, 1958.

10:15:23 19 Q. And where were you born?

10:15:24 20 A. Trenton, Ontario.

10:15:26 21 Q. And you are a member of which

10:15:29 22 First Nation?

10:15:30 23 A. Chippewas of Nawash.

10:15:31 24 Q. And where do you currently live?

10:15:33 25 A. Chippewas of Nawash.

10:15:36 1 Q. And what is your tribal
10:15:38 2 affiliation?
10:15:41 3 A. Anishinaabe.
10:15:44 4 Q. And you mentioned earlier that
10:15:46 5 you have an Anishinaabe name.
10:15:47 6 A. Yes.
10:15:48 7 Q. Can you tell us what that name
10:15:49 8 is?
10:15:49 9 A. Giitaamagad, it means the
10:15:53 10 jetstream.
10:15:55 11 Q. And when did you get that name?
10:15:56 12 A. I got that name as an older
10:15:59 13 adolescent from my great, great uncle.
10:16:03 14 Q. And can you tell us a little bit
10:16:04 15 about your receiving that name?
10:16:07 16 A. Well, in the cultural practice of
10:16:14 17 Anishinaabe people, otherwise referred to as
10:16:17 18 Ojibawe , Potawotami, Chippewa, Odawa,
10:16:17 19 Algonquin, Saulteaux, they're all primarily the
10:16:23 20 same group of people. They're all Anishinaabe,
10:16:25 21 right, and our language is what ties us
10:16:28 22 together.
10:16:29 23 So in our older cultural practices
10:16:32 24 each person is given what is referred to as
10:16:36 25 "Anishinaabe noziwin", another way of

1 translating that loosely into English is a
2 "spirit name". So people's names, especially
3 those families who follow their traditional
4 cultural practices, they ensure that each child
5 receives a spirit name.

6 Q. Mr. Nadjiwan, are you part of a
7 society?

8 A. Yes, I'm part of several of the
9 old cultural societies. The primary one that I
10 belong to, and the song that I've shared here
11 today where that comes from, is the Thunderbird
12 Society. So that is part of -- there are many,
13 many songs and ceremonies associated with that
14 so that's where that song comes from.

15 And so I'm a member of that society
16 and that society is also a Treaty Society, a
17 Peace Treaty Society. And that Peace Treaty was
18 put into place between the Ojibwe and Lakota
19 Nations. So from the time of that Peace Treaty
20 the practices of that Peace Treaty have spread
21 out to other Nations who have chosen to
22 participate in that Peace Treaty.

23 Q. Can you tell us what your role is
24 in the Thunderbird Society?

25 A. I'm a Chief in that society. I'm

1 a drum Chief so I keep a Thunderbird drum and I
2 keep sacred items like pipes, Eagle Feathers,
3 staffs and various other implements and tools
4 and sacred items that are used during our
5 ceremonies.

6 Q. And how does -- you mentioned
7 there are other cultural societies. How does
8 the Thunderbird society fit in with other
9 societies?

10 A. Well, some of the other
11 societies -- and I understand some of them have
12 presented already, the Midewiwin. In particular
13 there's also niimi ading, I think; there's also
14 waabanowin; there's also mukade kay; manido
15 mukwa wowin; there's also the manido mukwaday
16 kwewowin and a variety of societies, but there
17 is a large umbrella that sort of all of these
18 societies come under, and that's the Council of
19 the Sacred Fire.

20 So the Council of the Sacred Fire is
21 very significant, not only to Anishinaabe people
22 but all indigenous nations and tribes across
23 North America also are connected to the Sacred
24 Fire Council. It's the one thing that brings
25 all of them together. And each nation or tribe

10:19:36 1 has their own practices or ways that they
10:19:39 2 celebrate and perform their ceremonies and their
10:19:41 3 customs, which is in accordance to their
10:19:43 4 environments, their languages and their clan
10:19:47 5 systems.

10:19:49 6 Q. Can you tell us, Mr. Nadjiwan,
10:19:50 7 what your clan is?

10:19:52 8 A. My clan is ochijauk, which is the
10:19:57 9 crane clan.

10:19:59 10 Q. And what is your position in that
10:20:02 11 clan?

10:20:02 12 A. I'm a headman of that clan. It's
10:20:05 13 a different classification than a chief.

10:20:09 14 Q. What does a headman of the crane
10:20:11 15 clan entail? What does that mean?

10:20:13 16 A. A headman in any clan, he has to
10:20:15 17 know his language, his culture, his traditions,
10:20:18 18 the sacred sites, the clan system, you know, the
10:20:22 19 oral tradition as well as sacred law.

10:20:29 20 Q. And how then do you become a
10:20:30 21 headman or recognized as a headman?

10:20:34 22 A. Well, primarily the training
10:20:35 23 begins at childhood and is based on various
10:20:40 24 experience that the child may have, and the
10:20:42 25 parent or grandparents act on some of those

1 experiences that a child may have.

2 And they take that child to an Elder
3 and that Elder determines the process by which
4 that child should be brought within -- brought
5 within the system of the Sacred Fire Council.

6 Q. I would like to shift now and
7 talk a little bit about your education and your
8 work experience. Can you tell me where you went
9 to school growing up?

10 A. I went to school on the military
11 base in Trenton.

12 Q. And what about post-graduate
13 education -- sorry, post-secondary education?

14 A. Post-secondary I went to Ottawa U
15 and Lakehead University

16 Q. And what did you study there?

17 A. At Ottawa U it was just general
18 arts and then when I went to Lakehead I did a
19 year of kinesiology, and also completed a
20 Bachelor of Arts and an Honours Bachelor of
21 Arts, and started on a Masters Degree.

22 Q. And after you finished
23 university, what sort of work did you move into?

24 A. I've done a lot of work and I've
25 always worked with indigenous peoples.

1 I've worked in healing centres,
2 treatment centres for addictions, cultural
3 centres, fine arts college. I've worked in
4 Laurentian University setting up a prelaw
5 program. And I was the executive director of
6 the Ojibwe Cultural Foundation, which is based
7 on language retention, cultural retention and
8 fine arts. And that provided services for 14
9 First Nation communities. And I'm a former
10 elected Chief of the Chippewas of Nawash and I
11 served my term from 2005 to 2007.

12 And presently I act as a consultant
13 with the Saugeen Ojibwe Nations in providing
14 support services related to cultural protocols
15 and ceremonial protocols, as well as working
16 with a lot of elementary schools, secondary
17 schools, healing facilities and various other
18 places where those services are requested.

19 Q. I'd like to bring you now to talk
20 a little bit about your language.

21 A. Yes.

22 Q. First I'd ask whether you're a
23 fluent speaker in Anishinaabemowin?

24 A. I'm fairly fluent, yes.

25 Q. And how did you learn the

10:23:40 1 language?

10:23:41 2 A. Well, as a youth I heard the
10:23:47 3 language spoken by my older relatives. And even
10:23:50 4 when we resided on the military base, CFB
10:23:55 5 Trenton, many of our relatives would come and
10:23:57 6 visit us. And they enjoyed seeing the aircraft,
10:24:00 7 you know, flying by and stuff like that. It was
10:24:05 8 quite something for them to witness that. But
10:24:08 9 as they visited with my parents and that they
10:24:11 10 always spoke their language and that.

10:24:12 11 So it was always -- it was always
10:24:15 12 heard in home when my older relatives would
10:24:19 13 visit and that. And when we'd go visit them it
10:24:22 14 was the primary language spoken.

10:24:30 15 Q. Before we start to talk a little
10:24:31 16 bit about some of the place names, can you start
10:24:34 17 by telling us what your understanding is of the
10:24:38 18 Saugeen Ojibwe Nation traditional territory?

10:24:41 19 A. Yes. Well, I understand that we
10:24:46 20 have, I believe, it's five treaties that
10:24:48 21 identify land areas and water areas, lake bed
10:24:52 22 areas. And where our treaty areas have
10:24:56 23 boundaries other First Nation indigenous groups
10:25:01 24 and communities their lands abut to our lands.
10:25:07 25 But it is continuously, not only in this

10:25:10 1 location where we see specifically our treaties,
10:25:13 2 but primarily all around the Great Lakes.

10:25:17 3 The Anishinaabe people reside largely
10:25:20 4 around the Great Lakes; some are in Oklahoma,
10:25:22 5 some of them are in Kansas and some of them are
10:25:26 6 out west. There's even one Ojibwe community in
10:25:31 7 British Columbia, which is an Anishinaabe
10:25:34 8 community.

10:25:34 9 So it's a very wide territory. And
10:25:36 10 you're looking at different constructs when you
10:25:38 11 look at a treaty system and try to define
10:25:42 12 boundaries by treaties as opposed to how the
10:25:45 13 Nation defines the boundaries. Like, we don't
10:25:49 14 see an international boundary from Canada and
10:25:51 15 the United States because our Nation resides and
10:25:54 16 occupies lands and territories all around the
10:25:58 17 Great Lakes.

10:25:58 18 So it's probably the largest or second
10:26:02 19 largest indigenous group in North America and it
10:26:06 20 occupies probably the widest amount of
10:26:08 21 territory.

10:26:12 22 Q. When you're explaining that to us
10:26:14 23 you're pointing toward a map, which is Exhibit P
10:26:19 24 in our court record. Can you just perhaps say
10:26:23 25 for the court record the -- what you were

10:26:27 1 pointing to and maybe describe the colour?

10:26:29 2 A. Well, often times it's either
10:26:33 3 water systems or it is a significant land site
10:26:38 4 of some sort that will define boundaries. And
10:26:41 5 Nations who reside on both sides, they come to
10:26:44 6 an agreement as to where their boundaries are.

10:26:47 7 So, from my understanding of our
10:26:52 8 treaty area, I mean, we see these larger
10:26:54 9 communities here, Goderich, Arthur and just
10:26:59 10 Wasaga Beach area where the Nottawasaga River
10:27:04 11 comes and meets Georgian Bay, the southern part
10:27:08 12 of Georgian Bay.

10:27:10 13 So we understand this to be our
10:27:12 14 territory. But beyond the definition of
10:27:16 15 treaties, the Anishinaabe Nation they will share
10:27:18 16 resources both in and outside of their own
10:27:21 17 territories with other Anishinaabe clans and
10:27:25 18 members of other areas.

10:27:27 19 And a lot of times they do that
10:27:30 20 because there have been marriages and other
10:27:32 21 connections that brings that form of unity
10:27:35 22 together. So there's different reasons why they
10:27:37 23 will share resources.

10:27:38 24 The other reason is at one time there
10:27:42 25 used to be elk and moose in these areas here but

10:27:46 1 those animals have been completely eradicated
10:27:49 2 from our area.

10:27:50 3 We still like to hunt elk and moose so
10:27:53 4 we'll go to another area and we'll work with
10:27:56 5 another community to do that.

10:27:58 6 And then there's things like turkeys,
10:28:01 7 which have been repopulated into our treaty
10:28:04 8 area, and there's other First Nations up north
10:28:07 9 who don't have turkeys and, you know, they want
10:28:09 10 to hunt turkeys and eat them and stuff like
10:28:11 11 that, so they'll come down into our area and we
10:28:15 12 will share resources.

10:28:17 13 But primarily, you know, I see this,
10:28:21 14 this land area known as the Saugeen Ojibwe
10:28:24 15 territory, Nation territory, and I also see the
10:28:29 16 boundaries of the waters here. So I know our
10:28:31 17 commercial fisherman they utilize all these
10:28:34 18 water areas. And there's even been times when
10:28:37 19 they will go beyond those water areas but,
10:28:39 20 generally speaking, there's an agreement made
10:28:42 21 before they access another area.

10:28:45 22 So there is a process and respect that
10:28:49 23 is shown to other areas. And it doesn't just
10:28:55 24 happen. Like, there has to be something, an
10:28:58 25 agreement of some sort in place before that's

1 done.

2 But, once again, we can see that the
3 SON as an area comprised of five treaties, but
4 we can also, if we take away the Treaty lines,
5 we can see that there's other Nations like the
6 Mississaugas of New Credit, Walpole Island,
7 Sarnia, Kettle Point, those First Nations that
8 are down this way; and then we have Christian
9 Island up here, Wasauksing, Pickerel and
10 communities that go all around there,
11 Wabbicommicot over here.

12 And, like I said, there's a lot of
13 marriages and connections into those other
14 communities. So there's blood lines that are
15 connected and clan systems that are connected.

16 So you can look at it from the treaty
17 process, you know, in a modern historical
18 context, or you can look -- you can step back
19 further and look at it through the clan system
20 and the occupational areas where Anishinaabe
21 people have lived for many, many generations.

22 Q. And just to put onto the record,
23 Mr. Nadjiwan was referring to the coloured
24 regions on Exhibit P, the yellow, light green,
25 light blue regions when he was discussing the

10:30:24 1 territory area.

10:30:26 2 Mr. Nadjiwan, I would like to take you
10:30:27 3 now to talk about some Anishinaabemowin names
10:30:31 4 for certain places in the territory, to briefly
10:30:33 5 go over what the name is, the meaning of the
10:30:35 6 name, the English name and to place it on the
10:30:40 7 map.

10:30:41 8 And before we go through that, can you
10:30:45 9 start a little bit by telling us how you came to
10:30:49 10 make this list of names?

10:30:51 11 A. Uhm-hmm. Well, this isn't the
10:30:54 12 first time that I've done a project like this.
10:30:57 13 This is my second project I've done with the
10:31:00 14 SON.

10:31:01 15 And I've always had a very close
10:31:04 16 association with my Elders in the community and
10:31:07 17 their primary language is Anishinaabemowin. And
10:31:11 18 so many of them have retained a lot of these
10:31:15 19 names and it wasn't -- there were many times
10:31:22 20 when I sat with Elders, even outside of the
10:31:25 21 research projects, where I would talk to them
10:31:29 22 about various places in and around our treaty
10:31:31 23 territories and beyond those treaty territories.

10:31:34 24 So you will see that some of these
10:31:37 25 names are from outside of our treaty

1 territories, but those names are retained and
2 known by our people because the adjacent
3 occupants are also Anishinaabe and they also
4 speak their language, which is our language.
5 And so there's always a sharing of place names,
6 sacred sites, significant locations, and things
7 like that, and how those places were used and
8 shared.

9 Q. And just by way of general
10 overview, can you tell us why there may be more
11 than one name for a location?

12 A. Yes. There is because over a
13 period of time people may adjust how they
14 integrate or utilize that spot. So that's one
15 reason.

16 And the other reason is there are
17 different names for the same thing.

18 And, like, if we look at Exhibit 5
19 there -- or number 5 on the Anishinaabe place
20 names, that's one way that our community can be
21 said, but there are probably three ways that it
22 can be said. And the variances in the names
23 refer to specifics about the community, but it's
24 the same community. And those who speak
25 Anishinaabemowin they know and understand what

10:33:01 1 those variances are.

