

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

DAY 90 VOL 90
March 05, 2020



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

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

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 the VOLUME 90/DAY 90 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 5th day of March, 2020.

B E F O R E:

The Honourable Justice Wendy M. Matheson

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

2

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

8

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

13

14 David Feliciant, Esq., for the Defendant,
15 & Peter Lemmond, Esq., Her Majesty the
16 & Richard Ogden, Esq., Queen in Right of
17 & Julia McRandall, Esq., Ontario.
18 & Jennifer Lepad, Esq.,

19

20

21

22 REPORTED BY: Judith M. Caputo, RPR, CSR, CRR

23

24

25

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

I N D E X

PAGE

Administrative/Housekeeping..... 11490 - 11504

WITNESS:

DR. GWEN REIMER

Cross-Examination by Mr. Townshend (Cont'd)..... 11474

Cross-Examination by Ms. Guirguis..... 11504

| INDEX OF EXHIBITS | | |
|-------------------|---|----------|
| NO. | DESCRIPTION | PAGE NO. |
| 4749: | Letter from Anderson to Bruce, dated February 13, 1852..... | 11475 |
| 4750: | Transcript from Anderson's journal, June 16, 1852..... | 11477 |
| 4751: | Correspondence log between McNabb, Drysdale and Chesley, in March 1854..... | 11487 |
| 4752: | Transcript of and Letter from Lord Bury to McNabb, dated March 2, 1855..... | 11489 |
| 4753: | Partial Transcript of Exhibit 1753..... | 11496 |
| 4754: | Partial Transcript of Exhibit 1772..... | 11496 |
| 4755: | Partial Transcript of Exhibit 1776..... | 11496 |
| 4756: | Partial Transcript of Exhibit 1967..... | 11496 |
| 4757: | Transcript of Exhibit 2134..... | 11496 |
| 4758: | Partial Transcript of Exhibit 1198..... | 11496 |
| 4759: | Transcript of Exhibit 1933..... | 11496 |
| 4760: | Transcript of Exhibit 1088..... | 11496 |
| 4761: | Transcript of Exhibit 1844..... | 11496 |
| 4762: | Transcript of Exhibit 1566..... | 11496 |
| 4763: | Transcript of Exhibit 1569..... | 11497 |
| 4764: | Transcript of Exhibit 1665..... | 11497 |
| 4765: | Transcript of Exhibit 1752..... | 11497 |
| 4766: | Partial Transcript of Exhibit 2014..... | 11497 |

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

INDEX OF EXHIBITS
(Continued)

| NO. | DESCRIPTION | PAGE NO. |
|-------|---|----------|
| 4767: | Partial Transcript of Exhibit 2027..... | 11497 |
| 4768: | Transcript of Exhibit 2069..... | 11497 |
| 4769: | Transcript of Exhibit 2059..... | 11497 |
| 4770: | Partial Transcript of Exhibit 1479..... | 11497 |
| 4771: | Transcript of Exhibit 1773..... | 11497 |
| 4772: | Partial Transcript of Exhibit 1774..... | 11497 |
| 4773: | Transcript of Exhibit 1912..... | 11497 |
| 4774: | Transcript of Exhibit 2021..... | 11497 |
| 4775: | Transcript of Exhibit 1943..... | 11498 |
| 4776: | Transcript of Exhibit 2062..... | 11498 |
| 4777: | Transcript of Exhibit 2130..... | 11498 |
| 4778: | Partial Transcript of Exhibit 2094..... | 11498 |
| 4779: | Transcript of Exhibit 1583..... | 11498 |
| 4780: | Partial Transcript of Exhibit 1457..... | 11498 |
| 4781: | Partial Transcript of Exhibit 1674..... | 11498 |
| 4782: | Partial Transcript of Exhibit 2106..... | 11498 |
| 4783: | Transcript of Exhibit 1002..... | 11498 |
| 4784: | Partial Transcript of Exhibit 1559..... | 11498 |
| 4785: | Partial Transcript of Exhibit 4692..... | 11498 |
| 4786: | Transcript of Exhibit 1855..... | 11498 |
| 4787: | Transcript of Exhibit 2110..... | 11498 |

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

INDEX OF EXHIBITS
(Continued)

| NO. | DESCRIPTION | PAGE NO. |
|-------|---|----------|
| 4788: | Partial Transcript of Exhibit 2417..... | 11499 |
| 4789: | Transcript of Exhibit 1856..... | 11499 |
| 4790: | Transcript of Exhibit 1853..... | 11499 |
| 4791: | Transcript of Exhibit 1859..... | 11499 |
| 4792: | Transcript of Exhibit 1881..... | 11499 |
| 4793: | Transcript of Exhibit 1931..... | 11499 |
| 4794: | Transcript of Exhibit 1787..... | 11499 |
| 4795: | Partial Transcript of Exhibit 2008..... | 11499 |
| 4796: | Partial Transcript of Exhibit 2105..... | 11499 |
| 4797: | Transcript of Exhibit 2061..... | 11499 |
| 4798: | Transcript of Exhibit 2112..... | 11499 |
| 4799: | Partial Transcript of Exhibit 2022..... | 11499 |
| 4800: | Transcript of Exhibit 2488..... | 11500 |
| 4801: | Transcript of Exhibit 2254..... | 11500 |
| 4802: | Transcript of Exhibit 2255..... | 11500 |
| 4803: | Partial Transcript of Exhibit 989..... | 11500 |
| 4804: | Transcript of Exhibit 1649..... | 11500 |
| 4805: | Partial Transcript of Exhibit 1659..... | 11500 |
| 4806: | Transcript of Exhibit 1797..... | 11500 |
| 4807: | Transcript of Exhibit 1662..... | 11500 |
| 4808: | Partial Transcript of Exhibit 2016..... | 11500 |
| 4809: | Partial Transcript of Exhibit SC1758..... | 11500 |

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

INDEX OF EXHIBITS
(Continued)

| NO. | DESCRIPTION | PAGE NO. |
|-------|---|----------|
| 4810: | Partial Transcript of Exhibit 2079..... | 11500 |
| 4811: | Transcript of Exhibit 1911..... | 11500 |
| 4812: | Transcript of Exhibit 2416..... | 11500 |
| 4813: | Transcript of Exhibit 1699..... | 11501 |
| 4814: | Transcript of Exhibit 1779..... | 11501 |
| 4815: | Partial Transcript of Exhibit 1134..... | 11501 |
| 4816: | Transcript of Exhibit 1884..... | 11501 |
| 4817: | Transcript of Exhibit 1935..... | 11501 |
| 4818: | Transcript of Exhibit 1865..... | 11501 |
| 4819: | Quarter Sessions for the County of Grey - April 1854 Session..... | 11501 |
| 4820: | Quarter Sessions for the County of Grey - June/July 1854 Session..... | 11501 |
| 4821: | List of Convictions November 1851..... | 11501 |
| 4822: | List of accounts paid out by the Court of Quarter Sessions, November 1851..... | 11501 |
| 4823: | List of Constables 1852 - 1853..... | 11501 |
| 4824: | List of Constables 1853 - 1854..... | 11502 |
| 4825: | List of Constables 1854 - 1855..... | 11502 |
| 4826: | Report by Jarvis July 20, 1838..... | 11549 |

INDEX OF EXHIBITS

(Continued)

| NO. | DESCRIPTION | PAGE NO. |
|---------------------|---|----------|
| 4827: | Letter from Anderson to David Sawyer dated August 2, 1847..... | 11556 |
| 4828: | Letter from John Clarke to J.H. Price, dated September 24, 1850..... | 11588 |
| 4829: | Letter from John McLean to William Harrison, dated October 28, 1852..... | 11595 |
| 4830: | Letter from John McLean to William Harrison, dated November 18, 1852..... | 11598 |
| 4831: | Excerpt of Davidson's "A New History of Grey County", Chapter 7, pages 31 to 36..... | 11627 |
| 4832: | Excerpt of a book entitled, "Preserving the Peace and History of the Owen Sound Police Force 1840 - 1990", edited by Glenn G. Hepburn.... | 11632 |
| 4833: | Partial transcript combined with an original document being an Order in Council dated November 2, 1846..... | 11635 |
| FOR IDENTIFICATION: | | |
| W-3: | List of Proposed Exhibits, 3 pages, Document No. SC2034..... | 11502 |
| X-3: | List of Proposed Exhibits, 1 page, Document No. SC2035..... | 11502 |

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

2
3 THE COURT: Please go ahead.

4 DR. GWEN REIMER: PREVIOUSLY SWORN.

5 CROSS-EXAMINATION BY MR. TOWNSHEND (CONT'D):

6 Q. Good morning, Dr. Reimer.

7 A. Good morning.

8 Q. I want to start talking a bit
9 about agriculture and you testified earlier in --
10 about the Saugeen -- beginning to farm in the
11 mid-19th century?

12 A. Okay.

13 Q. And I just want to talk a little
14 more about that.

15 So if I could start with document
16 SC1906. This is a letter from Anderson to Bruce of
17 13 February 1852 and there's a transcript and a
18 document following it? Just look at the
19 transcript, it's probably easiest.

20 A. (Witness reviews document).

21 I've read it.

22 Q. So here, Anderson is suggesting
23 not providing supplies to the Saugeen in part
24 because they haven't been cultivating the land; am
25 I correct?

10:03:34 1 A. Yes, and by supply of provisions I
10:03:36 2 gather that they're talking about food provisions.

10:03:41 3 Q. So that suggests that in 1852 the
10:03:45 4 Saugeen aren't subsisting off farming?

10:03:48 5 A. Not -- it was perhaps
10:03:49 6 supplementing their subsistence, but certainly not
10:03:59 7 supplying their full subsistence.

10:04:04 8 Q. Now go to Exhibit 1906.

10:04:19 9 MR. TOWNSHEND: Pardon me, we were at
10:04:21 10 SC1906, and I'd like to make that an exhibit.

10:04:27 11 THE COURT: You'll have to describe it
10:04:29 12 then, sir.

10:04:30 13 MR. TOWNSHEND: It's a letter from
10:04:31 14 Anderson to Bruce, 13 February 1852.

10:04:36 15 THE COURT: Does that include or not
10:04:38 16 include the transcript?

10:04:40 17 MR. TOWNSHEND: It's a transcript
10:04:44 18 followed by the document.

10:04:45 19 THE COURT: Mr. Registrar.

10:04:46 20 THE REGISTRAR: Exhibit No. 4749.

10:04:49 21 EXHIBIT NO. 4749: Letter from Anderson
10:05:08 22 to Bruce, dated February 13, 1852.

10:05:08 23 BY MR. TOWNSHEND:

10:05:08 24 Q. Now I'd like to go to
10:05:11 25 Exhibit 1906, it happens to be the same number.

10:05:14 1 So this is a document authored by
10:05:24 2 Charles Rankin. And if you could look at the
10:05:32 3 second page of the -- well, maybe we should read
10:05:36 4 all of the -- the whole document, it's not very
10:05:38 5 long. If you could look at that, it's the second
10:05:41 6 page I'm most interested in.

10:05:56 7 A. (Witness reviews document).

10:05:58 8 Scroll down, please.

10:06:24 9 (Witness reviews document). I'm
10:06:27 10 finished.

10:06:28 11 Q. Okay. So the point I'm drawing
10:06:30 12 from this is that Rankin is noting that the Saugeen
10:06:37 13 are only farming what he calls a "trifling quantity
10:06:42 14 of land"?

10:06:43 15 A. Yes, that is correct.

10:06:44 16 Q. So that suggests that they're not
10:06:47 17 farming much?

10:06:48 18 A. Yes.

10:06:55 19 Q. And this was in 1852.

10:06:59 20 Could we go to Exhibit 1931, now. And
10:07:04 21 we have a transcript of that at -- this is
10:07:12 22 Anderson's journal of 16th June 1852. And the
10:07:21 23 transcript of that was prepared at SC1929.

10:07:34 24 MR. TOWNSHEND: This is a transcript of
10:07:36 25 Exhibit 1931, I'd like this exhibited, please.

10:07:40 1
10:07:42 2
10:07:44 3
10:07:11 4
10:07:52 5
10:07:52 6
10:07:54 7
10:08:03 8
10:08:09 9
10:08:25 10
10:08:26 11
10:08:26 12
10:08:32 13
10:08:35 14
10:08:35 15
10:08:40 16
10:08:40 17
10:08:55 18
10:09:02 19
10:09:10 20
10:09:14 21
10:09:16 22
10:09:18 23
10:09:22 24
10:09:25 25

THE COURT: Mr. Registrar.

THE REGISTRAR: Exhibit No. 4750.

EXHIBIT NO. 4750: Transcript from
Anderson's journal, June 16, 1852.

BY MR. TOWNSHEND:

Q. And if we could go to the second
page of the transcript. After the square brackets
page 115634, and if you can look at the paragraph
after that.

A. (Witness reviews document).

Okay.

Q. So this is also in 1852, the
Saugeen are not doing enough farming to survive,
correct?

A. According to Anderson, that is
correct.

Q. Can I go to Exhibit 2144, please.
This is a letter from Reverend Ludwick -- well, it
says "Kniles" there, it would be Kribs that would
be the appropriate name but it says "Kniles" there;
are you familiar with this?

A. Yes. And I had always read his
name as "Kniles" also, but I agree that apparently
it was Kribs.

Q. Okay. So if we go to page 2 of

10:09:27 1 that transcript and just under the square brackets
10:09:37 2 on page 3, if you would read that paragraph after
10:09:42 3 that.

10:09:43 4 A. (Witness reviews document).

10:10:10 5 Could we scroll up? I just want to
10:10:13 6 know when he says "to their lands" to whom he's
10:10:17 7 referring, because I know he was a missionary at
10:10:19 8 Colpoy's Bay. So is he talking about the entire
10:10:23 9 SON, or just Colpoy's Bay? If I could just read
10:10:41 10 the entire letter up until the green square, that
10:10:44 11 would be great.

10:10:48 12 (Witness reviews document).

10:11:39 13 All right, I'm finished.

10:11:40 14 Q. So given the context, if he's
10:11:42 15 talking about a proposal for the surrender of the
10:11:45 16 land, he would seem to be talking about Saugeen in
10:11:52 17 general?

10:11:52 18 A. Yes, I think he's talking about
10:11:54 19 the Saugeen in general, yes.

10:11:55 20 Q. So in 1854 they're doing very
10:11:58 21 little farming?

10:11:58 22 A. According to Kribs, yes.

10:12:05 23 Q. I'd like now to go to
10:12:09 24 Exhibit 2494. This is in the kind of the sessional
10:12:24 25 papers, reported the special Commissioners to

1 investigate Indian Affairs and it's dated 1858.

2 Can we go to page 73 of this report, or
3 PDF 73. There doesn't seem to be a pagination on
4 the original document. So the heading on that page
5 is "Ojibwas and Potawatomes of Saugeen". If you
6 would look at the paragraph at the bottom of that
7 page.

8 MR. TOWNSHEND: If you can expand that,
9 please.

10 A. (Witness reviews document).

11 Okay, I'm finished.

12 Q. So this is in 1858 and it says
13 they're still not farming very much?

14 A. Not very much, but in the years
15 prior to 1858, there was evidence that at Saugeen
16 near Southampton they did have cornfields.

17 Q. And in this case, he's reporting
18 that they required being supported in the last
19 winter by the department?

20 A. Yes.

21 Q. And I take that to mean,
22 provisions of food?

23 A. That's what I understand, too,
24 yes.

25 Q. Now if I could go to your report

1 Volume 1, which is Exhibit 4576, and go to page 254
2 of that.

3 And at the bottom of that page, the
4 paragraph, the last sentence of the paragraph:

5 "Anderson's reports for both
6 Bands accompanying the 1857 census
7 were also quite negative."

8 And then you quote from Anderson's
9 report, if you could just review that quickly.

10 A. (Witness reviews document).

11 I've reviewed it.

12 Q. So Anderson is calling their
13 farming operation miserable?

14 A. Yes.

15 Q. And is saying, "the farming
16 equipment has been led to go to ruin"?

17 A. Yes.

18 Q. So that shows in 1857 they're
19 still not farming very much?

20 A. I agree.

21 Q. So, to the extent they were
22 farming in the 1840s, and 1850s it was only a
23 supplement, it wasn't nearly enough to subsist
24 them?

25 A. Yes, I agree.

1 Q. I want to switch to talking about
2 hunting. And you gave some evidence in-chief that
3 by the 1840s, the First Nations were aware they
4 could no longer follow their traditional way of
5 life of hunting and fishing; do you recall that?

6 Shall we go to the transcript?

7 A. Sure.

8 Q. So that's the February 12th -- and
9 this is a rough transcript. So it's been -- you
10 should be aware of that.

11 And go to page 142 of that. And
12 starting at line 2 is a question and answer that
13 you could review.

14 A. (Witness reviews document).

15 I've reviewed it.

16 Q. That is what I was referring to,
17 when I was summarizing; did I give a fair summary?

18 A. Yes. Although, I would just add
19 to this that when I say that:

20 "The First Nation leaders were
21 aware of and concerned about the
22 fact that they could no longer
23 follow their traditional way of
24 life, seasonal hunting and fishing
25 way of life[...]"

10:17:54 1 That they were beginning to see the
10:17:57 2 opportunity to continue that, for their children to
10:18:00 3 continue that, but it was disappearing and they
10:18:03 4 were looking for other options.

10:18:06 5 So my intent was not to say that it had
10:18:09 6 already disappeared, but that there was an
10:18:11 7 awareness or an acknowledgement that it was
10:18:15 8 becoming more difficult and possibly disappearing.

10:18:18 9 Q. Thank you for that clarification.

10:19:23 10 So if I'm understanding what you've
10:19:25 11 just clarified, in the 1830s, 40s, and 50s, you're
10:19:33 12 agreeing that hunting was still a significant part
10:19:37 13 of the Saugeen's economy?

10:19:40 14 A. In the 1830s and 40s, certainly.
10:19:47 15 In the 50s as well. In my report I document
10:19:51 16 efforts by the Saugeen Ojibway Nation to diversify
10:20:00 17 their economy and my interpretation of that is that
10:20:03 18 they're recognizing or acknowledging that this
10:20:06 19 would not be able to be their sole source of
10:20:10 20 subsistence and that there's a need to diversify
10:20:14 21 the economy.

10:20:14 22 But fishing, in particular, was another
10:20:18 23 important aspect of their subsistence economy as
10:20:23 24 well as partly commercial economy as well.

10:20:28 25 Q. So in the mid-1850s, will you

10:20:35 1 agree that they are still seeing hunting as
10:20:38 2 something they need to do to survive, to some
10:20:41 3 extent?

10:20:42 4 A. Yes, to a certain extent.
10:20:44 5 Although, most of the documentation talks about
10:20:47 6 fishing as opposed to hunting. But certainly those
10:20:51 7 traditional -- the traditional economy was still
10:20:55 8 important.

10:20:56 9 Q. And I would suggest to you that
10:21:03 10 the Crown wouldn't have wanted them to stop hunting
10:21:08 11 completely at that point, either?

10:21:12 12 Because then they would have to support
10:21:14 13 them, as we saw from this, we saw about agriculture
10:21:16 14 today, because they weren't making enough from
10:21:19 15 farming, they were having to ask for support from
10:21:22 16 the government?

10:21:22 17 A. I don't think I agree that it was
10:21:27 18 government policy to encourage hunting and fishing.
10:21:33 19 Fishing, yes, for sure. But rather, the other side
10:21:38 20 of the coin was to encourage settlement and
10:21:42 21 agricultural pursuits. The problem was, it wasn't
10:21:48 22 working all that terribly well according to the
10:21:51 23 documents we've just read from Anderson, etcetera.

10:21:54 24 So your question, as I understand it,
10:21:57 25 is -- was asking whether the government wanted then

10:21:59 1 to continue to hunt and fish. I'm not sure that
10:22:02 2 they did. What they wanted was to encourage
10:22:05 3 successful agriculture and other kinds of economic
10:22:10 4 pursuits other than hunting and fishing. Or
10:22:13 5 hunting. Fishing, I think remained an important
10:22:16 6 aspect and the Government acknowledged that that
10:22:20 7 was necessary.

10:22:21 8 Q. Okay. I'll put it a different --
10:22:26 9 what I was trying to get at, I'll put a different
10:22:29 10 way.

10:22:29 11 They wouldn't -- the Crown would not
10:22:33 12 expect the Saugeen to stop hunting unless they had
10:22:36 13 some other -- unless they had some other means of
10:22:40 14 supporting themselves?

10:22:41 15 A. I would agree to -- if you -- to
10:22:47 16 the extent that I think the Governmental officials
10:22:52 17 still saw this as a necessary aspect of the Saugeen
10:22:55 18 Ojibway economy.

10:23:02 19 Q. I want to move to a couple of
10:23:20 20 questions about Chantry Island, and you have a
10:23:24 21 discussion about that in Volume 2 of your report,
10:23:28 22 Exhibit 4702, starting at page 79. At the bottom
10:24:14 23 there, you start talking about Chantry Island.

10:24:29 24 So I'd like to bring up this document
10:24:31 25 you're referring to, which is Exhibit 2148. If you

1 could just review that, please.

2 A. (Witness reviews document).

3 Okay.

4 Q. So this is dated October 13th,
5 1854, correct?

6 A. Yes.

7 Q. That's the same day of Treaty 72,
8 isn't it?

9 A. Yes.

10 Q. And Treaty 72 explicitly excludes
11 islands from its scope; doesn't it?

12 A. Yes.

13 Q. And this document says it was for
14 the express purpose that the land -- the island be
15 sold to Alexander McNabb for 200 pounds?

16 A. Yes.

17 MR. TOWNSHEND: Maybe if you can just
18 scroll down a bit, just so we can see the rest of
19 the document?

20 BY MR. TOWNSHEND:

21 Q. You have a number of Aboriginal
22 signatories on the right-hand side. On the left
23 side, you have witnesses, Peter Jacobs, who was a
24 missionary at Saugeen.

25 A. Yes.

10:26:04 1 Q. And David Sawyer who was a
10:26:07 2 missionary at Owen Sound?

10:26:10 3 A. He was also the secretary of the
10:26:11 4 Band there at the time, I think.

10:26:13 5 Q. And you have -- can you make out
10:26:18 6 the --

10:26:18 7 A. John H. Beatty.

10:26:23 8 Q. Okay. And the final one is?

10:26:27 9 A. Patrick -- I'm not sure.

10:26:32 10 Q. Okay. I can probably -- there
10:26:36 11 appear to be no Crown representatives who signed
10:26:39 12 this?

10:26:39 13 A. No. Well, can we go down the
10:26:47 14 page? There's no other page. Can we just scroll
10:26:50 15 up a little bit then?

10:26:51 16 Yes, okay. No, this is -- yes, okay,
10:26:55 17 go ahead.

10:26:56 18 Q. Okay. Backing up a few months
10:27:00 19 before that, I'd like to go to document SC1919.
10:27:10 20 Now I'll call this a correspondence log between
10:27:14 21 McNabb, Drysdale and Chesley, in March 1854. And
10:27:21 22 there's the transcript followed by the document
10:27:30 23 which I'd like this made an exhibit?

10:27:32 24 THE COURT: Mr. Registrar.

10:27:34 25 THE REGISTRAR: Exhibit No. 4751.

10:27:37 1 EXHIBIT NO. 4751: Correspondence log
10:27:14 2 between McNabb, Drysdale and Chesley,
10:27:18 3 in March 1854.

10:27:41 4 BY MR. TOWNSHEND:

10:27:41 5 Q. So it's very brief, if you'd just
10:27:42 6 review that, please.

10:27:44 7 A. (Witness reviews document).

10:28:09 8 I've read it.

10:28:09 9 Q. So here we see McNabb is writing
10:28:13 10 to Indian Affairs to find out whether Chantry
10:28:16 11 Island is still owned by the Saugeen?

10:28:19 12 A. Yes.

10:28:20 13 Q. And the reply is, that it is?

10:28:22 14 A. Yes.

10:28:22 15 Q. And what McNabb says is that the
10:28:36 16 Indians say it was reserved for their use and never
10:28:39 17 surrendered.

10:28:40 18 That suggests he's talking directly
10:28:42 19 with them about the island, doesn't it?

10:28:44 20 A. Yes.

10:28:45 21 Q. So now if I could go to
10:28:51 22 Exhibit 2097, please. This is a letter from
10:29:04 23 Keating to Anderson of July 11th, 1854.

10:29:15 24 And if we could go to page 5 of that.
10:29:27 25 The second paragraph before the square brackets

10:29:32 1 that says "page 6" starts, "Mr. McNabb [...]" if
10:29:39 2 you could review that. If you want to see more of
10:29:42 3 the letter, that's fine.

10:29:44 4 A. (Witness reviews document).

10:29:46 5 I've read it.

10:29:46 6 Q. So Keating is writing about
10:29:54 7 McNabb's interest in Chantry Island?

10:29:56 8 A. Yes.

10:29:56 9 Q. And suggesting that -- by saying
10:30:06 10 that McNabb was "using his efforts against us"
10:30:14 11 implies that McNabb is trying to get the island
10:30:18 12 himself; is that fair?

10:30:19 13 A. Yes, that's fair.

10:30:24 14 Q. Okay.

10:30:29 15 A. Could I just interject? There is
10:30:32 16 another document prior to this, and after the
10:30:35 17 document we were just looking at previous to this,
10:30:38 18 that indicates that in fact, the Saugeen Chiefs had
10:30:44 19 issued a lease to McNabb for Chantry Island.

10:30:48 20 So I just am adding a little bit of
10:30:52 21 context, that certainly there had been
10:30:54 22 communication between the chiefs and McNabb about
10:30:57 23 the island. And at this point, it was my
10:30:59 24 understanding that he had been able to acquire a
10:31:02 25 lease of the island.

1 Q. Yes, and you've said that earlier
2 in your report?

3 A. Yes.

4 Q. Okay. So now I'd like to go to
5 March of the next year, if we could have document
6 SC1920. This is a letter from Lord Bury dated
7 March 2nd, 1855, to McNabb. And this is the
8 transcript followed by the document.

9 MR. TOWNSHEND: Can we make that an
10 exhibit, please?

11 THE COURT: Mr. Registrar.

12 THE REGISTRAR: Exhibit No. 4752.

13 EXHIBIT NO. 4752: Transcript of and
14 Letter from Lord Bury to McNabb, dated
15 March 2, 1855.

16 BY MR. TOWNSHEND:

17 Q. It's quite short, so perhaps read
18 the whole letter?

19 A. (Witness reviews document).

20 All right, I've read it.

21 Q. So this is -- and Lord Bury, at
22 this point, was the Superintendent General?

23 A. Yes.

24 Q. And he's saying that the surrender
25 of Chantry Island of which McNabb is speaking, they

1 don't have in that office and they never heard of
2 it?

3 A. Correct.

4 Q. And this is in March 1855?

5 A. Correct.

6 Q. So it seems to me that McNabb was
7 trying to get Chantry Island for himself. He
8 managed to get a document signed by a number of
9 Saugeen, and without a Crown representative
10 present, and the Crown only learned about it five
11 months later when McNabb wrote to them about it.
12 Is that fair?

13 A. Can you just give me a moment,
14 please?

15 (Witness reviews document).

16 Yes, from the relevant documentation
17 that I'm aware of, your summary is correct.

18 Q. So that's not the usual pattern by
19 which transactions in lands were conducted, was it?

20 A. No, it's not the usual pattern.

21 Q. So it looks more like a private
22 deal that McNabb was trying to do?

23 A. Yes. Yes.

24 MR. TOWNSHEND: Your Honour, there's a
25 number of documents that pertain to some of this

10:34:48 1 material that I want to make as exhibits and I
10:34:51 2 believe I'm getting consent for that, and I'd like
10:34:54 3 to deal with that later as an administrative
10:34:57 4 matter. We will enter these exhibits, enter these
10:35:00 5 documents as exhibits. We'll do that with a list
10:35:04 6 setting them out.

10:35:05 7 THE COURT: Yes, that is the process
10:35:07 8 that was established earlier on in this trial.

10:35:10 9 MR. TOWNSHEND: So at this point, I've
10:35:13 10 completed the cross-examination I wish to do and
10:35:15 11 I'm going to turn it over to Ms. Guirguis, and I
10:35:18 12 think she may want a few moments to set up.

10:35:23 13 THE COURT: She's been here for a
10:35:24 14 while.

10:35:25 15 Ms. Guirguis, do you want to come
10:35:28 16 forward and get set up?

10:36:48 17 THE COURT: While you're getting
10:36:50 18 organized, counsel, would you let me know which of
10:36:53 19 the reports I should have handy?

10:36:54 20 MS. GUIRGUIS: Yes, Your Honour. Good
10:36:56 21 morning.

10:36:56 22 So the reports that I will be
10:36:57 23 cross-examining on is Volume 3 which is
10:37:01 24 Exhibit 4703, and the changes to Volume 3, which is
10:37:05 25 Exhibit 4705.

10:37:07 1 Volume 4, Exhibit 4704.

10:37:10 2 The Deliberation Time Report which is
10:37:15 3 Exhibit 4707.

10:37:16 4 The Squatting Report which is
10:37:19 5 Exhibit 4708.

10:37:22 6 And the Maps Report which is
10:37:25 7 Exhibit 4710.

10:37:26 8 THE COURT: Now, I'm assuming you're
10:37:28 9 not starting with all of those.

10:37:30 10 MS. GUIRGUIS: No, I am not. I'll be
10:37:31 11 starting with --

10:37:31 12 THE COURT: Where are you starting?

10:37:33 13 MS. GUIRGUIS: Volume 3. I would have
10:37:34 14 that.

10:37:34 15 THE COURT: I have that, all right.

10:37:36 16 And the related exhibit.

10:37:40 17 MS. GUIRGUIS: My questions are
10:37:41 18 organized by theme, so it may jump around but I'll
10:37:44 19 try to be --

10:37:46 20 THE COURT: It's no problem at all.

10:37:48 21 MS. GUIRGUIS: So, Your Honour, before
10:37:49 22 I begin I have one administrative matter. I have
10:37:52 23 two lists of document that I have my friends's
10:37:55 24 consent to add as exhibits.

10:37:57 25 THE COURT: Are they lengthy?

10:37:59 1 MS. GUIRGUIS: One of them is. There's
10:38:01 2 one list that has a few documents that have to do
10:38:04 3 with -- that come out of the cross-examination from
10:38:07 4 Mr. Graves that has documents with respect to
10:38:13 5 Constables in Bruce and Grey.

10:38:14 6 THE COURT: I didn't ask what the
10:38:16 7 subject matter was. From an administrative
10:38:19 8 standpoint the process we will follow depends on
10:38:22 9 the number of documents on these two lists.

10:38:24 10 Is it lengthy?

10:38:26 11 MS. GUIRGUIS: Yes, one of them is two
10:38:28 12 pages. They are transcripts to be added as
10:38:30 13 exhibits.

10:38:31 14 THE COURT: And are they documents you
10:38:33 15 intend to use, or just documents you wish to mark?

10:38:35 16 MS. GUIRGUIS: They are documents that
10:38:37 17 I intend to use.

10:38:38 18 THE COURT: All right. Has
10:38:40 19 Mr. Registrar been provided with these two lists.

10:38:42 20 THE REGISTRAR: No, Your Honour.

10:38:44 21 THE COURT: Mr. Registrar, could you
10:38:45 22 have a look and tell me how many documents we're
10:38:47 23 talking about here?

10:39:02 24 I take it you have consent for this,
10:39:05 25 Ms. Guirguis.

10:39:06 1 MS. GUIRGUIS: Yes, Your Honour.

10:39:07 2 THE COURT: Do you have a copy for me?

10:39:14 3 THE REGISTRAR: So we have at least

10:39:16 4 75 exhibits, Your Honour.

10:39:16 5 THE COURT: 75 documents.

10:39:19 6 THE REGISTRAR: Yes.

10:39:21 7 THE COURT: All right. So it's three

10:39:31 8 pages long, is that the --

10:39:33 9 MS. GUIRGUIS: That is correct, that's
10:39:34 10 one set of them and the other is about a half page.

10:39:41 11 THE REGISTRAR: So actually there's a
10:39:42 12 fourth page.

10:39:43 13 THE COURT: Do you have a proposal as
10:39:45 14 to how to deal with this, Ms. Guirguis?

10:39:48 15 MS. GUIRGUIS: The list of documents
10:40:04 16 that's half of a page which is -- I won't be
10:40:10 17 getting to those likely today.

10:40:12 18 I may be getting to some of these,
10:40:14 19 these are all transcripts on the three-page
10:40:17 20 documents which are transcripts -- which are
10:40:18 21 transcripts of existing exhibits.

10:40:22 22 So I am starting a bit earlier than I
10:40:26 23 expected so I didn't have an opportunity to --

10:40:28 24 THE COURT: I'm just trying to be --
10:40:30 25 Mr. Registrar, do you have a suggestion?

1 THE REGISTRAR: Well, Your Honour, it's
2 going to take probably at least 20 minutes to mark
3 all the exhibits.

4 So we can do a break right now and I
5 can mark the exhibits, or we can assign a letter to
6 the document number and enter everything later
7 after court.

8 THE COURT: I would have gone with that
9 second option, except counsel indicates she wants
10 to use them today. So we can't do that.

11 So what we'll do is the first option
12 that Mr. Registrar has indicated, which is, we'll
13 take a break, for whatever length of time it takes.
14 So you'll have to all hang around.

15 Mr. Feliciant.

16 MR. FELICIAN: I just wanted to find
17 out, Your Honour, we haven't had these documents
18 too long. We have discovered a couple of problems
19 with a couple of the transcriptions. It doesn't --
20 we'll still consent.

21 THE COURT: That's an ideal topic to
22 discuss on the following 20-minute break that we're
23 estimating.

24 MR. FELICIAN: Thank you.

25 THE COURT: So that can be discussed

1 and if necessary something can be put on the record
2 about that. All right, Mr. Feliciant.

3 So we'll break until 11 o'clock unless,
4 Mr. Registrar, you're done sooner than that.

5 -- RECESS TAKEN AT 10:40 a.m. --

6 -- UPON RESUMING AT 11:12 a.m. --

7 EXHIBIT NO. 4753: Partial Transcript
8 of Exhibit 1753.

9 EXHIBIT NO. 4754: Partial Transcript
10 of Exhibit 1772.

11 EXHIBIT NO. 4755: Partial Transcript
12 of Exhibit 1776.

13 EXHIBIT NO. 4756: Partial Transcript
14 of Exhibit 1967.

15 EXHIBIT NO. 4757: Transcript of
16 Exhibit 2134.

17 EXHIBIT NO. 4758: Partial Transcript
18 of Exhibit 1198.

19 EXHIBIT NO. 4759: Transcript of
20 Exhibit 1933.

21 EXHIBIT NO. 4760: Transcript of
22 Exhibit 1088.

23 EXHIBIT NO. 4761: Transcript of
24 Exhibit 1844.

25 EXHIBIT NO. 4762: Transcript of

| | | |
|----------|----|--------------------------------------|
| 10:48:18 | 1 | Exhibit 1566. |
| 10:48:18 | 2 | EXHIBIT NO. 4763: Transcript of |
| 10:48:18 | 3 | Exhibit 1569. |
| 10:48:18 | 4 | EXHIBIT NO. 4764: Transcript of |
| 10:48:18 | 5 | Exhibit 1665. |
| 10:48:18 | 6 | EXHIBIT NO. 4765: Transcript of |
| 10:48:19 | 7 | Exhibit 1752. |
| 10:48:19 | 8 | EXHIBIT NO. 4766: Partial Transcript |
| 10:48:19 | 9 | of Exhibit 2014. |
| 10:48:19 | 10 | EXHIBIT NO. 4767: Partial Transcript |
| 10:48:20 | 11 | of Exhibit 2027. |
| 10:48:20 | 12 | EXHIBIT NO. 4768: Transcript of |
| 10:48:20 | 13 | Exhibit 2069. |
| 10:48:20 | 14 | EXHIBIT NO. 4769: Transcript of |
| 10:48:20 | 15 | Exhibit 2059. |
| 10:48:20 | 16 | EXHIBIT NO. 4770: Partial Transcript |
| 10:48:21 | 17 | of Exhibit 1479. |
| 10:48:21 | 18 | EXHIBIT NO. 4771: Transcript of |
| 10:48:21 | 19 | Exhibit 1773. |
| 10:48:21 | 20 | EXHIBIT NO. 4772: Partial Transcript |
| 10:48:22 | 21 | of Exhibit 1774. |
| 10:48:22 | 22 | EXHIBIT NO. 4773: Transcript of |
| 10:48:22 | 23 | Exhibit 1912. |
| 10:48:22 | 24 | EXHIBIT NO. 4774: Transcript of |
| 10:48:22 | 25 | Exhibit 2021. |

| | | | |
|----------|----|-------------------|--------------------|
| 10:48:22 | 1 | EXHIBIT NO. 4775: | Transcript of |
| 10:48:23 | 2 | Exhibit 1943. | |
| 10:48:23 | 3 | EXHIBIT NO. 4776: | Transcript of |
| 10:48:23 | 4 | Exhibit 2062. | |
| 10:48:23 | 5 | EXHIBIT NO. 4777: | Transcript of |
| 10:48:24 | 6 | Exhibit 2130. | |
| 10:48:24 | 7 | EXHIBIT NO. 4778: | Partial Transcript |
| 10:48:24 | 8 | of Exhibit 2094. | |
| 10:48:24 | 9 | EXHIBIT NO. 4779: | Transcript of |
| 10:48:24 | 10 | Exhibit 1583. | |
| 10:48:24 | 11 | EXHIBIT NO. 4780: | Partial Transcript |
| 10:48:25 | 12 | of Exhibit 1457. | |
| 10:48:25 | 13 | EXHIBIT NO. 4781: | Partial Transcript |
| 10:48:25 | 14 | of Exhibit 1674. | |
| 10:48:25 | 15 | EXHIBIT NO. 4782: | Partial Transcript |
| 10:48:25 | 16 | of Exhibit 2106. | |
| 10:48:25 | 17 | EXHIBIT NO. 4783: | Transcript of |
| 10:48:26 | 18 | Exhibit 1002. | |
| 10:48:26 | 19 | EXHIBIT NO. 4784: | Partial Transcript |
| 10:48:27 | 20 | of Exhibit 1559. | |
| 10:48:27 | 21 | EXHIBIT NO. 4785: | Partial Transcript |
| 10:48:27 | 22 | of Exhibit 4692. | |
| 10:48:27 | 23 | EXHIBIT NO. 4786: | Transcript of |
| 11:00:38 | 24 | Exhibit 1855. | |
| 11:00:38 | 25 | EXHIBIT NO. 4787: | Transcript of |

| | | |
|----------|----|--------------------------------------|
| 11:00:39 | 1 | Exhibit 2110. |
| 11:00:39 | 2 | EXHIBIT NO. 4788: Partial Transcript |
| 11:00:39 | 3 | of Exhibit 2417. |
| 11:00:39 | 4 | EXHIBIT NO. 4789: Transcript of |
| 11:00:39 | 5 | Exhibit 1856. |
| 11:00:39 | 6 | EXHIBIT NO. 4790: Transcript of |
| 11:00:40 | 7 | Exhibit 1853. |
| 11:00:41 | 8 | EXHIBIT NO. 4791: Transcript of |
| 11:00:41 | 9 | Exhibit 1859. |
| 11:00:41 | 10 | EXHIBIT NO. 4792: Transcript of |
| 11:00:41 | 11 | Exhibit 1881. |
| 11:00:41 | 12 | EXHIBIT NO. 4793: Transcript of |
| 11:00:43 | 13 | Exhibit 1931. |
| 11:00:43 | 14 | EXHIBIT NO. 4794: Transcript of |
| 11:00:44 | 15 | Exhibit 1787. |
| 11:00:44 | 16 | EXHIBIT NO. 4795: Partial Transcript |
| 11:00:45 | 17 | of Exhibit 2008. |
| 11:00:45 | 18 | EXHIBIT NO. 4796: Partial Transcript |
| 11:01:39 | 19 | of Exhibit 2105. |
| 11:01:39 | 20 | EXHIBIT NO. 4797: Transcript of |
| 11:01:40 | 21 | Exhibit 2061. |
| 11:01:40 | 22 | EXHIBIT NO. 4798: Transcript of |
| 11:01:41 | 23 | Exhibit 2112. |
| 11:01:41 | 24 | EXHIBIT NO. 4799: Partial Transcript |
| 11:01:41 | 25 | of Exhibit 2022. |

| | | |
|----------|----|--------------------------------------|
| 11:01:41 | 1 | EXHIBIT NO. 4800: Transcript of |
| 11:01:42 | 2 | Exhibit 2488. |
| 11:01:42 | 3 | EXHIBIT NO. 4801: Transcript of |
| 11:01:42 | 4 | Exhibit 2254. |
| 11:01:42 | 5 | EXHIBIT NO. 4802: Transcript of |
| 11:01:43 | 6 | Exhibit 2255. |
| 11:01:43 | 7 | EXHIBIT NO. 4803: Partial Transcript |
| 11:02:29 | 8 | of Exhibit 989. |
| 11:02:29 | 9 | EXHIBIT NO. 4804: Transcript of |
| 11:02:30 | 10 | Exhibit 1649. |
| 11:02:30 | 11 | EXHIBIT NO. 4805: Partial Transcript |
| 11:02:30 | 12 | of Exhibit 1659. |
| 11:02:30 | 13 | EXHIBIT NO. 4806: Transcript of |
| 11:02:30 | 14 | Exhibit 1797. |
| 11:02:30 | 15 | EXHIBIT NO. 4807: Transcript of |
| 11:02:31 | 16 | Exhibit 1662. |
| 11:02:31 | 17 | EXHIBIT NO. 4808: Partial Transcript |
| 11:02:31 | 18 | of Exhibit 2016. |
| 11:02:31 | 19 | EXHIBIT NO. 4809: Partial Transcript |
| 11:02:32 | 20 | of Exhibit SC1758. |
| 11:02:32 | 21 | EXHIBIT NO. 4810: Partial Transcript |
| 11:03:12 | 22 | of Exhibit 2079. |
| 11:03:12 | 23 | EXHIBIT NO. 4811: Transcript of |
| 11:03:13 | 24 | Exhibit 1911. |
| 11:03:13 | 25 | EXHIBIT NO. 4812: Transcript of |

11:03:13 1 Exhibit 2416.