10:33:12 2 Q. And, similarly, can you tell us
10:33:13 3 why there may multiple meanings for some of the
10:33:17 4 names?

10:33:18 5 A. Once again, when a word is said
10:33:20 6 just by itself, unless you've got that word in a
10:33:23 7 sentence of some sort, or a phrase, or a
10:33:26 8 description, that name can take on a slightly
10:33:31 9 different meaning.

10:33:33 10 So when it's just by itself you have
10:33:35 11 to try and narrow that down as best you can,
10:33:39 12 knowing that there are other ways of referring
10:33:41 13 to that name.

10:33:48 14 Q. So now I'd like to turn to the
10:33:49 15 map. I've provided you with some sticky marks
10:33:53 16 that have numbers on them that correspond to
10:33:56 17 this chart. And if you could just read out the
10:34:00 18 first item and place the sticky mark on the map
10:34:03 19 for us at the location that you believe it
10:34:07 20 should go?

10:34:08 21 THE COURT: Are you asking the witness
10:34:09 22 to read the entirety of this chart? Because
10:34:12 23 that doesn't seem necessary.

10:34:15 24 MR. BROOKWELL: Well, he doesn't need
10:34:18 25 to read through it.

10:34:19 1 THE COURT: No. Can you be more
10:34:20 2 helpful to the witness in what you want him to
10:34:23 3 do. The number is important?

10:34:24 4 MR. BROOKWELL: Yes.

10:34:25 5 THE COURT: And then after that be
10:34:27 6 specific.

10:34:28 7 MR. BROOKWELL: Okay.

10:34:29 8 BY MR. BROOKWELL:

10:34:29 9 Q. So for number 1 and number 2 if
10:34:32 10 you could place the stickies onto the map? And
10:34:37 11 then number 3 we can discuss a little bit more
10:34:40 12 in detail.

10:34:56 13 THE COURT: I'm wondering, as your
10:34:57 14 witness is trying very hard to do that, because
10:35:01 15 we'll see how it goes, but there will be nothing
10:35:05 16 wrong, subject to an objection, of putting all
10:35:07 17 the numbers on and then going ahead from there,
10:35:11 18 but it depends on how much difficulty the
10:35:13 19 witness is going to have finding them.

10:35:17 20 THE WITNESS: Some of them are sort of
10:35:18 21 squeezed together.

10:35:25 22 MR. BROOKWELL: I am in your hands on
10:35:26 23 that, Your Honour. I suspect if we wanted to
10:35:28 24 put all the numbers on it may take five or ten
10:35:31 25 minutes.

10:35:32 1 THE COURT: Well, it's going to take
10:35:33 2 that length of time in any event. The question
10:35:35 3 is whether to do it all at once or not? This
10:35:39 4 gentleman is doing his best. Let's see how it
10:35:41 5 goes. If he's finding it difficult then it
10:35:43 6 would seem to be easier if he doesn't have to
10:35:45 7 use the flip chart stand to do this.

10:35:49 8 MR. BROOKWELL: Yes.

10:35:50 9 THE COURT: But I think he's done what
10:35:52 10 you've asked him to do and put the first three
10:35:55 11 numbers on the chart.

10:36:02 12 THE WITNESS: Yes.

10:36:02 13 BY MR. BROOKWELL:

10:36:03 14 Q. If we turn to number 3,
10:36:04 15 Mr. Nadjiwan, can you tell us the
10:36:11 16 Anishinaabemowin name and then the meaning and
10:36:13 17 its English translation?

10:36:15 18 A. Well, number 3 is Nekik-
10:36:15 19 zaaga'igan and that means otter lake. Nekik
10:36:18 20 means otter, zaaga'igan is lake. So that's up
10:36:21 21 in this area. And that lake has retained its
10:36:25 22 English name there. But what that really means
10:36:28 23 about that lake is that it's a really good
10:36:32 24 habitat for otters to live, thrive, have their
10:36:36 25 young, raise their young, all that kind of

10:36:39 1 stuff. So they are prominent in that lake so it
10:36:42 2 takes on that name.

10:36:44 3 Q. I think, because the next set
10:36:52 4 there's quite a few numbers, I think what we'll
10:36:53 5 do to proceed is I'll bring you to the numbers
10:36:55 6 that we'd like you to discuss, and once we've
10:36:58 7 gone through those numbers we can place the
10:37:02 8 numbers that simply need to be marked on the
10:37:04 9 map.

10:37:05 10 THE COURT: That's an excellent
10:37:06 11 suggestion, sir. So why don't we do all the
10:37:12 12 ones that you want to ask questions about and
10:37:14 13 then maybe we'll take a break and the gentleman
10:37:15 14 can put on all the other numbers.

10:37:16 15 MR. BROOKWELL: I think that would be
10:37:17 16 ideal. Thank you, Your Honour.

10:37:18 17 THE COURT: All right.

10:37:20 18 BY MR. BROOKWELL:

10:37:20 19 Q. So I'd like you to turn to number
10:37:21 20 15, and if you could tell us the
10:37:23 21 Anishinaabemowin name, the meaning, and place a
10:37:26 22 sticker where it is on the map?

10:37:34 23 A. It's over here. You've actually
10:37:38 24 got, that's actually even on the lake there and
10:37:42 25 there's a little road there.

10:37:48 1 Names can take on very interesting
10:37:51 2 distinctions, and number 15, Oszha-Wabik,
10:37:58 3 Oszha-Wabik. You have to be standing in a
10:38:00 4 certain place in the community, which is west of
10:38:02 5 that area, and you know there's a big bluff
10:38:09 6 there and you know it's on the other side of the
10:38:11 7 bluff. That's what it's describing.

10:38:13 8 So everybody knows that when you're
10:38:15 9 saying that name you're standing west of that
10:38:17 10 site and you know what's on the other side of
10:38:21 11 the bluff in that area. That's the bluff that's
10:38:30 12 along Colpoy's Bay along here.

10:38:38 13 Q. And the next one that I would
10:38:40 14 like you to take us to is number 16.

10:38:45 15 A. Waabooso-Minnis. That is right
10:38:49 16 here. It is called in -- in English it's called
10:38:51 17 Barrier Island, but that has no significance to
10:38:58 18 the Anishinaabe people of the community or of
10:39:01 19 the area.

10:39:03 20 The reason why it's called
10:39:05 21 Waabooso-Minnis is when you're standing on the
10:39:10 22 land and looking out at that island it looks
10:39:13 23 like a rabbit laying down. It's a perfect
10:39:16 24 shape.

10:39:17 25 Q. And if we move to number 24,

1 could you please tell us that name and its
2 significance?

3 A. Okay. That one is Sko-da-ing
4 Niiyash, so that's kind of over here. There was
5 a very, very large fire that went through Bruce
6 Peninsula well over a hundred years ago; and in
7 some places -- and Cape Croker being included in
8 that large fire. You know, much of the forest
9 burned across almost the whole Bruce Peninsula.
10 There was just little pockets of places where
11 trees survived that scorching fire.

12 But even if you walk into some of the
13 swamps to this day you will see petrified cedar
14 stumps that are very, very large. It shows how
15 big the trees were in the area at one time.

16 So that place retains that name. It
17 hasn't -- it has very low soil there. It's like
18 flat rock. So there isn't too many large trees
19 that have regrown in that area. So that area of
20 our community retains that name.

21 Q. And if we go further down the
22 list to number 27 can you please tell us about
23 that name?

24 A. Okay. 27, Nochimowanaing.
25 That's right. There is a little cove there,

10:41:16 1 it's right there, that can be considered
10:41:19 2 ordinance land and a sacred site. So it's
10:41:22 3 ordinance land for fishermen who often would
10:41:26 4 land there, prepare nets and prepare their fish
10:41:30 5 to bring it back over to the community; and it
10:41:32 6 was also a place where healing ceremonies were
10:41:34 7 conducted.

10:41:35 8 It's also significant, as we started
10:41:37 9 out talking about some stuff related to the
10:41:40 10 Thunderbird and that, there was an excavation --
10:41:44 11 there was an Elder in our community, he lived to
10:41:47 12 be 110; he was my great, great uncle; he was the
10:41:50 13 one that gave me my name.

10:41:53 14 But he told us that one of the reasons
10:41:56 15 why the people decided at one point to move from
10:42:01 16 Owen Sound Bay up to Neyaashiinigmiling had to do
10:42:08 17 with Nochimowanaing. And that was a healing
10:42:12 18 place, so they were in close proximity. And the
10:42:16 19 message that they received from that guardian
10:42:18 20 spirit is as long as you do not forget us we'll
10:42:20 21 always look after you. So that's one of the
10:42:23 22 primary spirits that's used in that area to heal
10:42:26 23 people when ceremonies are done.

10:42:28 24 So my father, who just passed away in
10:42:30 25 September, he was 87 years old, and as a young

10:42:33 1 boy somewhere between 5 and 7 he was taken to
10:42:36 2 that site with his oldest brother and his father
10:42:39 3 and other men of that generation, and some of
10:42:42 4 their sons of that generation. And they went
10:42:47 5 over there and they witnessed the healing
10:42:50 6 ceremony. And there's a big whirlpool that
10:42:53 7 presents itself when the ceremony is conducted
10:42:58 8 and so he got to see that. He got to see those
10:43:05 9 ceremonies.

10:43:06 10 Sometime after that there were
10:43:07 11 settlers who moved into that area and it sort of
10:43:09 12 interfered with them doing their annual
10:43:12 13 ceremonies. But Anishinaabe came from many,
10:43:19 14 many places to have healing ceremonies done
10:43:21 15 there and they were conducted there.

10:43:25 16 Q. And you mentioned briefly
10:43:26 17 fishing. Is there anything you want to tell us
10:43:28 18 about fishing in this location?

10:43:30 19 A. Like I said, sometimes they'd
10:43:31 20 stop and have to repair nets. And there's a
10:43:34 21 cave in that area where some of them would
10:43:36 22 actually stay if it was storming too badly.
10:43:39 23 Because my great, great -- my great grandfather,
10:43:42 24 he was one of the fishermen that was out there.
10:43:46 25 And him and four other men of his generation

10:43:49 1 they drowned trying to come over across the lake
10:43:53 2 from Nochimowanaing back over to Cape Croker.
10:44:00 3 So a big storm came up late, late in the fall
10:44:03 4 and their boats topped over. They had nets and
10:44:05 5 fish in their boats and that, and that storm
10:44:09 6 took all of those men's lives.

10:44:17 7 Q. So I'd like to take you now to
10:44:19 8 number 30 on the list.

10:44:22 9 A. Okay. That is -- hard to see the
10:44:35 10 river on here but it is probably this one here.
10:44:40 11 And it's 30. So there were --

10:44:47 12 Q. Sorry, Mr. Nadjiwan, I think I've
10:44:50 13 misled you on this one. It may not actually fit
10:44:53 14 on that map.

10:44:55 15 A. Yeah.

10:44:55 16 Q. Sorry.

10:44:57 17 THE COURT: Perhaps he can -- he was
10:44:59 18 about to place it at the edge of the map and
10:45:03 19 then describe for the record where it would be
10:45:05 20 in relation to the number.

10:45:06 21 BY MR. BROOKWELL:

10:45:07 22 Q. Yes, that would be helpful.
10:45:09 23 Thank you.

10:45:09 24 A. Like I said, I'm not sure because
10:45:11 25 of this map here, but it's roughly in that area.

10:45:14 1 It's east of Collingwood and there's a big long
10:45:17 2 sand bar on that beach there. So there's a
10:45:20 3 river that comes out and it flows way down to
10:45:22 4 the south.

10:45:24 5 And when there were wars between the
10:45:28 6 Six Nations, previously known as the Five
10:45:31 7 Nations, and the Anishinaabe people, that's how
10:45:33 8 they would travel and come out to the larger
10:45:38 9 waters; and then they would focus their war path
10:45:42 10 events based on where they decided they were
10:45:45 11 going to go.

10:45:47 12 So that name, 30, Naadawe-saga, that
10:45:53 13 means the Iroquois are coming out. This is
10:45:56 14 where they come out. So "seebi" means river.
10:46:00 15 So everybody knew that that river for that
10:46:04 16 reason. So it was always guarded and that and
10:46:06 17 on the lookout for possible enemies that might
10:46:10 18 be coming out for war.

10:46:12 19 THE COURT: Just so I heard you
10:46:14 20 correctly, did you say the river runs south?

10:46:17 21 THE WITNESS: Yeah, it comes down --
10:46:18 22 it comes down --

10:46:19 23 THE COURT: So the current is running
10:46:20 24 south?

10:46:21 25 THE WITNESS: No, sorry. The current,

1 I think, is running right towards the bay.

2 THE COURT: Right into the bay.

3 THE WITNESS: Yeah.

4 THE COURT: I just wanted to clarify
5 that. Thank you.

6 THE WITNESS: Okay.

7 BY MR. BROOKWELL:

8 Q. And number 32, can you tell us
9 about that one?

10 A. Oh yeah, 32. That area there --
11 whoops, 25 just came popping off.

12 25 (sic) still has the same name in
13 English, it's Lion's Head in English. And in
14 our language it's Miishibii-zhees - Stigwan, and
15 that's literally the lion's head.

16 The lion up on that rock there is
17 considered a guardian of that part of Lake
18 Superior, and there's Creation Stories
19 associated with that. It's very, very ancient.
20 It's been here for a very long time and the
21 people have always identified with it on that
22 basis.

23 Q. And just to confirm if it's the
24 right sticker, I think you said 25 but is it 32?

25 A. Yeah, it's 32 but 25 popped off

10:47:36 1 so I have to sort of put that back. We didn't
10:47:42 2 actually talk about 25, did we?

10:47:46 3 THE COURT: Could it be 24 that popped
10:47:48 4 off, sir? We talked about 24.

10:47:58 5 THE WITNESS: I got 25 here. Maybe
10:47:58 6 I'll just stick it back on here. I think it
10:47:58 7 might've just fell off.

10:47:58 8 MR. BROOKWELL: Okay. Well, I think
10:47:58 9 we can put that 24 back on afterwards.

10:48:03 10 THE COURT: Yes.

10:48:05 11 THE WITNESS: 24 is good.

10:48:06 12 BY MR. BROOKWELL:

10:48:06 13 Q. Sorry, just to return to number
10:48:13 14 32.

10:48:13 15 A. Yeah. What I can add to that is
10:48:30 16 that guardian travels from here over to
10:48:36 17 Manitoulin Island. So the Anishinaabek over
10:48:41 18 there, they should have some familiarity with
10:48:43 19 that as well. So he's a saber tooth tiger is
10:48:48 20 what he is. So that Creation Story goes back
10:48:51 21 that far, maybe ten thousand years, whatever
10:48:55 22 that may be. So that's what that -- that's what
10:49:01 23 that lion is.

10:49:03 24 Q. Can you show us number 34,
10:49:04 25 please?

10:49:09 1 A. Oh yeah. 34 is not on here.

10:49:15 2 Q. I'm sorry, again it's off the
10:49:17 3 edge. So perhaps you can -- I suppose you can
10:49:24 4 refer to Exhibit 3999.

10:49:57 5 I think it may be. Off the edge of
10:49:57 6 this map as well. Maybe you can just describe
10:50:00 7 it for us and the location?

10:50:02 8 THE COURT: Sir, if you put a sticker
10:50:03 9 on this map, just put it on the border and then
10:50:06 10 describe where it is in relation to the sticker.

10:50:09 11 THE WITNESS: Okay.

10:50:10 12 THE COURT: Or the edge of map there.

10:50:12 13 THE WITNESS: That's 34. So, I mean,
10:50:19 14 you can see this today. If you travel in that
10:50:22 15 area there's a place along the highway where
10:50:26 16 there's a spring there and many, many people
10:50:29 17 stop there and they get spring water, and it's
10:50:34 18 in reference to that water. Spring water is
10:50:38 19 rare water to our people.

10:50:40 20 So a lot of times people will find a
10:50:42 21 place to live or be close to an area where fresh
10:50:45 22 spring water is located and that way they have
10:50:48 23 that for their consumption, for their herbal
10:50:51 24 medicines and various things like that.

10:50:53 25 So when we look at that,

10:50:55 1 Gis-si-nan-se-bing, that is a literal
10:51:06 2 translation of cold water. But if I was to
10:51:09 3 refer to it myself in speaking to older Elders
10:51:11 4 and that, the word I would use, because I would
10:51:14 5 retain this -- it would come to my mind very
10:51:19 6 quickly as Niminowaabo akiing, because I'm going
10:51:24 7 beyond the description of the river. I am going
10:51:25 8 to an area of land where there is very, very
10:51:27 9 good water. There is a very big aquifer in that
10:51:31 10 area. So I'm referring to that location.

10:51:35 11 And if I had to add, you know,
10:51:38 12 Gis-si-nan-se-bing I would add that with that,
10:51:44 13 but I would use the second word. It's like an
10:51:48 14 older word that describes a larger area. It's
10:51:50 15 not just the river it's the area of land where
10:51:52 16 all that good water is.

10:51:54 17 BY MR. BROOKWELL:

10:52:01 18 Q. So only a few more on this list
10:52:08 19 that I want to turn to for the locations. Can
10:52:10 20 you tell us about number 41?

10:52:13 21 A. Yes. This is where we get well
10:52:15 22 beyond our treaty territory, and we're out into
10:52:17 23 the Winnipeg area in Manitoba.

10:52:21 24 And, as I said, our language goes over
10:52:25 25 a very, very expansive territory. And people

1 have travelled throughout those territories.
2 They've travelled to the Gulf of Mexico; they've
3 travelled to California; they've travelled to
4 the Rocky Mountains; they've travelled down
5 east. They've travelled in all directions
6 through old trade routes and various other ways
7 in which they were connected to relatives who
8 resided in different areas, and also other
9 Nations that they would visit sometimes and do
10 trade and exchanges with.

11 So over in Manitoba, and this is an
12 old word, it's not anything that will be
13 commonly spoken by people today when we're using
14 Anishinaabemowin. Wa wo nab ii sing, and here,
15 you know, it's been translated as "gathering
16 waters". So what happens there, and you may
17 have seen this in the media in the spring time,
18 where the Red River and other areas of water
19 converge they flood out. And you think people
20 would try to move to higher ground or something
21 but people love where they live I suppose. But
22 that name stays to that place because it happens
23 all the time.

24 So that's -- and that's how places are
25 named in Anishinaabemowin. What is the most

10:53:47 1 significant feature that describes an area where
10:53:51 2 you won't misjudge it for anything else? If
10:53:55 3 you're in that place at the right time of year,
10:53:58 4 when the ice is melting quickly, the rivers
10:54:01 5 can't keep up, you know, so all that water is
10:54:05 6 gathering and it's creating problems. It's
10:54:09 7 flooding and that, eh, so...

10:54:12 8 So that name is retained by our Elders
10:54:14 9 here because of their connection to other
10:54:17 10 Anishinaabek in other places who have shared
10:54:19 11 those stories and descriptions.

10:54:21 12 So it's not stagnant. We're not just
10:54:23 13 stuck in here between Cape and Saugeen. We're
10:54:27 14 talking to all other communities in Canada, in
10:54:31 15 the States, in Quebec, in Manitoba, you know,
10:54:41 16 and other locations.

10:54:42 17 Q. I'd like to take you to one more
10:54:43 18 location that's outside of the map, and that's
10:54:43 19 number 44. Can you tell us about that one?

10:54:47 20 A. Oh yeah. Wa yaa nag ga kaa bi
10:54:48 21 kaa. You have to say that word slowly otherwise
10:55:00 22 you get tongue tied and you might start swearing
10:55:03 23 or something if you're not careful.

10:55:05 24 Well, I'm sure all of us have been to
10:55:08 25 Niagara Falls, one of the greatest spectacles of

1 a natural site anywhere in North America.

2 When you go there you will see a very,
3 very large curve in the rock. And we call that
4 now the Horseshoe Falls, but this is the
5 original name for that location. A place where
6 they had many significant meetings. It was a
7 sacred site. It was where they heard the voice
8 of thunder. If you go there with your family
9 you can't even talk to your family member
10 because that water is so thunderous, so loud.

11 So it has many significant values and
12 we're lucky to still have that old name for that
13 place and proud to share it here today.

14 Q. There is two more places on the
15 map that I'm going to take you -- well, two more
16 numbers. And it's number 47.

17 A. Yes. Okay. Where's my stickers?
18 Number 47 is right there. You have -- we have
19 several bluffs in our community. So King's
20 Bluff -- King wasn't a guy whose last name was
21 King and it wasn't the King of England, okay?

22 The king was Manido Makwa, spirit
23 bear, because of his place in creation. We have
24 many, many creation stories. And there's a
25 significance of the bear in creation. And I

10:57:01 1 believe many societies, many old cultural
10:57:04 2 communities around the world have that -- have
10:57:06 3 those original creation stories about their
10:57:09 4 relationship to the bear, whether it's in
10:57:11 5 Russia, it's in the north pole or whenever it
10:57:14 6 may be.

10:57:15 7 And so for us, and I think there was
10:57:20 8 mention of that high rock there that was
10:57:23 9 mentioned by an earlier person who gave some
10:57:29 10 evidence. But he had mentioned that you can see
10:57:32 11 many places from up there that you can't see
10:57:34 12 from the lower ground.

10:57:37 13 But it's a place where many of our
10:57:39 14 Elders conducted ceremonies. It was high
10:57:42 15 ground. It is the -- we asked our Elders for
10:57:48 16 clarification probably 30, 40 years ago.

10:57:51 17 We said, well, some people think
10:57:52 18 that's an eagle head; some people say it's a
10:57:55 19 wolf's head; and some people say it's a bear's
10:57:58 20 head. Which one is it? And the Elders said
10:58:02 21 it's a bear's head. And the bear is very
10:58:05 22 significant in creation because he's the one
10:58:07 23 that was deemed to carry the breath of life, as
10:58:11 24 bestowed upon him by the Great Spirit.

10:58:15 25 So there are many, many stories about

10:58:17 1 that. I could spend days talking to you about
10:58:19 2 that and I can sing all the old creation songs,
10:58:23 3 because I made it a point of learning those
10:58:26 4 things from my Elders before they passed on.

10:58:32 5 So there's so much I could say about
10:58:34 6 that. And I want to get to that number, okay.
10:58:45 7 46 and 47, they are connected. It's the same
10:58:48 8 place. So when people refer to that spot
10:58:50 9 quickly, just in daily conversation, they will
10:58:54 10 say, Na ba ka. Na ba ka. Everybody knows it's
10:59:00 11 that rock that hangs over. That's what that
10:59:03 12 means when you look at that word.

10:59:12 13 And when you say Na non gi da when da
10:59:13 14 mo win, another word you've got to say slowly,
10:59:13 15 where you go and think. Maybe you're having
10:59:23 16 personal problems, who knows what the case may
10:59:23 17 be. You're feeling out of sorts. You need to
10:59:25 18 spend some time alone. You need to meditate.
10:59:28 19 You need to clear your mind. That's where you
10:59:31 20 go to be in a quiet place.

10:59:38 21 So all those names, 46 and 47, they
10:59:41 22 all tie to the same thing.

10:59:47 23 Q. Can you tell us now about number
10:59:49 24 49, please?

10:59:54 25 A. Oh, yeah. Kik ko neyaashiing,

10:59:55 1 that's, once again, south of Goderich. That's
11:00:02 2 the first Nation they call Kettle Point. If you
11:00:05 3 ever go down to that community, out in the lake
11:00:09 4 waters along the shores there are big, big rocks
11:00:11 5 sitting there that look like kettles, iron
11:00:14 6 kettles. And it's a very significant feature.

11:00:18 7 And to those people down there it has
11:00:20 8 a sacred significance, you know. And so that
11:00:26 9 name describes those rocks that are there in
11:00:32 10 that water. I can't put it on here.

11:00:48 11 Q. That's fine. It doesn't go far
11:00:50 12 enough.

11:00:51 13 I want to change gears from naming,
11:00:53 14 Mr. Nadjiwan, and to ask you some questions
11:00:54 15 about hunting.

11:00:56 16 A. Yes.

11:00:56 17 Q. And can you start by telling us
11:01:00 18 when you started hunting?

11:01:04 19 A. My commencement of learning the
11:01:07 20 skills of hunting was when I was five years old.
11:01:10 21 Back in those days we didn't have the firearms
11:01:13 22 legislation that we have today. It seems like
11:01:17 23 today we don't trust families to teach each
11:01:19 24 other proper safety and etiquette in regards to
11:01:22 25 the use of firearms.

1 But back in those days, in the early
2 '60s, our parents, our uncles, our grandfathers,
3 you know, they were the ones that taught us
4 those things, and they taught us at a very young
5 age.

6 So maybe you get a sling shot first
7 when you're a kid, or a little bow and arrow.
8 And then finally they will say, okay, it's time
9 to learn to shoot a .22. So then you're moving
10 up to that gun. And you're learning where to
11 shoot safely, where you're not going to be in
12 harm's way of anyone that can potentially be
13 down range.

14 And you're learning how to use the gun
15 for its intend purpose, which is to put food on
16 the table. And so that's the way we were
17 taught.

18 And I'll share a story of how I was
19 taught to first use a .22. So my uncle who's a
20 trapper, he's a guide, he has that kind of a
21 lifestyle. So he takes me out in the bush and
22 he says, bring the gun, a .22, take one bullet.

23 So off we went walking out in the
24 bush. So he says, well there's a bird. He
25 wanted to see what kind of marksmanship I had.

1 Shoot that bird. I missed it. So my uncle
2 turned around and walked back home. Never said
3 a word.

4 So I'm standing around in the bush
5 trying to figure out, well, I guess I messed
6 that one up.

7 So I go back home and my grandfather
8 is there as well. After a couple of days go by
9 I tell my grandfather what happened. He says,
10 well ask your uncle one more time if he'll take
11 you out?

12 So off we went. He said the same
13 thing. Grab the .22, just take one bullet. So
14 off we went back in the bush. There was a
15 little bird sitting up in a tree maybe 40, 50
16 yards away. And he says, okay, there it is.

17 So he says, This time, this time you
18 are going to do something different. He says,
19 When you take the gun up to aim, he says, Just
20 look at the bird, block everything else out.
21 Everything. So I did that. And oddly enough,
22 you know, your eyes and your mind can do amazing
23 things. You look and -- you stare at something
24 and all of a sudden that's all you see is that,
25 just for a split second.

11:04:06 1 And then pulled the trigger. Shot the
11:04:08 2 bird. My uncle was happy. And he says, There,
11:04:12 3 now you're a hunter. He says, You know what it
11:04:14 4 takes now. He says, You know, during the
11:04:18 5 1930s and some of those early periods in time
11:04:22 6 he says one box of ammo would have to last us
11:04:26 7 maybe a whole winter. We couldn't waste ammo,
11:04:28 8 so he says, Nor should you. Respect your
11:04:33 9 firearm, your ammunition, and what it is you're
11:04:36 10 hunting because you have to rely on those
11:04:39 11 things.

11:04:41 12 So just a little story.

11:04:48 13 Q. Can you tell us about how you
11:04:52 14 learned where to hunt in the territory?

11:04:56 15 A. A lot of that gets handed down
11:04:59 16 from previous generations. Even going back as
11:05:04 17 far as the veterans who were off in World War I.
11:05:09 18 When they came back they largely resumed many of
11:05:13 19 the activities that they were involved in prior
11:05:15 20 to going to the war over in Europe.

11:05:20 21 So they would hunt and gather items
11:05:26 22 that are only available in certain locations.
11:05:33 23 So they would easily travel down to Shelburne,
11:05:35 24 Goderich, even Midland, you know, where we're
11:05:40 25 bordering on another area.

11:05:43 1 And wherever whenever they had to go
11:05:45 2 to get a specific medicine that only grew in
11:05:48 3 that spot, or a certain plant, like down in
11:05:53 4 Goderich there's walnuts down there. We don't
11:06:00 5 have walnuts further north.

11:06:03 6 So they would go down that far, they
11:06:05 7 would harvest walnuts and that was something
11:06:08 8 that they kept and prepared at Christmas time
11:06:12 9 for the kids.

11:06:17 10 And then they would go other places
11:06:17 11 and they'd hunt and they'd get medicines, like
11:06:23 12 down in this area and even further south. And a
11:06:25 13 lot of times they'd travel in a circle. So they
11:06:27 14 knew they'd be gone in for a few days. So they
11:06:32 15 might start down here and come this way and
11:06:36 16 gather stuff, and go across and come around and
11:06:38 17 bring it back.

11:06:40 18 So they would be after more than one
11:06:42 19 thing. And other times they'd go around
11:06:46 20 Georgian Bay. They'd go right around the bay,
11:06:48 21 all the way around and come over here. Or
11:06:53 22 they'd go across sometimes, but that's kind of a
11:06:56 23 dangerous journey. They would usually follow
11:06:59 24 the shore. And they'd visit people all the way
11:07:01 25 along.