11:03:13 2 EXHIBIT NO. 4813: Transcript of

11:03:14 3 Exhibit 1699.

11:03:14 4 EXHIBIT NO. 4814: Transcript of

11:03:14 5 Exhibit 1779.

11:03:14 6 EXHIBIT NO. 4815: Partial Transcript

11:03:14 7 of Exhibit 1134.

11:03:14 8 EXHIBIT NO. 4816: Transcript of

11:03:15 9 Exhibit 1884.

11:03:15 10 EXHIBIT NO. 4817: Transcript of

11:03:15 11 Exhibit 1935.

11:03:15 12 EXHIBIT NO. 4818: Transcript of

11:03:15 13 Exhibit 1865.

11:03:15 14 EXHIBIT NO. 4819: Quarter Sessions for

11:03:15 15 the County of Grey - April 1854

11:03:16 16 Session.

11:03:16 17 EXHIBIT NO. 4820: Quarter Sessions for

11:03:16 18 the County of Grey - June/July 1854

11:03:16 19 Session.

11:03:16 20 EXHIBIT NO. 4821: List of Convictions

11:03:17 21 November 1851.

11:03:17 22 EXHIBIT NO. 4822: List of accounts

11:03:17 23 paid out by the Court of Quarter

11:03:17 24 Sessions, November 1851.

11:03:17 25 EXHIBIT NO. 4823: List of Constables

11:03:17 1 1852 - 1853.

11:03:17 2 EXHIBIT NO. 4824: List of Constables

11:03:18 3 1853 - 1854.

11:03:18 4 EXHIBIT NO. 4825: List of Constables

11:04:25 5 1854 - 1855.

11:12:16 6 THE COURT: Ms. Guirguis.

11:12:18 7 MS. GUIRGUIS: Yes, Your Honour.

11:12:19 8 THE COURT: So I have it in front of me

11:12:21 9 a photocopy of your list with numbers written on

11:12:24 10 the exhibit field.

11:12:28 11 Mr. Registrar, have you assigned those

11:12:31 12 numbers?

11:12:31 13 THE REGISTRAR: Yes, Your Honour. So

11:12:33 14 the first list of the Exhibit document no. SC2034

11:12:39 15 is going to be the next lettered exhibit, which is

11:12:42 16 W-3.

11:12:42 17 EXHIBIT W-3: List of Proposed Exhibits,

11:12:44 18 3 pages, Document No. SC2034.

11:12:44 19 THE COURT: Thank you.

11:12:46 20 THE REGISTRAR: And the last page,

11:12:48 21 which is SC2035 is going to be lettered Exhibit

11:12:54 22 X-3.

11:12:54 23 EXHIBIT X-3: List of Proposed Exhibits,

11:12:59 24 1 page, Document No. SC2035.

11:12:59 25 THE COURT: And all four pages assigned

1 exhibit numbers beginning with?

2 THE REGISTRAR: Beginning with 4753 and
3 the last exhibit is 4818.

4 THE COURT: 4818?

5 THE REGISTRAR: I'm sorry. I have the
6 wrong set.

7 THE COURT: Yes, the next three ends at
8 4825.

9 THE REGISTRAR: 4825, right, yes, Your
10 Honour.

11 THE COURT: Were you able to talk to
12 Mr. Feliciant, Ms. Guirguis, about any issues
13 around these documents?

14 MS. GUIRGUIS: Yes, Your Honour. I
15 believe Mr. Feliciant and Ontario are going to be
16 reviewing these transcripts, and they will raise,
17 if there's any issues, with respect to these
18 exhibits on the record if there are any.

19 THE COURT: All right. And is there a
20 copy of this for madam reporter, Mr. Registrar?

21 THE REGISTRAR: Yes, Your Honour.

22 THE COURT: All right. Now, obviously,
23 Ms. Guirguis, Mr. Registrar hasn't had a chance to
24 check all the images. He'll do so and if he
25 discovers any issues, he will draw them to our

1 attention, all right?

2 MS. GUIRGUIS: Thank you, Your Honour.

3 THE COURT: Please go ahead.

4 MS. GUIRGUIS: Thank you, Your Honour.

5 CROSS-EXAMINATION BY MS. GUIRGUIS:

6 Q. Good morning, Dr. Reimer.

7 A. Good morning.

8 Q. My name is Cathy Guirguis, I'm one
9 of the lawyers from the Plaintiffs. I'll be asking
10 you questions about the reports that I had listed
11 right before the break. As I noted, my questions
12 are organized by theme, so I may jump around your
13 reports.

14 Before I start, I just wanted to
15 clarify a few terms that I'll be using. If you
16 refer to the map behind you to the left, or -- yes,
17 to your left.

18 THE COURT: Whose left, your left or
19 the witness' left.

20 MS. GUIRGUIS: The witness' left,
21 labelled exhibit P.

22 BY MS. GUIRGUIS:

23 Q. I believe my friend referred this
24 to you during your examination in-chief. So this
25 is a map created by the Plaintiffs, setting out the

11:15:22 1 Saugeen Ojibway's title claim area marked in blue
11:15:26 2 in Lake Huron and Georgian Bay. And it also marks
11:15:30 3 areas subject to some Treaties.

11:15:32 4 So in yellow, the area that is --
11:15:33 5 that's the area that is subject to Treaty 72, which
11:15:37 6 was concluded in 1854.

11:15:39 7 So when I refer to the "the Peninsula"
11:15:41 8 or "the Saugeen Reserve post 1836", I'm referring
11:15:45 9 to this area.

11:15:46 10 And in white, there is the area that is
11:15:49 11 subject to Treaty 67, concluded in 1851. Also
11:15:55 12 referred to as the "Half Mile Strip".

11:15:57 13 And in light green, this is the area
11:16:00 14 that's subject to Treaty 45½, concluded in 1836.
11:16:05 15 So when I refer to "Treaty 45½ lands", or "the
11:16:09 16 Saugeen tract south of the Peninsula", I'm
11:16:11 17 referring to this area.

11:16:18 18 A. Very good.

11:16:19 19 THE COURT: Just before you begin.
11:16:20 20 I've seen this exhibit many times, but I cannot see
11:16:23 21 it in that location.

11:16:24 22 I wonder if, Ms. Guirguis, you'd have
11:16:27 23 any difficulty if it was moved to the other side --
11:16:31 24 are you using Exhibit W?

11:16:35 25 MS. GUIRGUIS: No, I am not.

11:16:36
11:16:38
11:16:41
11:16:59
11:17:00
11:17:00
11:17:01
11:17:06
11:17:07
11:17:11
11:17:18
11:17:21
11:17:24
11:17:25
11:17:26
11:17:27
11:17:29
11:17:30
11:17:33
11:17:36
11:17:39
11:17:41
11:17:42
11:17:43
11:17:45

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

THE COURT: Could it be put on that stand instead, so I'd have a clear view?

MS. GUIRGUIS: Yes, certainly.

THE COURT: Please go ahead.

BY MS. GUIRGUIS:

Q. I wanted to start, Dr. Reimer, today about talking to you about Treaty 45½.

A. Okay.

Q. Your testimony in-chief on February 12th, 2020, you testified -- and I don't know if we need to bring it up, but you can let me know, I'm just going to quote from that. You said:

"Again, the agreement that Bond Head made with the Saugeen First Nation, if you read the treaty text, it is very brief. There was no compensation terms included in the text, and there was considerable protests and objection not only what Bond Head had done in 1836 and his views on civilization, but the fact that the Saugeen Ojibway Nation had surrendered this huge tract of land and there were no terms of compensation provided for them at

1 the time."

2 Do you recall giving that
3 testimony?

4 A. Generally, yes.

5 Q. So at the time Treaty 45½ was
6 negotiated, there was no -- it didn't include an
7 annuity?

8 A. It did not. Bond Head considered
9 it a provisional agreement.

10 Q. But inclusion of an annuity was
11 common at that time?

12 A. Yes.

13 Q. And this is one of the complaints
14 of missionaries, after Treaty 45½ was concluded,
15 that the Saugeen Ojibway had surrendered such a
16 large and valuable tract of land without receiving
17 any annuity, correct?

18 A. Correct.

19 Q. But an annuity was authorized in
20 September 1840 for the then standard rate of
21 2 pounds, 10 shillings a person; is that right?

22 A. That is correct.

23 Q. And then this addition of
24 annuities that brought the treaty into conformity
25 of ordinary Crown practice at the time?

1 A. Correct.

2 Q. But, as you noted, this wasn't
3 discussed at the time between the Crown and the
4 Saugeen Ojibway or what was promised at the time
5 Treaty 45½ was concluded?

6 A. There's no record that that was
7 discussed, you are correct.

8 Q. So I'd like to talk about what was
9 promised at the time. And I just want to bring up
10 Exhibit 1128, which is the typed text of Treaty
11 45½, from this collection, Indian Treaties and
12 Surrenders, Volume 1.

13 I know you are likely familiar with the
14 text of Treaty 45½, but I'll bring it up for
15 reference. So we're at PDF page 3, which is
16 page 113 of the document.

17 And if you take a look at the second
18 paragraph of Treaty 45½ from "I now propose to you
19 [...]" and ending at "[...] from the encroachment
20 of the whites."

21 This is the paragraph that I want to
22 focus on. And the promise that's at the end of
23 that paragraph, number 2, where Bond Head tells the
24 Saugeen Ojibway that:

25 "You should repair either to

11:19:51 1 this island [...]"

11:19:51 2 Which refers to Manitoulin, correct?

11:19:53 3 A. Correct, yes.

11:19:54 4 Q. "[...] or to that part of your

11:19:55 5 territory which lies on the north of

11:19:57 6 Owen Sound [...]"

11:19:59 7 A. Correct.

11:20:00 8 Q. And then he says:

11:20:01 9 "[...] which your Great

11:20:03 10 Father" -- the last sentence --

11:20:03 11 "engages forever to protect from

11:20:06 12 you, from the encroachment of the

11:20:07 13 whites."

11:20:12 14 A. Correct.

11:20:13 15 Q. So I'd like to bring up

11:20:15 16 Exhibit 1126. So this is a copy of an excerpt of a

11:20:21 17 diary by Reverend John Evans. And this excerpt

11:20:26 18 details his 1836 mission tour of Lake Huron.

11:20:31 19 It's a reprint of the Christian

11:20:34 20 Guardian article and it's a reprint by the

11:20:37 21 Manitoulin Historical Society.

11:20:38 22 A. Okay.

11:20:39 23 Q. So Reverend Evans was a Methodist

11:20:43 24 missionary; is that correct?

11:20:45 25 A. Yes.

11:20:45 1 Q. And he was present at Treaty 45½?

11:20:47 2 A. Yes, he signed as a witness.

11:20:49 3 Q. So I'd like to go to page 9, which
11:20:54 4 is PDF page 9 as well. And we've highlighted this
11:20:57 5 section of his August 9th, 1836 entry.

11:21:01 6 So this is the third column, the right
11:21:03 7 side of the page. And if you can read to yourself
11:21:06 8 this section that starts with, "The Indians were
11:21:09 9 now called [...]" and ends "[...] makes
11:21:13 10 consequently greater improvement."

11:21:18 11 A. (Witness reviews document).

11:21:21 12 THE COURT: I can't read the word
11:21:23 13 directly above that paragraph. I see, it's a
11:21:26 14 continuation of the word "negotiation"; is that
11:21:29 15 what it is?

11:21:30 16 MS. GUIRGUIS: Yes, that's correct.

11:21:33 17 THE WITNESS: I've read it.

11:21:59 18 BY MS. GUIRGUIS:

11:22:00 19 Q. Okay. So when he writes in this
11:22:03 20 passage:

11:22:04 21 "Thus the Indians again were
11:22:05 22 removed from the spot to them
11:22:08 23 dearest on the earth [...]"

11:22:08 24 He's commenting about the Saugeen
11:22:10 25 Ojibway's connection to their territory, correct?

11:22:13 1 A. Yes.

11:22:13 2 Q. And he's speaking about the
11:22:15 3 territory being surrendered in Treaty 45½, so
11:22:17 4 that's the tract south of the Peninsula?

11:22:19 5 A. Correct.

11:22:19 6 Q. Would you agree that the same
11:22:22 7 comment, with respect to their connection would
11:22:26 8 apply to the territory that lies north of Owen
11:22:29 9 Sound on the Peninsula?

11:22:30 10 A. That's not what he's referring to,
11:22:35 11 though. So you're asking me to extrapolate another
11:22:40 12 18 years or so?

11:22:42 13 Q. Not 18 years, but would the
11:22:45 14 connection be also applicable to that area north?

11:22:47 15 A. I would -- I think that's a
11:22:50 16 plausible assumption, yes.

11:22:52 17 Q. So I'd like to turn now to
11:22:57 18 Exhibit 1236. So this is a letter from Egerton
11:23:06 19 Ryerson, the secretary from the Wesleyan Methodist
11:23:10 20 church in Canada. And he's writing to Lord
11:23:13 21 Glenelg, and it's dated April 19th, 1838. This is
11:23:17 22 a copy of the letter, there's a transcript and it's
11:23:20 23 followed by the original.

11:23:22 24 So this letter from Ryerson, he's
11:23:28 25 reporting on what was told to him by Reverend

1 Stinson, who was present at Treaty 45½?

2 A. Yes.

3 Q. So I'd like to draw your attention
4 to the top of page 4 of the transcript, which is
5 PDF page 4 as well, where Mr. Ryerson describes
6 what he was told that took place at the 1836 Treaty
7 Council.

8 If you can read to yourself from, "Sir
9 Francis wished [...]" continuing to page 5 and
10 ending with "[...] expectation of the Saugeeng
11 Indians to this day."

12 When you need us to scroll, you can
13 please let us know.

14 A. Just wonder if you can scroll up
15 so I could see the beginning of the sentence.

16 Q. Certainly.

17 THE COURT: Just before you do that, is
18 the underlying on the original?

19 MS. GUIRGUIS: Yes, it is.

20 THE WITNESS: Scroll up, please. I'd
21 like to just see the beginning of this paragraph,
22 thank you.

23 (Witness reviews document).

24 Scroll down, please.

25 (Witness reviews document).

11:25:44
11:25:47
11:26:06
11:26:07
11:26:07
11:26:08
11:26:11
11:26:16
11:26:18
11:26:18
11:26:20
11:26:22
11:26:23
11:26:25
11:26:27
11:26:29
11:26:30
11:26:32
11:26:35
11:26:36
11:26:39
11:26:41
11:26:43
11:26:47
11:26:48

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

Scroll down, please.
(Witness reviews document).
I'm done.
BY MS. GUIRGUIS:
Q. Thank you. So in this account
Mr. Ryerson states when SON was told they could
stay -- the Saugeen Ojibway were told that they
could stay on the Peninsula rather than repairing
to Manitoulin, they agreed to the proposal with
quotes:
"[...] tears in their eyes,
their hopes revived, and their
countenances beamed with joy. This
is what they wanted, land secured to
them for which they could not be
removed."
So again, these comments they
confirm the Saugeen Ojibway's deep connection to
their territory.
A. I don't know if it confirms that,
it certainly describes it as such.
Q. And this time we're talking about
the Peninsula versus the tract of land that's south
of the Peninsula?
A. Yes. Could we just go back up,

1 please? The passage that you read?

2 (Witness reviews document).

3 Yes, I agree.

4 Q. And it conveys, it describes the
5 relief of being permitted to stay there and "having
6 their land secured to them from which they could
7 not be removed" are the words that he uses?

8 A. That's the words that Ryerson uses
9 as per Stinson's report.

10 Q. And in this account we can assume
11 that Bond Head saw this reaction, these tears of
12 relief about being able to stay on the Peninsula?

13 A. This account is written two years
14 after the Council happened. Stinson signed as a
15 witness. Stinson is now recounting an impression
16 of what happened two years earlier. I hesitate to
17 agree that it may be assumed what Bond Head saw or
18 didn't see in terms of a reaction.

19 At the time of the treaty, all we have
20 are Bond Head's -- the treaty text and Bond Head's
21 report. And I don't recall his report talking
22 about readily acceding with tears in their eyes.
23 So, I mean, it certainly is a version of what was
24 apparently witnessed by Stinson and then recounted
25 again by Ryerson.

11:28:20 1 Q. So leaving aside "the tears in the
11:28:23 2 eyes" would it be fair to assume then -- would it
11:28:27 3 be fair to assume that Bond Head was aware of the
11:28:29 4 significance of the land to the Saugeen Ojibway?

11:28:32 5 A. He was aware that the Saugeen
11:28:36 6 refused to surrender the entirety of their
11:28:39 7 traditional territory.

11:28:40 8 Q. So is it fair to assume that Bond
11:28:46 9 Head was aware of the significance of this part of
11:28:49 10 the treaty agreement with the Saugeen Ojibway that
11:28:52 11 they could stay on their territory?

11:28:53 12 A. That was the promise in the
11:28:55 13 provisional agreement that he submitted.

11:28:58 14 Q. So I'd like to turn now to
11:29:04 15 Exhibit 2559. This is a letter by Thomas Hurlburt.
11:29:12 16 There is no date on this document, unfortunately.
11:29:17 17 Hurlburt was a Methodist missionary to the Saugeen
11:29:21 18 Ojibway in 1836, though, correct?

11:29:23 19 A. I believe so, yes.

11:29:25 20 Q. So if we look at the first page
11:29:27 21 which is the transcript of the document, we've
11:29:30 22 marked a passage, if you can read from the "the
11:29:34 23 whole Saugeen tract [...]" to "[...] then there
11:29:38 24 will be an end of us".

11:30:09 25 A. (Witness reviews document).

11:30:10 1 Okay, I'm done.

11:30:11 2 Q. This accounts -- it indicates that

11:30:13 3 the Saugeen Ojibway told their missionary they

11:30:15 4 would consider going to war rather than lose their

11:30:19 5 land?

11:30:19 6 A. Yes, according to Hurlburt, yes.

11:30:21 7 Q. And that they would be willing to

11:30:23 8 die than lose their land?

11:30:25 9 A. According to Hurlburt, yes.

11:30:27 10 Q. So I want to turn back to

11:30:29 11 Exhibit 1126, which is the excerpt of the Evans

11:30:33 12 diary that we looked at just a few moments ago.

11:30:36 13 And if we turn to page 10, which is PDF

11:30:40 14 page 10 as well, we've marked a section here, and

11:30:49 15 if you can read from "They have no claim [...]" and

11:30:59 16 end at "[...] the wilderness"?

11:31:00 17 A. I missed your description of the

11:31:02 18 document.

11:31:02 19 Q. No problem. This is Evans diary

11:31:03 20 again that we looked at a few moments ago.

11:31:06 21 A. Yes, fine, yes. So it's dated

11:31:08 22 1836?

11:31:09 23 Q. That's correct.

11:31:09 24 A. Okay.

11:31:10 25 Q. So this is from his entry as well

1 on August 9th, 1836, so this is page 10 of the
2 document. And the area we've marked that I'd like
3 to you read is, "They have no claim [...]" and end
4 at "[...] the wilderness"?

5 A. (Witness reviews document).

6 Okay, I'm done.

7 Q. Okay. So Evans here, as a witness
8 to the Treaty Council in 1836, he's saying here
9 that Bond Head was able to effectively speak with
10 the Indians, correct?

11 A. It says -- yes:

12 "[...] his speech was suited to
13 the idiom of the Indian language."

14 Q. So, in other words, he knew what
15 to say to them to persuade them to get them to
16 agree?

17 A. He -- you know, exactly what Evans
18 is referring to in terms of the idiom of the
19 language does that mean he knew what to say to get
20 them to agree? I'm not sure that's what this is
21 saying.

22 I think that this may as well be
23 describing the nature, character of Bond Head's
24 speech making abilities, oratory abilities. He
25 certainly will have had an interpreter to interpret

11:32:45 1 what he was saying. I think though -- I mean, I
11:32:51 2 agree that Bond Head was interested in using
11:32:54 3 persuasive language. He was interested in
11:33:00 4 effecting a successful provisional agreement with
11:33:03 5 the Saugeen.

11:33:03 6 Q. Okay. And what it says precisely,
11:33:06 7 I guess, is that he was "admirable at adapting to
11:33:11 8 gain their attention and confidence"?

11:33:17 9 A. "Admirably adapted to gain
11:33:19 10 their attention and confidence
11:33:21 11 [...]"

11:33:22 12 Yes, that's what it says.

11:33:23 13 Q. Okay. So based on what we've
11:33:24 14 reviewed, that Bond Head -- it is plausible to
11:33:28 15 assume that he would know how important it was to
11:33:32 16 the Saugeen Ojibway that they have their lands on
11:33:34 17 the Peninsula reserved for them and protected for
11:33:39 18 them.

11:33:39 19 And if we can assume that this is what
11:33:41 20 prompted them -- if it's reasonable to assume that
11:33:44 21 this is what prompted them to agree to the treaty,
11:33:48 22 that he chose his words carefully at the Treaty
11:33:51 23 Council in order to gain their attention and
11:33:54 24 confidence about this promise to protect?

11:33:57 25 A. I think that's a fair description.

1 Q. Okay. So I'd like to go back to
2 Exhibit 1128 which is the treaty of text 45 -- the
3 text of Treaty 45½.

4 And you mention that the -- that that
5 passage that we just looked at was probably
6 speaking about his speech-making abilities.

7 And what we have in the text of Treaty
8 45½, this is essentially a verbatim account of the
9 speech that Bond Head made at the Treaty Council;
10 correct?

11 A. Verbatim?

12 Q. Well, it's an account?

13 A. It's an account, yes.

14 Q. And it became later -- known later
15 as the treaty text, correct?

16 A. It did, yes.

17 Q. So if we look back at that same
18 section that starts with "I now propose to you
19 [...]"

20 Would you agree that Bond Head chose
21 the words:

22 "[...] forever to protect for
23 you from the encroachment of the
24 whites to move or persuade the
25 Saugeen Ojibway [...]"

11:34:55 1 A. I think that's plausible, yes.

11:34:57 2 Q. Because he knew that they wanted
11:34:59 3 most for their lands to be protected for them going
11:35:02 4 forward?

11:35:02 5 A. It's my understanding that this
11:35:04 6 was the counterproposal made by the Saugeen Chiefs
11:35:08 7 present. And yes, he was interested in satisfying
11:35:13 8 that proposal.

11:35:14 9 Q. So I'd like to look now at
11:35:17 10 Exhibit 1198. So this is a schedule that's
11:35:31 11 prepared by Samuel Jarvis of the surrenders
11:35:34 12 obtained by the Crown from Indian tribes in Upper
11:35:38 13 Canada between 1820 and 1837. And the document is
11:35:41 14 dated, we see in the top line, July 10th, 1837.
11:35:48 15 And we'll zoom in in a second, I just wanted to
11:35:52 16 give you a full sense of the document.

11:35:54 17 Jarvis was the Chief Superintendent of
11:35:56 18 Indian Affairs at this point, correct?

11:35:57 19 A. I believe so, yes.

11:35:59 20 Q. Can we turn to PDF image 5?

11:36:06 21 So here we've highlighted the middle
11:36:10 22 entry. And I'm just going to read it aloud for the
11:36:15 23 record --

11:36:15 24 THE COURT: Well, I can't even vaguely
11:36:17 25 read it.

11:36:17 1 MS. GUIRGUIS: If we -- we're going to
11:36:17 2 zoom in I think on the --

11:36:19 3 THE COURT: And so since you can't
11:36:21 4 testify, you're going to have to do a lot better
11:36:27 5 than -- we've had lots of challenging documents.
11:36:30 6 This one isn't even partly legible.

11:36:33 7 MS. GUIRGUIS: Okay. So perhaps what I
11:36:36 8 could do, is that if we could zoom in on each
11:36:39 9 column...

11:36:39 10 BY MS. GUIRGUIS:

11:36:40 11 Q. And, Dr. Reimer, if -- are you
11:36:41 12 able to read for the record?

11:36:42 13 A. Yes.

11:36:43 14 THE COURT: Now that you've zoomed in,
11:36:45 15 the difficulty of course is not created by you, but
11:36:49 16 this document will be challenging because it's so
11:36:53 17 wide in addition to being so small.

11:36:55 18 MS. GUIRGUIS: Right.

11:36:56 19 THE COURT: Please go ahead.

11:36:57 20 MS. GUIRGUIS: Thank you, Your Honour.

11:36:58 21 BY MS. GUIRGUIS:

11:36:59 22 Q. So in the first column, can you
11:37:02 23 read what it says in the first column?

11:37:04 24 A. Number 8:

11:37:08 25 "The Saugeeng territory on Lake

11:37:11 1 Huron containing about
11:37:13 2 1,500,000 acres."
11:37:15 3 Q. Okay. And if you can move to the
11:37:17 4 third column, read the date there.
11:37:20 5 A. 9th August 1836.
11:37:22 6 Q. So this entry is in reference to
11:37:24 7 Treaty 45½, yes?
11:37:28 8 A. Correct.
11:37:29 9 Q. Okay. So I think we -- I just
11:37:32 10 want to go to the top of this document for a second
11:37:35 11 to look at what the next column is labelled. And
11:37:38 12 if you look -- so next to the column we were
11:37:42 13 looking at, the date of the surrender, to the right
11:37:46 14 it says "consideration"; that's the topic of this
11:37:50 15 next column?
11:37:50 16 A. Correct.
11:37:51 17 Q. Okay. So under that column, if we
11:37:55 18 go back to the middle entry, number 8, can you read
11:37:59 19 for us what is described as "consideration" for
11:38:02 20 this treaty?
11:38:03 21 A. "The protection of His Majesty
11:38:06 22 King" -- someone -- "the 4th." William?
11:38:11 23 Q. William the 4th?
11:38:14 24 A. Yes.
11:38:14 25 Q. Okay. So what this schedule tells

11:38:16 1 us is that Jarvis, the Chief Superintendent of
11:38:20 2 Indian Affairs, understood the promise to protect
11:38:22 3 to be the main consideration given by the Crown for
11:38:25 4 the lands that were surrendered in Treaty 45½?

11:38:28 5 A. As of July, 1837, yes.

11:38:43 6 Q. So I'd like to turn now to your
11:38:45 7 opinion in Volume 3 which is Exhibit 4703 about
11:38:50 8 Treaty 45½ and the creation of a general reserve on
11:38:52 9 the Peninsula. This is at page 43, which is at PDF
11:39:02 10 53.

11:39:07 11 If we look at the third paragraph, the
11:39:09 12 second bullet, this is where you conclude that:

11:39:15 13 "By repetition of the phrase [...]"

11:39:17 14 This was in respect to Treaty 45½?

11:39:17 15 A. Um-hum.

11:39:20 16 Q. "[...] the property under your
11:39:22 17 Great Father's control of all the
11:39:24 18 Indians whom shall be allowed to
11:39:26 19 reside on them in relation to
11:39:29 20 Manitoulin Island, there is an
11:39:30 21 implied agreement that this
11:39:31 22 provision also applied to the area
11:39:34 23 'north of Owen Sound'."

11:39:42 24 So I want to clarify, you're not
11:39:44 25 purporting to offer the legal interpretation of

1 Treaty 45½?

2 A. No.

3 Q. But instead, this is your
4 understanding based on the historical record?

5 A. Correct.

6 Q. So that's what I'd like to ask you
7 about.

8 So I'd like to go back to Exhibit 1128.
9 And I want to look at the typed version of both
10 Treaty 45½, and Treaty 45. So Treaty 45½ we have
11 on page 113, of Exhibit 1128. And above that, page
12 112, we have Treaty 45.

13 So if we can stay on Treaty 45. This
14 is the speech which became the treaty -- this is
15 the speech made by Bond Head, which came to be
16 known as the text of Treaty 45, correct?

17 A. Correct.

18 Q. Okay. So at the last paragraph,
19 of Treaty 45, I think if we move to the next page,
20 page 113, it starts with, "Are you therefore
21 [...]" and then ends with "[...] if so, affix your
22 marks to this, my proposal".

23 And here it says that what Bond Head is
24 asking the Ottawas and the Chippewas is whether
25 they are willing to relinquish their respective

11:41:19 1 claims to these islands and make them the property
11:41:21 2 under your Great Father's control of all Indians
11:41:24 3 whom he shall allow to reside on them, correct?

11:41:29 4 A. Correct.

11:41:30 5 Q. So the next treaty down, Treaty
11:41:34 6 45½, when we look at the text here, it doesn't
11:41:39 7 expressly state anything about relinquishing the
11:41:43 8 Peninsula, correct?

11:41:44 9 A. I'm sorry, in the first paragraph?

11:41:51 10 Q. In either of the paragraphs.

11:41:53 11 A. Well, it refers to the territory
11:41:58 12 that lies on the north of Owen Sound, which is the
11:42:03 13 Peninsula.

11:42:03 14 Q. That's right. But it doesn't
11:42:06 15 expressly state anything about relinquishing that
11:42:08 16 territory. In the same way that Treaty 45 says,
11:42:13 17 are you willing to relinquish your respective claim
11:42:17 18 to these islands and make them the property under
11:42:19 19 your Great Father's control?

11:42:21 20 A. Not in that second paragraph, but
11:42:23 21 in the first paragraph he refers specifically to
11:42:26 22 the proposal that he had just made to the Chippewas
11:42:29 23 and Ottawas:

11:42:31 24 "[...] the property under your
11:42:32 25 Great Father's control of all

11:42:34 1 Indians whom he shall allow to
11:42:37 2 reside on them. I now propose to
11:42:42 3 you [...]"

11:42:43 4 And so it is because of that first
11:42:45 5 paragraph and what precedes it in Treaty 45½, that
11:42:49 6 I think there is a good argument to be made that
11:42:56 7 45½ is an addendum in part to 45, with some of the
11:43:01 8 same intent as 45.

11:43:05 9 Q. Okay.

11:43:07 10 THE COURT: I just have to have a
11:43:09 11 clarification because I may have -- would you
11:43:19 12 prefer I wait to get my clarification or are you
11:43:22 13 content that I ask about it now?

11:43:24 14 MS. GUIRGUIS: I'm fine with that, Your
11:43:26 15 Honour.

11:43:26 16 THE COURT: Doctor, you said in the
11:43:29 17 first paragraph and then you said what precedes it
11:43:33 18 in Treaty 45½; what were you referring to?

11:43:36 19 THE WITNESS: I'm sorry, the first
11:43:39 20 paragraph of Treaty 45½ makes reference to
11:43:45 21 Treaty 45, which precedes it.

11:43:48 22 THE COURT: I see. I can't see it now
11:43:51 23 on the transcript. I'm not sure if I heard it
11:43:55 24 incorrectly the first time.

11:43:56 25 Thank you, counsel, for letting me

1 straighten that out. Please go ahead.

2 MS. GUIRGUIS: Thank you, Your Honour.

3 BY MS. GUIRGUIS:

4 Q. So in Treaty 45 we have explicit
5 mention and reference that, "you're going to be
6 relinquishing your claims to this island"?

7 A. Correct.

8 Q. We don't have any of that language
9 here in 45½, that the Saugeen Ojibway are going to
10 be relinquishing their claim to their territory
11 that lies north of Owen Sound?

12 A. It's not explicit, no.

13 Q. Okay. And there's nothing in
14 there saying that's explicit as it is in the same
15 way in Treaty 45 about all Indians being allowed to
16 reside there?

17 A. Although those words do appear in
18 the first paragraph of Treaty 45½.

19 Q. When he's referencing what he said
20 in Treaty 45?

21 A. Yes, which he is referring to:

22 "You have heard the proposal I
23 just made, and I now propose to you
24 [...]"

25 So it's a continuation.

11:44:59 1 Q. Is it a continuation of the -- can
11:45:03 2 you read this as that he's presenting them with
11:45:05 3 options?

11:45:06 4 A. Possibly, yes. Because he does
11:45:09 5 say:

11:45:10 6 "You can repair either to this
11:45:13 7 island or to that part of your
11:45:15 8 territory which lies on the north of
11:45:16 9 Owen Sound."

11:45:17 10 Q. And he still refers to it as "that
11:45:20 11 part of your territory"?

11:45:21 12 A. Yes, he does.

11:45:22 13 Q. And that's referring to the
11:45:25 14 Saugeen Indians or the Saugeen Ojibway, the "your"?

11:45:30 15 A. The "your", correct, yes.

11:45:34 16 Q. And what's also explicitly stated
11:45:36 17 in Treaty 45½ that "a promise forever to protect
11:45:43 18 the lands for you" and the "for you" that again
11:45:47 19 refers to the Saugeen Indians or the Saugeen
11:45:49 20 Ojibway?

11:45:49 21 A. Yes.

11:45:49 22 Q. So you would agree with me that
11:46:10 23 there's nothing in the text of Treaty 45½ to
11:46:13 24 suggest that if other First Nations don't come to
11:46:16 25 live in Saugeen territory, the territory north of

1 Owen Sound, that the promise to protect those lands
2 from the encroachment of whites would be null and
3 void?

4 A. I agree with you.

5 Q. Let's talk about prior to 1836.
6 Crown officials had in mind Manitoulin -- sorry.

7 THE COURT: I don't know what that was.

8 MS. GUIRGUIS: It was my watch.

9 THE COURT: Very good, smart watch, all
10 right. Probably one of those watches that also
11 keeps track of every single thing, right?

12 MS. GUIRGUIS: I think so.

13 BY MS. GUIRGUIS:

14 Q. So prior to 1836, Crown officials
15 had in mind, Manitoulin and not Saugeen for the
16 site of a general reserve; is that correct?

17 A. I need to go -- I would need to go
18 back to some of the documentation that I've
19 reviewed. It was -- it was mainly Manitoulin where
20 they were planning to sort of shift the experiment
21 that had been begun at Coldwater. I'm just trying
22 to recall, I know that there was some conversation
23 about Saugeen as well. But I would need to
24 re-check my -- the documentation that I had cited
25 in order to confirm that.

1 But I do agree that Manitoulin was the
2 focus at this point in time.

3 Q. Okay. So I'd like to turn to some
4 of the evidence about how the Saugeen Ojibway and
5 Crown officials understood the effect of Treaty 45½
6 after it was concluded.

7 A. Uhm-hmm. Okay.

8 Q. So let's start with the Saugeen
9 Ojibway. So I'm going to open up Exhibit 1322.

10 So these are minutes of a General
11 Council held at River Credit which ran from
12 January 16th, 1840 to the 24th of January, 1840.
13 And I just want to confirm for some of the people
14 that were in attendance at this General Council.

15 So if we look at the first page which
16 is the transcript of the minutes, it shows that
17 Metigwob and Alexander Chief from Saugeen are
18 present?

19 A. Yes.

20 Q. Alexander Chief, is that Alexander
21 Madwayosh?

22 A. Yes.

23 Q. So Madwayosh and Metigwob are two
24 Saugeen chiefs who would be aware of Treaty 45½ and
25 the details of the Council leading up to Treaty

11:49:03 1 45½?

11:49:03 2 A. Well, Metigwob, certainly. And
11:49:16 3 Alexander Chief as well, yes.

11:49:17 4 Q. Okay. So let's go to page 2 of
11:49:19 5 this document. If we go to the bottom of the page,
11:49:28 6 you can see that the section in the minutes that I
11:49:30 7 want to ask you about is dated Friday,
11:49:33 8 January 17th, 1840. And if we go to the bottom of
11:49:41 9 page 3, right here this last paragraph it says:

11:49:47 10 "Mr. Jarvis replied to this by
11:49:49 11 stating that he was entirely opposed
11:49:51 12 to the attendance the Indians
11:49:53 13 receiving title deeds."

11:49:55 14 This is -- Mr. Jarvis is Samuel Jarvis
11:49:58 15 the Chief Superintendent of Indian Affairs,
11:50:00 16 correct?

11:50:00 17 A. Yes.

11:50:01 18 Q. And he's present at this Council
11:50:04 19 on behalf of the government?

11:50:05 20 A. Yes.

11:50:05 21 Q. Okay. So let's turn to page 4.
11:50:11 22 And I want to draw your attention to
11:50:13 23 the paragraph marked number 5, which is at the
11:50:16 24 centre of the page. If you could just take a look
11:50:24 25 at that from "To petition the governor [...]" and

1 then it ends in "government" bracket.

2 A. Yes.

3 Q. So this is a reference to Saugeen
4 Indian reserve created in 1836 which is the
5 Peninsula, correct?

6 A. Correct.

7 Q. Okay. So the General Council, in
8 this petition, is asking for it to be extended for
9 the benefit of all the Indian tribes who wish to
10 emigrate there?

11 A. Yes, that's what it says.

12 Q. And again, Mr. J, that's
13 Mr. Jarvis?

14 A. That is correct.

15 Q. He says that the subject is under
16 the consideration of the government?

17 A. Correct.

18 Q. Okay. So this suggests that
19 neither the Saugeen Ojibway, nor Mr. Jarvis, a
20 Crown official, thought that the Peninsula was a
21 general reserve, right?

22 A. I disagree. There's
23 correspondence between 18 -- and documentation
24 between 1836 and 1840 that lends credence to the
25 notion that the Saugeen was being considered both

1 by First Nations and by some government officials
2 that this would be a place where a centralization
3 could be effected. I can give you an example, if
4 you'd like.

5 Q. Well, staying with this example
6 that we have in front of us. If it was already
7 created as a general reserve, by virtue of the 1836
8 Treaty 45½, it wouldn't make sense that Mr. Jarvis,
9 who's the Superintendent, would be saying that this
10 is just a matter that's under consideration or an
11 idea of the government?

12 A. I think that this is -- can also
13 be interpreted as a petition for formal reserve
14 status of the Peninsula and extension -- and
15 acknowledgement by the government of official
16 reserve status so that there would be greater
17 confidence of other Indigenous groups to emigrate
18 to that place knowing that it had the formal
19 sanction as a reserve.

20 I say this in light of a fair bit of
21 prior documentation that suggests and indicates
22 consideration of the Saugeen Peninsula as a general
23 reserve prior to this General Council in 1840.

24 So why, why it was worded in this
25 particular way? I can see where on its face it

11:53:09 1 could be interpreted in the way that you've
11:53:11 2 suggested. But it is not completely consistent
11:53:14 3 with the historical record prior to this Council.

11:53:17 4 Q. Okay. Well, this is four years
11:53:24 5 after the treaty has been concluded?

11:53:27 6 A. Correct.

11:53:27 7 Q. We have one high-ranking Crown
11:53:30 8 official that's there?

11:53:31 9 A. Correct.

11:53:31 10 Q. So his statement that it's under
11:53:33 11 the consideration of the government, and we would
11:53:35 12 give it weight that this is the understanding of
11:53:39 13 Crown officials at the time?

11:53:40 14 A. Well, it's in brackets, it's been
11:53:48 15 -- I don't know. I hesitate to put entire weight
11:53:52 16 on this, this one short summary statement that this
11:53:57 17 was the first time government had considered the
11:54:01 18 matter. And he said the subject was "under the
11:54:04 19 consideration of the government". Well, for how
11:54:07 20 long had it been under consideration of the
11:54:10 21 government?

11:54:11 22 The historical record suggests that it
11:54:13 23 was prior to this Council in 1840.

11:54:16 24 Q. Okay. So --

11:54:22 25 A. I might also add that the

11:54:24 1 consideration of annuities was also under the
11:54:27 2 consideration and was something that Jarvis was
11:54:29 3 promoting. So there was still not so much
11:54:35 4 uncertainty, but the effect of Treaty 45½, as
11:54:45 5 proposed in the provisional agreement by Bond Head
11:54:47 6 in 1836, was still being fixed and brought to a
11:54:54 7 state of certainty by the government at this point.

11:54:57 8 So for Jarvis to say that a subject was
11:55:00 9 "under the consideration", may also be taken to
11:55:04 10 imply that "we're still working on making this
11:55:10 11 treaty into a confirmatory agreement".

11:55:16 12 Q. Okay. You'd agree with me that as
11:55:23 13 far as the Ojibway, the petition from the General
11:55:26 14 Council, they're asking for it to be extended to
11:55:28 15 the benefit of all Indian tribes, that this -- we
11:55:32 16 can take this to suggest that the Saugeen Ojibway
11:55:35 17 didn't think that the Peninsula was a general
11:55:37 18 reserve at this point?

11:55:38 19 A. I don't think we can read that
11:55:40 20 from this sentence, no.

11:55:41 21 Q. Okay. Let's go to the bottom of
11:55:44 22 page 17 of the same document. And we see that this
11:55:57 23 is the start of submissions by the chiefs which
11:55:59 24 would include the Saugeen Ojibway, correct?

11:56:01 25 A. Yes.

11:56:01 1 Q. Okay. So if we turn to page 18,
11:56:07 2 the third to last "father" on this page we've
11:56:12 3 highlighted. If you can just read from "father"
11:56:18 4 until the end "Red Children"?

11:56:23 5 A. (Witness reviews document).

11:56:27 6 Yes.

11:56:29 7 Q. So again, this suggests that the
11:56:31 8 representatives of the Saugeen Ojibway and other
11:56:33 9 Ojibway don't think that Treaty 45½ has created a
11:56:39 10 general reserve on the Peninsula yet?

11:56:43 11 A. I think they're asking for a
11:56:45 12 confirmation of that reserve.

11:56:46 13 Q. This is four years later and
11:56:48 14 they're asking that the reserve be recognized?

11:56:50 15 A. This is a repeated request.

11:56:53 16 This is not the first time that this
11:56:55 17 request comes up.

11:56:56 18 Q. If the request was confirmed and
11:56:58 19 there was a general reserve that was created in
11:57:01 20 1836, they wouldn't be making the request four
11:57:03 21 years later, would they?

11:57:04 22 A. They were asking for confirmation.