11:07:02 1 So, you know, we have this thing about
11:07:05 2 how did we use our territory and what did we
11:07:08 3 harvest and that? Largely animals and plants
11:07:13 4 and various kinds of materials that we used
11:07:15 5 either for making baskets, quill boxes, I mean,
11:07:19 6 all kinds of birch bark canoes and various other
11:07:25 7 things like that. Sometimes you can't get it
11:07:27 8 all in one place, you have to go to other places
11:07:31 9 in order to gather those things.

11:07:33 10 Q. And, Mr. Nadjiwan, you just
11:07:34 11 traced a circle on the Bruce County map. Can
11:07:38 12 you just briefly describe that circle in terms
11:07:41 13 of the locations? Just some rough landmarks to
11:07:45 14 help us?

11:07:51 15 A. Yeah. I mean, it's hard to
11:07:53 16 exclude anything and the further you go back, of
11:07:57 17 course, the less occupation of settlers you will
11:08:01 18 find. So it's much more easy for them to access
11:08:05 19 things.

11:08:07 20 But anywhere, anywhere in our area,
11:08:09 21 anywhere around this group of lakes here,
11:08:11 22 between Colpoy's Bay and Oliphant, you know,
11:08:15 23 Chief's Point, lots of times around the
11:08:23 24 wetlands. Greenock swamp was visited quite
11:08:30 25 frequently.

1 I believe some of the members of the
2 Saugeen used to go around that McGregor Point
3 Park there, that was one of their areas, and
4 other places. Well down to Mount Forest,
5 Arthur. Like I said, they'd do a very large
6 trip.

7 And if they had other things in mind,
8 they would travel. They would make, say, a
9 whole bunch of splint ash baskets, a husband and
10 wife. They'd jump in their boat and they would
11 travel down here. They'd stop in Meaford, you
12 know, any of these communities and they would
13 sell their baskets and generate a bit of revenue
14 and buy some supplies and keep going.

15 So there were different reasons why
16 they traveled through different routes and --
17 but largely it was to get access to the
18 resources that they needed to produce products
19 that they could generate revenue from or pick
20 medicines or food sources.

21 Q. Mr. Nadjiwan, can you tell us
22 what animals that you hunt?

23 A. Well, like I said, I hunt
24 throughout this whole territory, the whole
25 territory, and I'll tell you the reason. One of

11:09:56 1 the reasons is that some of our community
11:09:58 2 members they don't have access to travelling too
11:10:01 3 far from the community; so we sort of leave the
11:10:03 4 animals for them to harvest close to home.

11:10:06 5 But some of us that can travel we will
11:10:11 6 go and access -- there's over 200 pieces of
11:10:16 7 conservation land, crown lands, whatever you
11:10:20 8 want to refer to them as. So we access all of
11:10:24 9 those lands to harvest deer, porcupine, grouse,
11:10:33 10 ducks, geese. Some people hunt squirrels.
11:10:42 11 Fishing, there's streams and smaller lakes. So
11:10:47 12 that's what we hunt in our area.

11:10:50 13 But we have established relationships
11:10:52 14 further north. We hunt elk, moose, you know,
11:10:57 15 and other animals that are up in those areas.
11:11:00 16 And they come down and hunt in our area
11:11:03 17 sometimes.

11:11:04 18 Q. And you've mentioned "we" go
11:11:08 19 hunting. Who do you go hunting with?

11:11:11 20 A. A fellow named Jay Jones at Cape
11:11:14 21 Croker, Doran Ritchie from Saugeen, Conrad
11:11:19 22 Ritchie from Saugeen, Ronnie Johnson from Cape
11:11:28 23 Croker. And there's other guys that will come
11:11:32 24 with us at different times.

11:11:35 25 So there's always -- my son -- one of

11:11:40 1 my sons. There's always somebody usually coming
11:11:44 2 with us. So we like to take younger people that
11:11:49 3 are just learning how to hunt because we want to
11:11:52 4 make sure they practice safety and they're not
11:11:57 5 doing anything that will get them into trouble.
11:11:59 6 So we tend to bring younger people with us at
11:12:02 7 times too.

11:12:03 8 Q. And what do you do with the game
11:12:04 9 that you hunt?

11:12:05 10 A. Well, of course we use it, we
11:12:07 11 consume it, but we also share it. We also give
11:12:10 12 it to families, Elders who can't get out there
11:12:16 13 any more, single mothers.

11:12:18 14 You know, there's never a problem over
11:12:21 15 sharing, you know, meat with anybody. It is not
11:12:30 16 an egotistical kind of thing. It is just, this
11:12:34 17 person needs meat so let's go get something for
11:12:37 18 them.

11:12:41 19 Q. I'd like to switch to -- or
11:12:43 20 return, rather, to hunting safety which you
11:12:48 21 discussed briefly.

11:12:49 22 Can you tell us some of the safety
11:12:51 23 precautions you take while you're hunting?

11:12:53 24 A. Well, we don't drive around with
11:12:55 25 loaded guns, that's one thing. That's a

1 dangerous thing to do.

2 I guess if you're walking around in
3 the bush and you have a rifle and you come
4 across a fence that you have to cross, we don't
5 cross that fence with a loaded gun on our
6 shoulder. We'll unload it and we'll slide it
7 under the fence facing a different direction.
8 You're doubling up on making sure there won't be
9 an accident; and then you climb over the fence,
10 when needed, and then walk over, pick up your
11 firearm and carry on.

12 Q. And have you completed firearm
13 safety training?

14 A. Yes, I did. In fact, when I took
15 the course I think there was 200 questions and I
16 got one question wrong. So I went and visited
17 the instructor and I said, I want to know what
18 question I got wrong. So he showed me which
19 question it was. And I told the instructor,
20 There's no right answer for that question.

21 And so they had about five different
22 exams, right, templates, and they'd hand them
23 out whenever you did your test. So they also
24 had a sheet where they could line that up over
25 the test and find out if you were right, if you

1 checked off the right box or whatever.

2 So when he examined that he found out
3 that what I said was true, there was no right
4 answer for the question. So he said that that
5 was the first time that had ever been identified
6 and that exam had been used for several years.

7 So he was happy to know that and he
8 said, Well, I'll make sure I correct it. And he
9 says, You got 100 percent.

10 Q. And what licences do you hold for
11 firearms?

12 A. It's called a Possession and
13 Acquisition Licence, referred to as a "PAL".

14 Q. And what about hunting licences?

15 A. No.

16 Q. And why not?

17 A. Because I believe it is our
18 inherent right to go out and harvest animals to
19 maintain our livelihood and to help others.

20 Q. You've covered a couple of
21 hunting locations. What about on private lands?

22 A. Yes, we access private lands.
23 Sometimes we're invited to go and hunt if a
24 farmer has problems with deer invading his crops
25 and various things like that. They're always

11:15:56 1 concerned about the health of their livestock
11:15:58 2 and things like that. They don't tend to like
11:16:00 3 to see deer mixing with cattle, or pigs, or
11:16:04 4 anything like that. So sometimes they will
11:16:07 5 actually ask us to come into that area and help
11:16:10 6 them out that way. And there's always people
11:16:14 7 who need the meat so we do that.

11:16:18 8 Q. And what if any permission do you
11:16:21 9 seek if you haven't been directly invited.

11:16:28 10 A. There are places that we hunt
11:16:30 11 that are very, very isolated, tracks of private
11:16:33 12 land. There's nobody that lives there. And if
11:16:35 13 we see animals there and we know that it's a
11:16:37 14 safe location to harvest, we're not in harm's
11:16:41 15 way of anybody out in that area, or there's no
11:16:44 16 livestock in that area or anything, we'll
11:16:47 17 sometimes harvest animals in those places.

11:17:02 18 Q. Can you tell me a little bit
11:17:03 19 about your view on hunting and conservation? So
11:17:08 20 generally where do you prefer to hunt and why?

11:17:14 21 A. Well, we tend to hunt where we
11:17:18 22 find most -- where there's the greatest
11:17:21 23 population of animals usually. And even after
11:17:25 24 we've hunted an area, taken animals from those
11:17:29 25 areas, we will go back a month, two, three

11:17:31 1 months later and we'll check those areas out and
11:17:35 2 see how the animal population is doing in that
11:17:38 3 area.

11:17:39 4 So we're always aware of what areas
11:17:41 5 are getting depleted, and not necessarily by
11:17:44 6 First Nations. You know, there are other
11:17:46 7 hunters out there who are also accessing some of
11:17:49 8 those places. But we want to know how many
11:17:53 9 animals are replenishing themselves and to what
11:17:57 10 numbers and that. So that gives us insights for
11:18:00 11 the next hunting season, which could be months
11:18:02 12 away. So we'll focus on those areas largely.

11:18:07 13 Q. Can you give us perhaps an
11:18:09 14 example in terms of a certain animal that you
11:18:13 15 hunt?

11:18:14 16 A. Well, like I said, deer would be
11:18:20 17 one of the more primary animals, but it's not
11:18:23 18 the only animal, geese, grouse, ducks,
11:18:28 19 porcupines. Some people like groundhog, some
11:18:39 20 people like squirrel. So there's a lot of
11:18:40 21 different animals that could be harvested and
11:18:42 22 eaten. The thing with squirrels is you have to
11:18:46 23 get a bunch of them because they're kind of
11:18:48 24 small.

11:18:48 25 Q. In terms of deer then, what times

1 of year do you go out and check on them?

2 A. Yeah. I want to answer that
3 question, I want to add something to that I
4 guess in my response. When the strawberries
5 come out that's when the animals have recovered
6 from the winter by that time, so by mid, late
7 June.

8 So at that time if you needed to take
9 a deer you could take it because it has regained
10 its body size and mass and some of its fat, and
11 all that kind of stuff. So that's what we base
12 it on.

13 We generally don't start hunting them
14 at that time but we know we could. And that's
15 something we've learned from our grandfathers
16 and that.

17 But usually around September if we're
18 not hunting we're spending serious time looking
19 at areas. And if we go shopping in Collingwood
20 or something, or somewhere out that way, we'll
21 swing through and come back, check a few sites
22 out as we come back, sort of make notes of that
23 and where we think we can focus some of our
24 hunting later on.

25 Q. And what are some areas that you

1 avoid hunting inside the territory?

2 A. There's an area in the Beaver
3 Valley near Eugenia, so that's towards the south
4 end of the Beaver Valley. There's a lake there.
5 There's conservation land there. We don't hunt
6 that area because there's too many houses and
7 that around, people walking around and different
8 things, so we just don't go there.

9 Q. And are there any other places
10 that you avoid?

11 A. We avoid? Well, we don't go into
12 the tank range in Meaford for obvious reasons.
13 Oh, the Bruce nuclear plant, we don't hunt down
14 there.

15 Q. And why is that?

16 A. Well, if you go down there it's
17 marked out for maybe five kilometres or so. And
18 there's deer and other animals down there but
19 who knows what the -- what that animal is going
20 through living in that location, so we just
21 don't take any risks.

22 Q. I would like to turn to something
23 you've been referring to this morning, and
24 that's hunting outside of the territory. Can
25 you tell us where you have gone hunting outside

1 of the territory?

2 A. Yeah, if we had a bigger map I
3 could show that. But mostly all around Georgian
4 Bay, Lake Superior. I've hunted in Alberta.
5 I've hunted in the Northwest Territories. I've
6 hunted primarily those areas.

7 Q. And when you hunt in those areas
8 who, if anyone, do you ask for permission?

9 A. Well, we often have relatives in
10 a lot of these other communities so we'll hunt
11 with them usually. It's not very often we'll go
12 into their area and hunt without them being with
13 us.

14 And then if we are going into another
15 area, say more secluded and that but we know
16 that area is part of a First Nation communities
17 area, we'll ask permission to go into that area.
18 We'll ask the Chief, or we'll ask an Elder, or
19 we'll ask someone in that community.

20 Q. And in terms of the importance of
21 hunting how important is hunting to you?

22 A. Well, hunting is absolutely
23 critical. And I eat wild meat and fish, you
24 know, not every day of the week but probably
25 three times a week for sure, maybe more, so I

11:23:17 1 rely on it.

11:23:19 2 Q. And how are hunters viewed in the
11:23:22 3 community?

11:23:23 4 A. I think they're highly regarded
11:23:27 5 and respected because they will share what they
11:23:31 6 have with those who are in need.

11:23:37 7 Q. And what would it mean if you
11:23:39 8 were no longer allowed to hunt?

11:23:43 9 A. I couldn't conceive it.

11:23:53 10 Q. What kind of responsibilities
11:23:54 11 does a hunter have to the broader community, if
11:23:57 12 any?

11:23:59 13 A. Well, I think that there's a
11:24:02 14 continuity there where you're always trying to
11:24:09 15 help and guide the younger generation. You're
11:24:10 16 trying to follow the instructions and guiding
11:24:13 17 principles, et cetera, teachings of your Elders
11:24:16 18 in the community.

11:24:18 19 And you're there to realize that if
11:24:20 20 you're a good hunter, you're a gifted hunter,
11:24:22 21 because not everybody is gifted in hunting, and
11:24:26 22 that it's known that if you're asked to share
11:24:32 23 that you should share. You should always share
11:24:34 24 what you have.

11:24:41 25 Q. Can you maybe tell us what it

11:24:42 1 means to share in terms of an experience that
11:24:44 2 you've had?

11:24:45 3 A. Yeah. Well, one time I heard
11:24:47 4 there was a grandmother, she was raising her
11:24:51 5 grandkids, and they didn't have any food and in
11:24:54 6 the cupboards or the freezer. So I knew this
11:24:57 7 lady, knew her fairly well.

11:25:01 8 So I went out and shot a deer and I
11:25:02 9 brought it to her; knocked on her door and I
11:25:06 10 said, I want to know if you want some deer meat?
11:25:10 11 And I kind of already knew what the
11:25:12 12 circumstances were. And she was quite happy,
11:25:16 13 quite pleased, on the verge of tears and stuff.

11:25:27 14 So I said, Do you want me to skin this
11:25:30 15 animal? Do you want me to cut it up into
11:25:32 16 quarters or anything? And she said, No. She
11:25:35 17 was so happy she said, Bring it in the house and
11:25:38 18 put it on my kitchen table. Because she knew
11:25:42 19 she was going to need that for her grandkids.
11:25:44 20 So that's what I did.

11:25:52 21 MR. BROOKWELL: Your Honour, I have
11:25:53 22 some more questions that relate to locations
11:25:56 23 that Mr. Nadjiwan hunts, and that was going to
11:26:00 24 be the same exercise of putting marks on the
11:26:03 25 map.

1 I suggest that perhaps it would make
2 sense to take a break at this time so he could
3 mark those locations and then I could ask him
4 questions with respect to the marked spots.

5 THE COURT: Well, yes, and why don't
6 we take an extra few minutes and this gentleman
7 could put all the stickers on the map, because
8 he needs to go back and complete the other ones.

9 MR. BROOKWELL: That would be very
10 helpful.

11 THE COURT: So we'll break until 10
12 minutes to 12:00, and if you could do that for
13 us, please sir, so then the map could be
14 available for the other lawyers if they want to
15 come and look at it over the break. And maybe
16 we can put it on a table somewhere for that
17 purpose --

18 MR. BROOKWELL: Okay.

19 THE COURT: -- when this gentleman is
20 finished putting all the stickers on it.

21 MR. BROOKWELL: As soon as we finish,
22 we'll return it back to the easel.

23 THE COURT: You can do it any way you
24 want but have all of them put on, not just the
25 hunting ones but all the others as well over the

11:27:03 1
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break.

MR. TOWNSHEND: I understand.

THE COURT: So we'll adjourn until 10
minutes to 12:00.

-- RECESSED AT 11:27 A.M. --

-- RESUMED AT 12:13 P.M. --

THE COURT: Please go ahead
Mr. Brookwell.

MR. BROOKWELL: Thank you, Your
Honour.

BY MR. BROOKWELL:

Q. Mr. Nadjiwan, over the break you
put on the sticky marks onto the map to help us
correspond with the chart that is Exhibit 4013.

And I'd like to just ask you a few
more questions about that map. And can you
first explain to us, there are two dots that
have been placed in Georgian Bay. Can you tell
us about those two dots?

A. These ones?

Q. Yes, that's right.

A. The red ones? And there are some
more over there.

Number 10, Git chi name -wekwe doong.

THE COURT: If you could look up when

12:14:11 1 you're talking, don't just stand up but look up
12:14:11 2 so we can hear you.

12:14:11 3 THE WITNESS: Git chi name -wekwe
12:14:11 4 doong, that's the original name for Georgian
12:14:18 5 Bay. It means great sturgeon bay. So that's
12:14:22 6 number 10.

12:14:31 7 43, Miisho Nibi, that's the name that
12:14:37 8 encapsulates all of the Great Lakes so I just
12:14:44 9 put it in the middle of the water there.

12:14:46 10 Over here 12, Gitche-Gamming, that's
12:14:57 11 Lake Superior but it's not on the map.

12:15:01 12 Number 41 is Wa wo nab ii sing, that's
12:15:11 13 the Manitoba area where the waters gather.

12:15:15 14 This here is -- 31 is Chi-minnising,
12:15:21 15 that's Christian Island.

12:15:24 16 37, Penetanguishene, it's not on the
12:15:27 17 map but it's sort of in proximity.

12:15:36 18 34 is Niminowaabo akiing, Coldwater.
12:15:45 19 Once again it's not on the map.

12:16:01 20 38 is Wasaga Beach.

12:16:14 21 30 is Naadawe-saga seebi, the
12:16:22 22 Nottawasaga River.

12:16:33 23 Waubaushene, 39, is further east.

12:16:43 24 Number 40, the same thing, Wawanosh.

12:16:50 25 Number 4, Minis(i) Zaaga'igan, the

1 River of Islands. That's north of Camp Borden.

2 35, Otanabee, that's over near

3 Peterborough by Trent University there, the

4 Otanabee River.

5 36 is Oshawa. It's on Lake Ontario so

6 I just plugged it in down there. "Ozhaway" it's

7 called.

8 44, Wa yaa nag ga kaa bi kaa, Niagara

9 Falls. Once again it's not on the map but I put

10 it down at the edge of the map.

11 And Naadawe-gaming, Lake Ontario, is

12 not on the map, just placed it down on the edge.

13 And this one over here is 49. 49 is

14 Kik ko neyaashiing, Kettle Point.

15 Q. Thank you, Mr. Nadjiwan. You

16 referred to one of the spots in the middle of

17 Georgian Bay, number 10. That meaning refers to

18 sturgeon. Could you tell us -- there are a few,

19 number 8, number 9, and number 10, that refer to

20 sturgeon. Could you tell us the significance of

21 sturgeon?

22 A. Yes. The lake there, Lake Huron

23 has its own name and it has actually several

24 names. But Georgian Bay in the original

25 creation stories was called Git chi name -wekwe

12:18:57 1 doong, so that means Great Sturgeon Bay. At one
12:19:03 2 time up to perhaps a little over a hundred years
12:19:07 3 ago Georgian Bay was teeming the sturgeon and
12:19:12 4 very, very large sturgeon. I believe the
12:19:14 5 largest one caught might have been at Christian
12:19:17 6 Island, it was about 247 pounds.

12:19:21 7 So the story of Sturgeon Bay is they
12:19:26 8 say that the main sturgeon there that is
12:19:29 9 acknowledged through ceremonies in cultural
12:19:32 10 protocols is Grandmother Sturgeon. And so the
12:19:38 11 significance of her is she has -- she looks
12:19:42 12 after all of the fish in the lake; they live a
12:19:44 13 very, very long time and she's the carekeeper
12:19:48 14 for all of the other fish in the lake.

12:19:51 15 And the significance of Grandmother
12:19:54 16 Sturgeon is she gave birth to some of the clan
12:19:58 17 spirits that people have taken on in their
12:20:00 18 family representations. So very significant.

12:20:11 19 And Owen Sound was known as Chi name
12:20:13 20 wekwe-dong, big sturgeon bay. And at one time
12:20:17 21 when the settlers came in there were so many
12:20:21 22 sturgeon in the lake and the settlers were after
12:20:24 23 lake fish and trout, lake trout. So they saw
12:20:27 24 the sturgeon as kind of getting in the way and
12:20:30 25 hampering their other fish harvesting. So they

1 just pulled the sturgeons out of the lake and
2 they burnt them on the shores like logs; they
3 didn't distribute them for food or anything.

4 So it decimated the sturgeon
5 population and the -- when the Anishinaabek were
6 living in Owen Sound, they protested, you know,
7 treating a fish like that that could potentially
8 be a great food source. It was a waste of the
9 food source.

10 So it's no longer called that. It's
11 called Owen Sound and Georgian Bay now, but
12 that's the original name and some of the
13 storyline behind why it was named as such.

14 And Wiarton Bay and Colpoy's Bay is
15 Name-wekwe-donsing, so that makes it diminutive
16 and that means the bay -- the smaller bay of
17 sturgeon.

18 Q. You've also put on some green
19 stickers on the map. Can you tell us generally
20 the types of animals you hunt in those areas?
21 And you can refer to a range of numbers if that
22 is helpful. But just generally speaking, what
23 animals do you hunt in those areas?

24 A. Up here it would be primarily
25 deer, partridge, porcupines and grouse.

1 Q. And if you could help us to tell
2 us what number that is?

3 A. That's number 50. Same would
4 apply to 51, 52, because there's a water system
5 through there too so we also hunt ducks and
6 geese; also 53, 54.

7 55 is primarily deer; 57 primarily
8 deer.

9 And then we get down to 56 would also
10 include rabbits, deer, grouse or partridge and
11 occasionally geese. Same with McNabb Lake, it
12 would be rabbits and deer and grouse primarily.
13 58 would be deer.

14 73, 74, and 75 there's water systems
15 there so there might be some brook trout
16 fishing, as well as deer harvesting, as well as
17 rabbits in that area.

18 Down here primary deer down -- that's
19 number 72, Greenock Swamp. I've got 76 marked
20 here because I mislabelled, but it applies -- we
21 even go further south than what this map shows.
22 But for 76 it's marked here twice and that's
23 primarily deer in that area.

24 69, 68, 67, 66, 65, 70, 74, 63, those
25 are primarily deer hunt areas in that area.

12:24:39 1 And 60, 61, 62, 64 primarily deer,
12:24:46 2 rabbits, grouse and maybe some geese, and some
12:24:49 3 rabbits.

12:25:00 4 56, 57, 58 and 59 that would be geese
12:25:05 5 and deer primarily. I think that kind of covers
12:25:08 6 it.

12:25:14 7 Q. And, Mr. Nadjiwan, just a final
12:25:15 8 question about hunting, and final question for
12:25:18 9 today is, you've indicated some various hunting
12:25:22 10 areas. Where would you have gone hunting with
12:25:25 11 your father and grandfather?

12:25:32 12 A. We would have hunted primarily up
12:25:35 13 here, but we would have also gone down through
12:25:37 14 some of these other areas like the Beaver
12:25:39 15 Valley, Greenock Swamp, and this Pretty Valley
12:25:51 16 area. We sort of spread ourselves out into the
12:25:57 17 wider areas.

12:26:04 18 Q. Thank you, Mr. Nadjiwan, those
12:26:05 19 are my questions.

12:26:07 20 THE COURT: Is Canada asking questions
12:26:08 21 of this witness?

12:26:14 22 MR. ENNIS: Yes, Your Honour. If we
12:26:14 23 could just have a moment to shift.

12:26:17 24 THE COURT: Yes, move your books
12:26:18 25 around.

12:26:19 1 MR. ENNIS: And hook up
12:26:20 2 electronically.
12:26:46 3 THE COURT: Just before we begin,
12:26:47 4 Mr. Brookwell, we have not put an exhibit number
12:26:52 5 on your annotated map. I'm sure you planned on
12:26:53 6 doing that.
12:26:54 7 MR. BROOKWELL: Yes, thank you, Your
12:26:54 8 Honour. I would like to make this the next
12:26:57 9 numbered exhibit, Mr. Registrar, and I can send
12:27:01 10 you an electronic later this afternoon.
12:27:04 11 THE REGISTRAR: Exhibit number 4014.
12:27:08 12 EXHIBIT NO. 4014: Map of Grey County
12:27:16 13 with stickers placed on it by Mr.
12:27:16 14 Robert Nadjiwan.
12:27:21 15 CROSS-EXAMINATION BY MR. ENNIS:
12:27:25 16 Q. Good afternoon. My name is Barry
12:27:28 17 Ennis and I'm one of Canada's counsel. You're a
12:27:32 18 former Chief of Nawash. May I call you Chief
12:27:37 19 Nadjiwan?
12:27:38 20 A. Sure.
12:27:38 21 Q. Thank you. Now, Chief, did you
12:27:39 22 serve as a Band councilor as well?
12:27:41 23 A. No, I did not.
12:27:49 24 Q. Earlier this morning you referred
12:27:50 25 to a large fire on the Bruce Peninsula about a

1 hundred years ago. Is that the great fire of
2 1908?

3 A. Yeah.

4 Q. You also mentioned the Iroquois
5 coming from Nottawasaga River. Were they
6 travelling on the river itself, or going north
7 to Georgian Bay, or did they cross the river
8 from the eastern side?

9 A. They primarily came up from the
10 south through the river system by canoe.

11 Q. Thank you. And can you estimate
12 how many hunters there currently are among the
13 SON membership?

14 A. Well, at Nawash there's probably
15 I would say 40 at least that are regular
16 hunters, and Saugeen would have at least that
17 amount as well.

18 Q. Okay. Thank you.

19 Now, you said that you sometimes hunt
20 on private property in isolated locations where
21 nobody lives. Would you seek permission to do
22 so or would you just go ahead if it was safe?

23 A. We'd go ahead if it was safe.

24 Q. Thank you.

25 Now I want to take you to a short

12:29:23 1 document, which is SC0213. It is actually a
12:29:32 2 transcript -- a transcription of an oral history
12:29:36 3 interview that took place July 26th, 2005, with
12:29:43 4 Ed Koening?

12:29:46 5 A. Yes, Koening.

12:29:50 6 Q. And if you look just at the
12:29:52 7 bottom of page 1, you say, and these are -- this
12:29:57 8 may not be verbatim but this is what's recorded:

12:30:00 9 "One more story about the three
12:30:02 10 fires, how it came to an end. Around
12:30:05 11 1812 there was a reconvening of
12:30:08 12 spirituality and customary practices.
12:30:10 13 Some were using alcohol in ceremonies
12:30:14 14 and [other Nations weren't. They were
12:30:16 15 dealing with this at the meetings.
12:30:17 16 And then the Iroquois [...]"
12:30:21 17 And I'm going to skip a couple of
12:30:22 18 lines:

12:30:23 19 "[...] the Iroquois were trying
12:30:24 20 to break the chain of the Three Fires
12:30:28 21 Confederacy."

12:30:30 22 Now, did the Three Fires Confederacy
12:30:32 23 in fact come to an end?

12:30:35 24 A. I don't think it came to an end
12:30:36 25 but it -- it split into two factions.

1 Q. And about when, in terms of the
2 date, would that have been?

3 A. Probably around 1812.

4 Q. And was it a result of the -- a
5 conflict with the -- the Iroquois Five Nations?

6 A. No.

7 Q. How did it come about?

8 A. It came about because there were
9 practices of scalping, cannibalism and
10 dismembering and spreading around human body
11 parts.

12 Q. And that resulted in a split in
13 the Confederacy?

14 A. Yes.

15 Q. Who was responsible for these
16 practices?

17 A. I would say when the split
18 happened there were people who were designated
19 as headman, clan mothers, spiritual leaders,
20 warriors, et cetera; and there were others who
21 were not designated as title holders within the
22 system.

23 So some of the -- some of those
24 individuals were being coerced by, you know,
25 settler representatives, be they military or

1 other bureaucrats of various sorts. And so they
2 were starting to involve more Christianity in
3 the communities and starting to try and show how
4 leadership could be done through a popular vote
5 as opposed to the older system of designation.

6 Q. And this is what caused the
7 split?

8 A. That's what I understand.

9 Q. Thank you.

10 And if I could turn to another
11 document now, which is SC021 -- actually just
12 before I do that, I'm sorry.

13 I'd like to make the document SC0213
14 the next exhibit, if I may, Mr. Registrar?

15 THE COURT: Any objection? No.

16 THE REGISTRAR: Exhibit number 4015.

17 EXHIBIT NO. 4015: Transcription of an
18 oral history interview, July 26th,
19 2005, with Ed Koening. Document
20 SC0213.

21 BY MR. ENNIS:

22 Q. Thank you.

23 And now if we could turn to another
24 document, SC0215?

25 A. Yes.

12:33:26 1 Q. Now, Chief, you gave testimony
12:33:29 2 before the Niagara Escarpment Commission in
12:33:32 3 October of 2006 and in respect of an application
12:33:35 4 to develop lots in the Hunter's Point, and I'm
12:33:40 5 going to try my best, Nochimowanaoing?

12:33:46 6 A. Nochimowanaoing.

12:33:50 7 Q. Thank you. Which I believe is
12:33:51 8 number 27 on Exhibit 4014?

12:33:59 9 A. Yes.