11:57:06 23 Q. This passage also suggests that
11:57:10 24 part of what is motivating those individuals
11:57:13 25 present at the General Council is a fear that white

11:57:16
11:57:18
11:57:24
11:57:25
11:57:27
11:57:30
11:57:32
11:57:36
11:57:44
11:57:47
11:57:49
11:57:52
11:57:54
11:57:56
11:58:01
11:58:03
11:58:09
11:58:13
11:58:19
11:58:23
11:58:29
11:58:31
11:58:34
11:58:37
11:58:42

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

people will overrun their lands?

A. I'm sorry, can you repeat the question?

Q. Sure. This passage suggests that part of what is motivating the individuals present to make this request at the General Council is the fear that white people will overrun their lands?

A. Well, it says:
"[...] anticipating a time when your Red Children will be so crowded by your white children as to compel them to leave [...]"
So it doesn't use the word "overrun".

Q. Right. So overcrowded or pushed --

A. Overcrowded. I mean, to me, this demonstrates a bigger picture of areas like at the Credit, where enormous changes were being seen in terms of Euro-Canadian settlement. Certainly an acknowledgement that a time might come when in fact the crowding would compel them to want to leave and seek a home elsewhere.

So it's a statement on what was happening in Upper Canada at the time, and anticipating a desire or a necessity to leave and go elsewhere.

11:58:45 1 Q. And it demonstrates that there was
11:58:48 2 fear?

11:58:48 3 A. Fear. Again, this particular
11:58:52 4 passage doesn't say so. But they're anticipating
11:58:55 5 the time. Was it out of fear? Was it out of other
11:59:00 6 kinds of motivation in order to carve a life out
11:59:09 7 for themselves at a place that was not so crowded?
11:59:13 8 Whether or not fear can -- it may have been part of
11:59:17 9 it, but this particular passage does not refer to
11:59:21 10 fear.

11:59:26 11 Q. Well, I'd like to turn now to
11:59:29 12 Exhibit 1427. This is a petition from the Saugeen
11:59:35 13 Ojibway chiefs, which is dated June 10th, 1843, at
11:59:42 14 Big Bay. And if we could turn to page 1 of this
11:59:45 15 exhibit and look at the second and third paragraphs
11:59:48 16 on this page which are marked in the green box.
11:59:51 17 And if you can read from "We would be thankful
11:59:55 18 [...]" and end after, "We do not want any white men
11:59:58 19 on our land". And you can let me know when you're
12:00:00 20 done.

12:00:02 21 A. Sorry, what is the date on this?

12:00:04 22 Q. June 10th, 1843.

12:00:10 23 A. '43, okay.

12:00:14 24 (Witness reviews document).

12:00:38 25 Scroll down, please. Oh, that's all

1 you wanted me to look at?

2 Q. Yes.

3 A. Okay.

4 Q. So the Saugeen Ojibway here are
5 complaining about squatters who are trying to
6 settle on their lands?

7 A. They're talking about white men:

8 "[...] who come and want us to
9 give them land and we do not wish to
10 hear them."

11 They are not referring to white men
12 who have already squatted on their land.

13 Q. Okay. So white men who are trying
14 to settle on their lands?

15 A. Who attempt to settle upon the
16 land, yes.

17 Q. And at this point I want to draw
18 your attention to a simple point. They see the
19 Peninsula as "our land", correct?

20 A. Yes.

21 Q. And there's nothing here to
22 suggest that they see themselves as having given it
23 up to the Crown or to anyone else, correct?

24 A. Correct.

25 Q. Let's go to Exhibit 2086. This is

1 a letter from McNabb to Anderson dated May 18th,
2 1854. So this is just a few months prior to
3 Treaty 72 and the surrender of the Peninsula?

4 A. Correct.

5 Q. Let's turn to page 2 of this
6 document, the transcript. In the two paragraphs at
7 the bottom of the page highlighted in green, if you
8 can read to yourself from "You will be surprised to
9 hear [...]" to, "Manitoulin will soon become
10 depopulated".

11 A. Okay.

12 Q. Okay. So would you agree with me
13 that this letter, it's an indication that the
14 Saugeen Ojibway saw inviting others to their
15 territory as a way to help them keep their lands?

16 A. Yes.

17 Q. It's essentially a defence or as
18 McNabb puts it "a dodge against surrender"?

19 A. That's McNabb's opinion, yes.

20 Q. And here he's suggesting McNabb,
21 who is a Crown lands agent?

22 A. Correct.

23 Q. So a Crown official, suggesting
24 that they should not be permitted to invite others
25 to the Peninsula. And again, in his opinion, to

12:02:56 1 dodge a surrender.

12:02:58 2 So he's discouraging others from coming
12:03:00 3 to the Peninsula. Isn't that inconsistent with the
12:03:03 4 idea that a general reserve has been created by
12:03:09 5 Treaty 45½?

12:03:10 6 A. No, it's not inconsistent because
12:03:12 7 of the issue that I see McNabb addressing here is
12:03:14 8 the fact that the emigrants were coming from
12:03:17 9 Manitoulin, and Manitoulin was still an aspect of
12:03:22 10 the Crown's centralization policy. So I see this
12:03:26 11 as McNabb reporting, you know, the fact that there
12:03:34 12 -- and he calls it a "dodge" I think because just
12:03:39 13 trading people from one centralization location to
12:03:42 14 another, to him was not part of the plan.

12:03:47 15 So I think it's important that they're
12:03:49 16 coming from Manitoulin, and so this compromised the
12:03:53 17 Manitoulin project.

12:03:58 18 Q. But if your reading is correct,
12:04:00 19 and the two are connected, that there's implied
12:04:03 20 provision of 45½ that applies to the Peninsula
12:04:07 21 because of the provision that's in 45 for
12:04:10 22 Manitoulin, then -- and you're saying that both are
12:04:14 23 created as a general reserve, why would it make a
12:04:18 24 difference? It doesn't make a difference whether
12:04:20 25 they're on one general reserve or another?

12:04:22 1 A. Apparently it did make a
12:04:24 2 difference.

12:04:24 3 Q. But I guess I'm just having
12:04:29 4 trouble with why that would make sense from that
12:04:33 5 reading.

12:04:33 6 A. My understanding is that at this
12:04:36 7 point in time the Government had invested much more
12:04:38 8 heavily on Manitoulin Island. And so in order to
12:04:42 9 protect that investment, people who had emigrated
12:04:46 10 there were encouraged to stay there.

12:04:49 11 Q. So they've invested much more
12:04:52 12 heavily in Manitoulin and not the same amount of
12:04:55 13 investment in the Saugeen Peninsula?

12:04:56 14 A. Yes, I would agree.

12:04:57 15 Q. Would you agree, if I suggest to
12:05:00 16 you, that that might be because Manitoulin was a
12:05:02 17 general reserve that was surrendered to the
12:05:05 18 protection of the Great Father and the Peninsula
12:05:09 19 was not?

12:05:12 20 A. The best I would be able to answer
12:05:14 21 is that the setting aside of Manitoulin as a
12:05:22 22 general reserve appears to have been much more a
12:05:25 23 formalized and preconceived notion at the time in
12:05:30 24 1836. But that there was also an implied
12:05:34 25 understanding that the Saugeen Peninsula would in

1 future hold the same kind of potential as a central
2 reserve.

3 MS. GUIRGUIS: Your Honour, can I have
4 one moment? Because I may be going to one of the
5 items that I asked Mr. Registrar to mark as an
6 exhibit. I'm not sure if it's entered yet so if I
7 can have a moment to rearrange.

8 THE COURT: I wasn't going to take a
9 full break because we already had a break. But
10 what I'll do is take a five-minute break in case
11 anybody needs a break and at the time same you can
12 sort that out.

13 MS. GUIRGUIS: Thank you, Your Honour.

14 -- RECESS TAKEN AT 12:05 p.m. --

15 -- UPON RESUMING AT 12:14 p.m. --

16 THE COURT: Please go ahead.

17 MS. GUIRGUIS: Thank you, Your Honour.

18 BY MS. GUIRGUIS:

19 Q. So, continuing on with what we
20 were talking about, understanding the effects of
21 Treaty 45½, I want to look at Exhibit 1198 again,
22 which is what we were looking at before, that
23 schedule by Jarvis.

24 And if we can go back to the same page,
25 which was page 5 of the PDF. And if we go to the

12:14:49 1 -- well, first we have the entry at the middle,
12:14:52 2 which you've already looked at which was number 8
12:14:54 3 and it was referring to the Saugeen territory and
12:14:59 4 Treaty 45½?

12:15:00 5 A. Correct.

12:15:00 6 Q. The one above that, label
12:15:02 7 number 7, if you could look at the first column.
12:15:06 8 Can you confirm that that refers to Treaty 45½ --
12:15:10 9 sorry, Treaty 45?

12:15:13 10 A. (Witness reviews document).

12:15:16 11 Yes.

12:15:19 12 Q. Okay. So if we scroll over to the
12:15:23 13 "remarks" column which is the last column on that
12:15:26 14 page to the right. And in the first one, for the
12:15:36 15 Manitoulin Treaty 45 identified as surrender
12:15:41 16 number 7, are you able to read that?

12:15:42 17 A. Yes, do you want me to read it
12:15:45 18 out?

12:15:45 19 Q. Yes, if you can.

12:15:47 20 A. "The respective claims of the
12:15:49 21 Ottawas and" -- Chippewas --
12:15:53 22 "Chippewa tribes to the great
12:15:54 23 Manitoulin Island were relinquished
12:15:59 24 and made the property (under His
12:16:11 25 Majesty's control) of all Indians

whom His Majesty should allow to
reside on the said islands."

Q. And if we go to the one below,
which are the remarks with respect to the Saugeen
Treaty 45½.

A. Would you like me to read that
out?

Q. Yes, if you can, thank you.

A. "At the Great Council held in
1836 at the Manitoulin Islands, it
was proposed by the Lieutenant
[...]"

Q. Governor?

A. Yes.

"[...] Governor and agreed to
by the Saugeen Tribe of Indians that
they should surrender to His
Majesty, the Sauking territory which
they at present occupy and should
repair either to the Manitoulin
Island or to that part of their
territory which lies in the north of
Owen Sound on Lake Huron where
proper homes should be built and
proper assistance given to civilize

12:17:23 1 them and teach them to cultivate

12:17:25 2 land. The Government engaging to

12:17:29 3 protect them from the encroachments

12:17:33 4 of the whites."

12:17:34 5 BY MS. GUIRGUIS:

12:17:34 6 Q. Okay. Thank you. So you'd agree

12:17:37 7 with me that Jarvis states expressly that

12:17:40 8 Manitoulin Island has become property under the

12:17:42 9 Crown's control so that all First Nations could

12:17:47 10 live there?

12:17:47 11 A. I see this as his reiteration of
12:17:51 12 what was in the provisional agreement.

12:17:56 13 Q. And this is a year later, 1837,
12:17:59 14 correct?

12:17:59 15 A. Correct.

12:17:59 16 Q. And he doesn't say the same thing
12:18:01 17 about the Saugeen treaty with respect to the
12:18:04 18 Peninsula?

12:18:04 19 A. Again, he is reiterating what was
12:18:07 20 in the text of the provisional agreement.

12:18:08 21 Q. But this reflects his
12:18:10 22 understanding a year later?

12:18:11 23 A. I'm not sure that it does reflect
12:18:14 24 his understanding. I think he's just documenting
12:18:16 25 what the agreements said. This is a schedule and

12:18:20 1 so he's documenting what documentation the
12:18:24 2 Government had with respect to these Treaties or
12:18:29 3 surrenders.

12:18:30 4 Q. But if the effect of Treaty 45½,
12:18:33 5 as he understood it, was to create a general
12:18:37 6 reserve a year later, this is -- he's writing this
12:18:40 7 a year later -- so if the effect of Treaty 45½, as
12:18:43 8 he understood it, was to create a general reserve
12:18:45 9 in the same way as Treaty 45 did, wouldn't we
12:18:48 10 expect him to have identified this under his
12:18:51 11 remarks here for the Saugeen treaty the way that he
12:18:54 12 did for the Manitoulin treaty?

12:18:57 13 A. Can you go back up to the
12:18:59 14 Manitoulin treat?

12:19:00 15 Q. Yes.

12:19:11 16 A. I'm not sure that we would expect
12:19:13 17 Jarvis to do that. I think he's really copying
12:19:18 18 what he saw in the provisional agreement documents.
12:19:24 19 And that's -- I mean, that's what this whole
12:19:27 20 schedule is about. Creating a list documenting the
12:19:34 21 various surrenders that had occurred up until
12:19:37 22 July 18, '37.

12:19:38 23 Q. But if he's copying what's in
12:19:40 24 those agreements wouldn't he copied them verbatim?
12:19:43 25 His remarks divert from --

12:19:45 1 A. They're close, though. They're
12:19:47 2 close to verbatim. And he's paraphrasing, I agree
12:19:51 3 with you.

12:19:55 4 So I guess what I'm disagreeing with,
12:19:58 5 that this is a demonstration of his understanding.
12:20:01 6 I don't necessarily see this as an iteration of his
12:20:04 7 understanding of those Treaties or the Crown's
12:20:07 8 understanding of those Treaties. I see this as a
12:20:10 9 paraphrasing of what was in the provisional
12:20:12 10 agreement document.

12:20:13 11 Q. So I'd like to go now to a
12:20:21 12 document, SC1744. This is a report by Jarvis dated
12:20:33 13 July 20th, 1838. It's a report on the different
12:20:38 14 tribes under his chief superintendence, if we go to
12:20:44 15 PDF page 11 which is one of the original documents.

12:20:45 16 THE COURT: Before you do this, is this
12:20:47 17 one of the documents that has been marked as an
12:20:50 18 exhibit?

12:20:50 19 MS. GUIRGUIS: No, it has not yet.

12:20:51 20 THE COURT: I see, all right. Are you
12:20:51 21 going to?

12:20:51 22 MS. GUIRGUIS: Yes, I will be.

12:20:55 23 THE COURT: Can we do that now?

12:20:55 24 MS. GUIRGUIS: Absolutely.

12:20:56 25 So the date -- this is a report by

1 Jarvis July 20th, 1838, and if I can add this as
2 the next exhibit.

3 THE COURT: And transcript of that
4 document.

5 MS. GUIRGUIS: And the transcript of
6 the original document follows it.

7 THE COURT: Mr. Registrar.

8 THE REGISTRAR: Exhibit No. 4826.

9 EXHIBIT NO. 4826: Report by Jarvis
10 July 20, 1838.

11 MS. GUIRGUIS: So there we have the
12 date of the document, just showing that to you on
13 page 11 of the transcript so July 20th, 1838 and if
14 we can turn to --

15 THE WITNESS: Excuse me, it says
16 "1858".

17 MS. GUIRGUIS: That's right.

18 BY MS. GUIRGUIS:

19 Q. That's why I wanted to go to the
20 handwritten document. I think that there's --
21 well, let's go to the handwritten document which
22 starts at PDF 12.

23 So if we can scroll down. It's at the
24 top of this document which is very difficult to
25 make out. I believe that there is a date there, it

1 says 20th July. And I read it as "1838", I don't
2 know if you're able to --

3 A. The preceding cover page clearly
4 says "1838".

5 Q. Okay, thank you.

6 THE COURT: We should note on the
7 record that the transcript wrongly says "1858"; is
8 that correct, Counsel?

9 MS. GUIRGUIS: That is correct, Your
10 Honour.

11 BY MS. GUIRGUIS:

12 Q. So if we can turn to page 7 of the
13 transcript. It's PDF page 7 as well.

14 At the bottom of the page, I'd like to
15 turn to the last line under the mark "22 of 31"
16 which is reference to the pagination on the
17 handwritten document that follows. And it states:

18 "The Chippewas and Ottawas of
19 Manitoulin have the privilege of
20 occupying as much of the island as
21 they may be disposed to cultivate."

22 And then it goes on to page 8:

23 "I should think the island
24 contained from 800,000 to 1 million
25 of acres and is a special

1 reservation for the use of all
2 Indians, who may embrace
3 Christianity and turn their
4 attention to the agriculture."

5 So this is express mention of the
6 general reserve that was created on Manitoulin
7 Island, correct?

8 A. Correct.

9 Q. Let's turn now to the entries on
10 the Saugeen Ojibways in the report. There are
11 three.

12 So the first one is at the top of
13 page 4 of this document. It's the second paragraph
14 and if you can read to yourself from "The
15 Potawatomes [...]" up until "[...] fishing at the spot".

16 A. (Witness reviews document).

17 Okay.

18 Q. If we can turn to the second
19 excerpt about the Saugeen, which is on the bottom
20 of page 6, from "The Potawatomes and Chippewas of
21 Sauking [...]" and in the end, "They rely much on
22 fish for support", the bottom of the paragraph.

23 A. Okay.

24 Q. So pausing here. This is a
25 reference to the fact that the Saugeen Ojibway are

12:24:52 1 still hunting on the lands surrendered in Treaty
12:24:55 2 45½, right?

12:24:56 3 A. It does appear so, yes.

12:25:01 4 Q. And then the third entry, if we go
12:25:04 5 to page 8, in the middle of that page. And it's
12:25:07 6 highlighted here from "The Potawatomes [...]" and
12:25:11 7 ending with "[...] about 450,000-acres".

12:25:16 8 A. (Witness reviews document).

12:25:17 9 Okay.

12:25:17 10 Q. And here in this excerpt Jarvis is
12:25:19 11 saying that the Saugeen Ojibway possess all of the
12:25:23 12 Peninsula?

12:25:23 13 A. I'm sorry, can you repeat that?

12:25:27 14 Q. Jarvis is saying that the Saugeen
12:25:29 15 Ojibway possess all the Peninsula?

12:25:31 16 A. "The Potawatomes and Chippewas of
12:25:35 17 Saugeen possess all the Peninsula", yes.

12:25:38 18 Q. And none of the entries about the
12:25:42 19 Saugeen Ojibway suggest that any other groups are
12:25:44 20 entitled to possession of the Peninsula?

12:25:47 21 A. Not in this document, no.

12:25:48 22 Q. And there's no mention of a
12:25:50 23 general reserve on the Peninsula in this document?

12:25:52 24 A. As far -- not from what you've
12:25:54 25 shown me, no.

1 Q. Okay. So based on what we've
2 reviewed you'd agree with me that this also
3 suggests that Jarvis understood that there was in
4 fact no general reserve created on the Saugeen
5 Peninsula as of 1838 when he wrote this report?

6 A. He -- yes, I agree that he may not
7 have understood that.

8 Q. As Chief Superintendent of Indian
9 Affairs at the time, would you agree that he would
10 be in a position to be well informed about the
11 effect of Treaty 45½?

12 A. Yes.

13 Q. And well informed about the effect
14 of Treaty 45½ as was understood by the Indian
15 Department at that time?

16 A. Yes.

17 Q. I want to go to Exhibit 1434.
18 This is a report from the Committee of the
19 Executive Council to the Governor General dated
20 July 21st, 1843. So this is essentially a report
21 from the Cabinet to the Governor General, right?

22 A. Yes.

23 Q. At page 1, the second paragraph
24 which we've marked in green, if you can look at "On
25 reference of the proposal [...]" to "[...] anymore

12:27:19 1 specific description".

12:27:27 2 A. (Witness reviews document).

12:27:35 3 Okay.

12:27:35 4 Q. This tells us that Treaty 45½,
12:27:45 5 that according to Cabinet the lands on the
12:27:47 6 Peninsula were reserved for the Saugeen Ojibway and
12:27:49 7 no one else, correct?

12:27:50 8 A. It doesn't say "anybody else".
12:27:56 9 There's an error in the date there. It says
12:28:01 10 "1837". I assume it should be "1836".

12:28:05 11 Q. Yes, I think so. I wonder if
12:28:07 12 that's a mistake in the transcript --

12:28:09 13 A. It may be.

12:28:11 14 Q. -- or in the document itself.

12:28:16 15 Okay. I want to go to Exhibit 1674.
12:28:28 16 This is the 1847 declaration dated June 29th, 1847.
12:28:35 17 You're familiar with it?

12:28:36 18 A. Yes.

12:28:37 19 Q. Okay. We have a transcript that
12:28:38 20 we've added as an exhibit. Here it is. So
12:28:55 21 Exhibit 4781, a partial transcript of the 1847
12:28:59 22 declaration.

12:29:00 23 So we've marked two paragraphs on the
12:29:02 24 original and the transcript we have is of those two
12:29:05 25 paragraphs to make it a little easier to read

12:29:09 1 through.

12:29:10 2 A. (Witness reviews document).

12:29:20 3 Q. It's 4781, the SC number is
12:29:26 4 SC1888. So you're familiar with this document.

12:29:50 5 I'm not sure if you would like to take a moment to
12:29:54 6 look at the parts that we've excerpted.

12:29:57 7 A. Yes, I'll take a look.

12:29:58 8 Q. Please let us know when you want
12:30:00 9 to scroll.

12:30:01 10 A. (Witness reviews document).
12:30:21 11 Scroll down to the next paragraph,
12:30:24 12 please.

12:30:27 13 (Witness reviews document).

12:30:53 14 Scroll down, please.

12:31:12 15 (Witness reviews document).

12:31:21 16 Okay.

12:31:21 17 Q. So you'd agree with me that this
12:31:26 18 document recognizes that the Saugeen Ojibway have
12:31:29 19 possessed the Peninsula?

12:31:31 20 A. Correct, yes.

12:31:32 21 Q. And it guarantees their continued
12:31:34 22 possession?

12:31:34 23 A. Correct.

12:31:35 24 Q. And nowhere in these excerpts does
12:31:39 25 it say that the Peninsula is a general reserve?

12:31:41 1 A. No.

12:31:41 2 Q. Or that the Saugeen Ojibway's
12:31:46 3 continued possession and enjoyment of the Peninsula
12:31:49 4 is dependent on other First Nations coming to the
12:31:52 5 Peninsula?

12:31:52 6 A. No.

12:31:52 7 Q. So I'd like to turn now to SC1745,
12:32:01 8 which is a letter from Anderson to David Sawyer
12:32:04 9 dated August 2nd, 1847. You have a transcript, the
12:32:09 10 beginning followed by the original document that
12:32:11 11 starts at PDF page 2. And in the original
12:32:16 12 document, it's the second letter on that page.

12:32:21 13 MS. GUIRGUIS: Your Honour, can I have
12:32:22 14 this marked as the next exhibit?

12:32:24 15 THE COURT: Mr. Registrar?

12:32:26 16 THE REGISTRAR: Exhibit No. 4827.

12:32:26 17 EXHIBIT NO. 4827: Letter from Anderson
12:32:03 18 to David Sawyer dated August 2, 1847.

12:32:29 19 THE COURT: 4827. I'm wondering how
12:32:32 20 many more letters there could be that we haven't
12:32:34 21 had already but I guess I'll find out soon enough.

12:32:38 22 MS. GUIRGUIS: Yes, Your Honour.

12:32:40 23 BY MS. GUIRGUIS:

12:32:40 24 Q. So I've marked the relevant
12:32:41 25 sentence for my question in green on the

1 transcript, the middle of -- near the end of the
2 transcript and it states:

3 "[...] tell the Owen Sound and
4 Saugeen Indians I have a deed for
5 their land, which I will give them
6 when I go to issue the presents in
7 September [...]"

8 Anderson is referring to Lord Elgin's
9 Declaration of 1847, correct?

10 A. Yes.

11 Q. And he says the words "a deed for
12 their land", and he's referring to Owen Sound and
13 Saugeen Indians?

14 A. I presume so, yes.

15 Q. Okay. I'd like to go now to
16 Exhibit 1894. This is dated November 7th, 1851.
17 This is the proclamation that extended the
18 operation of the 1850 Indian Land Protection Act to
19 the Saugeen tract to the Peninsula?

20 A. Yes.

21 Q. I think you referred to this in
22 your report?

23 A. Yes.

24 Q. Page 2 of the transcript is the
25 portion that does this. If we can go to page 2.

1 The last paragraph from the words, "And
2 the tract of land [...]" until "[...] islands
3 within the seven miles of the coast".

4 If you can read that to yourself.

5 A. (Witness reviews document).

6 Okay.

7 Q. Okay. And if you look at the
8 marginal note to the left of this excerpt, you
9 would agree with me that this proclamation
10 describes the Saugeen tract or the Peninsula as
11 reserved for the occupation of the Saugeen and Owen
12 Sound Indians?

13 A. Yes, I agree that's what it
14 states.

15 Q. Okay. It doesn't say anything
16 about it being reserved for the occupation of
17 Indians generally?

18 A. Not this document, no.

19 Q. Or anything else about the Saugeen
20 tract being a general reserve?

21 A. No.

22 Q. I want to ask you now about the
23 Macauley report on Indian Affairs.

24 A. Okay.

25 Q. Which is Exhibit 1297. And this

1 is dated April 22nd -- yes, April 22nd, 1839.

2 You're familiar with the Macauley report?

3 A. Yes.

4 Q. Okay. You'd agree with me this
5 was a major policy document for the Indian
6 Department?

7 A. A policy document? It was a
8 document investigating Indian Affairs, so, if
9 that's policy, then, yes.

10 Q. You describe, I think at page 64
11 of Volume 3 of your report -- we don't need to go
12 to this, all of us. But for your reference you
13 note that Macauley paid special attention to the
14 Saugeen case and recommended the creation of a
15 general reserve for wandering tribes of Upper
16 Canada on their tract.

17 A. Yes.

18 Q. Okay. Now, I want to turn to
19 page 47 of this report, Macauley's report, which is
20 page 48 of the PDF. Macauley has just finished
21 describing a dispatch received from Jarvis on the
22 topic of the Saugeen Ojibway and he writes that:

23 "The Potawatomes and Chippewas
24 on the Saugeeng River south side of
25 Lake Huron, number about 370. They

12:36:35 1 still possess all of the Peninsula
12:36:37 2 from Owen Sound to Cabot's Head and
12:36:41 3 Cape Hurd, about 450,000 acres
12:36:44 4 independent of the tract ceded to
12:36:47 5 Sir F. Head."

12:36:48 6 A. Correct.

12:36:48 7 Q. Okay. So this suggested that
12:36:50 8 Macauley understood in 1839, that the Saugeen
12:36:53 9 Peninsula belonged to the Saugeen Ojibway alone,
12:36:54 10 correct?

12:36:55 11 A. Yes, it does.

12:37:11 12 Q. So having reviewed Macauley's
12:37:13 13 report and commented on page 64 of your Volume 3
12:37:18 14 report which is Exhibit 4703, you would agree that
12:37:22 15 nowhere in this report, in Macauley's report, does
12:37:26 16 he suggest that Treaty 45½ created a general
12:37:28 17 reserve on the Peninsula?

12:37:29 18 A. Not in any formal way, yes, I
12:37:31 19 agree.

12:37:32 20 Q. Nor does he say that the
12:37:38 21 realization of a general reserve on the Peninsula
12:37:41 22 was one of the conditions of the Crown extending
12:37:43 23 its protection to the Peninsula as promised in
12:37:47 24 Treaty 45½?

12:37:47 25 A. That is correct.

1 Q. So let's look at how Macauley's
2 report talks about Manitoulin Island. And I'm
3 going to take you to page 40 of his report, which
4 is PDF page 41. We've marked a section in the
5 margin, December 20th -- we've marked a section
6 starting "Sir F. Head" and if you can read on to
7 the next page to "[...] Her Majesty's Red Children"
8 and you can let us know when you need us to scroll.

9 A. (Witness reviews document).

10 Scroll down, please.

11 (Witness reviews document).

12 Okay.

13 Q. So in discussing Manitoulin
14 Island, Macauley does mention that a general
15 reserve has already been created for wandering
16 tribes?

17 A. Yes.

18 Q. So this document from the Indian
19 Department, acknowledges that a general reserve has
20 been created on Manitoulin, but it doesn't
21 acknowledge or make any such claim about the
22 Saugeen tract or the Peninsula, correct?

23 A. You are correct.

24 Q. If a general reserve existed on
25 the Peninsula, wouldn't this be something we would

12:39:53 1 expect the document to reference if it was indeed
12:39:57 2 in existence in 1839?

12:40:00 3 A. My opinion on the notion of a
12:40:04 4 general reserve at Saugeen is that it was implied
12:40:09 5 and it was certainly much less formalized than the
12:40:13 6 Government's intention in Treaty 45½ at Manitoulin
12:40:18 7 Island. The excerpts and portions that you're
12:40:21 8 taking me to are -- demonstrate the formality of
12:40:27 9 the establishment of a general reserve and a
12:40:30 10 centralization program on Manitoulin Island.

12:40:33 11 My thesis is that there was an
12:40:35 12 implication that the same kind of thing was
12:40:38 13 happening at Saugeen, but it was not in the same
12:40:41 14 formalized measure as it was on Manitoulin. And
12:40:51 15 that there is, as I document in my Volume 1,
12:40:55 16 abundant correspondence and documentation that, in
12:41:00 17 many ways, the Saugeen was being viewed in the same
12:41:04 18 kind of light, in terms of centralization as was
12:41:09 19 Manitoulin.

12:41:10 20 Q. You mention excerpts and portions
12:41:13 21 that I'm taking you to, so with respect to the
12:41:15 22 Macauley report, though, you've acknowledged that
12:41:17 23 you don't recall anywhere in the report, from your
12:41:20 24 review, that he's mentioned that the Saugeen
12:41:22 25 Peninsula was a general reserve?

12:41:23 1 A. Well, I would need to -- it's a
12:41:26 2 lengthy report, so I'm not going to agree
12:41:29 3 100 percent without having looked through the
12:41:32 4 entire report. But off the top of my head, I do
12:41:36 5 not recall that.

12:41:36 6 Q. You don't have a specific citation
12:41:38 7 in your Volume 3 or any of your volumes to the
12:41:42 8 Macauley reports talking about the Saugeen
12:41:44 9 Peninsula in that way?

12:41:45 10 A. As far as I know, I do not.

12:41:47 11 Q. Okay. The issue I'm having is
12:42:02 12 that if it's implied that a general reserve was
12:42:04 13 created in the same way as it was on Manitoulin,
12:42:07 14 I've taken you to several references where
12:42:09 15 Manitoulin is discussed as a general reserve. But
12:42:12 16 in those same documents, the Saugeen Peninsula is
12:42:14 17 not discussed in the same way?

12:42:17 18 A. Correct.

12:42:17 19 Q. So it's implied, but no one noted
12:42:23 20 that it was a general reserve?

12:42:25 21 A. But it was -- it was in many
12:42:29 22 respects treated in the same way without it being
12:42:33 23 formalized in this kind of government report.

12:42:38 24 I agree completely that Treaty 45½ is
12:42:43 25 very explicit. I think Treaty 45½, there is

1 something implicit that's happening.

2 And that implicit understanding is
3 supported by documentation that indicates that very
4 quickly the Saugeen was being promoted as a place
5 for Indians to retire to, go either to Manitoulin
6 or to Saugeen.

7 So in terms of real-time events and
8 correspondence, you see Manitoulin and Saugeen
9 being referred to in very similar terms, as one of
10 two main places that emigrant Indians were being
11 encouraged to go to, where other Indigenous groups
12 in Canada West and Upper Canada were being
13 encouraged to move to. Go here or go there, go to
14 Manitoulin or go to Saugeen.

15 I think there was -- there's also
16 abundant correspondence to suggest that the Saugeen
17 Ojibway Nation also shared that understanding and
18 the numerous invitations both before 1836 and after
19 1836 demonstrate an implicit understanding that the
20 Saugeen would be one of those areas for general,
21 small "g", general reserve, and allocations of
22 centralization. And it became a repeated topic of
23 petitions to the Governor General, etcetera.

24 So if you're asking me to agree
25 whether, in formal terms, the Saugeen was

12:44:30 1 established as a general reserve through Treaty
12:44:34 2 45½, it is not explicit in Treaty 45½.

12:44:38 3 Q. Okay. Thank you. That's one
12:44:42 4 thing I want to correct. At the beginning of your
12:44:44 5 answer, you said:

12:42:38 6 "I agree completely that Treaty
12:42:42 7 45½ is very explicit. I think
12:42:45 8 Treaty 45½, there is something
12:42:47 9 implicit [...]"

12:44:53 10 I think you --

12:44:54 11 A. Oh, I meant to say Treaty 45 was
12:44:58 12 explicit.

12:44:58 13 Q. And Treaty 45½, your view is that
12:45:01 14 it was implicit?

12:45:02 15 A. Correct.

12:45:04 16 Q. But you've confirmed that as of
12:45:07 17 the conclusion of Treaty 45½, it's not formally
12:45:11 18 created as a general reserve?

12:45:13 19 A. I do agree with that, yes.

12:45:14 20 Q. So it's an idea. It's a proposal
12:45:17 21 that people are talking about?

12:45:18 22 A. Yes.

12:45:19 23 Q. After Treaty 45½?

12:45:22 24 A. Before.

12:45:24 25 MR. FELICIAN: Your Honour, I just

12:45:25 1 interject. I think understanding that Dr. Reimer
12:45:29 2 is giving her opinion as a historian and not as a
12:45:32 3 lawyer or giving a legal conclusion about the
12:45:34 4 formal effect, which is what the first question in
12:45:37 5 those series could be taken to suggest.

12:45:41 6 THE COURT: I think, Mr. Feliciant, you
12:45:55 7 were reacting to perhaps not the last question but
12:45:59 8 the one just immediately before it?

12:46:01 9 MR. FELICIAN: Yes, Your Honour.

12:46:02 10 THE COURT: About whether it's not
12:46:05 11 formally created as a general reserve; is that the
12:46:09 12 question?

12:46:09 13 MR. FELICIAN: Yes, yes.

12:46:10 14 THE COURT: Well, I take your
12:46:12 15 submission at face value, and Ms. Guirguis did say
12:46:17 16 earlier today that questions were being posed as a
12:46:20 17 historian. That does not mean they're necessarily
12:46:23 18 unobjectionable. But this one has been answered,
12:46:27 19 and we will proceed.

12:46:29 20 Thank you, sir.

12:46:31 21 MR. FELICIAN: Thank you, Your Honour.

12:46:33 22 MS. GUIRGUIS: A moment, Your Honour.

12:46:44 23 THE COURT: That's fine.

12:46:46 24 BY MS. GUIRGUIS:

12:47:44 25 Q. One thing before leaving this

12:47:49 1 subject, I want to talk about Exhibit 2175, which
12:48:06 2 are the reports of Anderson and Oliphant with
12:48:10 3 respect to Treaty 72 and prior. If we can bring up
12:48:16 4 Exhibit 2175.

12:48:23 5 Dr. Reimer, you're familiar with
12:48:27 6 Anderson's address to the Saugeen Ojibway dated
12:48:30 7 August 2nd, 1854?

12:48:31 8 A. Yes, I am.

12:48:32 9 Q. Okay. So on page 12 of this
12:48:34 10 document, which is PDF image 11. And here we've
12:48:44 11 just highlighted the bottom paragraph from,
12:48:47 12 "My friends [...]" and ends with "[...] please
12:48:51 13 with your reserve [...]"

12:48:55 14 THE COURT: Is that the end? It's not
12:49:00 15 the end.

12:49:01 16 MS. GUIRGUIS: Oh, it's not the end.

12:49:03 17 THE COURT: I understand that form
12:49:04 18 because I heard earlier in this trial that the
12:49:06 19 practice for some documents was to repeat the last
12:49:09 20 word at the top of the next page.

12:49:12 21 MS. GUIRGUIS: That's right.

12:49:13 22 THE COURT: So that suggests to me that
12:49:16 23 it continues.

12:49:16 24 MS. GUIRGUIS: Right. So continues on
12:49:19 25 to the next page and ends with "[...] yourselves

1 and children".

2 THE WITNESS: (Witness reviews
3 document).

4 Scroll down, please.

5 (Witness reviews document).

6 Okay.

7 BY MS. GUIRGUIS:

8 Q. So, again, in this passage you'd
9 agree with me that Anderson is very clear, in 1854,
10 that the lands of the Peninsula belong to the
11 Saugeen Ojibway?

12 A. Yes.

13 Q. Not the Government, and not any
14 other Ojibway tribes?

15 A. Correct.

16 Q. Okay. And if we can turn up to
17 page 1 of the document. And Laurence Oliphant's
18 November 3rd, 1854, report on the Treaty 72
19 Council.

20 We've highlighted that top paragraph,
21 from "I have the honour to report [...]" to
22 "[...] their exclusive use and occupation."

23 A. (Witness reviews document).

24 I've read it.

25 Q. So again, this indicates that

1 Oliphant's view is like that of Anderson that the
2 Peninsula has been reserved for the exclusive use
3 and occupation of the tribes at Saugeen, Owen
4 Sound, and Colpoy's Bay?

5 A. Correct.

6 Q. Not for the Ojibway tribes
7 generally?

8 A. No.

9 Q. And in his entire report detailing
10 the surrender, there's no mention of any past plan
11 for a general reserve on the Saugeen Peninsula?

12 A. No, he does not refer to that.

13 Q. Nor does he refer to the fact that
14 this was a condition on the terms on which the
15 Saugeen Ojibway held the Saugeen Peninsula?

16 A. No.

17 Q. And there's not any reference of
18 that sort in Anderson's speech or report from
19 August 1854?

20 A. Not that I recall, no.

21 Q. And so there's no mention here or
22 evidence that the Crown ever suggested to the
23 Saugeen Ojibway that the failure of other First
24 Nations to come to the Peninsula, because it was a
25 general reserve, was a reason why they must agree

12:52:05 1
12:52:07 2
12:52:07 3
12:52:09 4
12:52:15 5
12:52:16 6
12:52:19 7
12:52:20 8
12:52:25 9
12:52:28 10
12:52:32 11
12:52:34 12
12:52:37 13
12:52:40 14
12:52:44 15
12:52:47 16
12:52:47 17
12:52:49 18
12:52:52 19
12:52:55 20
12:52:55 21
12:52:59 22
12:53:00 23
12:53:01 24
12:53:05 25

to Treaty 72?

A. I agree.

Q. Okay. Thank you.

So let me shift gears --

THE COURT: Just while you're shifting gears, Counsel.

MS. GUIRGUIS: Yes, Your Honour.

THE COURT: So this is Exhibit 2175, which seems to be a collection of documents?

MS. GUIRGUIS: That's right.

THE COURT: Can I just, while we're five minutes before lunch and you're shifting to a new topic, I will ask you now and you can figure it out over lunch if you want. But there's also an Exhibit 2160?

MS. GUIRGUIS: Yes.

THE COURT: Are they the same?

MS. GUIRGUIS: As far as I can gather --

THE COURT: If you can look it up over lunch.

MS. GUIRGUIS: I can look it up and confirm over lunch, but there are several exhibits that include the same reports.

I find that Exhibit 2175 is the most complete for our purposes which is why we tend to

12:53:08 1 reference it quite a bit. It has Anderson,
12:53:11 2 Oliphant and corresponding documents but I may be
12:53:14 3 wrong on that.

12:53:15 4 THE COURT: Perhaps over the lunch
12:53:16 5 we'll stop five minutes early and you can spend the
12:53:20 6 five minutes with your team.

12:53:21 7 Because there's some things about 2160
12:53:24 8 that I found odd. First of all, it seems to have
12:53:31 9 handwritten document in it. And second of all it
12:53:35 10 seems to say "Google" all over it. That's not
12:53:39 11 necessarily a problem but I would like to have
12:53:41 12 something on the record, if you all agree, trying
12:53:45 13 to explain those two exhibits.

12:53:47 14 MS. GUIRGUIS: Yes, I can certainly do
12:53:49 15 that.

12:53:49 16 THE COURT: We'll break for lunch and
12:53:51 17 resume at 2.15.

12:53:53 18 MS. GUIRGUIS: Thank you, Your Honour.

12:53:54 19 -- RECESS TAKEN AT 12:55 p.m. --

12:55:01 20 -- UPON RESUMING AT 2:15 p.m. --

02:18:30 21 THE COURT: Please go ahead.

02:18:32 22 MS. GUIRGUIS: Thank you, Your Honour.

02:18:33 23 So, Your Honour, we looked at 2160,
02:18:38 24 Exhibit 2160 and 2175 over the break, and I
02:18:40 25 discussed with my friends. And 2160 is just

02:18:44 1 Oliphant's report and doesn't include other
02:18:49 2 enclosures that are in 2175. There are other
02:18:50 3 exhibits that also overlap on content.

02:18:52 4 So what we're proposing to do is that
02:18:54 5 we can prepare a chart that summarizes what the
02:18:58 6 overlap is, what's missing from which exhibit, for
02:19:00 7 your benefit. And on counsel's consent, provide
02:19:04 8 that to you perhaps as a lettered exhibit on
02:19:06 9 Monday.

02:19:06 10 THE COURT: Ordinarily I wouldn't ask
02:19:08 11 you to bother, but it's obviously an important
02:19:10 12 document. And there does seem to be some oddities
02:19:14 13 about the two exhibits, there's no hurry.

02:19:17 14 Please go ahead.

02:19:19 15 MS. GUIRGUIS: Certainly, Your Honour.

02:19:23 16 BY MS. GUIRGUIS:

02:19:24 17 Q. Good afternoon, Dr. Reimer.

02:19:25 18 A. Good afternoon.

02:19:26 19 Q. So, I want to start this afternoon
02:19:29 20 by talking about your Squatting Report, which is
02:19:34 21 Exhibit 4708.

02:19:50 22 I might flip back and forth between
02:19:53 23 this and your Exhibit 4703, which is your Volume 3
02:19:57 24 report.

02:19:57 25 A. Okay.

02:19:58 1 Q. So starting with your Squatting
02:20:00 2 Report, if we could start at page 4, Section 2.4.
02:20:10 3 And here you've provided a summary of your
02:20:12 4 conclusion that:

02:20:17 5 "The evidence of squatting
02:20:19 6 dated to the 1840s and early 1850s
02:20:22 7 suggests that the First Nations and
02:20:24 8 Indian Department were concerned
02:20:25 9 about the actual incidents of
02:20:26 10 trespass on the Saugeen Peninsula
02:20:29 11 Reserve, and about the risk of
02:20:30 12 squatters settling on unsurrendered
02:20:34 13 land on the Peninsula. However,
02:20:36 14 other than a few examples cited
02:20:38 15 above, I have not found any
02:20:39 16 comprehensive, quantitative account
02:20:42 17 of squatters on the Saugeen
02:20:45 18 Peninsula Reserve in this
02:20:47 19 pre-surrender No. 72 period."