12:34:02 10 Q. And that was in the matter of
12:34:06 11 Renchko and Hunter v. The Niagara Escarpment
12:34:12 12 Commission?

12:34:13 13 A. Yes.

12:34:14 14 Q. Now, in your testimony on October
12:34:16 15 31st, 2006, if we can go to page 229 of the
12:34:26 16 transcript? And I'm going to read a passage and
12:34:59 17 then read another passage from earlier in the --
12:35:02 18 in your testimony and then I'll ask you a
12:35:05 19 question afterwards.

12:35:06 20 But I'm going to start with your
12:35:08 21 answer:

12:35:10 22 "Let me add something else, like,
12:35:13 23 and I don't consider myself a
12:35:14 24 commercial fisherman in my community,
12:35:17 25 although I do harvest plants and

12:35:18 1 animals for sustenance and purposes
12:35:21 2 that are -- that we've always used
12:35:23 3 them for. But I have friends, and
12:35:26 4 there's other community members who I
12:35:28 5 consider to be hard-core fishermen.
12:35:30 6 They know the waters; they know the
12:35:32 7 weather; they know what they can do,
12:35:35 8 when they can do it, how they can do
12:35:37 9 it; they know where the shoals are
12:35:39 10 they know when the fish are going to
12:35:41 11 move off and on the shoals; they know
12:35:43 12 an awful lot of information.

12:35:46 13 And if I'm ever going out in the
12:35:49 14 water I'm going out with one of these
12:35:51 15 guys. I'm not going out by myself,
12:35:53 16 believe me, because this is a
12:35:55 17 dangerous lake to be out in.

12:35:57 18 And there are times when I've
12:35:57 19 been out in that lake where we've had
12:35:57 20 to get on the beach as quick as we
12:35:57 21 could because of the storms that have
12:36:01 22 come real quick. So, you know, and I
12:36:03 23 depend on other people who know these
12:36:05 24 things to take care of our safety when
12:36:06 25 we're out on the water. So I want to

1 emphasize that."

2 So that's one passage. But I want to
3 now, as well, if I could go to the passage from
4 the earlier day, October 30th, 2006, which is
5 document SC0214. And this reference -- this is
6 testimony about your great grandfather. You
7 mentioned -- earlier today you gave evidence of
8 him and four other fishermen perishing, but you
9 also gave evidence about that on October 30th,
10 2006, to the Niagara Escarpment Commission.

11 So do we have SC0214? If I could go
12 to page 10? Just towards the bottom of page 10?
13 Great. And your answer there, and I'll read
14 that as well, going on to page 11:

15 "Well, my great grandfather was
16 set up there late there the fall.
17 They were fishing. This is the time
18 of year when the -- when our white
19 fish runs become very good to harvest;
20 and, of course, the water is very,
21 very rough, as you know how windy it
22 was yesterday.

23 And some of our men, in order to
24 make a livelihood, would venture out
25 into these kind of storms knowing that

12:37:42 1 their catches would be really good.

12:37:44 2 If they made their catches it was

12:37:47 3 going to be a good thing for their

12:37:48 4 family. Not only would they

12:37:50 5 themselves have food for the upcoming

12:37:53 6 winter, but they'd also be able to

12:37:54 7 sell some of that commercially and

12:37:56 8 generate revenue for other things that

12:37:58 9 they needed.

12:37:59 10 So my great grandfather was

12:38:01 11 leaving that particular area and he

12:38:02 12 was coming across the lake, and he hit

12:38:05 13 a major storm. And he did make it

12:38:07 14 back to the community but when they

12:38:09 15 found him he was frozen to the rocks.

12:38:11 16 So somewhere between Nochimowanaing

12:38:13 17 and Cape Croker his boat capsized.

12:38:19 18 Perhaps he wasn't far from shore but

12:38:22 19 he was close enough to swim, but

12:38:23 20 nobody found him because there was a

12:38:25 21 snowstorm happening at the time. And

12:38:26 22 so the next day they found him frozen

12:38:29 23 to the rocks so he perished, which

12:38:31 24 would have been about 1903."

12:38:40 25 And, again, that was at Hunter's

1 Point, number 27 on the map?

2 A. Yes.

3 Q. And right across from Cape Croker
4 about -- do you know about what distance that
5 would be between those two points?

6 A. It would be at least three miles,
7 probably more.

8 Q. Okay. Thank you.

9 And also earlier this morning you
10 testified that SON members would usually follow
11 the shore of the Saugeen Peninsula and also the
12 shore of Georgian Bay?

13 A. Yes.

14 Q. But they would sometimes cross
15 the lake. And I believe you indicated that was
16 from Tobermory to Manitoulin Island, is that
17 correct? That's correct? You're nodding yes?

18 A. Yes.

19 Q. Okay, thank you. But you said
20 that's a dangerous journey?

21 A. Yes.

22 Q. What makes it a dangerous
23 journey?

24 A. Once you get away from the
25 protection of the islands the currents are

12:39:46 1 fairly swift, they can change and the winds come
12:39:50 2 up because it's all wide open water. So it's a
12:39:56 3 rough area to cross in a smaller boat.

12:40:00 4 Q. Thank you. So is it fair to say
12:40:03 5 that it's more dangerous travelling further into
12:40:06 6 the middle of Georgian Bay or into the middle of
12:40:09 7 Lake Huron rather than travelling or fishing
12:40:13 8 nearer to the shore of the Saugeen Peninsula or
12:40:16 9 the neighbouring islands?

12:40:18 10 A. It all depends on what they're
12:40:23 11 targeting for their catch, because the fish do
12:40:27 12 move; they move in and out of shallow and deeper
12:40:30 13 waters. So they will set their nets in
12:40:34 14 accordance with that.

12:40:38 15 Q. But in terms of travelling in a
12:40:39 16 canoe further into the middle of Georgian Bay or
12:40:44 17 Lake Huron, is that less safe than sticking
12:40:46 18 closer to the shoreline?

12:40:48 19 A. Yeah, it is. And there are times
12:40:50 20 of the year where it's safer to travel by canoe
12:40:53 21 even right across the middle than it is at other
12:40:56 22 times of the year.

12:40:58 23 Q. So sometimes it's safer to go
12:40:59 24 into the middle and sometimes it's not?

12:41:01 25 A. That's right.

12:41:05 1 Q. Would it be fair to say that --
12:41:07 2 or to ask you the question, do humans control
12:41:10 3 these lake waters or is the force of these
12:41:12 4 waters too strong for humans to control?

12:41:21 5 A. I if understand your question
12:41:22 6 correctly, are you asking if intervention by
12:41:29 7 cultural practice could affect the weather
12:41:33 8 conditions?

12:41:35 9 Q. Actually that wasn't in my mind.

12:41:37 10 A. Okay, that's how I understood
12:41:38 11 your question.

12:41:40 12 Q. I was just asking about the
12:41:42 13 roughness of the waters at different times of
12:41:45 14 the year, whether that made it not possible for
12:41:49 15 humans during those times of the year and the
12:41:51 16 roughness of the waters to control the waters?

12:41:56 17 A. Yeah, well, everything up to when
12:41:57 18 you say "control the waters" I can respond to,
12:42:00 19 because I'm not sure what that implies.

12:42:03 20 Q. I'll just leave it at that.
12:42:06 21 Thank you.

12:42:06 22 A. Yeah.

12:42:07 23 Q. And I just wanted to turn once
12:42:08 24 more to the document SC0215.

12:42:17 25 THE COURT: Is that the first or the

12:42:19 1 second transcript?

12:42:20 2 MR. ENNIS: That's the October 31,
12:42:23 3 2006, transcript, and on page 244.

12:42:42 4 BY MR. ENNIS:

12:42:42 5 Q. And just at the top of page 244,
12:42:43 6 if I could read that out as well.

12:42:49 7 "Our oral tradition has been
12:42:50 8 documented and we've recorded stories
12:42:52 9 of when people used to walk from the
12:42:55 10 Bruce Peninsula and Manitoulin Island
12:42:57 11 and nobody wanted to believe that
12:42:59 12 information. And then seismographic
12:43:02 13 mapping, or whatever type of
12:43:03 14 technology is available, actually
12:43:05 15 printed the lake bed bottom from the
12:43:08 16 Bruce Peninsula over to Manitoulin.
12:43:09 17 And it's been determined that there is
12:43:12 18 a route that could have been used by
12:43:14 19 human beings in an earlier time before
12:43:16 20 the waters came up to the levels that
12:43:18 21 they are now. So that story is in our
12:43:23 22 community for all of these years."
12:43:26 23 Chief, is that your understanding of
12:43:27 24 the story?

12:43:28 25 A. Yes.

12:43:29 1 Q. Of the tradition?

12:43:30 2 A. Yes.

12:43:33 3 Q. Thank you, Chief Nadjiwan, those
12:43:34 4 are my questions. Thank you very much. Thank
12:43:36 5 you.

12:43:38 6 THE COURT: Which counsel for Ontario
12:43:39 7 is asking this gentleman questions?

12:43:49 8 MS. McRANDALL: Julian McRandall, Your
12:43:53 9 Honour.

12:43:54 10 THE COURT: Please come forward.

12:43:55 11 CROSS-EXAMINATION BY MS. McRANDALL:

12:44:24 12 Q. Good afternoon, Chief Nadjiwan.
12:44:25 13 Thank you for the knowledge that you have shared
12:44:27 14 with us today. Miigwetch.
12:44:30 15 My obligations today are to represent
12:44:32 16 my client, Her Majesty the Queen in Right of
12:44:35 17 Ontario, and to assist the Court by putting
12:44:37 18 before it evidence to help assess the Saugeen
12:44:42 19 Ojibwe's claims; therefore, part of my task is
12:44:44 20 to try to clarify evidence that the Court
12:44:47 21 considers.

12:44:49 22 So just -- I had a few questions at
12:44:51 23 the beginning about your family. Your father
12:44:54 24 was Robert Ernest or Ernie Nadjiwan?

12:44:59 25 A. That's correct.

12:45:01 1 Q. And your mother was Lillian
12:45:03 2 Peletier?

12:45:05 3 A. Yes.

12:45:06 4 Q. And she was from Serpent River
12:45:09 5 First Nation?

12:45:09 6 A. Yes.

12:45:11 7 Q. And your father's father was
12:45:13 8 Francis Nadjiwan, correct?

12:45:16 9 A. That's right.

12:45:16 10 Q. And your father's mother was
12:45:18 11 Ethel Pawis?

12:45:25 12 A. Yes.

12:45:25 13 Q. And was she from Shawanaga First
12:45:29 14 Nation?

12:45:29 15 A. Yes.

12:45:30 16 Q. What language did you speak at
12:45:31 17 home when you were growing up?

12:45:33 18 A. We heard Anishinaabemowin
12:45:36 19 whenever our relatives were visiting. So -- but
12:45:45 20 we were able to use both languages for a certain
12:45:48 21 period of time.

12:45:50 22 So the thing that created almost the
12:45:54 23 end of the -- my siblings speaking
12:45:59 24 Anishinaabemowin was in kindergarten, on my
12:46:03 25 first day of school, I seen another boy in the

12:46:08 1 playground. So I could have spoken to him in
12:46:12 2 English or Anishinaabemowin, but for whatever
12:46:16 3 reasons I asked that young boy, "Anish azhayanik
12:46:23 4 cosiyin?" That means, "What is your name?" And
12:46:27 5 that boy ran into the school and he told the
12:46:29 6 teacher that I was swearing at him.

12:46:31 7 So I got dragged into the classroom
12:46:34 8 and she grabbed the yard stick and she broke
12:46:37 9 that across the back of my head. So that was my
12:46:41 10 first day of school.

12:46:44 11 When you're a kid at that age you're
12:46:52 12 not going to necessarily distinguish when you're
12:46:54 13 talking to another child. You're just going to
12:46:56 14 say what's going to come out. You don't
12:46:58 15 necessarily know that -- that you're even
12:47:01 16 speaking two different languages. You don't
12:47:04 17 necessarily really separate those things and
12:47:14 18 whatever comes out comes out.

12:47:16 19 So that was a common experience that a
12:47:18 20 lot of people experienced at school. Hence, the
12:47:20 21 issues associated with reconciliation today. So
12:47:27 22 that's what I experienced.

12:47:29 23 And so my grandfather, who was
12:47:32 24 visiting around that time, he says to my father
12:47:39 25 in Ojibwe, he says, "Don't teach your children

12:47:42 1 any more to speak our language. It's not a
12:47:44 2 working language in this society here. And they
12:47:47 3 will only get punished if they use their
12:47:50 4 language. It will keep happening."

12:48:00 5 So you see it's hard to answer your
12:48:02 6 question.

12:48:12 7 Q. You also had mentioned earlier
12:48:13 8 that you were part of the Thunderbird Society?

12:48:16 9 A. Yes.

12:48:21 10 Q. As part of the Thunderbird
12:48:23 11 Society would you perform water ceremonies?

12:48:25 12 A. Yes, I can do that.

12:48:26 13 Q. And under what circumstances
12:48:28 14 would you perform those water ceremonies?

12:48:33 15 A. It's part of the protocol of a
12:48:37 16 Thunderbird ceremony to include recognition,
12:48:43 17 mentioning, praying to and with the water. So
12:48:48 18 in order to do that we need a woman to be
12:48:51 19 involved in that kind of a ceremony. And that
12:48:55 20 woman has to have a designation, a cultural and
12:48:59 21 spiritual designation, to facilitate her role in
12:49:01 22 that ceremony. So that's one of the things that
12:49:06 23 we do do.

12:49:22 24 Q. I would like to turn briefly to
12:49:24 25 hunting, which you also discussed with us today.

1 Do you hunt with firearms exclusively?

2 A. Sometimes bows, sometimes spears.

3 Q. And you avoid hunting in areas
4 too close to towns, correct?

5 A. Yes.

6 Q. And you would also avoid hunting
7 in areas where there's a lot of people who live
8 or work in that area?

9 A. Yes.

10 Q. And is that for safety reasons
11 primarily or only --

12 A. Yes, primarily.

13 Q. Would it also be partly because
14 game is not as plentiful near towns and
15 heavily-populated areas?

16 A. Not necessarily. You see, if you
17 look at the shoreline around Collingwood a lot
18 of that area is -- was deer yarding area and
19 they filled up all the shoreline with
20 development, largely houses. So those deer in
21 the winter time, you know, they go sometimes
22 from inland to the head of the lakes and various
23 places. There's usually some protection there;
24 there's usually a food source there.

25 And as long as the water is open and

12:50:55 1 it hasn't frozen over it's warmer there than it
12:51:01 2 can be inland, and I'm talking primarily when
12:51:05 3 the snow's on the ground and that.