02:20:51 20 Now page 7, 4.3, this is also a summary
02:20:56 21 of your conclusion in this report where you say:

02:20:59 22 "Evidence from the period
02:21:00 23 immediate to the Treaty Council in
02:21:02 24 October 1854 suggests a very real
02:21:04 25 threat of squatting on the

02:21:06 1 Peninsula. However, no quantitative
02:21:09 2 account of actual squatters, if any,
02:21:11 3 on the Saugeen Peninsula Reserve are
02:21:13 4 provided in Oliphant's report or
02:21:15 5 other accounts of his travels to and
02:21:17 6 time spent at Saugeen in
02:21:19 7 October 1854."

02:21:21 8 So what I take you to be saying in
02:21:23 9 these two passages that we just looked at, is that
02:21:27 10 while there was timber theft and trespass on the
02:21:31 11 Saugeen Reserve prior to Treaty 72 squatting was
02:21:34 12 still more of a risk than a reality; is that fair?

02:21:37 13 A. Yes. And you would need to refer
02:21:39 14 to my use of the word "squatting" which I provided
02:21:44 15 in the first section.

02:21:45 16 Q. Right. And you note in these two
02:21:52 17 excerpts that there isn't comprehensive,
02:21:55 18 quantitative data on the number of squatters on the
02:21:59 19 Peninsula prior to Treaty 72?

02:22:00 20 A. I didn't find any, no.

02:22:01 21 Q. And this opinion wasn't expressed
02:22:03 22 in Volume 3 or any of your prior reports?

02:22:06 23 A. No, I had not investigated the
02:22:08 24 issue specific to trying to quantify squatting in
02:22:15 25 Volume 3 or 4.

02:22:16 1 Q. And if we can go to paragraph 3.6
02:22:22 2 of this report. Then you have the summary of your
02:22:30 3 opinion here, and this is related to the big land
02:22:33 4 sale held on September 27th, 1854, in Southampton.

02:22:40 5 And I understand the view that you're
02:22:42 6 expressing here is that you say that this changed
02:22:45 7 the picture by increasing the pressure for
02:22:47 8 settlement lands in Bruce and Grey Counties; is
02:22:51 9 that a fair summary?

02:22:51 10 A. It increased pressure in terms of
02:22:54 11 the awareness of the risk, yes.

02:22:57 12 Q. The awareness of whom? The Crown?

02:23:01 13 A. I think the Crown, possibly First
02:23:06 14 Nations as well, and Euro-Canadian settlers in the
02:23:12 15 area.

02:23:12 16 Q. So in your view the threat of
02:23:14 17 squatting was heightened at that point?

02:23:16 18 A. I think so, yes.

02:23:17 19 Q. Okay. But again you note that
02:23:18 20 there's no comprehensive quantitative account of
02:23:21 21 the numbers of squatters on the Peninsula after the
02:23:24 22 big land sale?

02:23:25 23 A. Not that I found, no.

02:23:26 24 Q. Okay. And again, this is a new
02:23:31 25 opinion and it's not something that you have said

1 in any of your prior reports?

2 A. Yes. That's correct.

3 Q. Okay. So I'd like to talk about
4 these conclusions with you in more detail. But
5 first I'd like to clarify something that you did
6 say in your previous -- well, not in your previous
7 report, in a report that was previously provided,
8 your Volume 3, Exhibit 4703, at page 147, which is
9 page 157 of the PDF.

10 So here under 6.2.2 the heading,
11 "Saugeen Nawash Financial Motivations" you say:

12 "The evidence suggests that in
13 1854 the Saugeen and Nawash chiefs
14 were concerned about encroachments
15 on their reserve lands and that they
16 understood the pressure the Indian
17 Department was under to open more
18 land for sale to Euro Canadian
19 settlers. Indeed, the several
20 attempts by the department to
21 acquire land cessions reinforced
22 their appreciation of the value that
23 their lands held in these
24 circumstances. Having been
25 approached by both private and

02:24:45 1 public parties, the First Nations
02:24:46 2 were determined to take the best
02:24:48 3 advantage of the increasing
02:24:49 4 speculation on their lands."

02:24:52 5 So this is a discussion of the Saugeen
02:24:56 6 Ojibway Nations motivation for entering Treaty 72.

02:24:58 7 A. It is an aspect of their
02:25:00 8 motivation, yes.

02:25:01 9 Q. So presumably in this paragraph
02:25:03 10 you're talking about encroachments that actually
02:25:05 11 happened prior to October 1854?

02:25:08 12 A. That they were concerned about
02:25:11 13 encroachments, including what I define as trespass
02:25:16 14 in the squatting supplementary report.

02:25:19 15 Q. So in your Volume 3 of your report
02:25:21 16 you accepted that there were at least some
02:25:23 17 encroachments on the reserve prior to Treaty 72?

02:25:26 18 A. Yes.

02:25:26 19 Q. Okay. And you would still agree
02:25:29 20 with this statement?

02:25:31 21 A. Which statement?

02:25:32 22 Q. That there was encroachments prior
02:25:34 23 to Treaty 72, some actual encroachments on the
02:25:37 24 reserve?

02:25:38 25 A. If I remember correctly, there

02:25:42 1 were some problems of timber trespass and fishing
02:25:50 2 as well.

02:25:51 3 Q. Okay. So I want to take you now
02:25:58 4 to Exhibit 4364. This is an excerpt from a book by
02:26:05 5 John Weaver entitled, "The Great Land Rush and the
02:26:08 6 Making of the Modern World, 1650-1900".

02:26:14 7 Can we turn to page 268 of this excerpt
02:26:17 8 which is page 22 of the PDF.

02:26:23 9 Weaver states here:

02:26:28 10 "There are gaps in knowledge
02:26:31 11 about small squatters on frontiers
02:26:33 12 everywhere [...]"

02:26:35 13 And if you could read until:

02:26:38 14 "[...] whether speculators,
02:26:40 15 ranchers or plantation operators."

02:26:46 16 A. (Witness reviews document).
02:26:46 17 I've read it.

02:26:47 18 Q. Okay. So the logic of Weaver's
02:26:51 19 point here suggests that we would expect records of
02:26:54 20 squatters to be somewhat incomplete?

02:26:57 21 A. It's an extremely general
02:26:59 22 statement that he's applying to the U.S., to Upper
02:27:03 23 Canada, to New South Wales, I see. So it's
02:27:07 24 difficult for me to agree or disagree with such a
02:27:10 25 very, very general statement.

02:27:15 1 Q. Okay. But the principle that he's
02:27:17 2 saying, this general principle is -- and I'm asking
02:27:23 3 if you agree with it, is that because the nature of
02:27:26 4 squatting is an illegal occupation. That means
02:27:28 5 that we won't necessarily have detailed records of
02:27:32 6 squatters' identities and locations, correct?

02:27:35 7 A. Although there certainly were
02:27:38 8 petitions and letters from the First Nations about
02:27:42 9 these kinds of issues --

02:27:43 10 Q. Right.

02:27:44 11 A. -- trespass issues.

02:27:46 12 But if you're referring specifically to
02:27:48 13 government records, an accounting of squatters,
02:27:52 14 there's a logic in what you're saying and in this
02:27:56 15 statement, yes.

02:27:56 16 Q. Right, okay. Yes, and that's what
02:27:59 17 I mean is that we need to rely on let's say
02:28:01 18 petitions or letters from the Indians, for example,
02:28:04 19 complaining of folks that are encroaching on their
02:28:08 20 reserve?

02:28:09 21 A. Yes, and other Crown agents in the
02:28:10 22 area.

02:28:11 23 Q. So for every reference that we
02:28:13 24 have like that, to squatters or timber thieves that
02:28:17 25 we find in the record, is it likely that there are

02:28:20 1 more squatters or timber thieves actually operating
02:28:24 2 in the area?

02:28:24 3 A. I have no idea how to answer that
02:28:26 4 question.

02:28:27 5 Q. So this is something that you
02:28:44 6 referenced at paragraph 1.6 of your Squatting
02:28:48 7 Report, which is Exhibit 4708.

02:28:51 8 If we go to page 2, at paragraph 1.6.
02:29:10 9 You talk about your understanding of the term
02:29:12 10 "squatter" and "trespass" from your reading of the
02:29:15 11 historical documents from the mid-19th century, or
02:29:19 12 in the mid-19th century.

02:29:21 13 And you say from your reading, the term
02:29:25 14 "squatter" and "trespass" were sometimes, but not
02:29:28 15 always, used synonymously. And for the purposes of
02:29:31 16 this report, you understand the term "squatter" to
02:29:34 17 refer to a settler who has no legal title to the
02:29:36 18 land or property being occupied.

02:29:38 19 And at the bottom of that paragraph you
02:29:41 20 say that you understand the term "trespass" to
02:29:42 21 refer to incidents of persons who were not
02:29:45 22 authorized to enter Indian lands to extract
02:29:47 23 resources such as timber.

02:29:49 24 So you differentiated between the term
02:29:52 25 "squatter" and "timber thief".

02:29:55 1 A. For the purposes of this report,
02:29:57 2 yes, to make clearer what it was I was attempting
02:30:02 3 to document.

02:30:03 4 Q. Okay. So I'm going to take you to
02:30:05 5 a section of another witness that we heard from,
02:30:08 6 Dr. McCalla, one of Canada's witnesses.

02:30:11 7 I'm going to turn to the final
02:30:13 8 transcript of October 31, 2019, which is Volume 58
02:30:20 9 at pages 7564 to 7565. So marked in green,
02:30:31 10 starting at the timestamp 12:31:55 or line 14 on
02:30:36 11 this page.

02:30:37 12 If you can read to yourself from, "So
02:30:40 13 even for folks entering a plot [...]" and then end
02:30:42 14 at the next page at the timestamp 12:10:27.

02:31:13 15 A. (Witness reviews document).

02:31:14 16 Scroll down, please.

02:31:13 17 (Witness reviews document).

02:31:15 18 Okay.

02:31:19 19 Q. Okay. So I'd like you to assume
02:31:27 20 that Dr. McCalla is correct that stealing timber
02:31:31 21 requires staying on a particular parcel of land for
02:31:34 22 months?

02:31:34 23 A. Okay.

02:31:34 24 Q. Either over the winter until the
02:31:37 25 spring that you or into the summer months?

02:31:39 1
02:31:39 2
02:31:42 3
02:31:44 4
02:31:46 5
02:31:48 6
02:31:51 7
02:31:54 8
02:32:05 9
02:32:08 10
02:32:15 11
02:32:18 12
02:32:22 13
02:32:25 14
02:32:28 15
02:32:30 16
02:32:36 17
02:32:43 18
02:32:45 19
02:32:48 20
02:32:50 21
02:32:55 22
02:32:58 23
02:33:02 24
02:33:03 25

A. Okay.

Q. And you would agree with me --

MR. FELICIAN: Your Honour, forgive me, but I don't think that is what he said. I don't think he said anything about staying on a piece of land for months.

THE COURT: Can we scroll back for Counsel?

I must say, Ms. Guirguis, I don't read it the way you have read it. It makes it a tricky assumption. I read it as the months of the year where someone could come and take away timber, not the length of time it takes to do so. Now if it's ambiguous in your opinion, you can ask the witness to make an assumption that's more specific.

But Mr. Feliciant raises a valid point.

MS. GUIRGUIS: Okay.

THE COURT: I should say I noted as I read the entire next page which is on my screen that it also tended to suggest that these people were coming and going. I didn't see the whole examination but that part that you had on the screen was getting down there.

BY MS. GUIRGUIS:

Q. Perhaps it's more simple if I ask

02:33:05 1 you to assume, Dr. Reimer, that taking of timber,
02:33:08 2 resources from a particular parcel of land, we're
02:33:11 3 talking about the mid-19th century, requires being
02:33:16 4 on that parcel of land for some time?

02:33:18 5 A. Okay.

02:33:19 6 Q. It could be -- and I'd like you to
02:33:23 7 assume that it is, let's say, a few months at a
02:33:27 8 time, to clear the land and be able to take the
02:33:29 9 timber.

02:33:30 10 A. You're asking me to assume this?

02:33:32 11 Q. Yes, please.

02:33:34 12 A. Okay.

02:33:34 13 Q. You would agree with me that
02:33:37 14 taking timber is a form of extracting the economic
02:33:40 15 resources from a given property or plot of land?

02:33:42 16 A. Yes.

02:33:42 17 Q. And that might -- if we go with
02:33:49 18 this assumption that it takes longer -- if it takes
02:33:54 19 longer than what we might colloquially think of
02:33:57 20 trespass, which is maybe simply passing through
02:34:01 21 somebody else's property without authorization?

02:34:03 22 A. That's not how I defined it in my
02:34:07 23 Squatting Report, though.

02:34:07 24 Q. Okay. You're defining it as
02:34:08 25 taking the resources?

02:34:09 1 A. Coming in, taking resources and
02:34:12 2 leaving again.

02:34:12 3 Q. Okay. And would you accept that
02:34:14 4 someone who farms a particular parcel of land on
02:34:17 5 the Peninsula for a single growing season, and then
02:34:20 6 moves on, was squatting on the Peninsula?

02:34:23 7 A. Good question. Possibly.

02:34:32 8 Q. A growing season on the Peninsula
02:34:35 9 might be five to six months. So if somebody was
02:34:38 10 there for five to six months that would be
02:34:41 11 squatting in your view?

02:34:44 12 THE COURT: Just pausing, do we have
02:34:46 13 evidence of that?

02:34:47 14 MR. FELICIAN: I agree, Your Honour.

02:34:48 15 THE COURT: You've heard me talk about
02:34:50 16 this situation before, so I'm not going to repeat
02:34:52 17 myself. It's been a long trial. Do we have
02:34:55 18 evidence of that? No problem.

02:35:00 19 MS. GUIRGUIS: We do -- we have heard
02:35:02 20 from other witnesses with respect to the settlement
02:35:04 21 and farming seasons.

02:35:05 22 THE COURT: All right. Well, I'm going
02:35:07 23 to let the record either help you or make this line
02:35:10 24 of questioning not useful. Obviously, if you don't
02:35:15 25 have that in the record that's not going to be

02:35:17 1 useful.

02:35:20 2 BY MS. GUIRGUIS:

02:35:20 3 Q. The point I'm trying to get at is,
02:35:24 4 whether you're setting up an illegal farm or a
02:35:27 5 settlement, which you call "squatting" in your
02:35:31 6 report, or whether it's extended to trespass for
02:35:33 7 the purpose of stealing timber, can we agree both
02:35:39 8 would constitute encroachments?

02:35:41 9 A. Yes.

02:35:41 10 Q. And these are the types of
02:35:46 11 encroachments that the Crown promised to protect
02:35:49 12 the Saugeen Ojibway from in Treaty 45½?

02:35:52 13 A. Yes.

02:35:58 14 THE COURT: I take it that's not
02:36:00 15 tendered as a legal opinion, counsel?

02:36:03 16 MS. GUIRGUIS: Based on her evidence --

02:36:05 17 THE COURT: Mr. Feliciant didn't stand
02:36:07 18 this time. He stood once before.

02:36:09 19 MR. FELICIAN: I thought -- that
02:36:10 20 thought crossed my mind.

02:36:11 21 THE COURT: You keep coming up and down
02:36:13 22 like a Jumping Jack, sir.

02:36:15 23 Having sat Mr. Feliciant down the last
02:36:19 24 time because you mentioned it this morning I feel
02:36:21 25 obliged this time, to say on the record, that

1 that's not a legal opinion.

2 You're nodding your head, and I'm sure
3 you realize that.

4 MS. GUIRGUIS: That is correct, Your
5 Honour.

6 BY MS. GUIRGUIS:

7 Q. So I want to ask you a bit mere
8 about the extent of timber theft on the Peninsula
9 prior to Treaty 72.

10 I'd like to turn up 1791. So this is a
11 letter from Chief Madwayosh and Chief Metigwob to
12 John Clarke, a Crown Land Agent, and it's dated
13 September 14th, 1850. And here in the first
14 paragraph, which is the content of the letter,
15 which is on this transcript, if you can look at the
16 letter starting from "Sir", and then ending with
17 "[...] the matter".

18 A. (Witness reviews document).

19 I've read it.

20 Q. Okay. So this is a complaint from
21 two Saugeen Chiefs that the lands are being, as
22 they say, "plundered for our timber"?

23 A. Yes.

24 Q. And in 1850 when they say "our
25 lands" they mean the Peninsula and surrounding

02:38:00 1 islands, correct?

02:38:01 2 A. Yes, I assume so.

02:38:05 3 Q. Which is the Saugeen Ojibway
02:38:07 4 Reserve at that time?

02:38:08 5 A. Yes.

02:38:08 6 Q. Okay. So as of 1850, we know from
02:38:15 7 this letter that parties are taking timber from the
02:38:19 8 Peninsula without SON'S consent. And the Saugeen
02:38:20 9 Ojibway are complaining about it to local Crown
02:38:23 10 officials?

02:38:23 11 A. Yes.

02:38:23 12 Q. Okay. So I'd like to bring up
02:38:29 13 SC1271. This is a letter from John Clarke to J.H.
02:38:40 14 Price, dated September 24th, 1850. If we go to PDF
02:38:46 15 page 3 to the original.

02:38:48 16 THE COURT: Just before we do that, are
02:38:50 17 you hoping that this might become an exhibit?

02:38:53 18 MS. GUIRGUIS: Yes, I am, your Honour.
02:38:55 19 I just was going to the information there, then I
02:38:57 20 was going to ask that it be made as an exhibit.

02:39:01 21 THE COURT: Well, you've identified the
02:39:03 22 document. I take it it's both the original and the
02:39:04 23 transcript?

02:39:06 24 MS. GUIRGUIS: That's correct.

02:39:08 25 THE COURT: Mr. Registrar?

02:39:08 1 THE REGISTRAR: Exhibit No. 4828.

02:39:12 2 EXHIBIT NO. 4828: Letter from John

02:38:38 3 Clarke to J.H. Price, dated

02:38:42 4 September 24, 1850.

02:39:13 5 BY MS. GUIRGUIS:

02:39:13 6 Q. And we see Price was the

02:39:15 7 Commissioner of Crown Lands?

02:39:17 8 A. I believe so, yes.

02:39:18 9 Q. So if we can go back up to the

02:39:22 10 transcript, if you can review the letter and then I

02:39:24 11 will ask you a few questions.

02:40:04 12 A. (Witness reviews document).

02:40:07 13 Did you want me to read the whole

02:40:30 14 letter?

02:40:31 15 Q. Yes, I think there's only a few

02:40:34 16 lines.

02:40:34 17 A. (Witness reviews document).

02:40:34 18 Scroll down, please. "Under the

02:40:39 19 circumstances" then to the bottom of the page.

02:40:44 20 Thank you.

02:40:45 21 (Witness reviews document).

02:41:37 22 Scroll down, please.

02:41:54 23 (Witness reviews document).

02:41:54 24 Okay.

02:41:54 25 Q. So is it fair to say that Clarke

02:41:57 1 is forwarding a complaint from the Saugeen Ojibway
02:42:00 2 about Mr. Kennedy committing depredations on their
02:42:06 3 lands and the Crown lands in the neighbourhood?

02:42:08 4 A. Yes, can we go back up to the top,
02:42:12 5 please.

02:42:16 6 Yes.

02:42:17 7 Q. Clarke explains that Kennedy was
02:42:20 8 cutting quite a bit of timber to make barrels
02:42:23 9 because he expected to get a licence for the
02:42:25 10 fishing grounds, right?

02:42:26 11 A. Yes.

02:42:27 12 Q. And Kennedy was told to stop, but
02:42:30 13 had already cut quite a bit. So Clarke suggests he
02:42:35 14 should go ahead and make the barrels and just pay
02:42:37 15 the Crown for the timber that was cut?

02:42:40 16 A. Yes, that's my understanding.

02:42:41 17 Q. So this was another instance in
02:42:44 18 1850 of someone encroaching on Indian lands,
02:42:47 19 someone taking their timber?

02:42:49 20 A. Yes.

02:42:50 21 Q. And there's no indication here
02:42:51 22 that he would be prosecuted?

02:42:54 23 A. Not in this letter, no.

02:42:56 24 Q. Or lose his timber or the barrels
02:42:58 25 he had made?

02:42:59 1 A. (Witness reviews document).

02:43:03 2 I'm sorry, what was the question?

02:43:05 3 Q. Or to lose his timber or the
02:43:07 4 barrels he had made?

02:43:08 5 A. It's a bit of a complicated
02:43:12 6 letter. I don't recall reading that they would be
02:43:18 7 confiscated, so yes.

02:43:21 8 Q. And there's no mention that he
02:43:24 9 would lose the opportunity to obtain and benefit
02:43:28 10 from the fishing licence he sought?

02:43:30 11 A. Does it make explicit reference to
02:43:35 12 that?

02:43:35 13 Q. I think at the bottom of this
02:43:37 14 page. Please scroll down.

02:43:46 15 It talks about preventing the
02:43:50 16 unnecessary waste of timber so that a licence
02:43:52 17 should be granted to him.

02:43:59 18 A. (Witness reviews document).

02:44:02 19 I'm just trying to understand that last
02:44:28 20 question or statement. "I think it would be
02:44:31 21 advisable to authorize the cutting of timber",
02:44:37 22 etcetera, "or to grant". "I think it would be
02:44:40 23 advisable [...] or to grant".

02:44:47 24 Could you just show me what's on the
02:44:49 25 next page there?

02:44:51 1 (Witness reviews document).

02:44:55 2 I'm not sure if I'm understanding this
02:44:56 3 correctly. It sounds like he's advising that a
02:44:59 4 licence be granted to Mr. Kennedy, or some other
02:45:02 5 person as a measure of keeping a host of other
02:45:07 6 intruders off.

02:45:09 7 But I'm not 100 percent sure I'm
02:45:12 8 reading this correctly.

02:45:14 9 Q. Well, I think per that reading,
02:45:17 10 he's not being told, after having gone in and taken
02:45:20 11 the timber without licence, and made the barrels,
02:45:23 12 he's not being told to surrender that timber or the
02:45:27 13 barrels, correct?

02:45:27 14 A. That is my understanding from this
02:45:29 15 letter, yes.

02:45:29 16 Q. And he's not being told, sir,
02:45:32 17 because you've done this, you're never going to get
02:45:34 18 a fishing licence in this area?

02:45:36 19 A. Not in this letter, no.

02:45:37 20 Q. Okay. So I'd like to turn now to
02:45:41 21 Exhibit 1952. This is a letter from John McLean to
02:45:46 22 Colonel Bruce dated October 15, 1852.

02:45:53 23 So John McLean was one of the
02:45:55 24 Commissioners under the 1850 Act and you write
02:45:58 25 about him in your Volume 3 report at page 150, and

02:46:01 1 we don't need to go there, for your reference.

02:46:04 2 And you say that he was a Crown Land
02:46:06 3 Commissioner appointed to prevent depredations on
02:46:10 4 the Saugeen Peninsula?

02:46:10 5 A. Yes.

02:46:10 6 Q. McLean was stationed at Guelph,
02:46:15 7 correct?

02:46:15 8 A. Yes.

02:46:15 9 Q. So quite a distance from the
02:46:17 10 Peninsula?

02:46:17 11 A. Yes.

02:46:17 12 Q. And Colonel Bruce was the
02:46:19 13 Superintendent General of Indian Affairs in 1852?

02:46:22 14 A. Yes.

02:46:22 15 Q. So I'd like to start by looking at
02:46:26 16 page 1 of this transcript, and the part that's
02:46:35 17 marked "15/19 October 1852 [...]" to the bottom to
02:46:41 18 "[...] Quebec".

02:46:42 19 What we're looking at here is a
02:46:43 20 description of what the letter contains, is that
02:46:45 21 right?

02:46:45 22 A. Yes, that's likely what appears on
02:46:47 23 the original cover page.

02:46:52 24 Q. And the part of the description of
02:46:53 25 the letter that I'd like to look at is the last

02:46:56 1 four lines which state:

02:46:57 2 "And Indians complain of
02:46:58 3 parties cutting timber on the lands
02:47:00 4 also expecting squatters and await
02:47:02 5 instructions."

02:47:03 6 THE WITNESS: Yes.

02:47:03 7 BY MS. GUIRGUIS:

02:47:03 8 Q. So I want to turn to the next
02:47:06 9 page, PDF page 2, and page 2 of the transcript
02:47:13 10 which sets out the body of the letter.

02:47:16 11 And again, I've marked a box in green
02:47:19 12 here for your review. It's on the bottom half of
02:47:23 13 the page and it starts with, "Complaints have been
02:47:25 14 [...]" and ends on the first line of the next page
02:47:30 15 with "[...] the proper course to be pursued".

02:47:33 16 So you can let me know when you've read
02:47:35 17 that.

02:47:35 18 A. (Witness reviews document).

02:47:55 19 Okay. Okay.

02:48:08 20 Q. So because it mentions dealing
02:48:10 21 with payment of installments, the lands being
02:48:13 22 squatted on are probably the recently surveyed
02:48:16 23 lands on the Half Mile Strip at this point?

02:48:18 24 A. Yes, that's my understanding.

02:48:20 25 Q. Okay. But the part about parties

02:48:22 1 cutting timber on their lands, in quotations,
02:48:27 2 "their lands", in 1852 this is a reference to the
02:48:30 3 Saugeen Reserve, the Peninsula?

02:48:31 4 A. Can we go up again, please?

02:48:36 5 (Witness reviews document).

02:48:41 6 Yes, it seems that they're talking
02:48:43 7 about on reserve lands near Owen Sound.

02:48:47 8 Q. Okay. So this is another
02:48:49 9 complaint about squatters taking timber on the
02:48:52 10 Peninsula, now in 1852?

02:48:53 11 A. Yes.

02:48:56 12 Q. And at this point McLean is saying
02:48:59 13 he's not sure what he can do to stop them so he's
02:49:02 14 asking for advice, correct?

02:49:03 15 A. Correct.

02:49:03 16 Q. So I'd like to look at two
02:49:05 17 documents now in relation to a gentleman named
02:49:08 18 Harrison. And the first is SC1256. This is a
02:49:18 19 combination of the transcript and the original
02:49:20 20 letter. It's a letter from John McLean to William
02:49:24 21 Harrison dated October 28, 1852.

02:49:29 22 MS. GUIRGUIS: Your Honour, I'd like to
02:49:30 23 add this as the next exhibit.

02:49:35 24 THE COURT: Mr. Registrar.

02:49:37 25 THE REGISTRAR: Exhibit No. 4829.

02:53:11 1 EXHIBIT NO. 4829: Letter from John
02:45:45 2 McLean to William Harrison, dated
02:53:15 3 October 28, 1852.
02:53:37 4 BY MS. GUIRGUIS:
02:49:45 5 Q. So if you can look at the first
02:49:47 6 two lines of this letter.
02:49:55 7 A. Is the original attached to this
02:49:57 8 by any chance?
02:49:58 9 Q. It is. Would you like us to
02:50:00 10 scroll to it?
02:50:01 11 A. Yes, please.
02:50:03 12 Q. Sure.
02:50:03 13 A. Oh, I see. Okay, well I can't
02:50:10 14 make anything out on this poor copy.
02:50:19 15 (Witness reviews document).
02:50:20 16 Okay, I've read the first two lines.
02:50:22 17 Q. Okay. And so we can understand
02:50:26 18 from this that the Owen Sound Indians have
02:50:28 19 identified that this particular person, William
02:50:30 20 Harrison, is taking timber from their lands on the
02:50:34 21 Peninsula?
02:50:34 22 A. I don't see a mention of Harrison,
02:50:41 23 but they are expressing concerns about the illicit
02:50:44 24 appropriation of timber.
02:50:45 25 Q. Right. Yes, I see. And then this

1 letter would have been addressed to Harrison --

2 A. No, I think he's -- I don't think
3 he's writing to Harrison, is he?

4 Q. He is.

5 THE COURT: Counsel.

6 MS. GUIRGUIS: We can scroll down, I'm
7 sorry, Your Honour. If we can make it out on the
8 letter. It's not a great copy.

9 THE WITNESS: (Witness reviews
10 document).

11 I don't think we're going to achieve
12 very much by looking at this poor copy.

13 BY MS. GUIRGUIS:

14 Q. No, and I'm not sure that it's on
15 the next page.

16 A. To William -- it looks like
17 Mr. William Harrison, okay.

18 Q. Okay. So if we take this to be
19 that the Owen Sound Indians that have identified
20 this particular person, William Harrison, taking
21 timber from their lands, it likely means that
22 they've observed evidence of him taking the timber?

23 A. I think that's plausible, yes.

24 Q. Okay. And they probably know
25 exactly where on their reserve he's taking timber

1 from?

2 A. You know, this is a difficult
3 letter for me to interpret. The transcript is
4 incomplete, and I can't read the original. So I'm
5 a little hesitant to say anything with confidence
6 about it.

7 It seems to me that if it's on a
8 microfilm reel we should be able to get a better
9 copy. But if you could just repeat your
10 question one more time, please.

11 Q. My question is, if the Owen Sound
12 Indians are complaining of this Mr. William
13 Harrison, they probably know where on the reserve
14 he's taking timber from.

15 A. It's plausible, yes.

16 Q. Okay. So, let's go to SC1257
17 which is another letter from Mr. McLean to William
18 Harrison, dated November 18th, 1852.

19 MS. GUIRGUIS: Your Honour, I'd like to
20 add this as the next exhibit.

21 THE COURT: The letter and transcript?

22 MS. GUIRGUIS: The letter and
23 transcript.

24 THE COURT: Mr. Registrar.

25 THE REGISTRAR: Exhibit No. 4830.

02:53:31 1 EXHIBIT NO. 4830: Letter from John
02:45:45 2 McLean to William Harrison, dated
02:53:15 3 November 18, 1852.

02:53:37 4 BY MS. GUIRGUIS:

02:53:38 5 Q. Dr. Reimer, this includes the
02:53:39 6 original letter. Would you like us to scroll down
02:53:42 7 for you to see that?

02:53:43 8 A. Oh, sure. Yes, that's a much
02:53:46 9 better copy. All right. We can go back to the
02:53:48 10 transcript.

02:53:51 11 (Witness reviews document).

02:53:53 12 Q. So, if you can look at -- we've
02:53:59 13 marked the second half of the first paragraph and
02:54:01 14 the second paragraph. But if you want to take a
02:54:04 15 look at the letter and let me know when you're
02:54:06 16 ready for me to ask you a question.

02:54:09 17 A. (Witness reviews document).

02:54:35 18 Okay.

02:54:36 19 Q. So, McLean is writing to Harrison
02:54:40 20 again about his thefts of timber from the
02:54:44 21 Peninsula. And he observes --

02:54:46 22 MR. FELICIAN: Sorry, Your Honour.

02:54:47 23 THE COURT: Mr. Feliciant.

02:54:48 24 MR. FELICIAN: I don't see the word
02:54:50 25 "theft".

02:54:51 1
02:54:52 2
02:54:53 3
02:54:56 4
02:54:58 5
02:54:59 6
02:55:01 7
02:55:04 8
02:55:07 9
02:55:09 10
02:55:10 11
02:55:13 12
02:55:13 13
02:55:15 14
02:55:20 15
02:55:25 16
02:55:25 17
02:55:30 18
02:55:31 19
02:55:33 20
02:55:35 21
02:55:38 22
02:55:39 23
02:55:44 24
02:55:46 25

THE COURT: It's not there.

MR. FELICIAN: I see the word

"trespass". And in fact, it suggests that there was a payment made for it. So I don't think it's a fair characterization.

THE COURT: I'm not sure Ms. Guirguis intended to elevate it by the choice of wording. But I think it would be appropriate to modify the wording given the content of this letter.

MS. GUIRGUIS: Certainly, Your Honour.

THE COURT: Please go ahead.

BY MS. GUIRGUIS:

Q. So he's observed in this letter that Harrison has trespassed, and he's advising him of the complaints against him. Is that fair?

A. Yes.

Q. And he says in this letter, though, that:

"Harrison's case will receive as favourable consideration as possible."

THE WITNESS: Yes, and the context for that statement seems to be a communication from Sutton, by which the explanations were made on the same subject. I don't know if we have that

1 communication from Sutton.

2 BY MS. GUIRGUIS:

3 Q. No, we weren't -- I don't have the
4 communications in between.

5 A. Because it seems to me that Sutton
6 provided some explanation that then leads to the
7 understanding by John McLean now, as he's
8 expressing it in this letter.

9 Q. Right. So it sounds like that
10 Harrison has made some private arrangement with one
11 of the Owen Sound Indians?

12 A. It does sound that way, yes.

13 Q. But it wasn't sanctioned by the
14 tribe as a whole?

15 A. That's the way it sounds, yes.

16 Q. So in that context he couldn't be
17 said to have the permission of the Saugeen Ojibway?

18 A. Correct. And -- sorry. And
19 consequently the advice that, "Now submit every
20 proposal to the Chiefs and Council and let your
21 agreements be in writing in order to avoid this
22 kind of situation".

23 Q. And in this letter though he
24 doesn't -- we don't see McLean sanctioning Harrison
25 or removing him from the lands?

02:56:53 1 A. Not in this letter, no.

02:56:55 2 Q. We don't see him saying that he's
02:56:57 3 going -- we don't see McLean saying to Harrison
02:57:01 4 that he's going to be prosecuted?

02:57:03 5 A. No.

02:57:04 6 Q. Instead, I think --

02:57:11 7 A. Pardon me.

02:57:12 8 Q. No, that's okay. Instead I think
02:57:13 9 as you've summarized is what McLean is saying is
02:57:15 10 Harrison should settle the matter with the Indians,
02:57:17 11 get receipts, stop dealing with individuals without
02:57:21 12 Chief and Council?

02:57:22 13 A. Correct.

02:57:23 14 Q. So you'd agree with me that what
02:57:29 15 we do have, what we can see from this exchange of
02:57:33 16 these two letters, is that there's a complaint
02:57:35 17 regarding trespass and stealing of timber; it's by
02:57:39 18 the Owen Sound Indians. So we know where it's
02:57:41 19 happening. It's on the Saugeen Reserve, and it's
02:57:44 20 likely near the Owen Sound Indians settlement area,
02:57:48 21 correct?

02:57:49 22 A. That's the plausible description
02:57:55 23 of what I've been able to read from these
02:57:57 24 documents, yes.

02:57:58 25 Q. And we also see from this exchange

1 that McLean knows who the offenders are?

2 A. Yes.

3 Q. So if I can go to Exhibit 2060.

4 This is a report from Anderson to Colonel Bruce
5 dated March 8th, 1854. And Anderson in this
6 report, he's responding to some queries from Bruce,
7 that Bruce has put to him about the tribes under
8 his superintendence, correct? That's what we see
9 from the first paragraph?

10 A. (Witness reviews document).

11 It's about education.

12 Q. Uhm-hmm.

13 A. Okay. Sorry, I -- can you repeat
14 the question?

15 Q. Sure. This report is responding
16 to some questions that Bruce has put to him about
17 tribes under his superintendence?

18 A. Yes.

19 Q. Okay. And which includes, among
20 several others, the Saugeen Ojibway?

21 A. Yes.

22 Q. So I'd like to go to page 12 of
23 this document. So I'd like you to review the
24 section under the heading "Their Reserves" and
25 conclude on page 15 with the words "[...] such

02:59:45 1 contingency".

02:59:46 2 A. And "their reserves", to whom does
02:59:49 3 this refer?

02:59:50 4 THE COURT: Just pausing. I'm not
02:59:54 5 saying counsel doesn't know the answer to the
02:59:55 6 question but she has to be careful here.

02:59:58 7 Are you asking the witness to look at
03:00:00 8 about three pages of this transcript?

03:00:04 9 MS. GUIRGUIS: That is correct.

03:00:05 10 THE COURT: Starting at page 12?

03:00:07 11 MS. GUIRGUIS: Yes.

03:00:08 12 THE COURT: Okay. Perhaps the witness
03:00:10 13 can indicate where she would like to begin that
03:00:13 14 lengthy read.

03:00:13 15 THE WITNESS: Well, certainly up to
03:00:17 16 where there's some kind of title or subject that
03:00:23 17 indicates who he is referring to and reporting on
03:00:27 18 here.

03:00:30 19 So it says "their lands", "their
03:00:33 20 reserves", who is "their"?

03:00:42 21 THE COURT: Is there a beginning of
03:00:43 22 this section of this document, as we saw that it
03:00:46 23 does have sections.

03:00:48 24 MS. GUIRGUIS: It does have sections,
03:00:50 25 if I can have a moment to take a look.

03:01:04 1 Let me skip over this document and come
03:01:05 2 back to it. And we'll get you the section that
03:01:08 3 makes it more clear.

03:01:10 4 BY MS. GUIRGUIS:

03:01:27 5 Q. So based on the other exchanges
03:01:28 6 that we've looked at, the letters, would you agree
03:01:33 7 with me that timber -- that taking of timber
03:01:36 8 resources, trespass for the purposes of that, are
03:01:39 9 encroachments for the purposes of taking timber was
03:01:42 10 a significant problem on the Peninsula starting
03:01:44 11 from at least around 1850?

03:01:47 12 A. Well, "significant" is a relative
03:01:50 13 term. It was a problem and it was an issue
03:01:55 14 complained of.

03:02:02 15 Q. So I'd like to open up
03:02:04 16 Exhibit 1427.

03:02:25 17 MS. GUIRGUIS: Your Honour, we seem to
03:02:27 18 be having an issue with our transcript. It's
03:02:31 19 frozen.

03:02:31 20 THE COURT: Take a minute, Counsel. Is
03:02:43 21 this not the document you have in mind?

03:02:46 22 MS. GUIRGUIS: This is the document. I
03:02:47 23 mean the real-time transcripts, the iPads are not
03:02:50 24 working.

03:03:07 25 -- OFF THE RECORD DISCUSSION --

03:03:08 1 BY MS. GUIRGUIS:

03:03:08 2 Q. So Exhibit 1427, so this is a
03:03:10 3 letter from Chief Wahbahdick to Chief Secretary
03:03:15 4 Government House Kingston, and it's dated
03:03:17 5 June 10th, 1843.

03:03:23 6 So Chief Wahbahdick is the Hereditary
03:03:25 7 Chief of the Owen Sound Band, correct?

03:03:27 8 A. Yes.

03:03:28 9 Q. Okay. And if we can just scroll
03:03:32 10 down and give you a moment to look at the letter.
03:03:35 11 I believe you referred to this so --

03:03:37 12 A. Yes, I recall this document.

03:03:42 13 Q. So in this letter, Chief
03:03:44 14 Wahbahdick is saying that the survey between --
03:03:48 15 he's saying, "our land" and that of the government
03:03:52 16 is not correct.

03:03:53 17 A. Yes.

03:03:53 18 Q. Okay. And he's also asking for a
03:03:57 19 paper to show white men who come there, and he
03:04:00 20 says:

03:04:00 21 "A great many white people are
03:04:02 22 coming to the land and trying to
03:04:03 23 settle."

03:04:05 24 A. I think we need to scroll down a
03:04:07 25 little bit.

03:04:08 1
03:04:13 2
03:04:19 3
03:04:22 4
03:04:26 5
03:04:27 6
03:04:29 7
03:04:32 8
03:04:34 9
03:04:37 10
03:04:39 11
03:04:42 12
03:04:45 13
03:04:47 14
03:04:48 15
03:04:49 16
03:04:50 17
03:04:54 18
03:04:55 19
03:04:58 20
03:05:00 21
03:05:01 22
03:05:03 23
03:05:05 24
25

Q. Uhm-hmm.

A. (Witness reviews document).

Okay. I'm not sure how much further you want to -- want me to read. I've read to the bottom of page 1.

Q. Sure. Did you want to take a look at it to refresh your memory?

A. No, it's okay. I might ask to do that, depending on the question you ask me.

Q. Certainly. So he's asking for this paper at that bottom paragraph, to show white men who come there. And he says a great many people -- white people are coming there to their land trying to settle?

A. Trying to...

Q. Settle?

A. (Witness reviews document).

"They want a paper that they might show to any white man who attempts to settle upon the Indian land. There is a great many white men who come here and want us to give them land and we do not wish to hear them."

03:05:08 1 BY MS. GUIRGUIS:

03:05:08 2 Q. So he's writing from Big Bay,
03:05:11 3 which is near Owen Sound, correct?

03:05:13 4 A. That is correct.

03:05:13 5 Q. So that's on the Peninsula?

03:05:15 6 A. Correct.

03:05:15 7 Q. And when he says "our land", in
03:05:19 8 1843 that's referring to the Peninsula?

03:05:21 9 A. It is.

03:05:22 10 Q. Okay.

03:05:23 11 A. May I provide some context?

03:05:25 12 Q. Yes.

03:05:26 13 A. This is at around the time where
03:05:31 14 there was still ongoing dispute about where the
03:05:38 15 actual boundary line should be between Treaty 45½
03:05:41 16 and the Peninsula.

03:05:43 17 And just further up in the letter, they
03:05:45 18 refer to the survey of that line. And it was an
03:05:49 19 issue for -- you know, this was one of the problems
03:05:53 20 with there not having been an actual agreed-upon
03:05:58 21 survey of that boundary line.

03:06:05 22 Q. Though ultimately with that
03:06:07 23 boundary dispute, the Crown acceded to SON's view
03:06:11 24 of the boundary, correct?

03:06:12 25 A. Yes, they did.

03:06:14 1 Q. Okay. So in fact, what Wahbahdick
03:06:16 2 is likely talking about in this letter is the
03:06:19 3 reserve, the Peninsula?

03:06:20 4 A. Well, the new boundary was
03:06:23 5 surveyed in 1843. So this letter is also 1843.

03:06:28 6 So I'd need to cross-check the dates of
03:06:33 7 all of that. So my question is, has it been
03:06:37 8 surveyed yet?

03:06:39 9 Q. Right.

03:06:39 10 A. They're asking for a paper. The
03:06:41 11 paper has not yet been produced. So does that mean
03:06:44 12 the survey has not been redrawn? And that's what I
03:06:49 13 would want to check.

03:06:50 14 Q. But ultimately, the survey
03:06:54 15 confirms that these lands are like Wahbahdick says
03:06:58 16 "our lands", so are part of the reserve, correct?

03:07:01 17 A. The lands where white men are
03:07:07 18 attempting to settle upon the Indian land? That
03:07:11 19 would have been Wahbahdick's understanding, yes.

03:07:13 20 Q. Okay. And this suggests that
03:07:14 21 there was white encroachment on the Peninsula in
03:07:17 22 1843, to such a scale that Wahbahdick felt
03:07:20 23 compelled to complain about it?

03:07:22 24 A. "Attempts".

03:07:25 25 Q. So you mention this complaint and

03:07:37 1 the response from the government at -- actually
03:07:39 2 Volume 1 of your report, which is Exhibit 4576.
03:07:50 3 It's at page 229, which is PDF page 232.

03:08:13 4 A. (Witness reviews document).

03:08:22 5 Q. So you talk about this complaint
03:08:24 6 and you talk about Jarvis's response that
03:08:26 7 enforcement is required?

03:08:27 8 A. Correct.

03:08:28 9 Q. And in your report, you describe
03:08:30 10 the complaint as being about trespass on the
03:08:33 11 Saugeen Reserve?

03:08:34 12 THE COURT: Which page is this?

03:08:36 13 MS. GUIRGUIS: This is page 229.

03:08:41 14 THE COURT: You see, we haven't got the
03:08:45 15 top of the page. That's all right. I see it now.

03:08:53 16 THE WITNESS: Yes, I used the word
03:08:55 17 "trespass". Is that your question?

03:08:56 18 BY MS. GUIRGUIS:

03:08:57 19 Q. Yes. On the Saugeen Reserve;
03:09:00 20 you've used that word?

03:09:02 21 A. Well, what I'm saying is that it's
03:09:10 22 my understanding that part of a problem is -- was
03:09:16 23 the incorrect survey or the not agreed upon
03:09:22 24 boundary line between the reserve.

03:09:25 25 Q. Okay.

03:09:27 1 THE COURT: It might help,
03:09:28 2 Ms. Guirguis, if you don't mind, just take that
03:09:31 3 microphone in front of you and maybe tilt it an
03:09:35 4 inch or two towards you. It will pick you up
03:09:35 5 better.

03:09:35 6 MS. GUIRGUIS: Okay, no problem.

03:09:35 7 THE COURT: Thank you, it's much
03:09:40 8 better.

03:09:40 9 BY MS. GUIRGUIS:

03:09:40 10 Q. So I'd like to look now at
03:09:43 11 Exhibit 1431. That's the letter from Jarvis that
03:09:45 12 you cite, which is addressed to Parent, the clerk
03:09:48 13 of the Executive Council. It's dated July 13th,
03:09:57 14 1843.

03:09:57 15 And if we can turn to page 4. Here
03:10:06 16 we've marked the passage that starts "The Chief
03:10:10 17 Wabatic [...]" and ends with "[...] his services".

03:10:42 18 A. (Witness reviews document).

03:10:42 19 Yes, I've read it.

03:10:44 20 Q. So would you agree with me that
03:10:48 21 Jarvis is treating the boundary dispute as a
03:10:50 22 separate issue from the issue of white people
03:10:53 23 seeking land on the Saugeen reserve?

03:10:56 24 A. I'll answer by saying, yes, with a
03:11:04 25 corollary that in my report I then state that part

03:11:08 1 of the problem seems to be stemming from the
03:11:11 2 boundary dispute. So I guess what I'm saying is,
03:11:17 3 there's a connection.

03:11:19 4 Q. But this suggests that he's -- if
03:11:23 5 he's treating it differently, it's suggesting that
03:11:25 6 the trespass is not just an issue on the disputed
03:11:28 7 boundary lands?

03:11:29 8 A. No, he says it's upon the Indian
03:11:34 9 lands.

03:11:34 10 Q. And if we look at what Jarvis says
03:11:40 11 in this passage, he seems to think that there are
03:11:43 12 already people encroaching on the reserve and he's
03:11:46 13 recommending that they appoint a magistrate; which
03:11:48 14 is a Justice of the Peace, right?

03:11:50 15 A. That is correct.

03:11:51 16 Q. And he's suggesting that to
03:11:52 17 address these encroachments?

03:11:54 18 A. Yes.

03:11:54 19 Q. And you'd agree with me that that
03:12:00 20 measure only makes sense if he believes that there
03:12:03 21 are actual squatters encroaching or trespassers
03:12:06 22 encroaching, rather than people coming to inquire
03:12:10 23 about lands and then leaving when they're told that
03:12:12 24 they can't have them?

03:12:13 25 A. Yes, he's speaking about

03:12:15 1 complaints of actual intrusions.

03:12:18 2 Q. Thank you. So I'm going to bring
03:12:21 3 up Exhibit 1434 which is the report of the
03:12:29 4 committee of the Executive Council that responds to
03:12:31 5 this complaint, which I believe you also cite.

03:12:36 6 And I'd like to go to page 3 of this
03:12:39 7 document.

03:12:39 8 THE COURT: What is the date of the
03:12:40 9 document?

03:12:41 10 MS. GUIRGUIS: If we can go back up to
03:12:43 11 the top.

03:12:48 12 THE COURT: I looked and didn't see it
03:12:49 13 there, perhaps it is there somewhere. There's a
03:12:56 14 citation for it. I'm not sure if that's the same
03:13:00 15 thing.

03:13:01 16 MS. GUIRGUIS: No, I don't think that
03:13:03 17 it is the same thing, the citation. Give me one
03:13:05 18 moment, Your Honour, and I'll find it for you.

03:13:09 19 From the RETI database we can see that
03:13:31 20 it's July 21st, 1843.

03:13:37 21 THE COURT: Is that agreed? Because
03:13:38 22 nobody is on top of the issue right now which is
03:13:40 23 fine.

03:13:41 24 Give that date to me again.

03:13:44 25 MS. GUIRGUIS: July 21st, 1843.

03:13:49 1 THE COURT: Well, I'll invite any
03:13:52 2 Defendants' counsel if they disagree to say so.
03:13:55 3 We'll proceed.

03:13:56 4 MS. GUIRGUIS: We've just located the
03:13:57 5 date. It's on page 8.

03:13:59 6 THE COURT: Excellent.

03:14:00 7 BY MS. GUIRGUIS:

03:14:05 8 Q. So if we can go to page 3 of this
03:14:07 9 document I'd like to look at the last paragraph.
03:14:15 10 At the bottom of the page, starting with "So soon
03:14:18 11 as the territory [...]" and ending with "[...] the
03:14:22 12 law against trespassers".

03:14:36 13 A. (Witness reviews document).

03:14:37 14 Okay.

03:14:37 15 Q. So you would agree with me that
03:14:40 16 the Executive Council also interprets the complaint
03:14:43 17 about being the actual incidents of trespass on the
03:14:47 18 Saugeen reserve, too?

03:14:49 19 A. Yes. I might add that this is a
03:14:53 20 repeat of what they have been advised by -- by
03:14:57 21 Jarvis. So Jarvis submits a report to the
03:15:01 22 Executive Council; they essentially repeat what
03:15:04 23 Jarvis has said.

03:15:24 24 Q. So if we go back to your
03:15:26 25 examination in-chief from February 12th, 2020.

03:15:30 1 It's Volume 83, and it's page 10670. If we go to
03:15:44 2 the bottom, beginning at line 23 of this page and
03:15:48 3 going on to line 4 of the next.

03:15:53 4 You're answering a question posed by my
03:15:55 5 friend, with respect to the same complaint.

03:16:01 6 MR. FELICIAN: Your Honour, if the
03:16:02 7 witness could look at the question, I think that
03:16:04 8 would be appropriate.

03:16:05 9 MS. GUIRGUIS: Sure, please scroll up.

03:16:22 10 THE WITNESS: (Witness reviews
03:16:22 11 document).

03:16:24 12 Please scroll down.

03:16:22 13 (Witness reviews document).

03:16:29 14 Okay.

03:16:37 15 BY MS. GUIRGUIS:

03:16:37 16 Q. So I read your response as
03:16:39 17 interpreting the complaint narrowly. It was just
03:16:41 18 about Euro-Canadians asking Wahbahdick about
03:16:45 19 acquiring lands.

03:16:46 20 A. In that particular passage, yes.

03:16:48 21 Q. But in light of the evidence that
03:16:51 22 we have just discussed from Jarvis and the
03:16:55 23 Executive Council, we can agree that the complaint
03:16:57 24 is a reference to more than this, to actual
03:17:01 25 trespass?

03:17:01 1 A. I think the complaint included
03:17:03 2 experiences of actual trespass, yes.

03:17:04 3 Q. And intrusion on the reserve?

03:17:07 4 A. And intrusions on the reserve.

03:17:11 5 Q. So you would agree with me that
03:17:15 6 this exchange that we've just reviewed in exhibits
03:17:19 7 1427, 1431 and 1434, which are Wahbahdick's
03:17:24 8 complaints and responses to them, that's evidence
03:17:26 9 of encroachment on the Peninsula in 1843?

03:17:30 10 A. Yes.

03:17:31 11 Q. So I'd like to turn back to
03:17:38 12 Volume 3 which is Exhibit 4703 of your report,
03:17:43 13 starting at page 110. This is PDF pages 120 to
03:17:59 14 121. And starting from the last line on this page,
03:18:03 15 from, "However, in 1840 [...]" and then going on to
03:18:08 16 the next page and ending with "[...] late act of
03:18:28 17 parliament to protect the Indians".

03:18:32 18 A. (Witness reviews document).

03:18:33 19 Yes.

03:18:33 20 Q. So here you're discussing
03:18:36 21 Mr. McGregor?

03:18:37 22 A. Yes.

03:18:38 23 Q. He was among the men who obtained
03:18:40 24 a licence to use the Fishing Islands from the
03:18:42 25 Saugeen Ojibway, correct?

03:18:43 1
03:18:43 2
03:18:47 3
03:18:50 4
03:19:02 5
03:19:06 6
03:19:09 7
03:19:14 8
03:19:20 9
03:19:28 10
03:19:29 11
03:19:33 12
03:19:47 13
03:19:48 14
03:19:51 15
03:20:23 16
03:20:23 17
03:20:29 18
03:20:32 19
03:20:34 20
03:20:36 21
03:20:37 22
03:20:39 23
03:20:41 24
03:20:44 25

A. Yes.

Q. But the Saugeen Ojibway complained that he was encroaching on their fishery after his licence expired? This I believe you discuss at Volume 2 of your report.

A. I'm just pausing, because I am trying to recall whether his licence had expired.

Q. Oh.

A. (Witness reviews document).

Q. Well, the Saugeen Ojibway complained that he was encroaching on their fishery.

A. Do we have that document?

Q. So I have in mind a reference from your Volume 2 report, at page 62.

A. Right.

"In late 1834 or early 1835, a Saugeen man named Koong-Wah-Wis complained that McGregor is encroaching on the Indians fisheries contrary to their wish. Although the Fishing Islands were now leased to the Huron Fishing Company, it appears that McGregor nevertheless continued to fish in the area."

03:20:47 1 Q. And for the record, your Volume 2
03:20:49 2 report is Exhibit 4702.
03:20:53 3 So what you're saying there is that he
03:20:56 4 was fishing in the territory without permission.
03:20:57 5 A. It would seem so, yes.
03:21:08 6 Q. And McGregor never had a licence
03:21:10 7 to farm on the reserve?
03:21:11 8 A. Not that I'm aware of.
03:21:13 9 Q. Or to cut timber?
03:21:14 10 A. Not that I'm aware of.
03:21:16 11 Q. Or to operate a store?
03:21:17 12 A. Not that I'm aware of.
03:21:18 13 Q. So, as of 1839 to 1840, he was a
03:21:25 14 squatter on the reserve?
03:21:27 15 A. Where do you see that he operated
03:21:29 16 a store?
03:21:30 17 Q. This is in your Volume 3. Sorry,
03:21:35 18 I know there's jumping around between the reports.
03:21:38 19 So your Volume 3 the section that we
03:21:40 20 just looked at?
03:21:42 21 A. Oh, Volume 3.
03:21:43 22 Q. Yes, starting from page 110, it's
03:21:46 23 the section that's up on the screen as well. So
03:21:49 24 110 to 111.
03:21:53 25 A. (Witness reviews document).

03:21:54 1 Oh, he operated a store; I see it.

03:21:56 2 Q. Yes. So he was a squatter on the
03:21:58 3 reserve since he wasn't licensed to be there.

03:22:01 4 A. Yes.

03:22:03 5 Q. Okay. And the Saugeen Ojibway
03:22:14 6 they asked McGregor to be removed from the their
03:22:20 7 territory?

03:22:21 8 A. Again, I would -- do you know
03:22:30 9 where in my report I cite a document where the
03:22:34 10 Saugeen are asking that he be removed?

03:22:37 11 I know that Anderson -- it had been
03:22:40 12 reported to Anderson that McGregor was on the
03:22:43 13 reserve. Anderson considered him a squatter who,
03:22:47 14 under the 1839 Act, should be removed. And that
03:22:51 15 his continued presence demonstrated "the
03:22:55 16 inefficiency of the late act of parliament to
03:22:58 17 protect the Indians".

03:23:00 18 So is this in direct response to a
03:23:02 19 complaint by the Saugeen Ojibway Nation Chiefs?
03:23:08 20 I'm not 100 percent sure.

03:23:11 21 Q. Well, let me bring up
03:23:17 22 Exhibit 1071. This is a letter from a bit earlier
03:23:21 23 on, January 17th, 1835. At the top -- this is a
03:23:31 24 letter from Peter Jones to Colonel Givens. And if
03:23:43 25 we look at the first and the -- let me just -- give

1 me a moment to locate what I'm referring to.

2 We have in the middle of this page the
3 request to have McGregor removed from the
4 territory.

5 A. From the fisheries.

6 Q. Is that a fair summary?

7 A. From the fisheries.

8 Q. From the fisheries. And the last
9 sentence, though, in order to have him driven off
10 from their territory?

11 A. Yes.

12 Q. So, this is an earlier complaint
13 to have him removed from the territory?

14 A. What's the date of this document?

15 Q. If we scroll up?

16 A. 1835. (Witness reviews document).

17 Yes.

18 Q. Okay. So in your reference to
19 McGregor, you note how T.G. Anderson has observed
20 -- in T.G. Anderson's view McGregor was a squatter?

21 A. Yes.

22 Q. T.G. Anderson would have known
23 exactly where to find McGregor, correct?

24 A. I don't know.

25 Q. Well, if he had an issue with

03:25:10 1 locating Mr. McGregor would you agree that he could
03:25:13 2 ask the Indians for the precise location on the
03:25:17 3 Saugeen Reserve?

03:25:17 4 A. Likely, yes.

03:25:18 5 Q. And do you recall writing in your
03:25:24 6 report on squatting, we don't necessarily have to
03:25:27 7 go there, at Exhibit -- your Squatting Report is
03:25:30 8 Exhibit 4708. And at paragraph 2.1.1 you say:

03:25:35 9 "Whether or not McGregor was
03:25:36 10 removed from the Saugeen territory
03:25:37 11 is uncertain."

03:25:41 12 THE WITNESS: Yes, I wasn't able to
03:25:42 13 find a document to confirm that.

03:25:44 14 BY MS. GUIRGUIS:

03:25:44 15 Q. Okay. And you have done -- you
03:25:49 16 discussed with my friend in your examination
03:25:51 17 in-chief, you've done an extensive review of the
03:25:54 18 primary documents relevant to this litigation,
03:25:58 19 correct?

03:25:59 20 A. Yes.

03:25:59 21 Q. Did you come across any evidence
03:26:01 22 that T.G. Anderson or any government official ever
03:26:05 23 removed McGregor from the Saugeen reserve?

03:26:08 24 A. I don't recall finding that
03:26:09 25 evidence.

03:26:11 1 Q. Did you come across any evidence
03:26:12 2 that McGregor was ever prosecuted for illegal
03:26:14 3 occupation or trespass?

03:26:16 4 A. I have not found that evidence.

03:26:18 5 Q. Okay. So your conclusion in
03:26:22 6 Volume 3 that we've looked at, at pages 110 to 111,
03:26:27 7 is that this demonstrates the inefficiency of the
03:26:30 8 Act. But you acknowledge that you have not seen
03:26:32 9 any evidence where there were attempts to enforce
03:26:34 10 the Act to remove McGregor; have you?

03:26:37 11 A. The closest that I have found is
03:26:42 12 the correspondence from the Crown Land Agent, John
03:26:48 13 Telfer, at Owen Sound, and he was -- it was his job
03:26:53 14 to oversee the settlements of the colonization road
03:26:57 15 to Owen Sound, and he was also responsible to
03:27:01 16 protect unceded Saugeen Indian territory from
03:27:05 17 trespass.

03:27:06 18 He's -- by connecting the dots, I think
03:27:09 19 there's a pretty good chance that it was Telfer who
03:27:15 20 reported to Anderson about McGregor's activity.
03:27:18 21 And he's asking Anderson in part, you know, what is
03:27:22 22 to be done.

03:27:24 23 And as I say, I don't have evidence to
03:27:27 24 make a confirm -- a firm determination as to what
03:27:30 25 the outcome of this situation was.

03:27:32 1 Q. Right. But you haven't seen any
03:27:35 2 evidence of, for example, a warrant that was issued
03:27:39 3 against McGregor?

03:27:39 4 A. I have not seen that, no.

03:27:41 5 Q. Okay. So would you agree with me
03:27:45 6 that the McGregor example demonstrates that no one
03:27:48 7 ever tried to enforce the 1839 against him? The
03:27:54 8 1839 Act against him?

03:27:56 9 A. We don't know that.

03:27:58 10 Q. Thank you.

03:28:04 11 MS. GUIRGUIS: Your Honour, the time is
03:28:05 12 about 3:30, and this would be a good place for me
03:28:09 13 to break in my plan if you would like to take the
03:28:12 14 afternoon break.

03:28:13 15 THE COURT: Yes, we can do that.

03:28:16 16 MS. GUIRGUIS: Thank you.

03:28:17 17 -- RECESS TAKEN AT 3:28 p.m. --

03:52:28 18 -- UPON RESUMING AT 3:52 p.m. --

03:52:31 19 THE COURT: Please go ahead.

03:52:38 20 MS. GUIRGUIS: Thank you, Your Honour.
03:52:39 21 Your Honour, if I can just have one
03:52:59 22 moment.

03:53:04 23 Thank you, Your Honour.

03:53:06 24 BY MS. GUIRGUIS:

03:53:06 25 Q. Okay. So Dr. Reimer, I want to

03:53:09 1 talk to you a little bit more about squatting and
03:53:14 2 I'd like to go to Exhibit 1284.

03:53:21 3 So we have Lord Durham's Report on the
03:53:35 4 Affairs of British North America. I'd like to go
03:53:39 5 to the report of Charles Buller in relation to the
03:53:43 6 disposition of lands in British North America.
03:53:50 7 Charles Buller was Chief secretary of Lord Durham,
03:53:53 8 correct?

03:53:53 9 A. I'm not sure.

03:53:55 10 Q. So you're not familiar with the
03:53:58 11 Buller report?

03:54:00 12 A. Off the top of my head right now I
03:54:03 13 don't recall it, no.

03:54:09 14 Q. Well, let me take you to page 106
03:54:24 15 of the document, on page 109 of the PDF.

03:54:33 16 In this excerpt he sets out
03:54:36 17 Mr. Buller's conclusions on squatters in British
03:54:39 18 North America. So he talks about the cases of the
03:54:43 19 squatting problem.

03:54:44 20 If you can just read this highlighted
03:54:47 21 section. It's at the bottom of the page 16 --
03:54:50 22 sorry, bottom of page 106 of the document, and goes
03:54:52 23 on to the next page. It starts from "The profusion
03:54:55 24 of the government [...]" and ends in "[...] which
03:54:59 25 they cultivate".

03:55:00 1 A. If you can just remind me of the
03:55:02 2 date, I've drawn a blank.

03:55:04 3 Q. Yes. The date, this was released
03:55:06 4 in 1839.

03:55:07 5 A. Right, okay.

03:55:15 6 (Witness reviews document).

03:55:52 7 Scroll down, please.

03:55:52 8 (Witness reviews document).

03:56:02 9 I've finished.

03:56:03 10 Q. What we see in this excerpt is
03:56:06 11 he's saying -- Buller is essentially saying that
03:56:09 12 squatting is caused by land policies that favour
03:56:10 13 speculators and large landholders; is that a fair
03:56:14 14 summary?

03:56:14 15 A. I'd better read it again then.

03:56:39 16 (Witness reviews document).

03:56:49 17 So are you referring to the lines --
03:56:56 18 the second sentence in the boxed portion:

03:57:00 19 "While the utmost facilities
03:57:01 20 were afforded to those whose only
03:57:04 21 object in obtaining a grant was to
03:57:06 22 profit by a future sale of the
03:57:09 23 land."

03:57:10 24 I understand that to be a speculator,
03:57:12 25 yes.

03:57:13 1 Q. Yes, that's correct.

03:57:13 2 A. Okay.

03:57:14 3 Q. And he's talking about, that

03:57:17 4 there's -- this results in a slow land granting

03:57:22 5 process. So that ordinary people face obstacles in

03:57:29 6 getting land.

03:57:51 7 A. (Witness reviews document).

03:57:52 8 He may be saying this, I --

03:57:57 9 Q. Well, let me ask this: Does this

03:58:00 10 accord with your understanding, based on your

03:58:02 11 review of the historical record, of the problem

03:58:07 12 with squatting in Upper Canada around this time?

03:58:10 13 THE COURT: I'm not sure what "this"

03:58:13 14 refers to?

03:58:14 15 MS. GUIRGUIS: This description of

03:58:17 16 "land policies that favour speculators and slow

03:58:20 17 land granting process".

03:58:25 18 MR. FELICIAN: Your Honour, I'm just

03:58:27 19 concerned what evidence we have of land policies

03:58:29 20 that favour speculators.

03:58:33 21 Now if my friend is asking the witness,

03:58:36 22 Dr. Reimer to assume there are land policies

03:58:39 23 favouring speculators, that might be fair. But I

03:58:42 24 don't know that we've heard any evidence on land

03:58:44 25 policies specifically in Upper Canada as a whole

03:58:47 1 with respect to speculators.

03:58:52 2 THE COURT: Ms. Guirguis, what is your
03:58:54 3 response?

03:58:54 4 MS. GUIRGUIS: Well, Your Honour,
03:58:56 5 these -- the evidence of the policies, the
03:58:58 6 favouring and the conclusions that there's policies
03:59:00 7 that favour speculators is what I'm putting in
03:59:03 8 front of the witness right now.

03:59:04 9 THE COURT: The witness has said she's
03:59:07 10 not familiar with there document.

03:59:08 11 MS. GUIRGUIS: Right.

03:59:09 12 THE COURT: So that creates some
03:59:10 13 limitations on the document itself being useful in
03:59:15 14 this cross-examination.

03:59:22 15 Mr. Feliciant's objection is, I guess,
03:59:24 16 connected to that but goes beyond that.

03:59:36 17 MS. GUIRGUIS: So in particular I'm
03:59:37 18 trying to get a sense from the witness about the
03:59:43 19 assumptions underlying her opinion about squatting.
03:59:48 20 I'm putting that --

03:59:48 21 THE COURT: This is about, I think, the
03:59:50 22 question itself as opposed to the broader subject
03:59:54 23 matters.

03:59:56 24 MS. GUIRGUIS: Okay.

03:59:57 25 Well, let me go through the next

03:59:59 1 document, which I believe the witness --

04:00:01 2 BY MS. GUIRGUIS:

04:00:02 3 Q. Dr. Reimer, you might be familiar
04:00:03 4 with which is SC0446.

04:00:07 5 This is an excerpt of Davidson's "A New
04:00:12 6 History of Grey County". It's Chapter 7, pages 31
04:00:18 7 to 36. This is a book that you've cited in your
04:00:20 8 reports?

04:00:20 9 A. Yes.

04:00:21 10 Q. So you're familiar with this book.

04:00:24 11 A. Yes.

04:00:26 12 MS. GUIRGUIS: Your Honour, I'd like to
04:00:28 13 add this excerpt as the next exhibit.

04:00:31 14 THE COURT: Which chapter is it?

04:00:34 15 MS. GUIRGUIS: Chapter 7.

04:00:35 16 THE COURT: Thank you.

04:00:36 17 Mr. Registrar.

04:00:37 18 THE REGISTRAR: Exhibit No. 4831.

04:00:37 19 EXHIBIT NO. 4831: Excerpt of
04:00:37 20 Davidson's "A New History of Grey
04:00:37 21 County", Chapter 7, pages 31 to 36.

04:00:37 22 BY MS. GUIRGUIS:

04:00:49 23 Q. The part that I want to go to is
04:00:50 24 on page 34 which is page 5 of this PDF, the
04:01:03 25 paragraph that starts, "Absentee ownership [...]"

1 and ends with, "[...] left undeveloped".

2 THE WITNESS: I'd appreciate a little
3 more context for that very short paragraph:

4 "Absentee ownership was a major
5 issue before the first session."

6 Where and what session?

7 BY MS. GUIRGUIS:

8 Q. Okay. So if we go back to
9 page 33, which is PDF page 4. If you want to look
10 at "Grey Becomes a County" and the section
11 underneath that heading?

12 A. Yes, that's helpful. Thank you.

13 Q. No problem.

14 A. (Witness reviews document).

15 Scroll down, please.

16 (Witness reviews document).

17 Okay, I'm finished.

18 Q. So this is talking about absentee
19 ownership in the County of Grey?

20 A. Correct.

21 Q. And essentially it's saying there
22 were large areas in the county that were being held
23 by speculators?

24 A. Yes.

25 Q. And that these were undeveloped

04:03:10 1 tracts that small farmers seeking land could not
04:03:13 2 access?

04:03:21 3 A. (Witness reviews document).

04:03:26 4 Q. Rather than farmers and settlers --

04:03:28 5 A. I was looking for "undeveloped".

04:03:30 6 "[...] for the large tracts of land
04:03:34 7 left undeveloped", yes, okay.

04:03:35 8 Q. And the time period which you
04:03:37 9 noted before the first session, this is reference
04:03:39 10 to the sessions of the Grey County Council?

04:03:42 11 A. Yes.

04:03:43 12 Q. Okay. So if we turn to page 31 of
04:03:48 13 the book, which is PDF image 2 in this excerpt.
04:03:58 14 This paragraph that starts with "April 15th, 1852",
04:04:02 15 and concluding with "[...] Gale became clerk"
04:04:06 16 marked in green.

04:04:21 17 A. (Witness reviews document).

04:04:21 18 Okay.

04:04:21 19 Q. So you'd agree with me that this
04:04:23 20 tells us that the first session of the Grey County
04:04:27 21 Council was held in April, 1852?

04:04:32 22 A. Yes. I'm hesitating because in
04:04:41 23 the first paragraph -- the first portion that you
04:04:42 24 had me read, I thought they were referring to 1854.
04:04:46 25 But then I suppose that small paragraph you took me

04:04:49 1 to later was talking about the first session.

04:04:52 2 Q. Right.

04:04:52 3 A. So I understand you're just
04:04:55 4 pointing out that that first session would have
04:04:58 5 been in 1852.

04:04:59 6 Q. That is correct.

04:05:00 7 A. Yeah.

04:05:01 8 Q. Yes. So there was a problem with
04:05:04 9 absentee ownership and large tracts of undeveloped
04:05:08 10 land in Grey County as of April 1852?

04:05:13 11 A. According to go this account, yes.

04:05:14 12 Q. According to this account, yes.
04:05:16 13 And so also it would have been difficult in getting
04:05:18 14 land in Grey County according to this account?

04:05:21 15 A. It sounds that way, yes.

04:05:25 16 You mean by settlers?

04:05:28 17 Q. Uhm-hmm.

04:05:32 18 A. Okay.

04:05:32 19 Q. And this tendency of wealthy
04:05:38 20 speculators holding large tracts of land empty,
04:05:41 21 they hold on to them hoping to turn a profit later;
04:05:45 22 is that correct?

04:05:45 23 A. That's what that passage said,
04:05:47 24 yes.

04:05:47 25 Q. Would you agree with me that that

04:05:49 1 tends to encourage squatting?

04:05:51 2 A. I don't know.

04:05:56 3 Q. But it does mean that these large
04:05:58 4 tracts of land weren't available to be bought by
04:06:01 5 individual settlers?

04:06:01 6 A. I agree. Well, unless they bought
04:06:07 7 it from the speculator.

04:06:09 8 Q. Or the speculator chose to sell
04:06:13 9 them when it was profitable?

04:06:15 10 A. I would assume so, yes.

04:06:20 11 Q. Right, okay. So Grey County in
04:06:23 12 1852, that means we are talking about lands that
04:06:26 13 are very nearby or adjacent to the Peninsula,
04:06:28 14 correct?

04:06:28 15 A. Yes, but Grey County was quite
04:06:31 16 large. So it went quite a ways south as well.

04:06:48 17 Q. I'd like to open up SC1882.

04:06:55 18 This is an excerpt of a book entitled,
04:07:01 19 "Preserving the Peace and History of the Owen Sound
04:07:05 20 Police Force 1840 - 1990". It's edited by Glenn G.
04:07:10 21 Hepburn and this excerpt is chapters 1 and 2 of
04:07:12 22 this book.

04:07:14 23 Are you familiar with this book?

04:07:15 24 A. No.

04:07:23 25 Q. Okay. So I'd like to take to you

04:07:24 1 some passages and ask you questions about how this
04:07:26 2 lines up with your review of the historical record
04:07:29 3 or your understanding of it.

04:07:31 4 A. Uhm-hmm.

04:07:32 5 MS. GUIRGUIS: Your Honour, I'd like to
04:07:34 6 add this as the next exhibit.

04:07:36 7 THE COURT: Mr. Registrar.

04:07:37 8 THE REGISTRAR: Exhibit No. 4832.

04:07:39 9 THE COURT: I'm just noting for the
04:07:41 10 record it was published 1990.

04:07:46 11 4832, Mr. Registrar?

04:07:51 12 THE REGISTRAR: 4832.

04:07:53 13 THE COURT: Thank you.

04:06:59 14 EXHIBIT NO. 4832: Excerpt of a book
04:07:01 15 entitled, "Preserving the Peace and
04:07:04 16 History of the Owen Sound Police Force
04:07:04 17 1840 - 1990", edited by Glenn G.
04:08:00 18 Hepburn.

04:08:00 19 BY MS. GUIRGUIS:

04:08:00 20 Q. So if we turn to page 13 of the
04:08:01 21 book, which is PDF page 2. And if you look at the
04:08:13 22 last two paragraphs on the left side of the page
04:08:15 23 starting with "The little settlement [...]" and
04:08:18 24 ending with "[...] Sydenham village". If you can
04:08:21 25 take a look and let me know.

04:08:23 1 A. If you can just go further up a
04:08:25 2 little bit, please. I suppose we're talking about
04:08:27 3 Owen Sound, "The little settlement", he's referring
04:08:30 4 to Owen Sound, is it?

04:08:37 5 Q. We can scroll up if you want to
04:08:39 6 take a look.

04:08:39 7 A. Yes, okay.

04:09:05 8 (Witness reviews document).

04:09:05 9 Okay.

04:09:05 10 Q. So free land grants, this is
04:09:07 11 something that you discussed in your report at
04:09:09 12 pages 79 to 80 of Volume 3, which is Exhibit 4703.

04:09:15 13 And you made particular reference to
04:09:17 14 free grants along the Garafraxa Road to Owen Sound
04:09:20 15 there.

04:09:21 16 A. Could you remind me of the page
04:09:24 17 numbers again, please.

04:09:25 18 Q. Sure. Pages 79 to 80.

04:09:28 19 A. Okay.

04:09:29 20 Q. So you would agree with me that
04:09:33 21 from this excerpt it tells us that the free grants
04:09:38 22 had the effect of drawing more settlers to Sydenham
04:09:42 23 Village, which I understand we now refer to as Owen
04:09:45 24 Sound, correct?

04:09:45 25 A. That's correct.

04:09:47 1 Q. So what this excerpt is telling us
04:09:49 2 is that free grants of land had the effect of
04:09:52 3 drawing more settlers to Sydenham Village, which is
04:09:55 4 at the base of the Peninsula?

04:09:57 5 A. It doesn't specifically say "free
04:10:00 6 grants". It says they were attracted by "land
04:10:03 7 grants", but yes.

04:10:05 8 Q. Right. And do you agree that this
04:10:11 9 was indeed the result of the Crown making free
04:10:14 10 grants of land, or grants of land?

04:10:16 11 A. I would agree, yes. That was the
04:10:19 12 intent of the colonization road and the grants.

04:10:22 13 Q. I'd like to bring up SC1922.

04:10:39 14 This is transcript combined with, or
04:10:44 15 partial transcript combined with an original
04:10:47 16 document which is an Order in Council dated
04:10:50 17 November 2nd, 1846.

04:10:55 18 MS. GUIRGUIS: Your Honour, I'd like to
04:10:57 19 make this the next exhibit.

04:11:00 20 THE COURT: It's a partial transcript,
04:11:12 21 counsel?

04:11:12 22 MS. GUIRGUIS: Yes, correct.

04:11:14 23 THE COURT: Can you scroll down so I
04:11:16 24 can see what it looks like? So it's not the whole
04:11:19 25 Order in Council.

04:11:22
04:11:23
04:11:25
04:11:27
04:10:45
04:10:48
04:10:50
04:11:40
04:11:40
04:11:42
04:11:45
04:11:47
04:11:50
04:11:52
04:11:53
04:11:56
04:12:00
04:12:04
04:12:06
04:12:11
04:12:14
04:12:20
04:12:22
04:12:25
04:12:15

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

MS. GUIRGUIS: That's right.

THE COURT: Mr. Registrar.

THE REGISTRAR: Exhibit No. 4833.

EXHIBIT NO. 4833: Partial transcript combined with an original document being an Order in Council dated November 2, 1846.

BY MS. GUIRGUIS:

Q. So on the transcript we've transcribed the -- it provides a transcription of the relevant portion of the document that I'd like you to look at. If you could take a look, Dr. Reimer, and then let me know...

A. Is there -- I'm wondering if there is a word missing in the transcript of that first sentence. It doesn't seem grammatical. Can I take a look at the original, it seemed legible.

Q. Certainly you can, yes.

A. There it is.

Q. And I'll just zoom out?

A. (Witness reviews document).

Could you go to the top? I think I understand it, I just want to see what the top of the document is.

(Witness reviews document).

04:12:30 1 Okay, I understand. I'm satisfied
04:12:32 2 here. It's just the way -- I think the wording, a
04:12:37 3 common wording of Orders in Councils "several
04:12:42 4 settlers at Owen Sound", and then comma, "are
04:12:47 5 asking for a free grant to each" -- okay. I'm
04:12:51 6 ready for your question now.

04:12:52 7 Q. So, as you mention, it's an Order
04:12:56 8 in Council dealing with several settlers at Owen
04:12:59 9 Sound. And this tells us that the settlers started
04:13:03 10 out as squatters, correct?

04:13:05 11 A. (Witness reviews document).

04:13:30 12 Well, it doesn't call them squatters.
04:13:32 13 It suggests that they settled on the land upon the
04:13:37 14 understanding that they were to purchase when open
04:13:41 15 for sale. So where that understanding came from,
04:13:44 16 the document does not say. But it does not refer
04:13:48 17 to them as "squatters".

04:13:51 18 Q. That's right, it doesn't refer to
04:13:52 19 them as squatters, but it says that:

04:13:54 20 "The petitioners settled upon
04:13:56 21 the land more than five years ago
04:13:58 22 upon the understanding they were to
04:14:00 23 purchase when open for sale."

04:14:01 24 THE WITNESS: Right.
04:14:01 25

04:14:02 1 BY MS. GUIRGUIS:

04:14:02 2 Q. So what it tells us is that
04:14:03 3 they've settled on the land five years prior to the
04:14:06 4 date of this Order in Council, correct?

04:14:08 5 A. Upon an understanding.

04:14:09 6 So my question is, what -- where did
04:14:11 7 that understanding come from? Was there an
04:14:13 8 understanding between themselves and some other
04:14:18 9 officials? We don't know from this particular
04:14:20 10 Order in Council. It doesn't say that they were
04:14:23 11 there illegally or without any kind of
04:14:26 12 authorization.

04:14:27 13 But I mean, that may have been the
04:14:30 14 case, we just don't know it from the words in this
04:14:33 15 particular document.

04:14:34 16 Q. We do know that they haven't
04:14:36 17 purchased the lands on which they're settling?

04:14:38 18 A. Yes. This is what they're -- yes,
04:14:41 19 that is correct.

04:14:41 20 Q. And we can understand from the
04:14:42 21 words, "they were to purchase when open for sale",
04:14:45 22 that the lands were not yet open for sale; is that
04:14:49 23 fair?

04:14:50 24 A. That's fair.

04:14:51 25 Q. And this says that it's

04:14:54 1 recommending that they receive a free grant of
04:14:56 2 50 acres and were expected to pay for the rest of
04:15:01 3 the tracts; is that correct?

04:15:03 4 A. Again, it's not explicit. But it
04:15:22 5 does appear that they want a grant, a free grant of
04:15:27 6 50 acres and then the second paragraph seems to
04:15:30 7 suggest that they are on more than 50 acres which
04:15:35 8 they will purchase.

04:15:36 9 But, yes, I'm not sure. It's not
04:15:40 10 completely clear.

04:15:41 11 Q. And what it does say is that
04:15:46 12 they're allowed to delay to pay the purchase
04:15:50 13 amount?

04:15:50 14 A. Yes.

04:15:51 15 Q. And no interest will incur on the
04:15:53 16 outstanding amounts?

04:15:54 17 A. The interest will -- the interest
04:16:00 18 period will begin as of January 1847; is that what
04:16:09 19 it's saying?

04:16:09 20 Q. 1848 --

04:16:12 21 A. It says "January next", so that
04:16:14 22 would be January 1847.

04:16:16 23 Q. Uhm-hmm.

04:16:17 24 A. Yeah, they're allowed "a further
04:16:19 25 delay until the first January next, from which

04:16:26 1 period interest on the purchase money be
04:16:28 2 demanded [...]"

04:16:31 3 So it sounds like no interest will be
04:16:35 4 charged until January 1847.

04:16:39 5 Q. Right. So do you agree with
04:16:48 6 me -- would you agree with me that this seems like
04:16:51 7 pretty lenient treatment by the Governor-in-Council
04:16:55 8 for people that were on lands that they hadn't
04:16:58 9 bought?

04:17:02 10 MR. FELICIAN: Your Honour.

04:17:03 11 THE COURT: Yes, Mr. Feliciant.

04:17:04 12 MR. FELICIAN: Without a reference
04:17:06 13 point, I don't think this witness would be able to
04:17:08 14 answer a question like that.

04:17:09 15 When you ask a question like, "isn't
04:17:11 16 this lenient treatment?" It assumes that this
04:17:14 17 witness has the expertise to canvas what treatment
04:17:17 18 is of others and make that comparison.

04:17:18 19 And I don't think the foundation has
04:17:21 20 been established that this witness can do that.

04:17:34 21 THE COURT: Ms. Guirguis, what's your
04:17:36 22 response to that?

04:17:38 23 MS. GUIRGUIS: It's fine, Your Honour.
04:17:44 24 I can withdraw the question. I can move on.

25

04:17:48 1 BY MS. GUIRGUIS:

04:17:49 2 Q. So if we turn to your Squatting
04:17:51 3 Report which is Exhibit 4708. At paragraph 3.3 you
04:18:03 4 reference Lillian Gates' book, "Land Policies in
04:18:09 5 Upper Canada"?

04:18:11 6 A. Yes.

04:18:14 7 Q. And you say at that paragraph
04:18:14 8 that:

04:18:16 9 "The sales in Huron County and
04:18:17 10 Bruce County in 1854 resulted in a
04:18:19 11 mad scramble for lands in the area
04:18:21 12 and fraud and violence were common,
04:18:24 13 both on the part of those who claim
04:18:26 14 preemption privileges and those who
04:18:28 15 tried to get possession of good lots
04:18:30 16 improved by others."

04:18:31 17 A. Yes, that's a quote taken from her
04:18:34 18 book.

04:18:34 19 Q. That's right. So I'd like to turn
04:18:39 20 to Exhibit 4286. So this is Robertson's book, "The
04:18:54 21 History of the County of Bruce".

04:18:57 22 And I want to turn to page 67 of the
04:19:00 23 book which is page 81 of the PDF and if you can
04:19:13 24 take a look at the excerpt that's marked from "The
04:19:17 25 'Big' land sale [...]" to the bottom where it says

04:19:22 1 "[...] many amusing incidents".

04:19:47 2 A. (Witness reviews document).

04:19:48 3 I've read it.

04:19:48 4 Q. Okay. And if we can go to page 69
04:19:51 5 which is page 83 of the PDF. Here, Robertson is
04:20:00 6 quoting an excerpt from the County Council minutes
04:20:03 7 from June 1854.

04:20:07 8 If you can look at, "As there are now
04:20:10 9 [...]" until "[...] at the earliest possible
04:20:13 10 period". So the first paragraph.

04:21:01 11 A. (Witness reviews document).

04:21:03 12 Could we just go up a little bit? I'm
04:21:07 13 trying to -- this is the quote from...

04:21:21 14 Okay, I think I understand. I'm just
04:21:25 15 wondering if we have a date on this quote. I think
04:21:31 16 it might be up there. I just want to confirm in my
04:21:42 17 mind that this is prior to the big land sale.

04:21:58 18 Q. Perhaps if we scroll down after
04:22:00 19 that excerpt.

04:22:09 20 A. I'm reading this paragraph as
04:22:11 21 explaining the -- for the motivation to finally
04:22:15 22 have the land sale -- the sale of school and Crown
04:22:20 23 lands in Bruce and Grey. And it was a County
04:22:25 24 Council motion that finally brought the matter to a
04:22:30 25 floor. That is what I am understanding from this.