12:51:07 4 So that happens all over the lake, but
12:51:11 5 a lot of those places have been -- they've cut
12:51:13 6 that off because of developing houses and
12:51:19 7 various other businesses, and different things
12:51:22 8 in those areas.

12:51:25 9 So, as a rule, there hasn't been
12:51:28 10 anything reserved for the animals themselves.
12:51:34 11 And the animal populations, when they're cut off
12:51:37 12 from various areas that they frequent those
12:51:40 13 populations tend to get smaller over time.

12:51:46 14 So a lot of communities and that --
12:51:51 15 Owen Sound was another community that was a very
12:51:54 16 large deer yard. And there's a valley in Owen
12:51:58 17 Sound that goes back to a bluff, inland a little
12:52:02 18 bit there. So those deer would all herd in that
12:52:06 19 area. Just how things change over time. So now
12:52:12 20 we have to go to other areas to harvest animals.

12:52:21 21 At one time certain men would go out
12:52:23 22 and maybe harvest 40 or more deer at a time; and
12:52:27 23 when they would bring them all back everybody
12:52:29 24 could get their distribution.

12:52:34 25 So it wasn't considered inappropriate

12:52:36 1 to go out there in a large deer herd or in an
12:52:42 2 area where there were enough deer to harvest at
12:52:45 3 that amount. They would do that.

12:52:50 4 And I've done that, not in that way
12:52:52 5 but I've hunted in the northwest territories
12:52:54 6 with the Dene, who will hunt like that
12:52:58 7 sometimes, caribou hunt like that. They are
12:53:04 8 going 120 miles away from their community to
12:53:08 9 very isolated country where the larger deer --
12:53:13 10 caribou herds are and they will do that for
12:53:17 11 their community. So it's still practiced in
12:53:22 12 some places.

12:53:23 13 Q. But not in the areas close to the
12:53:27 14 peninsula any more?

12:53:28 15 A. No. No, we usually don't.

12:53:36 16 Q. And I believe you said earlier
12:53:37 17 that you sometimes hunt on private property?

12:53:40 18 A. Yes.

12:53:41 19 Q. Does that include property where
12:53:43 20 there are signs marking an area off as private?

12:53:48 21 A. Don't usually see that.

12:53:53 22 See, if a private land owner you'll
12:53:55 23 see these reds markers. They're either markers
12:54:01 24 or they will use spray paint. And they don't
12:54:03 25 want anybody hunting in that area, for whatever

12:54:07 1 reasons.

12:54:09 2 Sometimes, you know, people take
12:54:12 3 advantage of their properties and go in and if
12:54:16 4 they're driving through their properties with
12:54:19 5 ATVs and stuff they will tear up the --
12:54:22 6 whatever is out, trails or what have you. And
12:54:26 7 they consider that to be kind of an invasion of
12:54:29 8 their property.

12:54:36 9 We don't very often, it would be rare
12:54:40 10 that we would hunt with ATVs in our territory.

12:54:47 11 Q. So if there's a property where
12:54:49 12 you see that red mark, would you not hunt in
12:54:51 13 that area?

12:54:53 14 A. If we had permission we would.
12:54:55 15 So that's something you have to check out. But
12:55:02 16 it also means that the owner of that property,
12:55:05 17 you know, generally doesn't hunt in that land
12:55:08 18 either. So they can't reserve it for
12:55:10 19 themselves, mark it as nonhunting and then hunt
12:55:13 20 it. There's certain rules that they have to
12:55:16 21 follow.

12:55:21 22 Q. And you wouldn't hunt on property
12:55:23 23 where there's a house or houses?

12:55:25 24 A. No, there's other rules that
12:55:26 25 apply to that too. You know, where it's like

1 300 feet or something like that. There's a
2 specific yardage or distance. Yeah, so I
3 wouldn't shoot at a deer in somebody's front
4 yard.

5 Q. Do you set traps on private
6 property?

7 A. I usually don't have to, really.

8 Q. You said you usually don't have
9 to. Does that mean you have rarely or on
10 occasion?

11 A. No, I really haven't.

12 But, you know, just to follow that in
13 a related sense, if a farmer is having a problem
14 with coyotes -- and it is a big problem up in
15 our area -- they can harvest 200 coyotes a year
16 and barely put a dent in it. So there are
17 farmers who are open to people going up and, you
18 know, knocking that population of coyotes down.
19 So there's always little exceptions.

20 THE COURT: Counsel, you're pausing.
21 Can I get an estimate from you about how much
22 longer you're going to be?

23 MS. McRANDALL: Perhaps 20 minutes, 30
24 minutes.

25 THE COURT: Because of that, we're not

12:57:28 1 going to continue before break. Sir, we're
12:57:30 2 going to take a lunch break. You're under
12:57:32 3 cross-examination. What that means is you can't
12:57:35 4 discuss this matter or your testimony with
12:57:38 5 anybody at all.

12:57:40 6 Now, counsel will no doubt make sure
12:57:44 7 you get lunch but you are going to have to stick
12:57:46 8 to some other topic. Around this town
12:57:50 9 basketball is popular. Whatever you like, just
12:57:53 10 nothing at all to do with this case. All right?

12:57:55 11 So we'll break now for lunch and
12:57:57 12 resume at 2:15.

12:58:26 13 -- RECESSED AT 12:58 P.M. --

02:13:59 14 -- RESUMED AT 2:14 P.M. --

02:16:37 15 THE COURT: Please go ahead.

02:16:39 16 MS. McRANDALL: Thank you, Your
02:16:40 17 Honour.

02:16:42 18 BY MS. MCRANDALL:

02:16:42 19 Q. Before the break you were telling
02:16:43 20 us a bit about hunting. I think you mentioned
02:16:46 21 earlier today that further back it was easier to
02:16:49 22 access some places because there were fewer
02:16:52 23 settlers. Was that in your grandfather's time?

02:16:56 24 A. Well, it would have been in my
02:16:59 25 father's time. Yeah.

02:17:05 1 Q. And you also mentioned the
02:17:07 2 involvement of women with water ceremonies.
02:17:10 3 When -- when would these ceremonies be held? On
02:17:17 4 what kinds of occasions?

02:17:18 5 A. Well, we just did one a couple of
02:17:20 6 days ago. We broke ground for a housing project
02:17:24 7 associated with the Habitat for Humanity, which
02:17:27 8 is a group of volunteers who have come to the
02:17:30 9 community to assist in the construction of six
02:17:32 10 new residential homes in the community. So it
02:17:39 11 was the wishes of the community to have a
02:17:41 12 ceremony done on site where they're going to be
02:17:43 13 building the new houses.

02:17:44 14 So part of that ceremony included a
02:17:47 15 water ceremony and part of it and -- and that
02:17:52 16 water ceremony requires the involvement of a
02:17:54 17 woman to assist with that.

02:17:57 18 THE COURT: Sir, if you could either
02:17:59 19 move your chair closer to the microphone or keep
02:18:02 20 your voice up a little further?

02:18:04 21 THE WITNESS: Okay.

02:18:05 22 THE COURT: Thank you.

02:18:07 23 THE WITNESS: Do I need to repeat
02:18:08 24 that?

02:18:09 25 THE COURT: No. I could hear you but

02:18:16 1 not as clearly as before lunch. Please go
02:18:18 2 ahead.

02:18:18 3 BY MS. MCRANDALL:

02:18:19 4 Q. And if water is used in the water
02:18:20 5 ceremony and put in a vessel of some kind or a
02:18:23 6 container where would that water come from?

02:18:27 7 A. A spring.

02:18:31 8 Q. And a spring whereabouts?

02:18:35 9 A. Well, there's only a few of them
02:18:37 10 around so whichever one we happen to access at
02:18:41 11 the time.

02:18:51 12 Q. I'd like to take you briefly to a
02:18:53 13 map, which is one of Ontario's maps. It's
02:18:57 14 Exhibit M and it should appear on the screen.

02:19:04 15 THE COURT: I've got it. I think the
02:19:06 16 witness has it there.

02:19:08 17 BY MS. MCRANDALL:

02:19:09 18 Q. This television appears not to be
02:19:10 19 operating.

02:19:12 20 THE COURT: Your colleague is coming
02:19:13 21 to assist you.

02:19:28 22 While your colleague assists you, is
02:19:28 23 this already either a production or an exhibit?

02:19:32 24 MS. McRANDALL: Yes, it's Exhibit M.

02:19:35 25 THE COURT: "M" as in Mary?

02:19:42 1 MS. McRANDALL: Yes.

02:19:43 2 THE COURT: Thank you.

02:19:46 3 BY MS. MCRANDALL:

02:19:47 4 Q. If we could perhaps zoom in on

02:19:48 5 the area showing Pretty River Valley Provincial

02:19:51 6 Park?

02:20:12 7 Chief Nadjiwan, you spoke about this

02:20:14 8 earlier as one of the places where you hunt?

02:20:17 9 A. Uhm-hmm.

02:20:17 10 Q. Is that about a 20-minute drive

02:20:19 11 from Collingwood?

02:20:22 12 A. Pretty close, yeah.

02:20:24 13 Q. And is it your understanding that

02:20:26 14 it is outside of Treaty 45 and a half?

02:20:35 15 A. Never looked at it that way.

02:20:46 16 Q. When you go to some of the places

02:20:47 17 to hunt that you mentioned earlier, do you

02:20:50 18 always drive there?

02:20:51 19 A. Pretty much, yes.

02:20:54 20 Q. And how long of a drive is it to

02:20:56 21 where you hunt south of Mildmay?

02:21:03 22 A. How long of a drive from....

02:21:05 23 Q. From Nawash?

02:21:06 24 A. It's longer than an hour.

02:21:14 25 Q. And how long of a drive is it

02:21:15 1 from Nawash to Pretty Valley River Provincial
02:21:17 2 Park?

02:21:18 3 A. It's gotta be at least an hour
02:21:21 4 and a half, probably closer to two hours.

02:21:25 5 Q. How frequently do you hunt in the
02:21:27 6 areas that you've described for us today?

02:21:29 7 A. Well, we check on all of them,
02:21:31 8 and even others that we haven't identified in
02:21:35 9 the territories of the SON, but we -- different
02:21:43 10 people will go and check these areas out and
02:21:47 11 provide a report as to how many animals they
02:21:51 12 figure are in that area.

02:21:55 13 And we'll tend to go to areas that
02:21:59 14 have a good population of animals and sometimes
02:22:06 15 are not accessed as frequently by mainstream
02:22:10 16 hunters as they may be by us. And that's just
02:22:14 17 because we know all of these places. Some of
02:22:18 18 them are quite swampy so some people don't like
02:22:22 19 to hunt in swamps, we don't mind.

02:22:26 20 Q. Could you tell me which areas you
02:22:28 21 would categorize as somewhere you hunt, or you
02:22:31 22 visit frequently to hunt versus as opposed to
02:22:34 23 not very often?

02:22:35 24 A. Um, okay. Pretty Valley we
02:22:44 25 probably go to once a year. Greenock Swamp we

02:22:55 1 probably go two or three times a year.

02:22:58 2 Down in the Mildmay area would
02:23:00 3 probably be a couple of times a year. And some
02:23:09 4 places, because they're a little bit closer we
02:23:11 5 might hunt there a little more often, like
02:23:14 6 Bognor swamp area, Walter's Falls. So those
02:23:20 7 areas we go probably more frequently just
02:23:24 8 because of their location.

02:23:26 9 Q. And how long do you typically
02:23:28 10 spend in one of those areas where you go there
02:23:30 11 to hunt?

02:23:31 12 A. Usually a whole day. Sometimes,
02:23:35 13 like, if we go down to Greenock Swamp sometimes
02:23:41 14 guys will stay in the motel overnight or
02:23:44 15 sometimes even two nights, because it's a fair
02:23:46 16 drive back and forth. They want to get out
02:23:48 17 early in the morning, and stuff like that, so
02:23:51 18 they will sometimes stay in the motel if they
02:23:53 19 can find any in that area.

02:24:03 20 If we go hunting outside of our area
02:24:05 21 further north we take camping gear.

02:24:08 22 Q. You also mentioned earlier some
02:24:11 23 travel around Georgian Bay?

02:24:14 24 A. Yes.

02:24:15 25 Q. I believe you said at some times

02:24:17 1 of the year it's safer than others, so what time
02:24:19 2 of the year would that be?

02:24:21 3 A. The early part of the spring
02:24:24 4 after the ice goes out is the safest -- usually
02:24:28 5 the safest time for smaller boats because the
02:24:31 6 wind doesn't come up because it's still quite
02:24:33 7 cool out.

02:24:35 8 As the water heats up, you see -- as
02:24:38 9 the water heats up it pulls the air from the
02:24:42 10 south. So when the Great Lakes heat up enough
02:24:45 11 they pull the air up and it will keep going
02:24:48 12 north. And then when James Bay and Hudson's Bay
02:24:52 13 heats up -- when the ice is off that lake -- it
02:24:54 14 has the effect of drawing the air up north.

02:24:56 15 So the water has a great effect on the
02:24:58 16 weather and other things that are happening.

02:25:03 17 Q. Have you ever canoed across
02:25:05 18 Georgian Bay?

02:25:06 19 A. No.

02:25:09 20 Q. Are you aware of others who have?

02:25:14 21 A. By canoe? Not that I'm aware of.

02:25:23 22 Q. What about by motorized boat?

02:25:25 23 A. Yes, and sail boats as well.

02:25:33 24 Q. And how large would those boats
02:25:36 25 be?

02:25:36 1 A. Probably longer than 20 feet most
02:25:39 2 times, if they're going to go across the lake.
02:25:42 3 But people have crossed the lake, older
02:25:44 4 generations have crossed the lake over to Parry
02:25:47 5 Sound area in maybe a 14-foot boat.

02:25:53 6 Q. Would you be able to show us
02:25:54 7 where on the map that kind of route would be to
02:25:58 8 cross Georgian Bay? Perhaps on Exhibit 4014?

02:26:04 9 A. This one or this one?

02:26:06 10 Q. To the left.

02:26:07 11 A. Oh, this one. It doesn't show us
02:26:09 12 much of the land. But it would pretty much be
02:26:14 13 straight across to -- this is the Parry Island
02:26:18 14 over here, so that's the First Nation there.
02:26:20 15 Christian Island's right here. So those are the
02:26:25 16 two communities that are east of us.

02:26:28 17 And otherwise some people would go by
02:26:32 18 boat because they would want to stop in
02:26:34 19 different places along the way.

02:26:36 20 Q. And you gestured when you said
02:26:39 21 some people would go by boat, so some people
02:26:42 22 would go closer to shore to see communities
02:26:45 23 along the way?

02:26:46 24 A. Yes, uhm-hmm.