04:22:34 1 Q. Okay. So is it fair to say from
04:22:46 2 the two excerpts that you've reviewed, that many of
04:22:48 3 the would-be purchasers of the big land sale were
04:22:53 4 squatters seeking to have their prior claims
04:22:56 5 recognized? Or put another way, they were trying
04:23:09 6 to purchase the lots where they were squatting?

04:23:11 7 A. Yes. We just don't -- I mean, we
04:23:14 8 don't know the actual number. It says:

04:23:18 9 "Many of the settlers who have
04:23:20 10 squatted upon the lands within the
04:23:23 11 said townships are endeavoring by
04:23:25 12 unjust means to obtain and hold
04:23:28 13 possession".

04:23:30 14 Were they allowed to? I'm not sure
04:23:32 15 that this motion is explaining that to us.

04:23:45 16 Q. So if we look back at the first
04:23:48 17 excerpt that I turned you to, which is page 67,
04:23:51 18 page 81 of the PDF.

04:23:59 19 At the bottom it talks about the crowd
04:24:05 20 that appeared at Southampton, correct? So it's
04:24:14 21 talking about the crowd of 2 or 3,000 strong at the
04:24:17 22 big land sale.

04:24:18 23 A. Yes.

04:24:18 24 Q. And then in the next -- so is it
04:24:28 25 fair to say that some of those would-be purchasers

04:24:30 1 at the big land sale were settlers that were trying
04:24:33 2 to purchase the lots on which they were already
04:24:36 3 squatting?

04:24:36 4 A. Yes, that's fair.

04:24:38 5 Q. Okay. And if the squatters were
04:24:42 6 successful in securing their claims to which they
04:24:46 7 were -- to the lands they were illegally occupying,
04:24:52 8 you'd agree with me that this would confirm to
04:24:56 9 others that there's a usefulness in squatting?

04:24:59 10 A. Are you asking me to assume
04:25:04 11 that --

04:25:04 12 Q. Yes.

04:25:05 13 A. -- or to agree with that? I can't
04:25:10 14 answer that question.

04:25:11 15 Q. Okay. So let me take you to
04:25:26 16 Exhibit 2074. This is a letter dated March 27th,
04:25:40 17 1854, from William Bull to Crown Lands Commissioner
04:25:47 18 Morin.

04:25:50 19 If you could scroll down a little.

04:25:54 20 So that's the original letter. We can
04:25:57 21 refer to the transcript?

04:25:58 22 A. Sure.

04:25:59 23 Q. If you could take a look at the
04:26:07 24 letter and let me know, and I can ask you some
04:26:10 25 questions.

04:26:10 1 A. (Witness reviews document).

04:26:19 2 I've read it.

04:26:25 3 Q. So Mr. Bull is asking Crown Lands
04:26:29 4 Commissioner if the lands north of Arran and Derby
04:26:32 5 are for sale yet?

04:26:33 6 A. Correct.

04:26:34 7 Q. Are you familiar with where Arran
04:26:35 8 and Derby are?

04:26:37 9 A. Yes, I am.

04:26:37 10 Q. Okay. So you'd agree with me
04:26:39 11 though those are townships just below the Half Mile
04:26:42 12 Strip essentially right at the base of the
04:26:44 13 Peninsula?

04:26:44 14 A. Correct.

04:26:46 15 Q. So what Bull is asking about is
04:26:48 16 whether the lands on the Peninsula are yet for
04:26:51 17 sale, correct?

04:26:51 18 A. Yes.

04:26:52 19 Q. And if not, he's asking permission
04:26:55 20 to settle there with other families in the
04:26:58 21 meantime?

04:26:59 22 A. No.

04:27:04 23 Q. Well, he's asking whether there's
04:27:07 24 anything to prevent individuals from settling on it
04:27:10 25 in anticipation of such sale; is that right:

04:27:14 1 A. :

04:27:15 2 "If it is open for sale, what
04:27:17 3 are the terms of settlement? If it
04:27:20 4 is not open for sale at present
04:27:22 5 would you inform me whether it is
04:27:24 6 probable that it will be soon."

04:27:27 7 So he's not asking about -- can you
04:27:30 8 repeat your question, please?

04:27:31 9 Q. So the line that follows what
04:27:33 10 you've just read he says:

04:27:35 11 "[...] and if so whether there
04:27:36 12 is anything to prevent individuals
04:27:37 13 from settling on it in anticipation
04:27:39 14 of such sale".

04:27:40 15 A. Yes, he's asking about that.

04:27:42 16 Q. Okay. And presumably he's asking
04:27:46 17 that to get an advantageous position, to be there
04:27:49 18 when it goes on sale, correct?

04:27:52 19 MR. FELICIAN: It's not a serious
04:27:54 20 question, Your Honour, but I think that goes beyond
04:27:57 21 any witness' expertise to go into the mind of the
04:28:00 22 person writing the letter whether it gives him an
04:28:03 23 advantageous position.

04:28:04 24 And in fact he's asking about
04:28:06 25 individuals, he's not even just asking about

04:28:08 1 himself.

04:28:10 2 THE COURT: Ms. Guirguis.

04:28:23 3 MS. GUIRGUIS: Your Honour, I'm asking
04:28:27 4 the witness in her expertise as an ethnohistorian
04:28:33 5 and having looked at the historical record, how she
04:28:35 6 interprets this letter, and the historical record
04:28:40 7 of this Mr. Bull asking whether there's anything to
04:28:46 8 prevent him from settling on land in anticipation
04:28:48 9 of such sale; whether she can opine on what would
04:28:52 10 be behind that.

04:28:53 11 I think that falls within her
04:28:56 12 expertise.

04:29:00 13 THE COURT: Mr. Feliciant?

04:29:02 14 MR. FELICIAN: I mean, I know in this
04:29:05 15 trial we've often asked about -- asked our
04:29:09 16 ethnohistorians to comment upon what documents
04:29:12 17 mean, and what may have been people's motivations.

04:29:15 18 But in a case like this, you're asking
04:29:19 19 to go into the mind of a specific individual and
04:29:23 20 say, what was that one person thinking when he
04:29:26 21 wrote the letter? And without any other evidence
04:29:29 22 or context.

04:29:31 23 So it doesn't call upon her expertise.
04:29:34 24 It's asking her to do what any of us can do by
04:29:37 25 reading the letter. Unless there's some other

04:29:39 1 document that sheds light on the motivation of this
04:29:42 2 one request and this one letter.

04:29:44 3 THE COURT: It's just not clear to me,
04:29:57 4 counsel, that this witness can speculate on the
04:30:01 5 reason for the letter, which is your question.

04:30:08 6 You know I'm not sure how much value
04:30:11 7 would be put on it. But we'll let the witness say
04:30:13 8 whether she's prepared to do that or not.

04:30:15 9 MS. GUIRGUIS: Thank you, Your Honour.

04:30:18 10 THE WITNESS: Can you repeat the
04:30:19 11 question, please.

04:30:20 12 BY MS. GUIRGUIS:

04:30:20 13 Q. Sure. Let me phrase it this way.

04:30:23 14 In the context of your understanding of
04:30:25 15 the historical record and what was happening around
04:30:26 16 that time, would you agree with me that Mr. Bull is
04:30:31 17 asking to -- whether there's anything to prevent
04:30:34 18 individuals from settling on it, in anticipation of
04:30:37 19 such behavior, presumably to get an advantageous
04:30:41 20 position by settling there before the sale?

04:30:44 21 A. I can't say whether he was
04:30:46 22 attempting to get an advantageous position. This
04:30:50 23 is one of several examples that I've cited in my
04:30:55 24 report. I can't recall whether I cited this
04:30:58 25 particular letter but certainly I cited a number of

04:31:01 1 pieces of correspondence of individuals and
04:31:05 2 individuals representing other groups of -- and
04:31:09 3 families, and it's an example of the direct demand
04:31:15 4 for the sale of lands on the Peninsula and asking,
04:31:20 5 appropriately, I would say, asking the Government;
04:31:24 6 are these lands for sale? If not, will they be for
04:31:28 7 sale? Is there anything to prevent us from
04:31:31 8 settling on it in anticipation of some sale?

04:31:34 9 So it goes to the demand for lands that
04:31:41 10 was being heard by government officials in the
04:31:43 11 months prior to Treaty 72.

04:31:45 12 Other than that, I can't speak to what
04:31:49 13 else Mr. Bull might have been thinking.

04:31:51 14 Q. Okay. I have one more document to
04:31:54 15 take you to, and maybe two more questions on this
04:31:58 16 section.

04:31:58 17 THE COURT: All right. Well, it is
04:32:01 18 past 4:30, Counsel. Unless you think it's of high
04:32:05 19 importance that you do this today.

04:32:08 20 MS. GUIRGUIS: No, it's not of high
04:32:10 21 importance. They connect to one another.

04:32:11 22 THE COURT: I know we're not finishing
04:32:12 23 today, so we won't be doing it on that basis, all
04:32:15 24 right?

04:32:15 25 MS. GUIRGUIS: Yes, that is correct.

04:32:16 1 THE COURT: Now I remind counsel an
04:32:18 2 e-mail went out from my office this morning
04:32:20 3 indicating we are starting tomorrow morning at 9:45
04:32:23 4 to deal with an objection about certain evidence
04:32:25 5 that's expected next week.

04:32:27 6 Dr. Reimer, this has nothing do with
04:32:29 7 you. You should expect to be ready to go at 10:30.
04:32:33 8 You're welcome to come into courtroom before then
04:32:37 9 and the argument we'll have has no bearing on your
04:32:41 10 evidence at all.

04:32:42 11 I'm not saying the argument will go
04:32:45 12 until 10:30, but we'll probably have a few people
04:32:48 13 who are only coming for that step and there will be
04:32:50 14 a short break, sort of between 10:15 and 10:30 and
04:32:56 15 you should certainly be here by then, all right?

04:32:59 16 THE WITNESS: Thank you.

17
18 -- Court adjourned at 4:35 p.m.
19
20
21
22
23
24
25

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

REPORTER'S CERTIFICATE

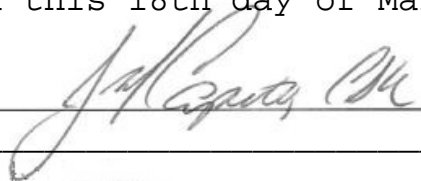
I, JUDITH M. CAPUTO, RPR, CSR, CRR,
Certified Shorthand Reporter, certify;

That the foregoing proceedings were
taken before me at the time and place therein set
forth at which time the witness was put under oath
by the court registrar;

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

That the foregoing is a Certified
Transcript of my shorthand notes so taken.

Dated this 18th day of March, 2020.



NEESONS, A VERITEXT COMPANY

PER: JUDITH M. CAPUTO, RPR, CSR, CRR

| | | | | |
|--|---|--|--|---|
| 1 | 111 11617:24 11621:6 | 14 11581:10 | 1753 11496:8 | 11549:1,10,13 11550:1,4 11553:5 |
| | 112 11524:12 | 142 11481:11 | 1772 11496:10 | |
| 1 11480:1 11502:24 11508:12 11538:14 11550:24 11553:23 11562:15 11568:17 11592:16 11606:5 11609:2 11631:21 | 1126 11509:16 11516:11 | 1427 11538:12 11604:16 11605:2 11615:7 | 1773 11497:19 | 1839 11559:1 11560:8 11562:2 11617:13 11618:14 11622:7,8 11624:4 |
| 1,500,000 11522:2 | 1128 11508:10 11519:2 11524:8,11 | 1431 11610:11 11615:7 | 1774 11497:21 | |
| 1.6 11580:6,8 | 113 11508:16 11524:11,20 | 1434 11553:17 11612:3 11615:7 | 1776 11496:12 | |
| 10 11507:21 11516:13,14 11517:1 | 1134 11501:7 | 1457 11498:12 | 1779 11501:5 | |
| 100 11563:3 11591:7 11618:20 | 115634 11477:8 | 147 11576:8 | 1787 11499:15 | |
| 1002 11498:18 | 1198 11496:18 11520:10 11543:21 | 1479 11497:17 | 1791 11586:10 | 1840 11507:20 11530:12 11531:8 11532:24 11533:23 11534:23 11615:15 11617:13 11631:20 11632:17 |
| 106 11623:14, 22 | 11:12 11496:6 | 14th 11586:13 | 1797 11500:14 | |
| 10670 11614:1 | 11th 11487:23 | 15 11591:22 11602:25 | 17th 11531:8 11618:23 | |
| 1071 11618:22 | 12 11549:22 11567:9 11602:22 11603:10 | 15/19 11592:17 | 18 11511:12,13 11532:23 11536:1 11547:22 11598:3 | |
| 1088 11496:22 | 120 11615:13 | 150 11591:25 | 1820 11520:13 | 1840s 11480:22 11481:3 11573:6 |
| 109 11623:15 | 121 11615:14 | 1559 11498:20 | 1830s 11482:11,14 | |
| 10:01 11474:1 | 1236 11511:18 | 1566 11497:1 | 1834 11616:17 | 1843 11538:13, 22 11553:20 11605:5 11607:8 11608:5,22 11610:14 11612:20,25 11615:9 |
| 10:15 11649:14 | 1284 11623:2 | 1569 11497:3 | 1835 11616:17 11618:23 11619:16 | 1844 11496:24 |
| 10:30 11649:7, 12,14 | 1297 11558:25 | 157 11576:9 | 1836 11505:8, 14 11506:20 11509:18 11510:5 11512:6 11515:18 11516:22 11517:1,8 11522:5 11529:5,14 11532:4,24 11533:7 11535:6 11536:20 11542:24 11545:10 11554:10 11564:18,19 | 1846 11634:17 11635:7 |
| 10:40 11496:5 | 12:05 11543:14 | 1583 11498:10 | 1837 11520:13, 14 11523:5 11546:13 11554:10 | 1847 11554:16, 21 11556:9,18 11557:9 11638:18,22 11639:4 |
| 10th 11520:14 11538:13,22 11605:5 | 12:10:27 11581:14 | 15th 11629:14 | 1838 11511:21 11548:13 | 1848 11638:20 |
| 11 11496:3 11548:15 11549:13 11567:10 | 12:14 11543:15 | 16 11477:4 11623:21 | | 1850 11557:18 11586:13,24 11587:6,14 11588:4 11589:18 11591:24 11604:11 |
| 110 11615:13 11617:22,24 11621:6 | 12:31:55 11581:10 | 1649 11500:10 | | 1850s 11480:22 11573:6 |
| | 12:55 11571:19 | 1650-1900 11578:6 | | |
| | 12th 11481:8 11506:10 11613:25 | 1659 11500:12 | | |
| | 13 11474:17 11475:14,22 11632:20 | 1662 11500:16 | | |
| | 1322 11530:9 | 1665 11497:5 | | |
| | 13th 11485:4 11610:13 | 1674 11498:14 11554:15 | | |
| | | 1699 11501:3 | | |
| | | 16th 11476:22 11530:12 | | |
| | | 17 11535:22 | | |
| | | 1752 11497:7 | | |

| | | | | |
|--|---|--|---|--|
| 1851 11501:21, 24 11505:11 11557:16 | 1865 11501:13 | 20 11495:2 11549:10 | 2175 11567:1,4 11570:8,24 11571:24 11572:2 | 11559:11 11560:13 11563:7 11572:23 11574:22,25 11576:8 11577:15 11587:15 11591:25 11612:6 11613:8 11615:12 11617:17,19,21 11621:6 11633:12 |
| 1852 11474:17 11475:3,14,22 11476:19,22 11477:4,12 11502:1 11591:22 11592:13,17 11594:2,10,21 11595:3 11597:18 11598:3 11629:14,21 11630:5,10 11631:12 | 1881 11499:11 | 20-minute 11495:22 | 21st 11553:20 11612:20,25 | |
| 1853 11499:7 11502:1,3 | 1884 11501:9 | 200 11485:15 | 22 11550:15 11578:8 | |
| 1854 11478:20 11485:5 11486:21 11487:3,23 11501:15,18 11502:3,5 11505:6 11540:2 11567:7 11568:9,18 11569:19 11573:24 11574:7 11575:4 11576:13 11577:11 11602:5 11629:24 11640:10 11641:7 11643:17 | 1894 11557:16 | 2008 11499:17 | 2254 11500:4 | |
| 1855 11489:7, 15 11490:4 11498:24 11502:5 | 18th 11540:1 11597:18 | 2014 11497:9 | 2255 11500:6 | |
| 1856 11499:5 | 1906 11475:8, 25 | 2016 11500:18 | 229 11609:3,13 | |
| 1857 11480:6, 18 | 1911 11500:24 | 2019 11581:8 | 22nd 11559:1 | |
| 1858 11479:1, 12,15 11549:16 11550:7 | 1912 11497:23 | 2020 11506:10 11613:25 | 23 11614:2 | 3,000 11642:21 |
| 1859 11499:9 | 1931 11476:20, 25 11499:13 | 2021 11497:25 | 232 11609:3 | 3.3 11640:3 |
| | 1933 11496:20 | 2022 11499:25 | 24 11588:4 | 3.6 11575:1 |
| | 1935 11501:11 | 2027 11497:11 | 2416 11501:1 | 31 11550:15 11581:8 11627:6,21 11629:12 |
| | 1943 11498:2 | 2059 11497:15 | 2417 11499:3 | 33 11628:9 |
| | 1952 11591:21 | 2060 11602:3 | 2488 11500:2 | 34 11627:24 |
| | 1967 11496:14 | 2061 11499:21 | 2494 11478:24 | 36 11627:7,21 |
| | 1990 11631:20 11632:10,17 | 2062 11498:4 | 24th 11530:12 11587:14 | 37 11547:22 |
| | 19th 11511:21 | 2069 11497:13 | 254 11480:1 | 370 11559:25 |
| | <hr/> 2 <hr/> | 2074 11643:16 | 2559 11515:15 | 3:28 11622:17 |
| | 2 11477:25 11481:12 11484:21 11489:15 11507:21 11508:23 11531:4 11540:5 11556:11,18 11557:24,25 11580:8 11593:9 11616:5,15 11617:1 11629:13 11631:21 11632:21 11635:7 11642:21 | 2079 11500:22 | 268 11578:7 | 3:30 11622:12 |
| | | 2086 11539:25 | 27th 11575:4 11643:16 | 3:52 11622:18 |
| | | 2094 11498:8 | 28 11594:21 11595:3 | 3rd 11568:18 |
| | | 2097 11487:22 | 29th 11554:16 | <hr/> 4 <hr/> |
| | | 20th 11548:13 11549:1,13 11550:1 11561:5 | 2:15 11571:20 | 4 11492:1 11512:4,5 11531:21 11551:13 11573:2 11574:25 11610:15 11614:3 11628:9 |
| | | 2105 11499:19 | 2nd 11489:7 11556:9 11567:7 11634:17 | 4.3 11573:20 |
| | | 2106 11498:16 | <hr/> 3 <hr/> | 40 11561:3 |
| | | 2110 11499:1 | 3 11478:2 11491:23,24 11492:13 11502:18 11508:15 11523:7 11531:9 | 40s 11482:11, 14 |
| | | 2112 11499:23 | | |
| | | 2130 11498:6 | | |
| | | 2134 11496:16 | | |
| | | 2144 11477:17 | | |
| | | 2148 11484:25 | | |
| | | 2160 11570:15 11571:7,23,24, 25 | | |
| | 2.1.1 11620:8 | | | |
| | 2.15 11571:17 | | | |
| | 2.4 11573:2 | | | |

| | | | | |
|---|--|---|-----------------------------------|--|
| 41 11561:4 | 17,23 11585:12 11607:15 | 4765 11497:6 | 48 11559:20 | 4832 11632:8, 11,12,14 |
| 4286 11640:20 | 4692 11498:22 | 4766 11497:8 | 4800 11500:1 | 4833 11635:3,4 |
| 43 11523:9 11538:23 | 47 11559:19 | 4767 11497:10 | 4801 11500:3 | 4:30 11648:18 |
| 4364 11578:4 | 4702 11484:22 11617:2 | 4768 11497:12 | 4802 11500:5 | 4:35 11649:18 |
| 45 11519:2 11524:10,12,13, 16,19 11525:16 11526:7,8,21 11527:4,15,20 11541:21 11544:9,15 11547:9 11565:11 | 4703 11491:24 11523:7 11560:14 11572:23 11576:8 11615:12 11633:12 | 4769 11497:14 | 4803 11500:7 | 4th 11522:22, 23 |
| 450,000 11560:3 | 4704 11492:1 | 4770 11497:16 | 4804 11500:9 | <hr/> 5 <hr/> |
| 450,000- acres 11552:7 | 4705 11491:25 | 4771 11497:18 | 4805 11500:11 | 5 11487:24 11512:9 11520:20 11531:23 11543:25 11627:24 |
| 4576 11480:1 11609:2 | 4707 11492:3 | 4772 11497:20 | 4806 11500:13 | 50 11638:2,6,7 |
| 45½ 11505:14, 15 11506:7 11507:5,14 11508:5,11,14, 18 11510:1 11511:3 11512:1 11519:3,8 11522:7 11523:4,8,14 11524:1,10 11525:6 11526:5,7,18,20 11527:9,18 11528:17,23 11530:5,24 11531:1 11533:8 11535:4 11536:9 11541:5,20 11543:21 11544:4,8 11545:5 11547:4,7 11552:2 11553:11,14 11554:4 11560:16,24 11562:6 11563:24,25 11565:2,7,8,13, | 4708 11492:5 11572:21 11580:7 11620:8 11640:3 | 4773 11497:22 | 4807 11500:15 | 50s 11482:11, 15 |
| | 4710 11492:7 | 4774 11497:24 | 4808 11500:17 | 53 11523:10 |
| | 4749 11475:20, 21 | 4775 11498:1 | 4809 11500:19 | 58 11581:8 |
| | 4750 11477:2,3 | 4776 11498:3 | 4810 11500:21 | <hr/> 6 <hr/> |
| | 4751 11486:25 11487:1 | 4777 11498:5 | 4811 11500:23 | 6 11488:1 11551:20 |
| | 4752 11489:12, 13 | 4778 11498:7 | 4812 11500:25 | 6.2.2 11576:10 |
| | 4753 11496:7 11503:2 | 4779 11498:9 | 4813 11501:2 | 62 11616:15 |
| | 4754 11496:9 | 4780 11498:11 | 4814 11501:4 | 64 11559:10 11560:13 |
| | 4755 11496:11 | 4781 11498:13 11554:21 11555:3 | 4815 11501:6 | 67 11505:11 11640:22 11642:17 |
| | 4756 11496:13 | 4782 11498:15 | 4816 11501:8 | 69 11641:4 |
| | 4757 11496:15 | 4783 11498:17 | 4817 11501:10 | <hr/> 7 <hr/> |
| | 4758 11496:17 | 4784 11498:19 | 4818 11501:12 11503:3,4 | 7 11544:7,16 11550:12,13 11573:20 11627:6,15,21 |
| | 4759 11496:19 | 4785 11498:21 | 4819 11501:14 | 72 11485:7,10 11505:5 11540:3 11567:3 11568:18 |
| | 4760 11496:21 | 4786 11498:23 | 4820 11501:17 | |
| | 4761 11496:23 | 4787 11498:25 | 4821 11501:20 | |
| | 4762 11496:25 | 4788 11499:2 | 4822 11501:22 | |
| | 4763 11497:2 | 4789 11499:4 | 4823 11501:25 | |
| | 4764 11497:4 | 4790 11499:6 | 4824 11502:2 | |
| | | 4791 11499:8 | 4825 11502:4 11503:8,9 | |
| | | 4792 11499:10 | 4826 11549:8,9 | |
| | | 4793 11499:12 | 4827 11556:16, 17,19 | |
| | | 4794 11499:14 | 4828 11588:1,2 | |
| | | 4795 11499:16 | 4829 11594:25 11595:1 | |
| | | 4796 11499:18 | 4830 11597:25 11598:1 | |
| | | 4797 11499:20 | 4831 11627:18, 19 | |
| | | 4798 11499:22 | | |
| | | 4799 11499:24 | | |

| | | | | |
|-----------------------|--------------------|-----------------------|----------------------|-----------------------|
| 11570:1 | 11517:24 | acknowledge | 11627:13 | 11599:14 |
| 11573:19 | 11519:6 | d 11484:6 | 11632:6 | Affairs |
| 11574:11,19 | Aboriginal | 11562:22 | added | 11479:1 |
| 11577:6,17,23 | 11485:21 | acknowledge | 11493:12 | 11487:10 |
| 11586:9 | absentee | ment 11482:7 | 11554:20 | 11520:18 |
| 11648:11 | 11627:25 | 11533:15 | addendum | 11523:2 |
| 73 11479:2,3 | 11628:4,18 | 11537:19 | 11526:7 | 11531:15 |
| 75 11494:4,5 | 11630:9 | acknowledge | adding | 11553:9 |
| 7564 11581:9 | Absolutely | s 11561:19 | 11488:20 | 11558:23 |
| 7565 11581:9 | 11548:24 | acknowledgi | addition | 11559:8 |
| 79 11484:22 | abundant | ng 11482:18 | 11507:23 | 11592:13 |
| 11633:12,18 | 11562:16 | acquire | 11521:17 | 11623:4 |
| 7th 11557:16 | 11564:16 | 11488:24 | address | affix 11524:21 |
| | acceded | 11576:21 | 11567:6 | afforded |
| | 11607:23 | acquiring | 11611:17 | 11624:20 |
| <hr/> | acceding | 11614:19 | addressed | afternoon |
| 8 | 11514:22 | acres 11522:2 | 11596:1 | 11572:17,18,19 |
| <hr/> | accept | 11550:25 | 11610:12 | 11622:14 |
| 8 11521:24 | 11584:3 | 11560:3 | addressing | agent |
| 11522:18 | accepted | 11638:2,6,7 | 11541:7 | 11540:21 |
| 11544:2 | 11577:16 | act 11557:18 | adjacent | 11586:12 |
| 11550:22 | access | 11591:24 | 11631:13 | 11621:12 |
| 11552:5 | 11629:2 | 11615:16 | adjourned | agents |
| 11613:5 | accompanyin | 11618:14,16 | 11649:18 | 11579:21 |
| 80 11633:12,18 | g 11480:6 | 11621:8,10 | administrativ | agree |
| 800,000 | accord | 11622:8 | e 11491:3 | 11477:23 |
| 11550:24 | 11625:10 | activity | 11492:22 | 11480:20,25 |
| 81 11640:23 | account | 11621:20 | 11493:7 | 11483:1,17 |
| 11642:18 | 11513:5 | actual 11573:9 | admirable | 11484:15 |
| 83 11614:1 | 11514:10,13 | 11574:2 | 11518:7 | 11511:6 |
| 11641:5 | 11519:8,12,13 | 11577:23 | Admirably | 11514:3,17 |
| 8th 11602:5 | 11573:16 | 11607:15,20 | 11518:9 | 11517:16,20 |
| | 11574:2 | 11611:21 | advantage | 11518:2,21 |
| | 11575:20 | 11612:1 | 11577:3 | 11519:20 |
| <hr/> | 11630:11,12,14 | 11613:17 | advantageou | 11528:22 |
| 9 | accounting | 11614:24 | s 11645:17,23 | 11529:4 |
| <hr/> | 11579:13 | 11615:2 | 11647:19,22 | 11530:1 |
| 9 11510:3,4 | accounts | 11642:8 | advice | 11535:12 |
| 989 11500:8 | 11501:22 | adapted | 11594:14 | 11540:12 |
| 9:45 11649:3 | 11516:2 | 11518:9 | 11600:19 | 11542:14,15 |
| 9th 11510:5 | 11574:5 | adapting | advisable | 11546:6 |
| 11517:1 | achieve | 11518:7 | 11590:21,23 | 11548:2 |
| 11522:5 | 11596:11 | add 11481:18 | advised | 11553:2,6,9 |
| | acknowledge | 11492:24 | 11613:20 | 11555:17 |
| | 11561:21 | 11534:25 | advising | 11558:9,13 |
| | 11621:8 | 11549:1 | 11591:3 | 11559:4 |
| <hr/> | | 11594:23 | | 11560:14,19 |
| A | | 11597:20 | | 11563:2,24 |
| <hr/> | | 11613:19 | | 11564:24 |
| a.m. 11474:1 | | | | 11565:6,19 |
| 11496:5,6 | | | | 11568:9 |
| abilities | | | | 11569:25 |

| | | | | |
|---------------------|----------------------|----------------------|--|--------------------|
| 11570:2 | agriculture | 11557:8 | applies | aspect |
| 11571:12 | 11474:9 | 11567:2 | 11541:20 | 11482:23 |
| 11577:19 | 11483:13 | 11568:9 | apply 11511:8 | 11484:6,17 |
| 11578:24 | 11484:3 | 11569:1 | applying | 11541:9 |
| 11579:3 | 11551:4 | 11571:1 | 11578:22 | 11577:7 |
| 11582:2 | ahead 11474:3 | 11602:4,5 | appoint | assign |
| 11583:13 | 11486:17 | 11618:11,12,13 | 11611:13 | 11495:5 |
| 11584:14 | 11504:3 | 11619:19,22 | appointed | assigned |
| 11585:7 | 11506:4 | 11620:22 | 11592:3 | 11502:11,25 |
| 11601:14 | 11521:19 | 11621:20,21 | appreciation | assistance |
| 11604:6 | 11527:1 | Anderson's | 11576:22 | 11545:25 |
| 11610:20 | 11543:16 | 11476:22 | approached | assume |
| 11611:19 | 11571:21 | 11477:4 | 11576:25 | 11514:10 |
| 11613:15 | 11572:14 | 11480:5,8 | appropriately | 11515:2,3,8 |
| 11614:23 | 11589:14 | 11567:6 | 11648:5 | 11518:15,19,20 |
| 11615:5 | 11599:11 | 11569:18 | appropriation | 11554:10 |
| 11620:1 | 11622:19 | 11619:20 | 11595:24 | 11581:19 |
| 11622:5 | Alexander | annuities | April 11501:15 | 11583:1,7,10 |
| 11629:19 | 11485:15 | 11507:24 | 11511:21 | 11587:2 |
| 11630:25 | 11530:17,20 | 11535:1 | 11559:1 | 11625:22 |
| 11631:6 | 11531:3 | annuity | 11629:14,21 | 11631:10 |
| 11633:20 | allocations | 11507:7,10,17, 19 | 11630:10 | 11643:10 |
| 11634:8,11 | 11564:21 | answering | area 11505:1,4, 5,9,10,13,17 | assumed |
| 11639:5,6 | allowed | 11614:4 | 11511:14 | 11514:17 |
| 11643:8,13 | 11523:18 | anticipating | 11517:2 | assumes |
| 11644:10 | 11527:15 | 11537:9,24 | 11523:22 | 11639:16 |
| 11647:16 | 11638:12,24 | 11538:4 | 11575:15 | assuming |
| agreed | 11642:14 | anticipation | 11579:22 | 11492:8 |
| 11513:9 | aloud | 11644:25 | 11580:2 | assumption |
| 11545:15 | 11520:22 | 11645:13 | 11591:18 | 11511:16 |
| 11609:23 | ambiguous | 11646:8 | 11601:20 | 11582:11,15 |
| 11612:21 | 11582:14 | 11647:18 | 11616:25 | 11583:18 |
| agreed-upon | America | 11648:8 | 11640:11 | assumptions |
| 11607:20 | 11623:4,6,18 | anymore | areas 11505:3 | 11626:19 |
| agreeing | amount | 11553:25 | 11537:16 | attached |
| 11482:12 | 11542:12 | apparently | 11564:20 | 11595:7 |
| agreement | 11638:13 | 11477:23 | 11628:22 | attempt |
| 11506:13 | amounts | 11514:24 | argument | 11539:15 |
| 11507:9 | 11638:16 | 11542:1 | 11526:6 | attempting |
| 11515:10,13 | amusing | appeared | 11649:9,11 | 11581:2 |
| 11518:4 | 11641:1 | 11642:20 | Arran 11644:4, 7 | 11608:18 |
| 11523:21 | Anderson | appears | arrangement | 11647:22 |
| 11535:5,11 | 11474:16,22 | 11542:22 | 11600:10 | attempts |
| 11546:12,20 | 11475:14,21 | 11592:22 | article | 11576:20 |
| 11547:18 | 11477:15 | 11616:24 | 11509:20 | 11606:20 |
| 11548:10 | 11480:12 | applicable | attendance | 11608:24 |
| agreements | 11483:23 | 11511:14 | 11530:14 | 11621:9 |
| 11546:25 | 11487:23 | applied | | |
| 11547:24 | 11540:1 | 11523:22 | | |
| 11600:21 | 11556:8,17 | | | |
| agricultural | | | | |
| 11483:21 | | | | |

| | | | | |
|-----------------------|-----------------------|----------------------|---------------------|------------------------|
| 11531:12 | 11572:22 | 11512:15,21 | Bond | boxed |
| attention | 11582:7 | 11556:10 | 11506:13,20 | 11624:18 |
| 11504:1 | 11588:9 | 11565:4 | 11507:8 | bracket |
| 11512:3 | 11589:4 | 11603:21 | 11508:23 | 11532:1 |
| 11518:8,10,23 | 11598:9 | 11614:2 | 11514:11,17,20 | brackets |
| 11531:22 | 11604:2 | begun | 11515:3,8 | 11477:7 |
| 11539:18 | 11612:10 | 11529:21 | 11517:9,23 | 11478:1 |
| 11551:4 | 11613:24 | behalf | 11518:2,14 | 11487:25 |
| 11559:13 | 11615:11 | 11531:19 | 11519:9,20 | 11534:14 |
| attracted | 11628:8 | behavior | 11524:15,23 | break 11495:4, |
| 11634:6 | 11642:16 | 11647:19 | 11535:5 | 13,22 11496:3 |
| August | Backing | believes | book 11578:4 | 11504:11 |
| 11510:5 | 11486:18 | 11611:20 | 11627:7,10 | 11543:9,10,11 |
| 11517:1 | Band 11486:4 | belong | 11629:13 | 11571:16,24 |
| 11522:5 | 11605:7 | 11568:10 | 11631:18,22,23 | 11622:13,14 |
| 11556:9,18 | Bands 11480:6 | belonged | 11632:14,21 | 11649:14 |
| 11567:7 | barrels | 11560:9 | 11640:4,18,20, | bring 11484:24 |
| 11569:19 | 11589:8,14,24 | benefit | 23 | 11506:11 |
| authored | 11590:4 | 11532:9 | bother | 11508:9,14 |
| 11476:1 | 11591:11,13 | 11535:15 | 11572:11 | 11509:15 |
| authorization | base 11634:4 | 11572:7 | bottom | 11567:3 |
| 11583:21 | 11644:12 | 11590:9 | 11479:6 | 11587:12 |
| 11637:12 | based | big 11538:14 | 11480:3 | 11612:2 |
| authorize | 11518:13 | 11575:3,22 | 11484:22 | 11618:21 |
| 11590:21 | 11524:4 | 11607:2 | 11531:5,8 | 11634:13 |
| authorized | 11553:1 | 11640:25 | 11535:21 | British |
| 11507:19 | 11585:16 | 11641:17 | 11540:7 | 11623:4,6,17 |
| 11580:22 | 11604:5 | 11642:3,22 | 11550:14 | broader |
| avoid 11600:21 | 11625:10 | 11643:1 | 11551:19,22 | 11626:22 |
| await 11593:4 | basis 11648:23 | bigger | 11567:11 | brought |
| aware 11481:3, | Bay 11478:8,9 | 11537:16 | 11580:19 | 11507:24 |
| 10,21 11490:17 | 11505:2 | bit 11474:8 | 11588:19 | 11535:6 |
| 11515:3,5,9 | 11538:14 | 11485:18 | 11590:13 | 11641:24 |
| 11530:24 | 11569:4 | 11486:15 | 11592:17 | Bruce |
| 11617:8,10,12 | 11607:2 | 11488:20 | 11593:12 | 11474:16 |
| awareness | beamed | 11494:22 | 11606:5,11 | 11475:14,22 |
| 11482:7 | 11513:13 | 11533:20 | 11613:10 | 11493:5 |
| 11575:11,12 | bearing | 11571:1 | 11614:2 | 11575:8 |
| | 11649:9 | 11586:7 | 11623:21,22 | 11591:22 |
| B | Beatty 11486:7 | 11589:8,13 | 11640:25 | 11592:12 |
| back 11513:25 | begin | 11590:5 | 11642:19 | 11602:4,6,7,16 |
| 11516:10 | 11492:22 | 11605:25 | bought | 11640:10,21 |
| 11519:1,17 | 11505:19 | 11618:22 | 11631:4,6 | 11641:23 |
| 11522:18 | 11603:13 | 11623:1 | 11639:9 | built 11545:24 |
| 11524:8 | 11638:18 | 11633:2 | boundary | Bull 11643:17 |
| 11529:18 | beginning | 11641:12 | 11607:15,21,23, | 11644:3,15 |
| 11543:24 | 11474:10 | blank 11624:2 | 24 11608:4 | 11646:7 |
| 11547:13 | 11482:1 | blue 11505:1 | 11609:24 | 11647:16 |
| | 11503:1,2 | body 11593:10 | 11610:21 | 11648:13 |
| | | | 11611:2,7 | Buller 11623:5, |
| | | | box 11538:16 | |
| | | | 11593:11 | |

| | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 7,11 11624:11 | case 11479:17 | chapters | 11544:21 | 11526:11,12 |
| Buller's | 11543:10 | 11631:21 | 11550:18 | clarified |
| 11623:17 | 11559:14 | character | 11551:20 | 11482:11 |
| bullet | 11599:19 | 11517:23 | 11552:16 | clarify |
| 11523:12 | 11637:14 | characterizati | 11559:23 | 11504:15 |
| Bury 11489:6, | 11646:18 | on 11599:5 | choice | 11523:24 |
| 14,21 | cases | charged | 11599:7 | 11576:5 |
| <hr/> | 11623:18 | 11639:4 | chose | Clarke |
| C | Cathy 11504:8 | Charles | 11518:22 | 11586:12 |
| <hr/> | caused | 11476:2 | 11519:20 | 11587:13 |
| Cabinet | 11624:12 | 11623:5,7 | 11631:8 | 11588:3,25 |
| 11553:21 | ceded 11560:4 | chart 11572:5 | Christian | 11589:7,13 |
| 11554:5 | census | check | 11509:19 | clear 11506:2 |
| Cabot's | 11480:6 | 11503:24 | Christianity | 11568:9 |
| 11560:2 | central | 11608:13 | 11551:3 | 11583:8 |
| call 11486:20 | 11543:1 | Chesley | church | 11604:3 |
| 11585:5 | centralization | 11486:21 | 11511:20 | 11638:10 |
| 11636:12 | 11533:2 | 11487:2 | circumstance | 11647:3 |
| 11646:23 | 11541:10,13 | chief 11520:17 | s 11576:24 | clearer |
| called 11510:9 | 11562:10,18 | 11523:1 | 11588:19 | 11581:2 |
| calling | 11564:22 | 11530:17,20 | citation | clerk 11610:12 |
| 11480:12 | centre | 11531:3,15 | 11563:6 | 11629:15 |
| calls 11476:13 | 11531:24 | 11548:14 | 11612:14,17 | close 11548:1, |
| 11541:12 | century | 11553:8 | cite 11610:12 | 2 |
| Canada | 11474:11 | 11586:11 | 11612:5 | closest |
| 11511:20 | 11580:11,12 | 11601:12 | 11618:9 | 11621:11 |
| 11520:13 | 11583:3 | 11605:3,6,7,13 | cited 11529:24 | coast 11558:3 |
| 11537:23 | certainty | 11610:16 | 11573:14 | coin 11483:20 |
| 11559:16 | 11535:7 | 11623:7 | 11627:7 | Coldwater |
| 11564:12 | cessions | chiefs | 11647:23,24,25 | 11529:21 |
| 11578:23 | 11576:21 | 11488:18,22 | civilization | collection |
| 11625:12,25 | challenging | 11520:6 | 11506:21 | 11508:11 |
| 11640:5 | 11521:5,16 | 11530:24 | civilize | 11570:9 |
| Canada's | chance | 11535:23 | 11545:25 | colloquially |
| 11581:6 | 11503:23 | 11538:13 | claim 11505:1 | 11583:19 |
| Canadian | 11595:8 | 11576:13 | 11516:15 | Colonel |
| 11576:18 | 11595:8 | 11586:21 | 11517:3 | 11591:22 |
| canvas | 11621:19 | 11600:20 | 11525:17 | 11592:12 |
| 11639:17 | changed | 11618:19 | 11527:10 | 11602:4 |
| Cape 11560:3 | 11575:6 | children | 11561:21 | 11618:24 |
| careful | Chantry | 11482:2 | 11640:13 | colonization |
| 11603:6 | 11484:20,23 | 11536:4 | claims | 11621:14 |
| carefully | 11487:10 | 11537:10,11 | 11525:1 | 11634:12 |
| 11518:22 | 11488:7,19 | 11561:7 | 11527:6 | Colpoy's |
| carve 11538:6 | 11489:25 | 11568:1 | 11544:20 | 11478:8,9 |
| | 11490:7 | Chippewa | 11642:4 | 11569:4 |
| | chapter | 11544:22 | 11643:6 | |
| | 11627:6,14,15, | Chippewas | clarification | |
| | 21 | 11524:24 | 11482:9 | |
| | | 11525:22 | | |