02:26:47 25 Q. And why -- what would the purpose

02:26:49 1 be of travelling across to Parry -- I think you
02:26:54 2 said Parry Island and Christian Island?

02:26:57 3 A. Yes. We have a lot of relatives
02:26:59 4 there.

02:27:05 5 Q. And how long would that trip
02:27:07 6 take?

02:27:15 7 A. It could take a few days.

02:27:21 8 See, not so much currently but in days
02:27:23 9 gone by they would. They'd travel by boat and
02:27:28 10 go pick blueberries up north in some of the --
02:27:31 11 because blueberries don't really grow in our
02:27:34 12 area. We don't see them very much. So they go
02:27:38 13 up further north where they're more abundant.

02:27:45 14 Q. There wouldn't be a lot of a time
02:27:46 15 then spent in the open water in the middle of
02:27:48 16 Georgian Bay then on these trips?

02:27:50 17 A. Not in a small boat. When people
02:28:00 18 took smaller boats across to Parry Island they
02:28:04 19 usually do it at night time when the water
02:28:07 20 settles down and calms down.

02:28:18 21 Q. You also mentioned sometimes
02:28:21 22 hunting or harvesting in other First Nation's
02:28:24 23 areas. So does the protocol of asking for
02:28:27 24 permission apply to any community that's outside
02:28:31 25 the Saugeen Ojibwe territory if you're not

1 hunting with relatives?

2 A. Yes. During my tenure as elected
3 Chief for the Chippewas of Nawash, 2005 to 2007,
4 there was always an unspoken protocol that
5 existed between communities in treaty areas.

6 But officially I believe it was in the
7 summer of 2006, myself and Chief Dave General
8 from Six Nation had put a motion to the floor of
9 the Ontario Chiefs, you know, indicating
10 intertreaty harvesting.

11 So it was just a way of formalizing
12 something that had already existed, but just
13 getting it on the record and having it there for
14 communities to access. So that is officially on
15 the books with the Chiefs of Ontario.

16 Q. Thank you. You also told us
17 earlier about names of some places in
18 Anishinaabemowin. I think you said that you
19 learned these from Elders?

20 A. Pretty much, yes.

21 Q. Did you also learn about some of
22 them from publications about Anishinaabemowin?

23 A. Not too much because there is --
24 there is a couple of examples of people who have
25 tried to document place names that were of

02:29:59 1 native or indigenous origin; and either they
02:30:03 2 misrecorded them or they misinterpreted them.

02:30:10 3 So the names they recorded pertaining
02:30:13 4 to our language, Anishinaabemowin, we could
02:30:16 5 correct the word as long as it wasn't too far
02:30:20 6 off from what would fit within what they had
02:30:23 7 recorded. We'd have to look at it and say,
02:30:32 8 well, that's probably incorrectly recorded here.
02:30:36 9 That's probably how they heard it but that
02:30:38 10 wouldn't be the way we would say it.

02:30:40 11 Like Penetang, for instance. That is
02:30:44 12 an Anishinaabe word but it's not -- it's not
02:30:47 13 correct. There's something missing in that to
02:30:49 14 really make that word a true Anishinaabe place
02:30:52 15 name. So somebody's misrecorded it.

02:30:56 16 You know, you drive into the community
02:30:58 17 over there it says "Penetang" or
02:31:07 18 "Penetanguishene". So it is in itself a native
02:31:10 19 place name but it's incorrectly written so it's
02:31:13 20 not on the mark. That's an example.

02:31:19 21 Same with -- another example that I
02:31:21 22 used on this document here it was for Oshawa,
02:31:24 23 which we would say Ozhaway. And Ozhaway means
02:31:32 24 "a favourable place where you cross the lake."
02:31:35 25 So everybody would know that place based on

02:31:39 1 that. And just that name tells people, yeah,
02:31:44 2 this is like a good place to cross kind of
02:31:47 3 thing.

02:31:48 4 Nowadays they say "Oshawa", but that's
02:31:51 5 not Ojibwes would pronounce it, or Anishinaabe
02:31:57 6 people. They would say Ozhaway.

02:32:00 7 Q. So you've read some publications
02:32:01 8 on it but you don't necessarily agree with all
02:32:04 9 of the names that they would use?

02:32:06 10 A. There's probably more
02:32:07 11 disagreement than there is agreement
02:32:10 12 unfortunately. I applaud people who attempt to
02:32:13 13 do these things, but the names in our language
02:32:16 14 they form a picture, they're a description so
02:32:20 15 you can't mess it up unusually.

02:32:24 16 But there are places that do have the
02:32:26 17 same name because that particular environment is
02:32:32 18 very much the same in different places.

02:32:37 19 Like, thinking about Maniwaki, Quebec,
02:32:41 20 that's up north of Ottawa. That is said
02:32:45 21 Maniwaki, that means "the land that rolls
02:32:50 22 beautifully". So if you've ever been up there
02:32:52 23 it's very pristine, nice land. And the city
02:32:56 24 down in the states Milwaukee, that's
02:33:00 25 mispronounced. It's the same name, Maniwaki,

02:33:03 1 but they say it "Milwaukee". There's a famous
02:33:08 2 beer named after it.

02:33:11 3 Q. Have you read publications on the
02:33:13 4 language by Basil Johnston?

02:33:17 5 A. Yes.

02:33:25 6 Q. And some of the other sources on
02:33:27 7 linguistics you've read would they be from other
02:33:31 8 Anishinaabe First Nations and not just the
02:33:33 9 Saugeen Ojibwe?

02:33:34 10 A. Yes.

02:33:35 11 Q. Were some of them published in
02:33:36 12 the United States?

02:33:37 13 A. Yes. But you have to take into
02:33:41 14 consideration there's about five dialects of
02:33:46 15 Anishinaabemowin; so there's slight variations
02:33:49 16 but all the root words are generally the same.

02:33:58 17 Q. Have you read any works by Mary
02:33:59 18 Ann Corbiere?

02:34:01 19 A. I know her, and I know she's a
02:34:02 20 fluent speaker of our language, and I know she
02:34:04 21 studied linguistics, but I haven't read any of
02:34:09 22 her published materials.

02:34:15 23 Q. I think you said earlier that
02:34:17 24 sometimes place names will change a bit over
02:34:19 25 time; is that correct?

02:34:21 1 A. Yes.

02:34:24 2 Q. Now, other communities would have
02:34:27 3 different names for some of the places that you
02:34:29 4 were telling us about, right?

02:34:31 5 A. Yeah. And that's why sometimes
02:34:33 6 you have different names, because there might be
02:34:35 7 one name they all agree on, sort of thing, under
02:34:39 8 a certain context of that particular site, but
02:34:46 9 they may have another reference point or context
02:34:49 10 of that same place and have another name that
02:34:51 11 they can use.

02:34:52 12 They wouldn't discount the word we may
02:34:57 13 most frequently use, but they may have a word
02:35:00 14 that they more frequently use. So there's room
02:35:03 15 to accept both.

02:35:07 16 Q. And Iroquoian-speaking people,
02:35:12 17 would they also have different names for a lot
02:35:15 18 of these places?

02:35:16 19 A. There's a good chance they would,
02:35:18 20 but their traditional homelands are primarily in
02:35:22 21 the Finger Lakes' region of New York State.

02:35:36 22 Q. What is the name for the
02:35:37 23 Haudenosaunee or the Iroquois people or Six
02:35:39 24 Nations in Anishinaabemowin?

02:35:42 25 A. Usually there's two words that

02:35:46 1 we'll use, one of them is Nodawe, or Nodaweg,
02:35:52 2 which would make that word plural; and the other
02:35:56 3 is Nonindaweg, which means Five Nations. That
02:36:00 4 would be an older name that very specifically
02:36:03 5 identifies the Iroquois Confederacy prior to the
02:36:06 6 Tuscarora Nation joining them and forming the
02:36:11 7 Six Nations.

02:36:16 8 Q. That name would be the same then
02:36:17 9 or similar to the name that the Saugeen Ojibwe
02:36:22 10 Nations would have called them?

02:36:23 11 A. Probably yes.

02:36:29 12 Q. I would like to take you to a
02:36:30 13 document, which is document ID SC0216.

02:36:40 14 A. Okay.

02:36:41 15 Q. It appears to be entitled, "A
02:36:43 16 report by R. Paul Nadjiwan, Mar 6, 2008. Phase
02:36:47 17 1 Executive Summary, The Meanings of the Names
02:36:51 18 and Places of the SONT". Do you recognize this
02:36:55 19 document?

02:36:56 20 A. Yes.

02:36:56 21 Q. You wrote this?

02:36:57 22 A. Yes.

02:36:57 23 Q. And could it be described as a
02:36:59 24 summary regarding the meanings of names of
02:37:03 25 places in Anishinaabemowin?

02:37:11 1 A. Can you -- I was just taking a
02:37:12 2 brief look at this again. It's been a few years
02:37:15 3 since I've --
02:37:16 4 Q. My apologies.
02:37:18 5 A. -- reviewed it or...
02:37:29 6 I've sort of read the first paragraph.
02:37:31 7 Can you restate your question?
02:37:33 8 Q. Could it be described as a
02:37:34 9 summary regarding the meanings of names and
02:37:36 10 places in Anishinaabemowin?
02:37:38 11 A. Yes.
02:37:39 12 Q. Your Honour, may be this be
02:37:41 13 entered as an exhibit?
02:37:43 14 THE COURT: Any objection? No.
02:37:44 15 Mr. Registrar.
02:37:48 16 THE REGISTRAR: Exhibit number 4016.
02:37:51 17 EXHIBIT NO. 4016: Document entitled,
02:37:51 18 "A report by R. Paul Nadjiwan, Mar 6,
02:37:51 19 2008. Phase 1 Executive Summary, The
02:37:51 20 Meanings of the Names and Places of
02:37:51 21 the SONT". Document SC0216.
02:37:53 22 BY MS. MCRANDALL:
02:37:54 23 Q. Did Saugeen Ojibwe Elders assist
02:37:56 24 in identifying these place names and their
02:37:58 25 meanings?

02:37:59 1 A. Yes, they're named her here.

02:38:06 2 Q. One of the Elders was Ernest

02:38:10 3 Nadjiwan?

02:38:10 4 A. Yes.

02:38:10 5 Q. Your father?

02:38:11 6 A. Yes.

02:38:12 7 Q. If we could turn over to page 10?

02:38:21 8 So the topic reads, "Bibliography References".

02:38:25 9 So were these sources that were consulted in

02:38:28 10 preparing this summary?

02:38:30 11 A. I'd have to go back to the

02:38:31 12 specific words that are comprised in the list,

02:38:35 13 but these sources would have been taken into

02:38:40 14 consideration.

02:38:46 15 Q. And if we go over to page 12,

02:38:47 16 Anishinaabemowin linguistic resources were also

02:38:59 17 consulted?

02:39:00 18 A. Yes.

02:39:04 19 Q. And turning back to page 3, at

02:39:10 20 the bottom, it reads at the very bottom "Lake

02:39:19 21 Superior Gitche-Gamming"?

02:39:25 22 A. Yes, Gitche-Gamming.

02:39:25 23 Q. Gitche-Gamming.

02:39:25 24 A. Yes.

02:39:25 25 Q. And that means the great lake?

02:39:27 1 A. Yes.

02:39:27 2 Q. And above that it says "Lake
02:39:28 3 Huron" and then "Naadawe-gaming"?

02:39:33 4 A. Yes.

02:39:34 5 Q. And is that -- the meaning of
02:39:35 6 that is lake where the Iroquois?

02:39:37 7 A. Well, there's -- it's one of
02:39:40 8 those names that has more than one name. Some
02:39:43 9 people say "Nishnaabe-gaming" or some people say
02:39:50 10 "Nishnaabe-zaaga'igan", and sometimes they say
02:39:54 11 "Naadawe-gaming". So there are several
02:40:00 12 different words that are used but it all applies
02:40:02 13 to that lake.

02:40:04 14 I'm not really in favour of
02:40:06 15 Naadawe-gaming. It was recorded here. I sort
02:40:11 16 of prefer the other ones because the Iroquois
02:40:15 17 primarily resided in greater numbers closer to
02:40:18 18 Lake Ontario than they did, you know, up in lake
02:40:24 19 Huron.

02:40:33 20 Q. Was there a reason that it was
02:40:34 21 called this particular name?

02:40:38 22 A. I'm not entirely certain on that,
02:40:40 23 but it was identified that that was one of the
02:40:43 24 names that was -- that was used at times.

02:41:03 25 MS. McRANDALL: If I could just have a

02:41:04 1 moment, Your Honour?

02:41:16 2 BY MS. MCRANDALL:

02:41:17 3 Q. Thank you, those are my
02:41:18 4 questions.

02:41:18 5 THE COURT: Thank you. Is there any
02:41:19 6 re-examination?

02:41:25 7 MR. BROOKWELL: No re-examination,
02:41:26 8 Your Honour.

02:41:28 9 THE COURT: Thank you very much, sir.
02:41:29 10 You can step down now and you can take a seat in
02:41:32 11 the public gallery, or wherever you wish. Thank
02:41:36 12 you very much.

02:41:38 13 Mr. Townshend, so our next witness is
02:41:41 14 Mr. Shawbedees, who I think we were thinking to
02:41:45 15 do on Wednesday, but can I assume that we can
02:41:47 16 deal with his evidence tomorrow instead,
02:41:49 17 Wednesday.

02:41:51 18 MR. TOWNSHEND: Yes, that's the Rule
02:41:53 19 36.

02:41:54 20 THE COURT: Yes. And has counsel had
02:41:55 21 a chance to think about the question of timing
02:41:57 22 of the scheduling meeting or do you want to talk
02:42:00 23 about that tomorrow? I gave you some options.

02:42:03 24 MR. TOWNSHEND: Yes, I have talked
02:42:04 25 about it with my friends and I think we would

02:42:07 1 all favour having a case conference on Thursday
02:42:10 2 to give us a little time to discuss it amongst
02:42:13 3 ourselves.

02:42:14 4 THE COURT: Okay, we'll do that at
02:42:15 5 10:00 o'clock. And my last question is -- I
02:42:18 6 don't have another question.

02:42:21 7 All right. So we'll resume tomorrow
02:42:23 8 with Mr. Shawbedees' evidence at 10:00 o'clock.

9 --- Whereupon the proceedings were
10 adjourned at 2:42 p.m.

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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 at which time the witness was put
under oath;

That the testimony of the witness and
all objections made at the time of the
examination were recorded stenographically by me
and were thereafter transcribed;

That the foregoing is a true and
accurate transcript of my shorthand notes so
taken. Dated this 13th day of June 2019.



PER: HELEN MARTINEAU

CERTIFIED SHORTHAND REPORTER

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