| | | | | |
|---|--|---|--|---|
| column 11510:6 11521:9,22,23 11522:4,11,12, 15,17 11544:7, 13 | communicati ons 11600:4 Company 11616:23 comparison 11639:18 compel 11537:11,20 compelled 11608:23 compensatio n 11506:17,25 complain 11593:2 11608:23 complained 11604:14 11616:2,11,19 complaining 11539:5 11579:19 11587:9 11597:12 complaint 11586:20 11589:1 11594:9 11601:16 11608:25 11609:5,10 11612:5 11613:16 11614:5,17,23 11615:1 11618:19 11619:12 complaints 11507:13 11593:13 11599:15 11612:1 11615:8 complete 11570:25 completed 11491:10 completely 11483:11 11534:2 | 11563:24 11565:6 11638:10 complicated 11590:5 comprehensi ve 11573:16 11574:17 11575:20 compromise 11541:16 concerned 11481:21 11573:8 11576:14 11577:12 11625:19 concerns 11595:23 conclude 11523:12 11602:25 concluded 11505:6,11,14 11507:14 11508:5 11530:6 11534:5 concluding 11629:15 conclusion 11565:17 11566:3 11573:4,21 11621:5 conclusions 11576:4 11623:17 11626:6 condition 11569:14 conditions 11560:22 conducted 11490:19 confidence 11518:8,10,24 11533:17 | 11597:5 confirm 11513:18 11529:25 11530:13 11544:8 11570:22 11620:13 11621:24 11641:16 11643:8 confirmation 11536:12,22 confirmatory 11535:11 confirmed 11536:18 11565:16 confirms 11513:20 11608:15 confiscated 11590:7 conformity 11507:24 connect 11648:21 connected 11541:19 11626:16 connecting 11621:18 connection 11510:25 11511:7,14 11513:18 11611:3 consent 11491:2 11492:24 11493:24 11495:20 11572:7 11587:8 considerable 11506:18 consideratio n 11522:14,19 11523:3 | 11532:16 11533:10,22 11534:11,19,20 11535:1,2,9 11599:20 considered 11507:8 11532:25 11534:17 11618:13 consistent 11534:2 Constables 11493:5 11501:25 11502:2,4 constitute 11585:8 CONT'D 11474:5 contained 11550:24 content 11526:13 11572:3 11586:14 11599:9 context 11478:14 11488:21 11599:22 11600:16 11607:11 11628:3 11646:22 11647:14 contingency 11603:1 continuation 11510:14 11527:25 11528:1 continue 11482:2,3 11484:1 continued 11555:21 11556:3 11616:25 11618:15 |
|---|--|---|--|---|

| | | | | |
|---------------------------------|---|--|---|--|
| continues 11567:23,24 | 11520:18 11522:8,16 11524:5,16,17 11525:3,4,8 11527:7 11528:15 11529:16 11531:16 11532:5,6,14,17 11534:6,9 11535:24 11539:19,23,24 11540:4,22 11541:18 11544:5 11546:14,15 11550:8,9 11551:7,8 11554:7 11555:20,23 11557:9 11560:6,10,25 11561:22,23 11563:18 11565:4,15 11568:15 11569:5 11576:2 11579:6 11581:20 11586:4 11587:1,24 11591:13 11592:7 11594:14,15 11600:18 11601:13,21 11602:8 11603:9 11605:7,16 11607:3,4,6,24 11608:16 11609:8 11611:15 11615:25 11619:23 11620:19 11623:8 11625:1 11628:20 11630:6,22 11631:14 11633:24,25 11634:22 11636:10 11637:4,19 | 11638:3 11642:20 11644:6,14,17 11645:18 11648:25 correctly 11577:25 11591:3,8 corresponde nce 11486:20 11487:1 11532:23 11562:16 11564:8,16 11621:12 11648:1 Council 11512:7 11514:14 11517:8 11518:23 11519:9 11530:11,14,25 11531:18 11532:7 11533:23 11534:3,23 11535:14 11536:25 11537:6 11545:9 11553:19 11568:19 11573:23 11600:20 11601:12 11610:13 11612:4 11613:16,22 11614:23 11629:10,21 11634:16,25 11635:6 11636:8 11637:4,10 11641:6,24 Councils 11636:3 counsel 11491:18 11495:9 11526:25 11550:8 | 11570:6 11582:8 11585:15 11596:5 11603:5 11604:20 11613:2 11634:21 11647:4 11648:18 11649:1 counsel's 11572:7 countenance s 11513:13 counterpropo sal 11520:6 Counties 11575:8 county 11501:15,18 11627:6,21 11628:10,19,22 11629:10,20 11630:10,14 11631:11,15 11640:9,10,21 11641:6,23 couple 11484:19 11495:18,19 court 11474:3 11475:11,15,19 11477:1 11486:24 11489:11 11491:7,13,17 11492:8,12,15, 20,25 11493:6, 14,18,21 11494:2,5,7,13, 24 11495:7,8, 21,25 11501:23 11502:6,8,19,25 11503:4,7,11, 19,22 11504:3, 18 11505:19 11506:1,4 11510:12 11512:17 11520:24 11521:3,14,19 | 11526:10,16,22 11529:7,9 11543:8,16 11548:16,20,23 11549:3,7 11550:6 11556:15,19 11566:6,10,14, 23 11567:14,17, 22 11570:5,8, 11,17,19 11571:4,16,21 11572:10 11582:7,18 11584:12,15,22 11585:14,17,21 11587:16,21,25 11594:24 11596:5 11597:21,24 11598:23 11599:1,6,11 11603:4,10,12, 21 11604:20 11609:12,14 11610:1,7 11612:8,12,21 11613:1,6 11622:15,19 11625:13 11626:2,9,12,21 11627:14,16 11632:7,9,13 11634:20,23 11635:2 11639:11,21 11646:2,13 11647:3 11648:17,22 11649:1,18 courtroom 11649:8 cover 11550:3 11592:23 create 11547:5,8 created 11504:25 11521:15 11532:4 11533:7 11536:9,19 11541:4,23 11551:6 |
|---------------------------------|---|--|---|--|

| | | | | |
|--------------------|----------------------|----------------------|----------------------|-----------------------|
| 11553:4 | 11530:5 | 11613:5 | 11636:8 | 11553:15 |
| 11560:16 | 11532:20 | 11619:14 | dearest | 11559:6 |
| 11561:15,20 | 11534:7,13 | 11624:2,3 | 11510:23 | 11561:19 |
| 11563:13 | 11539:23 | 11637:4 | December | 11573:8 |
| 11565:18 | 11540:21,23 | 11641:15 | 11561:5 | 11576:17,20 |
| 11566:11 | 11560:22 | dated | declaration | dependent |
| creates | 11569:22 | 11475:22 | 11554:16,22 | 11556:4 |
| 11626:12 | 11575:12,13 | 11479:1 | 11557:9 | depending |
| Creating | 11579:21 | 11485:4 | deed 11557:4, | 11606:9 |
| 11547:20 | 11585:11 | 11489:6,14 | 11 | depends |
| creation | 11586:12 | 11511:21 | deeds | 11493:8 |
| 11523:8 | 11587:9 | 11516:21 | 11531:13 | depopulated |
| 11559:14 | 11588:7 | 11520:14 | deep 11513:18 | 11540:10 |
| credence | 11589:3,15 | 11531:7 | defence | depreations |
| 11532:24 | 11592:2 | 11538:13 | 11540:17 | 11589:2 |
| Credit | 11607:23 | 11540:1 | Defendants' | 11592:3 |
| 11530:11 | 11621:12 | 11548:12 | 11613:2 | Derby 11644:4, |
| 11537:17 | 11634:9 | 11553:19 | define | 8 |
| cross-check | 11641:22 | 11554:16 | 11577:13 | describe |
| 11608:6 | 11643:17 | 11556:9,18 | defined | 11475:11 |
| cross- | 11644:3 | 11557:16 | 11583:22 | 11559:10 |
| examination | Crown's | 11559:1 | defining | 11609:9 |
| 11474:5 | 11541:10 | 11567:6 | 11583:24 | describes |
| 11491:10 | 11546:9 | 11573:6 | delay | 11512:5 |
| 11493:3 | 11548:7 | 11586:12 | 11638:12,25 | 11513:21 |
| 11504:5 | cultivate | 11587:14 | Deliberation | 11514:4 |
| 11626:14 | 11546:1 | 11588:3 | 11492:2 | 11558:10 |
| cross- | 11550:21 | 11591:22 | demand | describing |
| examining | 11623:25 | 11594:21 | 11648:3,9 | 11517:23 |
| 11491:23 | cultivating | 11595:2 | demand | 11559:21 |
| crossed | 11474:24 | 11597:18 | 11639:2 | description |
| 11585:20 | cut 11589:13, | 11598:2 | demonstrate | 11516:17 |
| crowd | 15 11617:9 | 11602:5 | 11562:8 | 11518:25 |
| 11642:19,21 | cutting | 11605:4 | 11564:19 | 11554:1 |
| crowded | 11589:8 | 11610:13 | demonstrate | 11592:20,24 |
| 11537:10 | 11590:21 | 11634:16 | d 11618:15 | 11601:22 |
| 11538:7 | 11593:3 | 11635:6 | demonstrate | 11625:15 |
| crowding | 11594:1 | 11643:16 | s 11537:16 | desire |
| 11537:20 | D | dates 11608:6 | 11538:1 | 11537:24 |
| Crown | data 11574:18 | David 11486:1 | 11621:7 | detail 11576:4 |
| 11483:10 | database | 11556:8,18 | 11622:6 | detailed |
| 11484:11 | 11612:19 | Davidson's | demonstratio | 11579:5 |
| 11486:11 | date 11515:16 | 11627:5,20 | n 11548:5 | detailing |
| 11490:9,10 | 11522:4,13 | day 11485:7 | department | 11569:9 |
| 11507:25 | 11538:21 | 11512:11 | 11479:19 | details |
| 11508:3 | 11548:25 | deal 11490:22 | | 11509:18 |
| 11520:12 | 11549:12,25 | 11491:3 | | 11530:25 |
| 11523:3 | 11554:9 | 11494:14 | | |
| 11529:6,14 | 11612:8,24 | 11649:4 | | |
| | | dealing | | |
| | | 11593:20 | | |
| | | 11601:11 | | |

| | | | | | | | | | | | | | | | | | | |
|--|--|--|--|---|--|----------------------|---|---|----------------------|-----------------------|--|--------------------------|----------------------------|----------------------|-----------------------|--|----------------------------|---|
| determination 11621:24 | 11495:22 11616:4 | 11486:19,22 11487:7 11488:4,16,17 11489:5,8,19 11490:8,15 11492:23 11495:6 11502:14,18,24 11508:16 11510:11 11512:23,25 11513:2 11514:2 11515:16,21,25 11516:18 11517:2,5 11520:13,16 11521:16 11522:10 11531:5 11535:22 11536:5 11538:24 11540:6 11544:10 11548:10,12 11549:4,6,12, 20,21,24 11550:17 11551:13,16 11552:8,21,23 11554:2,14 11555:2,4,10, 13,15,18 11556:10,12 11558:5,18 11559:5,7,8 11561:9,11,18 11562:1,15 11567:10 11568:3,5,17,23 11571:9 11572:12 11578:16 11581:3,15,17 11586:18 11587:22 11588:12,17,21, 23 11590:1,18 11591:1 11593:18 11594:5 11595:15 11596:10 11598:11,17 11602:10,23 | 11603:22 11604:1,21,22 11605:12 11606:2,17 11609:4 11610:18 11612:7,9 11613:9,13 11614:11,13 11615:18 11616:9,13 11617:25 11618:9 11619:14,16 11620:13 11623:15,22 11624:6,8,16 11625:7 11626:10,13 11627:1 11628:14,16 11629:3,17 11633:8 11634:16 11635:5,11,21, 24,25 11636:11, 16 11637:15 11641:2,11 11644:1 11647:1 11648:14 | 11548:15,17 11563:16 11567:19 11570:9 11571:2 11580:11 11594:17 11601:24 11620:18 11646:16 | dodge 11540:18 11541:1,12 | dots 11621:18 | draw 11503:25 11512:3 11531:22 11539:17 | drawing 11476:11 11633:22 11634:3 | drawn 11624:2 | driven 11619:9 | Drysdale 11486:21 11487:2 | Durham 11623:7 | Durham's 11623:3 | <hr/> E <hr/> | e-mail 11649:2 | earlier 11474:9 11489:1 11491:8 11494:22 11514:16 11566:16 11567:18 11618:22 11619:12 | earliest 11641:9 | early 11571:5 11573:6 11616:17 |
| determined 11577:2 | discussed 11495:25 11508:3,7 11563:15,17 11571:25 11614:22 11620:16 11633:11 | | | | | | | | | | | | | | | | | |
| diary 11509:17 11516:12,19 | | | | | | | | | | | | | | | | | | |
| die 11516:8 | | | | | | | | | | | | | | | | | | |
| difference 11541:24 11542:2 | | | | | | | | | | | | | | | | | | |
| differentiated 11580:24 | | | | | | | | | | | | | | | | | | |
| differently 11611:5 | | | | | | | | | | | | | | | | | | |
| difficult 11482:8 11549:24 11578:24 11597:2 11630:13 | | | | | | | | | | | | | | | | | | |
| difficulty 11505:23 11521:15 | | | | | | | | | | | | | | | | | | |
| direct 11618:18 11648:3 | | | | | | | | | | | | | | | | | | |
| directly 11487:18 11510:13 | | | | | | | | | | | | | | | | | | |
| disagree 11532:22 11578:24 11613:2 | | | | | | | | | | | | | | | | | | |
| disagreeing 11548:4 | | | | | | | | | | | | | | | | | | |
| disappeared 11482:6 | | | | | | | | | | | | | | | | | | |
| disappearing 11482:3,8 | | | | | | | | | | | | | | | | | | |
| discouraging 11541:2 | | | | | | | | | | | | | | | | | | |
| discovered 11495:18 | | | | | | | | | | | | | | | | | | |
| discovers 11503:25 | | | | | | | | | | | | | | | | | | |
| discuss | | | | | | | | | | | | | | | | | | |

| | | | | |
|--|--|---|---|---|
| earth 11510:23 | emigrants 11541:8 | ending 11508:19 11512:10 11552:7 11586:16 11613:11 11615:16 11632:24 | 11632:15 | 11516:11,19 11517:7,17 |
| easier 11554:25 | emigrate 11532:10 11533:17 | ends 11503:7 11510:9 11524:21 11532:1 11567:12,25 11593:14 11610:17 11623:24 11628:1 | entries 11551:9 11552:18 | events 11564:7 |
| easiest 11474:19 | emigrated 11542:9 | empty 11630:20 | entry 11510:5 11516:25 11520:22 11522:6,18 11544:1 11552:4 | evidence 11479:15 11481:2 11530:4 11569:22 11573:5,22 11576:12 11584:13,18 11585:16 11596:22 11614:21 11615:8 11620:21,25 11621:1,4,9,23 11622:2 11625:19,24 11626:5 11646:21 11649:4,10 |
| economic 11484:3 11583:14 | empty 11630:20 | enclosures 11572:2 | equipment 11480:16 | |
| economy 11482:13,17,21, 23,24 11483:7 11484:18 | encourage 11483:18,20 11484:2 11631:1 | encroaching 11579:19 11589:18 11611:12,21,22 11616:3,11,20 | error 11554:9 | |
| edited 11631:20 11632:17 | encouraged 11542:10 11564:11,13 | encroachment 11508:19 11509:12 11519:23 11529:2 11608:21 11615:9 | essentially 11519:8 11540:17 11553:20 11613:22 11624:11 11628:21 11644:12 | |
| education 11602:11 | effect 11530:5 11535:4 11547:4,7 11553:11,13 11566:4 11633:22 11634:2 | effectuated 11533:3 | established 11491:8 11565:1 11639:20 | examination 11504:24 11582:22 11613:25 11620:16 |
| effect 11530:5 11535:4 11547:4,7 11553:11,13 11566:4 11633:22 11634:2 | effectuated 11533:3 | effecting 11518:4 | establishmen t 11562:9 | examples 11573:14 11647:23 |
| effecting 11518:4 | effectively 11517:9 | effectively 11517:9 | estimating 11495:23 | Excellent 11613:6 |
| effectively 11517:9 | effects 11543:20 | effects 11543:20 | etcetera 11483:23 11564:23 11590:22 | excerpt 11509:16,17 11516:11 11551:19 11552:10 11558:8 11578:4,7 11623:16 11624:10 11627:5,13,19 11629:13 11631:18,21 11632:14 11633:21 11634:1 11640:24 11641:6,19 11642:17 |
| effects 11543:20 | efforts 11482:16 11488:10 | efforts 11482:16 11488:10 | ethnohistoria n 11646:4 | |
| efforts 11482:16 11488:10 | Egerton 11511:18 | Egerton 11511:18 | ethnohistoria ns 11646:16 | |
| Egerton 11511:18 | elevate 11599:7 | elevate 11599:7 | Euro 11576:18 | |
| elevate 11599:7 | Elgin's 11557:8 | Elgin's 11557:8 | Euro- canadian 11537:18 11575:14 | |
| Elgin's 11557:8 | else's 11583:21 | else's 11583:21 | Euro- canadians 11614:18 | |
| else's 11583:21 | embrace 11551:2 | embrace 11551:2 | Evans 11509:17,23 | |
| embrace 11551:2 | emigrant 11564:10 | emigrant 11564:10 | | excerpted |
| emigrant 11564:10 | | | | |

| | | | | |
|--|--|---|---|---|
| 11555:6 | 12,13,14,15,16, 17,18,19,20,21, 22,23,24,25 | 11612:3 | experiences 11615:2 | extending 11560:22 |
| excerpts | | 11615:12 | experiment 11529:20 | extension 11533:14 |
| 11555:24 | 11500:1,2,3,4,5, 6,7,8,9,10,11, 12,13,14,15,16, 17,18,19,20,21, 22,23,24,25 | 11617:2 | expertise 11639:17 11645:21 11646:4,12,23 | extensive 11620:17 |
| 11562:7,20 | 11501:1,2,3,4,5, 6,7,8,9,10,11, 12,13,14,17,20, 22,25 11502:2, 4,10,14,15,17, 21,23 11503:1,3 | 11618:22 | expired 11616:4,7 | extent 11480:21 11483:3,4 11484:16 11586:8 |
| 11574:17 | 11504:21 | 11620:7,8 | explain 11571:13 | extract 11580:22 |
| 11642:2 | 11505:20,24 | 11623:2 | explaining 11641:21 11642:15 | extracting 11583:14 |
| exchange | 11508:10 | 11627:13,18,19 | explains 11589:7 | extrapolate 11511:11 |
| 11601:15,25 | 11509:16 | 11632:6,8,14 | explanation 11600:6 | extremely 11578:21 |
| 11615:6 | 11511:18 | 11633:12 | explanations 11599:24 | eyes 11513:11 11514:22 11515:2 |
| exchanges | 11515:15 | 11634:19 | explicit 11527:4,12,14 11563:25 11565:2,7,12 11590:11 11638:4 | <hr/> F <hr/> |
| 11604:5 | 11516:11 | 11635:3,4 | explains 11485:10 11528:16 | face 11533:25 11566:15 11625:5 |
| excludes | 11519:2 | 11640:3,20 | explanation 11600:6 | facilities 11624:19 |
| 11485:10 | 11520:10 | 11643:16 | explanations 11599:24 | fact 11481:22 11488:18 11506:21 11537:19 11541:8,11 11551:25 11553:4 11569:13 11599:3 11608:1 11645:24 |
| excludes | 11523:7 | exhibited 11476:25 | explicit 11527:4,12,14 11563:25 11565:2,7,12 11590:11 11638:4 | failure 11569:23 |
| excludes | 11524:8,11 | exhibits 11491:1,4,5 11492:24 11493:13 11494:4,21 11495:3,5 11502:17,23 11503:18 11570:22 11571:13 11572:3,13 11615:6 | explicitly 11485:10 11528:16 | fair 11481:17 11488:12,13 11490:12 11515:2,3,8 11518:25 11533:20 |
| exclusive | 11530:9 | existed 11561:24 | express 11485:14 11551:5 | |
| 11568:22 | 11538:12,15 | existence 11562:2 | expressed 11574:21 | |
| 11569:2 | 11539:25 | existing 11494:21 | expressing 11575:6 11595:23 11600:8 | |
| Excuse | 11543:6,21 | expand 11479:8 | expressly 11525:7,15 11546:7 | |
| 11549:15 | 11548:18 | expect 11484:12 11547:10,16 11562:1 11578:19 11649:7 | extended 11532:8 11535:14 11557:17 11585:6 | |
| Executive | 11549:2,8,9 | expectation 11512:10 | | |
| 11553:19 | 11553:17 | expected 11494:23 11589:9 11638:2 11649:5 | | |
| 11610:13 | 11554:15,20,21 | expecting 11593:4 | | |
| 11612:4 | 11556:14,16,17 | | | |
| 11613:16,22 | 11557:16 | | | |
| 11614:23 | 11558:25 | | | |
| exhibit | 11560:14 | | | |
| 11475:8,10,20, 21,25 11476:20, 25 11477:2,3,17 | 11567:1,4 | | | |
| 11478:24 | 11570:8,15,24 | | | |
| 11480:1 | 11571:24 | | | |
| 11484:22,25 | 11572:6,8,21,23 | | | |
| 11486:23,25 | 11576:8 | | | |
| 11487:1,22 | 11578:4 | | | |
| 11489:10,12,13 | 11580:7 | | | |
| 11491:24,25 | 11587:17,20 | | | |
| 11492:1,3,5,7, 16 11496:7,8,9, 10,11,12,13,14, 15,16,17,18,19, 20,21,22,23,24, 25 11497:1,2,3, 4,5,6,7,8,9,10, 11,12,13,14,15, 16,17,18,19,20, 21,22,23,24,25 | 11588:1,2 | | | |
| 11498:1,2,3,4,5, 6,7,8,9,10,11, 12,13,14,15,16, 17,18,19,20,21, 22,23,24,25 | 11591:21 | | | |
| 11499:1,2,3,4,5, 6,7,8,9,10,11, | 11594:23,25 | | | |
| | 11595:1 | | | |
| | 11597:20,25 | | | |
| | 11598:1 | | | |
| | 11602:3 | | | |
| | 11604:16 | | | |
| | 11605:2 | | | |
| | 11609:2 | | | |
| | 11610:11 | | | |

| | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|
| 11574:12 | 11626:7 | 11574:20 | focus | Francis |
| 11575:9 | favourable | 11579:25 | 11508:22 | 11512:9 |
| 11588:25 | 11599:20 | 11612:18 | 11530:2 | fraud 11640:12 |
| 11599:5,15 | favouring | 11619:23 | folks 11579:19 | free 11633:10, |
| 11619:6 | 11625:23 | 11620:13 | 11581:13 | 14,21 11634:2, |
| 11624:13 | 11626:6 | finding | follow | 5,9 11636:5 |
| 11625:23 | fear 11536:25 | 11620:24 | 11481:4,23 | 11638:1,5 |
| 11637:23,24 | 11537:7 | fine 11488:3 | 11493:8 | Friday 11531:7 |
| 11642:1,25 | 11538:2,3,5,8, | 11516:21 | food 11475:2 | friend |
| 11643:4 | 10 | 11526:14 | 11479:22 | 11504:23 |
| falls 11646:11 | February | 11566:23 | Force | 11614:5 |
| familiar | 11474:17 | 11612:23 | 11631:20 | 11620:16 |
| 11477:21 | 11475:14,22 | 11639:23 | 11632:16 | 11625:21 |
| 11508:13 | 11481:8 | finished | forever | friends |
| 11554:17 | 11506:10 | 11476:10 | 11509:11 | 11567:12 |
| 11555:4 | 11613:25 | 11478:13 | 11519:22 | 11571:25 |
| 11559:2 | feel 11585:24 | 11479:11 | 11528:17 | friends's |
| 11567:5 | Feliciant | 11559:20 | forgive | 11492:23 |
| 11623:10 | 11495:15,16,24 | 11624:9 | 11582:3 | front 11502:8 |
| 11626:10 | 11496:2 | 11628:17 | form 11567:17 | 11533:6 |
| 11627:3,10 | 11503:12,15 | finishing | 11583:14 | 11610:3 |
| 11631:23 | 11565:25 | 11648:22 | formal | 11626:8 |
| 11644:7 | 11566:6,9,13,21 | firm 11621:24 | 11533:13,18 | frontiers |
| families | 11582:3,16 | fish 11484:1 | 11560:18 | 11578:11 |
| 11644:20 | 11584:14 | 11551:22 | 11564:25 | frozen |
| 11648:3 | 11585:17,19,23 | 11616:25 | 11566:4 | 11604:19 |
| farm 11474:10 | 11598:22,23,24 | fisheries | formality | full 11475:7 |
| 11585:4 | 11599:2 | 11616:20 | 11562:8 | 11520:16 |
| 11617:7 | 11614:6 | 11619:5,7,8 | formalized | 11543:9 |
| farmers | 11625:18 | fishery | 11542:23 | future 11543:1 |
| 11629:1,4 | 11639:10,11,12 | 11616:3,12 | 11562:5,14 | 11624:22 |
| farming | 11645:19 | fishing | 11563:23 | |
| 11475:4 | 11646:13,14 | 11481:5,24 | formally | G |
| 11476:13,17 | Feliciant's | 11482:22 | 11565:17 | gain 11518:8,9, |
| 11477:13 | 11626:15 | 11483:6,18,19 | 11566:11 | 23 |
| 11478:21 | felt 11608:22 | 11484:4,5 | forward | Gale 11629:15 |
| 11479:13 | field 11502:10 | 11551:15 | 11491:16 | gaps 11578:10 |
| 11480:13,15,19, | figure | 11578:1 | 11520:4 | Garafraxa |
| 22 11483:15 | 11570:13 | 11589:10 | forwarding | 11633:14 |
| 11584:21 | final 11486:8 | 11590:10 | 11589:1 | Gates' 11640:4 |
| farms 11584:4 | 11581:7 | 11591:18 | found 11571:8 | gather 11475:2 |
| father | finally | 11615:24 | 11573:15 | 11570:18 |
| 11509:10 | 11641:21,24 | 11616:22,23 | 11575:23 | gave 11481:2 |
| 11536:2,3 | Financial | 11617:4 | 11621:4,11 | gears 11570:4, |
| 11542:18 | 11576:11 | five-minute | foundation | 6 |
| Father's | find 11487:10 | 11543:10 | 11639:19 | |
| 11523:17 | 11495:16 | fixed 11535:6 | fourth | |
| 11525:2,19,25 | 11556:21 | flip 11572:22 | 11494:12 | |
| favour | 11570:24 | floor 11641:25 | | |
| 11624:12 | | | | |
| 11625:16,20 | | | | |

| | | | | |
|---|---|---|--|--|
| general 11478:17,19 11489:22 11523:8 11529:16 11530:10,14 11532:7,21 11533:7,22,23 11535:13,17 11536:10,19,25 11537:6 11541:4,23,25 11542:17,22 11547:5,8 11551:6 11552:23 11553:4,19,21 11555:25 11558:20 11559:15 11560:16,21 11561:14,19,24 11562:4,9,25 11563:12,15,20 11564:20,21,23 11565:1,18 11566:11 11569:11,25 11578:21,25 11579:2 11592:13 | giving 11507:2 11566:2,3 Gleneig 11511:21 Glenn 11631:20 11632:17 good 11474:6, 7 11491:20 11504:6,7 11505:18 11526:6 11529:9 11572:17,18 11584:7 11621:19 11622:12 11640:15 Google 11571:10 government 11483:16,18,25 11484:6 11531:19 11532:1,16 11533:1,11,15 11534:11,17,19, 21 11535:7 11542:7 11546:2 11547:2 11563:23 11568:13 11579:13 11605:4,15 11609:1 11620:22 11623:24 11648:5,10 Government's 11562:6 Governmental 11484:16 governor 11531:25 11545:13,15 11553:19,21 11564:23 Governor-in-council 11639:7 | grammatical 11635:16 grant 11590:22,23 11624:21 11636:5 11638:1,5 granted 11590:17 11591:4 granting 11625:4,17 grants 11633:10,14,21 11634:2,6,7,10, 12 Graves 11493:4 great 11478:11 11509:9 11523:17 11525:2,19,25 11542:18 11544:22 11545:9 11578:5 11596:8 11605:21 11606:12,21 greater 11510:10 11533:16 green 11478:10 11505:13 11538:16 11540:7 11553:24 11556:25 11581:9 11593:11 11629:16 Grey 11493:5 11501:15,18 11575:8 11627:6,20 11628:10,19 11629:10,20 11630:10,14 11631:11,15 11641:23 | grounds 11589:10 groups 11533:17 11552:19 11564:11 11648:2 growing 11584:5,8 guarantees 11555:21 Guardian 11509:20 Guelph 11592:6 guess 11518:7 11542:3 11548:4 11556:21 11611:2 11626:15 Guirguis 11491:11,15,20 11492:10,13,17, 21 11493:1,11, 16,25 11494:1, 9,14,15 11502:6,7 11503:12,14,23 11504:2,4,5,8, 20,22 11505:22, 25 11506:3,5 11510:16,18 11512:19 11513:4 11521:1,7,10, 18,20,21 11526:14 11527:2,3 11529:8,12,13 11543:3,13,17, 18 11546:5 11548:19,22,24 11549:5,11,17, 18 11550:9,11 11556:13,22,23 11566:15,22,24 11567:16,21,24 11568:7 11570:7,10,16, 18,21 11571:14, 18,22 11572:15, | 16 11582:9,17, 24 11584:19 11585:2,16 11586:4,6 11587:18,24 11588:5 11593:7 11594:22 11595:4 11596:6,13 11597:19,22 11598:4 11599:6,10,12 11600:2 11603:9,11,24 11604:4,17,22 11605:1 11607:1 11609:13,18 11610:2,6,9 11612:10,16,25 11613:4,7 11614:9,15 11620:14 11622:11,16,20, 24 11625:15 11626:2,4,11, 17,24 11627:2, 12,15,22 11628:7 11632:5,19 11634:18,22 11635:1,8 11637:1 11639:21,23 11640:1 11646:2,3 11647:9,12 11648:20,25 GWEN 11474:4 <hr/> H <hr/> half 11494:10, 16 11505:12 11593:12,23 11598:13 11644:11 handwritten 11549:20,21 11550:17 11571:9 |
|---|---|---|--|--|

| | | | | |
|--|--|---|--|---|
| handy 11491:19 | heard 11490:1 11526:23 11527:22 11567:18 11581:5 11584:15,19 11625:24 11648:10 | historical 11509:21 11524:4 11534:3,22 11580:11 11625:11 11632:2 11646:5,6 11647:15 | 11599:10 11604:17 11612:18 11614:6 11622:11,20,21, 23 11625:18 11626:4 11627:12 11632:5 11634:18 11639:10,23 11645:20 11646:3 11647:9 | ideal 11495:21 |
| hang 11495:14 | heavily 11542:8,12 | History 11627:6,20 11631:19 11632:16 11640:21 | hopes 11513:12 | identified 11544:15 11547:10 11587:21 11595:19 11596:19 |
| happened 11514:14,16 11577:11 | heightened 11575:17 | hold 11543:1 11630:21 11642:12 | hoping 11587:17 11630:21 | identities 11579:6 |
| happening 11537:23 11562:13 11564:1 11601:19 11647:15 | held 11530:11 11545:9 11569:15 11575:4 11576:23 11628:22 11629:21 | holding 11630:20 | host 11591:5 | idiom 11517:13,18 |
| Harrison 11594:18,21 11595:2,20,22 11596:1,3,17,20 11597:13,18 11598:2,19 11599:14 11600:10,24 11601:3,10 | helpful 11628:12 | home 11537:21 | House 11605:4 | illegal 11579:4 11585:4 11621:2 |
| Harrison's 11599:19 | Hepburn 11631:21 11632:18 | homes 11545:24 | huge 11506:23 | illegally 11637:11 11643:7 |
| He'll 11503:24 | Hereditary 11605:6 | honour 11490:24 11491:20 11492:21 11493:20 11494:1,4 11495:1,17 11502:7,13 11503:10,14,21 11504:2,4 11521:20 11526:15 11527:2 11543:3,13,17 11550:10 11556:13,22 11565:25 11566:9,21,22 11568:21 11570:7 11571:18,22,23 11572:15 11582:3 11584:14 11586:5 11587:18 11594:22 11596:7 11597:19 11598:22 | hunt 11484:1 | illicit 11595:23 |
| head 11506:14, 20 11507:8 11508:23 11514:11,17 11515:3,9 11517:9 11518:2,14 11519:9,20 11524:15,23 11535:5 11560:2,5 11561:6 11563:4 11586:2 11623:12 | hesitant 11597:5 | | hunting 11481:2,5,24 11482:12 11483:1,6,10,18 11484:4,5,12 11552:1 | image 11520:20 11567:10 11629:13 |
| Head's 11514:20 11517:23 | hesitate 11514:16 11534:15 | | Hurd 11560:3 | images 11503:24 |
| heading 11479:4 11576:10 11602:24 11628:11 | hesitating 11629:22 | | Hurlburt 11515:15,17 11516:6,9 | immediately 11566:8 |
| hear 11539:10 11540:9 11606:24 | high 11648:18, 20 | | Huron 11505:2 11509:18 11522:1 11545:23 11559:25 11616:23 11640:9 | implication 11562:12 |
| | high-ranking 11534:7 | | hurry 11572:13 | implicit 11564:1,2,19 11565:9,14 |
| | highlighted 11510:4 11520:21 11536:3 11540:7 11552:6 11567:11 11568:20 11623:20 | | | implied 11523:21 11541:19 11542:24 11562:4 11563:12,19 |
| | historian 11566:2,17 | | | implies 11488:11 |
| | | | | imply 11535:10 |
| | | | | importance 11648:19,21 |
| | | | | important 11482:23 11483:8 11484:5 11518:15 11541:15 |

| | | | | |
|---------------------|-----------------------|-----------------------|-----------------------|------------------------|
| 11572:11 | increasing | 11616:20 | intention | invitations |
| impression | 11575:7 | 11618:17 | 11562:6 | 11564:18 |
| 11514:15 | 11577:3 | 11620:2 | interest | invite 11540:24 |
| improved | incur 11638:15 | indicating | 11488:7 | 11613:1 |
| 11640:16 | independent | 11649:3 | 11638:15,17 | inviting |
| improvement | 11560:4 | indication | 11639:1,3 | 11540:14 |
| 11510:10 | Indian 11479:1 | 11540:13 | interested | ipads 11604:23 |
| in-chief | 11487:10 | 11589:21 | 11476:6 | island |
| 11481:2 | 11508:11 | Indigenous | 11518:2,3 | 11484:20,23 |
| 11504:24 | 11517:13 | 11533:17 | 11520:7 | 11485:14 |
| 11506:9 | 11520:12,18 | 11564:11 | interject | 11487:11,19 |
| 11613:25 | 11523:2 | individual | 11488:15 | 11488:7,11,19, |
| 11620:17 | 11531:15 | 11631:5 | 11566:1 | 23,25 11489:25 |
| inch 11610:4 | 11532:4,9 | 11646:19 | interpret | 11490:7 |
| incidents | 11535:15 | individuals | 11517:25 | 11509:1 |
| 11573:9 | 11553:8,14 | 11536:24 | 11597:3 | 11523:20 |
| 11580:21 | 11557:18 | 11537:5 | interpretation | 11527:6 |
| 11613:17 | 11558:23 | 11601:11 | 11482:17 | 11528:7 |
| 11641:1 | 11559:5,8 | 11644:24 | 11523:25 | 11542:8 |
| include | 11561:18 | 11645:12,25 | interpreted | 11544:23 |
| 11475:15,16 | 11573:8 | 11647:18 | 11533:13 | 11545:21 |
| 11507:6 | 11576:16 | 11648:1,2 | 11534:1 | 11546:8 |
| 11535:24 | 11580:22 | inefficiency | interpreter | 11550:20,23 |
| 11570:23 | 11589:18 | 11618:16 | 11517:25 | 11551:7 |
| 11572:1 | 11592:13 | 11621:7 | interpreting | 11561:2,14 |
| included | 11606:20 | inform | 11614:17 | 11562:7,10 |
| 11506:17 | 11608:18 | 11645:5 | interprets | islands |
| 11615:1 | 11611:8 | information | 11613:16 | 11485:11 |
| includes | 11621:16 | 11587:19 | 11646:6 | 11525:1,18 |
| 11598:5 | Indians | informed | intruders | 11545:2,10 |
| 11602:19 | 11487:16 | 11553:10,13 | 11591:6 | 11558:2 |
| including | 11510:8,21 | inquire | intrusion | 11587:1 |
| 11577:13 | 11512:11 | 11611:22 | 11615:3 | 11615:24 |
| inclusion | 11517:10 | installments | intrusions | 11616:22 |
| 11507:10 | 11523:18 | 11593:21 | 11612:1 | issue 11541:7 |
| incomplete | 11525:2 | instance | 11615:4 | 11557:6 |
| 11578:20 | 11526:1 | 11589:17 | invested | 11563:11 |
| 11597:4 | 11527:15 | instructions | 11542:7,11 | 11574:24 |
| inconsistent | 11528:14,19 | 11593:5 | investigate | 11604:13,18 |
| 11541:3,6 | 11531:12 | intend | 11479:1 | 11607:19 |
| incorrect | 11544:25 | 11493:15,17 | investigated | 11610:22 |
| 11609:23 | 11545:16 | intended | 11574:23 | 11611:6 |
| incorrectly | 11551:2 | 11599:7 | investigating | 11612:22 |
| 11526:24 | 11557:4,13 | intent 11482:5 | 11559:8 | 11619:25 |
| increased | 11558:12,17 | 11526:8 | investment | 11628:5 |
| 11575:10 | 11564:5,10 | 11634:12 | 11542:9,13 | issued |
| | 11579:18 | | | 11488:19 |
| | 11593:2 | | | 11622:2 |
| | 11595:18 | | | issues |
| | 11596:19 | | | 11503:12,17,25 |
| | 11597:12 | | | 11579:9,11 |
| | 11600:11 | | | |
| | 11601:10,18,20 | | | |
| | 11615:17 | | | |

| | | | | |
|---|--|--|---|--|
| items 11543:5 | Jones 11618:24 | kinds 11484:3 11538:6 11579:9 | 11576:18,21 11578:5 11580:18 11581:21 11582:6 11583:2,4,8,15 11584:4 11586:12 11592:2 11605:15,22 11606:14,21,23 11607:7 11608:18 11610:23 11621:12 11624:12,23 11625:4,6,16, 17,19,22,24 11629:1,6 11630:10,14,20 11631:4 11633:10 11634:2,6,10 11636:13,21 11637:3 11640:4,25 11641:17,22 11642:3,22 11643:1 11646:8 | 11595:20 11596:21 11600:25 11603:19 11608:15,16,17 11611:7,9,23 11614:19 11623:6 11631:12 11637:17,22 11639:8 11640:11 11641:23 11642:10 11643:7,17 11644:3,4,16 11648:4,6,9 |
| iteration 11548:6 | journal 11476:22 11477:4 | King 11522:22 | | |
| <hr/> J <hr/> | joy 11513:13 | Kingston 11605:4 | | |
| J.H. 11587:13 11588:3 | July 11487:23 11520:14 11523:5 11547:22 11548:13 11549:1,10,13 11550:1 11553:20 11610:13 11612:20,25 | knew 11517:14,19 11520:2 | | |
| Jack 11585:22 | | Kniles 11477:19,20,23 | | |
| Jacobs 11485:23 | | knowing 11533:18 | | |
| January 11530:12 11531:8 11618:23 11638:18,21,22, 25 11639:4 | | knowledge 11578:10 | | |
| Jarvis 11520:11,17 11523:1 11531:10,14 11532:13,19 11533:8 11535:2,8 11543:23 11546:7 11547:17 11548:12 11549:1,9 11552:10,14 11553:3 11559:21 11610:11,21 11611:10 11613:21,23 11614:22 | jump 11492:18 11504:12 | Koong-wah- wis 11616:18 | | language 11517:13,19 11518:3 11527:8 |
| | jumping 11585:22 11617:18 | Kribs 11477:19,24 11478:22 | | large 11507:16 11624:13 11628:22 11629:6 11630:9,20 11631:3,16 |
| | June 11476:22 11477:4 11538:13,22 11554:16 11605:5 11641:7 | <hr/> L <hr/> | | late 11615:16 11616:17 11618:16 |
| | June/july 11501:18 | label 11544:6 | | late 11615:16 11616:17 11618:16 |
| | Justice 11611:14 | labelled 11504:21 11522:11 | | Laurence 11568:17 |
| | <hr/> K <hr/> | Lake 11505:2 11509:18 11521:25 11545:23 11559:25 | | law 11613:12 |
| Jarvis's 11609:6 | Keating 11487:23 11488:6 | land 11474:24 11476:14 11478:16 11485:14 11506:23 11507:16 11513:14,23 11514:6 11515:4 11516:5,8 11538:19 11539:9,12,16, 19 11546:2 11557:5,12,18 11558:2 11573:13 11575:3,22 | landholders 11624:13 | lawyer 11566:3 |
| job 11621:13 | keeping 11591:5 | | lands 11478:6 11490:19 11505:15 11518:16 11520:3 11523:4 11528:18 11529:1 11537:1,7 11539:6,14 11540:15,21 11552:1 11554:5 11568:10 11575:8 11576:15,23 11577:4 11580:22 11586:21,25 11588:7 11589:3,18 11593:3,21,23 11594:1,2,7 | lawyers 11504:9 |
| John 11486:7 11509:17 11578:5 11586:12 11587:13 11588:2 11591:21,23 11594:20 11595:1 11598:1 11600:7 11621:12 | Kennedy 11589:2,7,12 11591:4 | | | leaders 11481:20 |
| | kind 11478:24 11543:1 11562:12,18 11563:23 11600:22 11603:16 11637:11 | | | leading 11530:25 |
| | | | | leads 11600:6 |
| | | | | learned 11490:10 |
| | | | | lease 11488:19,25 |
| | | | | leased 11616:22 |

| | | | | |
|---|--|---|---|---|
| leave 11537:12,20,24 | 11592:20,25 11593:10 11594:20 11595:1,6 11596:1,8 11597:3,17,21, 22 11598:1,6,15 11599:9,13,17 11600:8,23 11601:1 11605:3,10,13 11607:17 11608:2,5 11610:11 11618:22,24 11643:16,20,24 11645:22 11646:6,21,25 11647:2,5,25 | 11562:18 11614:21 11647:1 | 11583:18,19 | 11519:9 11520:6 11524:15 11525:22 11526:6 11527:23 11544:24 11587:20 11589:25 11590:4 11591:11 11599:4,24 11600:10 11633:13 |
| leaving 11515:1 11566:25 11584:2 11611:23 | | Lillian 11640:4 | looked 11516:12,20 11519:5 11544:2 11563:3 11571:23 11574:9 11604:6 11612:12 11617:20 11621:6 11646:5 | Madwayosh 11530:21,23 11586:11 |
| led 11480:16 | | limitations 11626:13 | Lord 11489:6, 14,21 11511:20 11557:8 11623:3,7 | magistrate 11611:13 |
| left 11485:22 11504:16,17,18, 19,20 11558:8 11628:1 11629:7 11632:22 | | lines 11588:16 11593:1 11595:6,16 11624:17 11632:2 | lose 11516:4,8 11589:24 11590:3,9 | main 11523:3 11564:10 |
| legal 11523:25 11566:3 11580:17 11585:15 11586:1 | lettered 11502:15,21 11572:8 | list 11491:5 11493:2 11494:15 11501:20,22,25 11502:2,4,9,14, 17,23 11547:20 | lot 11521:4 | Majesty 11522:21 11545:1,18 |
| legible 11521:6 11635:17 | letters 11556:20 11579:8,18 11601:16 11604:6 | listed 11504:10 | lots 11521:5 11640:15 11642:6 11643:2 | Majesty's 11544:25 11561:7 |
| lend 11532:24 | letting 11526:25 | lists 11492:23 11493:9,19 | Ludwick 11477:18 | major 11559:5 11628:4 |
| length 11495:13 11582:13 | licence 11589:9 11590:10,16 11591:4,11,18 11615:24 11616:4,7 11617:6 | litigation 11620:18 | lunch 11570:12,14,20, 22 11571:4,16 | make 11475:10 11486:5 11489:9 11491:1 11525:1,18 11533:8 11537:6 11541:23,24 11542:1,4 11549:25 11554:25 11561:21 11581:2 11582:15 11584:23 11589:8,14 11590:11 11595:14 11596:7 11621:24 11634:19 11639:18 |
| lengthy 11492:25 11493:10 11563:2 11603:14 | licensed 11618:3 | live 11528:25 11546:10 | M | |
| lenient 11639:7,16 | lies 11509:5 11511:8 11525:12 11527:11 11528:8 11545:22 | local 11587:9 | Macauley 11558:23 11559:2,13,20 11560:8 11561:14 11562:22 11563:8 | |
| letter 11474:16 11475:13,21 11477:18 11478:10 11487:22 11488:3 11489:6,14,18 11495:5 11511:18,22,24 11515:15 11540:1,13 11556:8,12,17 11586:11,14,16 11587:7,13 11588:2,10,14 11589:23 11590:6 11591:15,19,21 | Lieutenant 11545:11 | locate 11619:1 | Macauley's 11559:19 11560:12,15 11561:1 | |
| | life 11481:5,24 11538:6 | located 11613:4 | mad 11640:11 | |
| | life[11481:25 | locating 11620:1 | madam 11503:20 | |
| | light 11505:13 11533:20 | location 11505:21 11541:13 11620:2 | made 11486:23 11506:14 | |
| | | locations 11579:6 | | |
| | | log 11486:20 11487:1 | | |
| | | logic 11578:18 11579:14 | | |
| | | long 11476:5 11494:8 11495:18 11534:20 11584:17 | | |
| | | longer 11481:4,22 | | |

| | | | | |
|--|--|---|--|--|
| makes 11510:9 11526:20 11582:10 11604:3 11611:20 | mark 11493:15 11495:2,5 11543:5 11550:15 | 11591:21,23 11592:6 11594:12,20 11595:2 11597:17 11598:2,19 11600:7,24 11601:3,9 11602:1 | 11569:10,21 11590:8 11595:22 11608:25 11636:7 | 11646:19 |
| making 11483:14 11517:24 11535:10 11536:20 11578:6 11634:9 | marked 11505:1 11515:22 11516:14 11517:2 11531:23 11538:16 11548:17 11553:24 11554:23 11556:14,24 11561:4,5 11581:9 11592:17 11593:11 11598:13 11610:16 11629:16 11640:24 | Mcnabb 11485:15 11486:21 11487:2,9,15 11488:1,10,11, 19,22 11489:7, 14,25 11490:6, 11,22 11540:1, 18,20 11541:7, 11 | mentioned 11562:24 11585:24 | minute 11604:20 |
| man 11606:19 11616:18 | managed 11490:8 | Mcnabb's 11488:7 11540:19 | mentions 11593:20 | minutes 11495:2 11530:10,16 11531:6 11570:12 11571:5,6 11641:6 |
| Manitoulin 11509:2,21 11513:9 11523:20 11529:6,15,19 11530:1 11540:9 11541:9,16,17, 22 11542:8,12, 16,21 11544:15, 23 11545:10,20 11546:8 11547:12,14 11550:19 11551:6 11561:2,13,20 11562:6,10,14, 19 11563:13,15 11564:5,8,14 | marks 11505:2 11524:22 | means 11484:13 11579:4 11596:21 11631:12 11642:12 | mere 11586:7 | miserable 11480:13 |
| map 11504:16, 25 | material 11491:1 | meant 11565:11 | Methodist 11509:23 11511:19 11515:17 | missed 11516:17 |
| Maps 11492:6 | matter 11491:4 11492:22 11493:7 11533:10 11534:18 11586:17 11601:10 11641:24 | meantime 11644:21 | Metigwob 11530:17,23 11531:2 11586:11 | missing 11572:6 11635:15 |
| March 11486:21 11487:3 11489:5,7,15 11490:4 11602:5 11643:16 | matters 11626:23 | measure 11562:14 11591:5 11611:20 | microfilm 11597:8 | mission 11509:18 |
| margin 11561:5 | Mccalla 11581:6,20 | memory 11606:7 | microphone 11610:3 | missionaries 11507:14 |
| marginal 11558:8 | Mcgregor 11615:21 11616:19,24 11617:6 11618:6,12 11619:3,19,20, 23 11620:1,9,23 11621:2,10 11622:3,6 | men 11538:18 11539:7,11,13 11605:19 11606:12,22 11608:17 11615:23 | mid-1850s 11482:25 | missionary 11478:7 11485:24 11486:2 11509:24 11515:17 11516:3 |
| | Mcgregor's 11621:20 | meantime 11644:21 | mid-19th 11474:11 11580:11,12 11583:3 | mistake 11554:12 |
| | Mclean | mention 11519:4 11527:5 11551:5 11552:22 11561:14 11562:20 | middle 11520:21 11522:18 11544:1 11552:5 11557:1 11619:2 | Modern 11578:6 |
| | | | Mile 11505:12 11593:23 11644:11 | modify 11599:8 |
| | | | miles 11558:3 | moment 11490:13 11543:4,7 11555:5 11566:22 11603:25 11605:10 11612:18 11619:1 11622:22 |
| | | | million 11550:24 | moments 11491:12 11516:12,20 |
| | | | mind 11529:6, 15 11585:20 11604:21 11610:2 11616:14 11641:17 11645:21 | Monday 11572:9 |

| | | | | |
|--|---|---|---|--|
| money 11639:1 | narrowly 11614:17 | 11528:8,25 11545:22 11623:4,6,18 11644:4 | 11633:17 numerous 11564:18 | 11574:7 11577:11 11581:8 11591:22 11592:17 11594:21 11595:3 |
| months 11486:18 11490:11 11540:2 11581:22,25 11582:6,11 11583:7 11584:9,10 11648:11 | Nation 11481:20 11482:16 11506:15,22 11564:17 11618:19 | note 11550:6 11558:8 11559:13 11574:16 11575:19 11619:19 | <hr/> O <hr/> | |
| Morin 11643:18 | Nations 11481:3 11528:24 11533:1 11546:9 11556:4 11569:24 11573:7 11575:14 11577:1,6 11579:8 | noted 11504:11 11508:2 11563:19 11582:18 11629:9 | object 11624:21 | odd 11571:8 |
| morning 11474:6,7 11491:21 11504:6,7 11585:24 11649:2,3 | nature 11517:23 11579:3 | noting 11476:12 11632:9 | objection 11506:19 11626:15 11649:4 | oddities 11572:12 |
| motion 11641:24 11642:15 | Nawash 11576:11,13 | notion 11532:25 11542:23 11562:3 | obliged 11585:25 | offenders 11602:1 |
| motivating 11536:24 11537:5 | nearby 11631:13 | November 11501:21,24 11557:16 11568:18 11597:18 11598:3 11634:17 11635:7 | observed 11596:22 11599:13 11619:19 | offer 11523:25 |
| motivation 11538:6 11577:6,8 11641:21 11647:1 | necessarily 11548:6 11566:17 11571:11 11579:5 11620:6 | noting 11476:12 11632:9 | observes 11598:21 | office 11490:1 11649:2 |
| motivations 11576:11 11646:17 | Nawash 11576:11,13 | noting 11476:12 11632:9 | obstacles 11625:5 | official 11532:20 11533:15 11534:8 11540:23 11620:22 |
| move 11484:19 11519:24 11522:3 11524:19 11564:13 11639:24 | nearby 11631:13 | noting 11476:12 11632:9 | obtains 11625:5 | officials 11484:16 11529:6,14 11530:5 11533:1 11534:13 11587:10 11637:9 11648:10 |
| moved 11505:23 | necessity 11537:24 | number 11475:25 11485:21 11490:8,25 11493:9 11495:6 11508:23 11521:24 11522:18 11531:23 11544:2,7,16 11555:3 11559:25 11574:18 11642:8 11647:25 | obtain 11590:9 11642:12 | Ojibwas 11479:5 |
| moves 11584:6 | negative 11480:7 | numbers 11502:9,12 11503:1 11575:21 | obtained 11520:12 11615:23 | Ojibway 11482:16 11484:18 11506:22 11507:15 11508:4,24 11513:7 11515:4,10,18 11516:3 11518:16 11519:25 11527:9 11528:14,20 11530:4,9 11532:19 11535:13,16,24 11536:8,9 11538:13 11539:4 |
| <hr/> N <hr/> | negotiated 11507:6 | | obtaining 11624:21 | |
| named 11594:17 11616:18 | negotiation 11510:14 | | occupation 11558:11,16 11568:22 11569:3 11579:4 11621:3 | |
| | neighbourhood 11589:3 | | occupied 11580:18 | |
| | nodding 11586:2 | | occupy 11545:19 | |
| | north 11509:5 11511:8,14 11523:23 11525:12 11527:11 | | occupying 11550:20 11643:7 | |
| | | | occurred 11547:21 | |
| | | | October 11485:4 11573:24 | |

| | | | | |
|---------------------|-----------------------|---------------------|-----------------------|---------------------|
| 11540:14 | operating | 11507:25 | 11560:2 | 11478:2 |
| 11551:25 | 11580:1 | 11625:5 | 11569:3 | 11479:6 |
| 11552:11,15,19 | operation | organized | 11594:7 | 11480:4 |
| 11554:6 | 11480:13 | 11491:18 | 11595:18 | 11487:25 |
| 11555:18 | 11557:18 | 11492:18 | 11596:19 | 11508:18,21,23 |
| 11559:22 | operators | 11504:12 | 11597:11 | 11510:13 |
| 11560:9 | 11578:15 | original | 11600:11 | 11512:21 |
| 11564:17 | opine 11646:9 | 11479:4 | 11601:18,20 | 11523:11 |
| 11567:6 | opinion | 11511:23 | 11605:7 | 11524:18 |
| 11568:11,14 | 11523:7 | 11512:18 | 11607:3 | 11525:9,20,21 |
| 11569:6,15,23 | 11540:19,25 | 11548:15 | 11621:13,15 | 11526:5,17,20 |
| 11577:6 | 11562:3 | 11549:6 | 11631:19 | 11527:18 |
| 11585:12 | 11566:2 | 11554:24 | 11632:16 | 11531:9,23 |
| 11587:3,9 | 11574:21 | 11556:10,11 | 11633:3,4,14,23 | 11551:13,22 |
| 11589:1 | 11575:3,25 | 11587:15,22 | 11636:4,8 | 11553:23 |
| 11600:17 | 11582:14 | 11592:23 | owned | 11555:11 |
| 11602:20 | 11585:15 | 11594:19 | 11487:11 | 11558:1 |
| 11615:25 | 11586:1 | 11595:7 | ownership | 11567:11 |
| 11616:2,10 | 11626:19 | 11597:4 | 11627:25 | 11568:20 |
| 11618:5,19 | opportunity | 11598:6 | 11628:4,19 | 11575:1 |
| Ojibway's | 11482:2 | 11634:15 | 11630:9 | 11577:9 |
| 11505:1 | 11494:23 | 11635:5,17 | <hr/> | 11580:6,8,19 |
| 11510:25 | 11590:9 | 11643:20 | P | 11586:14 |
| 11513:18 | opposed | Ottawas | <hr/> | 11598:13,14 |
| 11556:2 | 11483:6 | 11524:24 | p.m. 11543:14, | 11602:9 |
| Ojibways | 11531:11 | 11525:23 | 15 11571:19,20 | 11606:11 |
| 11551:10 | 11626:22 | 11544:21 | 11622:17,18 | 11613:9 |
| Oliphant | option | 11550:18 | 11649:18 | 11620:8 |
| 11567:2 | 11495:9,11 | outcome | pages | 11627:25 |
| 11571:2 | options | 11621:25 | 11493:12 | 11628:3 |
| Oliphant's | 11482:4 | outstanding | 11494:8 | 11629:14,23,25 |
| 11568:17 | 11528:3 | 11638:16 | 11502:18,25 | 11638:6 |
| 11569:1 | oratory | overcrowded | 11581:9 | 11640:3,7 |
| 11572:1 | 11517:24 | 11537:14,15 | 11603:8 | 11641:10,20 |
| 11574:4 | order 11518:23 | overlap | 11615:13 | paragraphs |
| ongoing | 11529:25 | 11572:3,6 | 11621:6 | 11525:10 |
| 11607:14 | 11538:6 | overrun | 11627:6,21 | 11538:15 |
| Ontario | 11542:8 | 11537:1,7,13 | 11627:6,21 | 11540:6 |
| 11503:15 | 11600:21 | oversee | 11633:12,18 | 11554:23,25 |
| open 11530:9 | 11619:9 | 11621:14 | pagination | 11632:22 |
| 11576:17 | 11634:16,25 | Owen 11486:2 | 11479:3 | paraphrasing |
| 11604:15 | 11635:6 | 11509:6 | 11550:16 | 11548:2,9 |
| 11631:17 | 11636:7 | 11511:8 | paid 11501:23 | parcel |
| 11636:14,23 | 11637:4,10 | 11523:23 | 11559:13 | 11581:21 |
| 11637:21,22 | Orders | 11525:12 | paper | 11583:2,4 |
| 11645:2,4 | 11636:3 | 11527:11 | 11605:19 | 11584:4 |
| operate | Ordinarily | 11528:9 | 11606:11,18 | Pardon |
| 11617:11 | 11572:10 | 11529:1 | 11608:10,11 | 11475:9 |
| operated | ordinary | 11545:23 | papers | 11601:7 |
| 11617:15 | | 11557:3,12 | 11478:25 | Parent |
| 11618:1 | | 11558:11 | paragraph | 11610:12 |
| | | | 11477:8 | parliament |
| | | | | 11615:17 |

| | | | | |
|----------------------|----------------------|------------------|-----------------------|----------------------|
| 11618:16 | 11614:20 | 11642:18 | 11530:13 | petition |
| part 11474:23 | 11630:23 | Peace | 11537:1,7 | 11531:25 |
| 11482:12 | passages | 11611:14 | 11541:13 | 11532:8 |
| 11509:4 | 11574:9 | 11631:19 | 11542:9 | 11533:13 |
| 11515:9 | 11632:1 | 11632:15 | 11565:21 | 11535:13 |
| 11526:7 | passing | Peninsula | 11582:20 | 11538:12 |
| 11528:7,11 | 11583:20 | 11505:7,16 | 11605:21 | petitioners |
| 11536:24 | past 11569:10 | 11511:4,9 | 11606:13 | 11636:20 |
| 11537:5 | 11648:18 | 11513:8,23,24 | 11610:22 | petitions |
| 11538:8 | Patrick | 11514:12 | 11611:12,22 | 11564:23 |
| 11541:14 | 11486:9 | 11518:17 | 11625:5 | 11579:8,18 |
| 11545:21 | pattern | 11523:9 | 11639:8 | photocopy |
| 11582:22 | 11490:18,20 | 11525:8,13 | 11649:12 | 11502:9 |
| 11592:16,24 | pausing | 11532:5,20 | people's | phrase |
| 11593:25 | 11551:24 | 11533:14,22 | 11646:17 | 11523:13 |
| 11608:16 | 11584:12 | 11535:17 | percent | 11647:13 |
| 11609:22 | 11603:4 | 11536:10 | 11563:3 | pick 11610:4 |
| 11610:25 | 11616:6 | 11539:19 | 11591:7 | picture |
| 11621:21 | pay 11589:14 | 11540:3,25 | 11618:20 | 11537:16 |
| 11627:23 | 11638:2,12 | 11541:3,20 | period | 11575:7 |
| 11640:13 | payment | 11542:13,18,25 | 11573:19,22 | piece 11582:6 |
| partial | 11593:21 | 11546:18 | 11629:8 | pieces |
| 11496:7,9,11, | 11599:4 | 11552:12,15,17, | 11638:18 | 11648:1 |
| 13,17 11497:8, | PDF 11479:3 | 20,23 11553:5 | 11639:1 | place 11512:6 |
| 10,16,20 | 11508:15 | 11554:6 | 11641:10 | 11533:2,18 |
| 11498:7,11,13, | 11510:4 | 11555:19,25 | permission | 11538:7 |
| 15,19,21 | 11512:5 | 11556:3,5 | 11600:17 | 11564:4 |
| 11499:2,16,18, | 11516:13 | 11557:19 | 11617:4 | 11622:12 |
| 24 11500:7,11, | 11520:20 | 11558:10 | 11644:19 | places |
| 17,19,21 | 11523:9 | 11560:1,9,17, | permitted | 11564:10 |
| 11501:6 | 11543:25 | 21,23 11561:22, | 11514:5 | Plaintiffs |
| 11554:21 | 11548:15 | 25 11562:25 | 11540:24 | 11504:9,25 |
| 11634:15,20 | 11549:22 | 11563:9,16 | person | plan 11541:14 |
| 11635:4 | 11550:13 | 11568:10 | 11507:21 | 11569:10 |
| parties | 11556:11 | 11569:2,11,15, | 11591:5 | 11622:13 |
| 11577:1 | 11559:20 | 24 11573:10,13, | 11595:19 | planning |
| 11587:7 | 11561:4 | 18 11574:1,3,19 | 11596:20 | 11529:20 |
| 11593:3,25 | 11567:10 | 11575:21 | 11645:22 | plantation |
| partly | 11576:9 | 11584:5,6,8 | 11646:20 | 11578:15 |
| 11482:24 | 11578:8 | 11586:8,25 | persons | plausible |
| 11521:6 | 11587:14 | 11587:8 | 11580:21 | 11511:16 |
| parts 11555:6 | 11587:14 | 11592:4,10 | persuade | 11518:14 |
| passage | 11593:9 | 11594:3,10 | 11517:15 | 11520:1 |
| 11510:20 | 11609:3 | 11595:21 | 11519:24 | 11596:23 |
| 11514:1 | 11615:13 | 11598:21 | persuasive | 11597:15 |
| 11515:22 | 11623:15 | 11604:10 | 11518:3 | 11601:22 |
| 11519:5 | 11627:24 | 11607:5,8,16 | pertain | pleases |
| 11536:23 | 11628:9 | 11608:3,21 | 11490:25 | 11567:12 |
| 11537:4 | 11629:13 | 11615:9 | Peter 11485:23 | |
| 11538:4,9 | 11632:21 | 11631:13 | 11618:24 | |
| 11568:8 | 11640:23 | 11634:4 | | |
| 11610:16 | 11641:5 | 11644:13,16 | | |
| 11611:11 | | 11648:4 | | |
| | | people | | |

| | | | | |
|--|---|---|--|--|
| plot 11581:13 11583:15 | 11647:20,22 | prefer 11526:12 | previously 11474:4 11576:7 | 11607:19 |
| plundered 11586:22 | possess 11552:11,15,17 11560:1 | prepare 11572:5 | Price 11587:14 11588:3,6 | proceed 11566:19 11613:3 |
| point 11476:11 11483:11 11488:23 11489:22 11491:9 11520:18 11530:2 11535:7,18 11539:17,18 11542:7 11575:17 11578:19 11582:16 11585:3 11593:23 11594:12 11639:13 | possessed 11555:19 | prepared 11476:23 11520:11 11647:8 | primary 11620:18 | process 11491:7 11493:8 11625:5,17 |
| pointing 11630:4 | possession 11552:20 11555:22 11556:3 11640:15 11642:13 | presence 11618:15 | principle 11579:1,2 | proclamation 11557:17 11558:9 |
| Police 11631:20 11632:16 | possibly 11482:8 11528:4 11575:13 11584:7 | present 11490:10 11510:1 11512:1 11520:7 11530:18 11531:18 11536:25 11537:5 11545:19 11645:4 | prior 11479:15 11488:16 11529:5,14 11533:21,23 11534:3,23 11540:2 11567:3 11574:11,19,22 11576:1 11577:11,17,22 11586:9 11637:3 11641:17 11642:4 11648:11 | produced 11608:11 |
| pointing 11630:4 | post 11505:8 | presenting 11528:2 | private 11490:21 11576:25 11600:10 | profit 11624:22 11630:21 |
| Policies 11624:12 11625:16,19,22, 25 11626:5,6 11640:4 | Potawatomie s 11479:5 11551:15,20 11552:6,16 11559:23 | presents 11557:6 | privilege 11550:19 | profitable 11631:9 |
| policy 11483:18 11541:10 11559:5,7,9 | potential 11543:1 | Preserving 11631:19 11632:15 | privileges 11640:14 | profusion 11623:23 |
| poor 11595:14 11596:12 | pounds 11485:15 11507:21 | pressure 11575:7,10 11576:16 | probable 11645:6 | program 11562:10 |
| portion 11557:25 11624:18 11629:23 11635:11 | practice 11507:25 11567:19 | pretty 11621:19 11639:7 | problem 11483:21 11492:20 11516:19 11571:11 11584:18 11604:10,13 11609:22 11610:6 11611:1 11623:19 11625:11 11628:13 11630:8 | project 11541:17 |
| portions 11562:7,20 | pre- surrender 11573:19 | presume 11557:14 | privileges 11640:14 | promise 11508:22 11515:12 11518:24 11523:2 11528:17 11529:1 |
| posed 11566:16 11614:4 | precedes 11526:5,17,21 | prevent 11592:3 11644:24 11645:12 11646:8 11647:17 11648:7 | probable 11645:6 | promised 11508:4,9 11560:23 11585:11 |
| position 11553:10 11645:17,23 | preceding 11550:3 | preventing 11590:15 | problem 11483:21 11492:20 11516:19 11571:11 11584:18 11604:10,13 11609:22 11610:6 11611:1 11623:19 11625:11 11628:13 11630:8 | promoted 11564:4 |
| | precise 11620:2 | previous 11488:17 11576:6 | problems 11495:18 11578:1 | promoting 11535:3 |
| | precisely 11518:6 | | | prompted 11518:20,21 |
| | preconceived 11542:23 | | | proper 11545:24,25 11593:15 |
| | preemption 11640:14 | | | property 11523:16 11525:1,18,24 11544:24 11546:8 |

| | | | | |
|---|--|---|--|---|
| 11580:18 11583:15,21 proposal 11478:15 11494:13 11513:9 11520:8 11524:22 11525:22 11527:22 11553:25 11565:20 11600:20 propose 11508:18 11519:18 11526:2 11527:23 proposed 11502:17,23 11535:5 11545:11 proposing 11572:4 prosecuted 11589:22 11601:4 11621:2 protect 11509:11 11518:24 11519:22 11523:2 11528:17 11529:1 11542:9 11546:3 11585:11 11615:17 11618:17 11621:16 protected 11518:17 11520:3 protection 11522:21 11542:18 11557:18 11560:23 protests 11506:19 | provide 11572:7 11607:11 provided 11493:19 11506:25 11573:3 11574:4,14 11576:7 11600:6 providing 11474:23 provision 11523:22 11541:20,21 provisional 11507:9 11515:13 11518:4 11535:5 11546:12,20 11547:18 11548:9 provisions 11475:1,2 11479:22 public 11577:1 published 11632:10 purchase 11636:14,23 11637:21 11638:8,12 11639:1 11642:6 11643:2 purchased 11637:17 purchasers 11642:3,25 purporting 11523:25 purpose 11485:14 11585:7 purposes 11570:25 11580:15 11581:1 | 11604:8,9 pursued 11593:15 pursuits 11483:21 11484:4 pushed 11537:14 put 11484:8,9 11496:1 11506:1 11534:15 11602:7,16 11642:5 11647:7 puts 11540:18 putting 11626:7,20 <hr/> Q <hr/> quantify 11574:24 quantitative 11573:16 11574:1,18 11575:20 quantity 11476:13 Quarter 11501:14,17,23 Quebec 11592:18 queries 11602:6 question 11481:12 11483:24 11537:3 11556:25 11566:4,7,12 11580:4 11584:7 11590:2,20 11597:10,11 11598:16 11602:14 11603:6 11606:9 | 11608:7 11609:17 11614:4,7 11626:22 11636:6 11637:6 11639:14,15,24 11643:14 11645:8,20 11647:5,11 questioning 11584:24 questions 11484:20 11492:17 11504:10,11 11566:16 11588:11 11602:16 11632:1 11643:25 11648:15 quickly 11480:9 11564:4 quotations 11594:1 quote 11480:8 11506:12 11640:17 11641:13,15 quotes 11513:10 quoting 11641:6 <hr/> R <hr/> raise 11503:16 raises 11582:16 ran 11530:11 ranchers 11578:15 Rankin 11476:2,12 rate 11507:20 re-check | 11529:24 reacting 11566:7 reaction 11514:11,18 read 11474:21 11476:3 11477:22 11478:2,9 11483:23 11487:8 11488:5 11489:17,20 11506:15 11510:7,12,17 11512:8 11514:1 11515:22 11516:15 11517:3 11520:22,25 11521:12,23 11522:4,18 11528:2 11535:19 11536:3 11538:17 11540:8 11544:16,17 11545:6 11550:1 11551:14 11554:25 11558:4 11561:6 11568:24 11578:13,17 11581:12 11582:9,10,11, 19 11586:19 11588:13 11593:16 11595:16 11597:4 11601:23 11603:14 11606:4 11610:19 11614:16 11623:20 11624:15 11629:24 11641:3 11644:2 |
|---|--|---|--|---|

| | | | | |
|-----------------------|--------------------|-----------------------|----------------------------------|------------------------------|
| 11645:10 | 11638:1 | recounting | 11505:12 | 11588:1 |
| readily | received | 11514:15 | 11557:21 | 11594:24,25 |
| 11514:22 | 11559:21 | Red 11536:4 | 11564:9 | 11597:24,25 |
| reading | receiving | 11537:10 | 11605:11 | 11627:17,18 |
| 11541:18 | 11507:16 | 11561:7 | referring | 11632:7,8,11,12 |
| 11542:5 | 11531:13 | redrawn | 11478:7 | 11635:2,3 |
| 11580:10,13 | recently | 11608:12 | 11481:16 | Reimer |
| 11590:6 | 11593:22 | reel 11597:8 | 11484:25 | 11474:4,6 |
| 11591:8,9 | RECESS | refer 11504:16 | 11505:8,17 | 11504:6 |
| 11641:20 | 11496:5 | 11505:7,15 | 11511:10 | 11506:6 |
| 11646:25 | 11543:14 | 11538:9 | 11517:18 | 11521:11 |
| ready | 11571:19 | 11569:12,13 | 11526:18 | 11566:1 |
| 11598:16 | 11622:17 | 11574:13 | 11527:21 | 11567:5 |
| 11636:6 | recognized | 11580:17,21 | 11528:13 | 11572:17 |
| 11649:7 | 11536:14 | 11603:3 | 11539:11 | 11583:1 |
| real 11573:24 | 11642:5 | 11607:18 | 11544:3 | 11598:5 |
| real-time | recognizes | 11607:18 | 11557:8,12 | 11622:25 |
| 11564:7 | 11555:18 | 11633:23 | 11579:12 | 11625:22 |
| 11604:23 | recognizing | 11636:16,18 | 11603:17 | 11627:3 |
| reality | 11482:18 | 11643:21 | 11607:8 | 11635:13 |
| 11574:12 | recommende | reference | 11619:1 | 11649:6 |
| realization | d 11559:14 | 11508:15 | 11624:17 | reinforced |
| 11560:21 | recommendi | 11522:6 | 11629:24 | 11576:21 |
| realize | ng 11611:13 | 11526:20 | 11633:3 | reiterating |
| 11586:3 | 11638:1 | 11527:5 | refers 11509:2 | 11546:19 |
| rearrange | record | 11532:3 | 11525:11,21 | reiteration |
| 11543:7 | 11496:1 | 11550:16 | 11528:10,19 | 11546:11 |
| reason | 11503:18 | 11551:25 | 11544:8 | related |
| 11569:25 | 11508:6 | 11553:25 | 11625:14 | 11492:16 |
| 11647:5 | 11520:23 | 11559:12 | reflect | 11575:3 |
| reasonable | 11521:12 | 11562:1 | 11546:23 | relation |
| 11518:20 | 11524:4 | 11569:17 | reflects | 11523:19 |
| recall 11481:5 | 11534:3,22 | 11571:1 | 11546:21 | 11594:17 |
| 11507:2 | 11550:7 | 11579:23 | refresh | 11623:5 |
| 11514:21 | 11571:12 | 11590:11 | 11606:7 | relative |
| 11529:22 | 11579:25 | 11592:1 | refused | 11604:12 |
| 11562:23 | 11584:23,25 | 11594:2 | 11515:6 | released |
| 11563:5 | 11585:25 | 11614:24 | Registrar | 11624:3 |
| 11569:20 | 11604:25 | 11616:14 | 11475:19,20 | relevant |
| 11590:6 | 11617:1 | 11619:18 | 11477:1,2 | 11490:16 |
| 11605:12 | 11625:11 | 11629:9 | 11486:24,25 | 11556:24 |
| 11616:7 | 11632:2,10 | 11633:13 | 11489:11,12 | 11620:18 |
| 11620:5,24 | 11646:5,6 | 11639:12 | 11493:19,20,21 | 11635:11 |
| 11623:13 | 11647:15 | 11640:4 | 11494:3,6,11,25 | relief 11514:5, 12 |
| 11647:24 | records | referenced | 11495:1,12 | relinquish |
| receipts | 11578:19 | 11580:6 | 11496:4 | 11524:25 |
| 11601:11 | 11579:5,13 | references | 11502:11,13,20 | 11525:17 |
| receive | recounted | 11563:14 | 11503:2,5,9,20, 21,23 11543:5 | relinquished |
| 11599:19 | 11514:24 | referencing | 11549:7,8 | 11544:23 |
| | | 11527:19 | 11556:15,16 | |
| | | referred | 11587:25 | |
| | | 11504:23 | | |

| | | | | |
|-----------------------|-----------------------|----------------------|------------------|-----------------------|
| relinquishing | replied | reporter | | |
| 11525:7,15 | 11531:10 | 11503:20 | 11543:2 | 11584:1 |
| 11527:6,10 | | | 11547:6,8 | 11604:8 |
| rely 11551:21 | reply 11487:13 | reporting | 11551:6 | respect |
| 11579:17 | report | 11479:17 | 11552:23 | 11493:4 |
| remained | 11479:2,25 | 11511:25 | 11553:4 | 11503:17 |
| 11484:5 | 11480:9 | 11541:11 | 11555:25 | 11511:7 |
| remarks | 11482:15 | 11603:17 | 11558:20 | 11523:14 |
| 11544:13 | 11484:21 | reports | 11559:15 | 11545:4 |
| 11545:4 | 11489:2 | 11480:5 | 11560:17,21 | 11546:17 |
| 11547:11,25 | 11492:2,4,6 | 11491:19,22 | 11561:15,19,24 | 11547:2 |
| remember | 11514:9,21 | 11504:10,13 | 11562:4,9,25 | 11562:21 |
| 11577:25 | 11548:12,13,25 | 11563:8 | 11563:12,15,20 | 11567:3 |
| remind | 11549:9 | 11567:2 | 11564:21 | 11584:20 |
| 11624:1 | 11551:10 | 11570:23 | 11565:1,18 | 11614:5 |
| 11633:16 | 11553:5,18,20 | 11574:22 | 11566:11 | 11626:1 |
| 11649:1 | 11557:22 | 11576:1 | 11567:13 | respective |
| remove | 11558:23 | 11617:18 | 11569:11,25 | 11524:25 |
| 11621:10 | 11559:2,11,19 | 11627:8 | 11573:11,18 | 11525:17 |
| removed | 11560:13,14,15 | representativ | 11574:3,11 | 11544:20 |
| 11510:22 | 11561:2,3 | e 11490:9 | 11576:15 | respects |
| 11513:16 | 11562:22,23 | representativ | 11577:17,24 | 11563:22 |
| 11514:7 | 11563:2,4,23 | es 11486:11 | 11579:20 | responding |
| 11618:6,10,14 | 11568:18,21 | 11536:8 | 11587:4 | 11602:6,15 |
| 11619:3,13 | 11569:9,18 | representing | 11594:3,7 | responds |
| 11620:10,23 | 11572:1,20,24 | 11648:2 | 11596:25 | 11612:4 |
| removing | 11573:2,21 | reprint | 11597:13 | response |
| 11600:25 | 11574:4 | 11509:19,20 | 11601:19 | 11609:1,6 |
| repair | 11575:2 | request | 11608:3,16 | 11614:16 |
| 11508:25 | 11576:7 | 11536:15,17,18, | 11609:11,19,24 | 11618:18 |
| 11528:6 | 11577:14,15 | 20 11537:6 | 11610:23 | 11626:3 |
| 11545:20 | 11580:7,16 | 11619:3 | 11611:12 | 11639:22 |
| repairing | 11581:1 | 11647:2 | 11613:18 | responses |
| 11513:8 | 11583:23 | required | 11615:3,4 | 11615:8 |
| repeat 11537:2 | 11585:6 | 11479:18 | 11617:7,14 | responsible |
| 11552:13 | 11591:25 | 11609:7 | 11618:3,13 | 11621:15 |
| 11567:19 | 11602:4,6,15 | requires | 11620:3,23 | rest 11485:18 |
| 11584:16 | 11609:2,9 | 11581:21 | reserved | 11638:2 |
| 11597:9 | 11610:25 | 11583:3 | 11487:16 | result 11634:9 |
| 11602:13 | 11612:3 | reservation | 11518:17 | resulted |
| 11613:20,22 | 11613:21 | 11551:1 | 11554:6 | 11640:10 |
| 11645:8 | 11615:12 | reserve | 11558:11,16 | results |
| 11647:10 | 11616:5,15 | 11505:8 | 11569:2 | 11625:4 |
| repeated | 11617:2 | 11523:8 | reserves | resume |
| 11536:15 | 11618:9 | 11529:16 | 11602:24 | 11571:17 |
| 11564:22 | 11620:6,7 | 11532:4,21 | 11603:2,20 | RESUMING |
| repetition | 11623:3,5,11 | 11533:7,13,16, | reside | 11496:6 |
| 11523:13 | 11633:11 | 19,23 11535:18 | 11523:19 | 11543:15 |
| | 11640:3 | 11536:10,12,14, | 11525:3 | 11571:20 |
| | 11647:24 | 19 11541:4,23, | 11526:2 | 11622:18 |
| | reported | 25 11542:17,22 | 11527:16 | |
| | 11478:25 | | 11545:2 | |
| | 11618:12 | | resources | |
| | 11621:20 | | 11580:23 | |
| | | | 11583:2,15,25 | |

| | | | | |
|-----------------------|-----------------------|----------------------|-----------------|-------------------|
| RETI 11612:19 | 11552:8 | rough 11481:9 | 11485:24 | 11589:1 |
| retire 11564:5 | 11554:2 | ruin 11480:16 | 11487:11 | 11592:4 |
| Reverend | 11555:2,10,13, | | 11488:18 | 11594:3 |
| 11477:18 | 15 11558:5 | Rush 11578:5 | 11490:9 | 11600:17 |
| 11509:17,23 | 11561:9,11 | | 11505:1,8,16 | 11601:19 |
| 11511:25 | 11568:2,5,23 | Ryerson | 11506:14,22 | 11602:20 |
| | 11578:16 | 11511:19,24 | 11507:15 | 11609:11,19 |
| review | 11581:15,17 | 11512:5 | 11508:4,24 | 11610:23 |
| 11480:9 | 11586:18 | 11513:6 | 11510:24 | 11613:18 |
| 11481:13 | 11588:12,17,21, | 11514:8,25 | 11513:7,18 | 11615:25 |
| 11485:1 | 23 11590:1,18 | | 11515:4,5,10, | 11616:2,10,18 |
| 11487:6 | 11591:1 | S | 17,23 11516:3 | 11618:5,10,19 |
| 11488:2 | 11593:18 | | 11518:5,16 | 11620:3,10,23 |
| 11562:24 | 11594:5 | sale 11575:4, | 11519:25 | 11621:16 |
| 11588:10 | 11595:15 | 22 11576:18 | 11520:6 | Saugeen's |
| 11593:12 | 11596:9 | 11624:22 | 11527:9 | 11482:13 |
| 11602:23 | 11598:11,17 | 11636:15,23 | 11528:14,19,25 | Saugeeng |
| 11620:17 | 11602:10 | 11637:21,22 | 11529:15,23 | 11512:10 |
| 11625:11 | 11606:2,17 | 11640:25 | 11530:4,8,17,24 | 11521:25 |
| 11632:2 | 11609:4 | 11641:17,22 | 11532:3,19,25 | 11559:24 |
| | 11610:18 | 11642:3,22 | 11533:22 | Sauking |
| reviewed | 11613:13 | 11643:1 | 11535:16,24 | 11545:18 |
| 11480:11 | 11614:10,13 | 11644:5,17,25 | 11536:8 | 11551:21 |
| 11481:15 | 11615:18 | 11645:2,4,14,18 | 11538:12 | Sawyer |
| 11518:14 | 11616:9 | 11646:9 | 11539:4 | 11486:1 |
| 11529:19 | 11617:25 | 11647:20 | 11540:14 | 11556:8,18 |
| 11553:2 | 11619:16 | 11648:4,6,7,8 | 11542:13,25 | SC 11555:3 |
| 11560:12 | 11624:6,8,16 | sales 11640:9 | 11544:3 | SC0446 |
| 11615:6 | 11625:7 | | 11545:4,16 | 11627:4 |
| 11642:2 | 11628:14,16 | Samuel | 11546:17 | SC1256 |
| | 11629:3,17 | 11520:11 | 11547:11 | 11594:18 |
| reviewing | 11633:8 | 11531:14 | 11551:10,19,25 | SC1257 |
| 11503:16 | 11635:21,25 | sanction | 11552:11,14,17, | 11597:16 |
| | 11636:11 | 11533:19 | 19 11553:4 | SC1271 |
| reviews | 11641:2,11 | sanctioned | 11554:6 | 11587:13 |
| 11474:20 | 11644:1 | 11600:13 | 11555:18 | SC1744 |
| 11476:7,9 | revived | sanctioning | 11556:2 | 11548:12 |
| 11477:10 | 11513:12 | 11600:24 | 11557:4,13,19 | SC1745 |
| 11478:4,12 | right-hand | sat 11585:23 | 11558:10,11,19 | 11556:7 |
| 11479:10 | 11485:22 | | 11559:14,22 | SC1758 |
| 11480:10 | risk 11573:11 | satisfied | 11560:8,9 | 11500:20 |
| 11481:14 | 11574:12 | 11636:1 | 11561:22 | SC1882 |
| 11485:2 | 11575:11 | satisfying | 11562:4,13,17, | 11631:17 |
| 11487:7 | River 11530:11 | 11520:7 | 24 11563:8,16 | SC1888 |
| 11488:4 | 11559:24 | Saugeen | 11564:4,6,8,14, | 11555:4 |
| 11489:19 | road 11621:14 | 11474:10,23 | 16,20,25 | SC1906 |
| 11490:15 | 11633:14 | 11475:4 | 11567:6 | 11474:16 |
| 11510:11 | 11634:12 | 11476:12 | 11568:11 | 11475:10 |
| 11512:23,25 | Robertson | 11477:13 | 11569:3,11,15, | |
| 11513:2 | 11641:5 | 11478:16,19 | 23 11573:10,17 | |
| 11514:2 | Robertson's | 11479:5,15 | 11574:3,6,11 | |
| 11515:25 | 11640:20 | 11482:16 | 11576:11,13 | |
| 11517:5 | | 11484:12,17 | 11577:5 | |
| 11536:5 | | | 11585:12 | |
| 11538:24 | | | 11586:21 | |
| 11544:10 | | | 11587:3,8 | |
| 11551:16 | | | | |

| | | | | |
|---|---|---|---|--|
| SC1919 11486:19 | 11624:7 11628:15 11633:5 | 11611:20 11626:18 | settled 11636:13,20 11637:3 | show 11590:24 11605:19 11606:11,19 |
| SC1920 11489:6 | 11634:23 11641:18 11643:19 | sentence 11480:4 11509:10 11512:15 11535:20 11556:25 11619:9 11624:18 11635:16 | settlement 11483:20 11537:18 11575:8 11584:20 11585:5 11601:20 11632:23 11633:3 11645:3 | showing 11549:12 |
| SC1922 11634:13 | season 11584:5,8 | | | shown 11552:25 |
| SC1929 11476:23 | seasonal 11481:24 | | | shows 11480:18 11530:16 |
| SC2034 11502:14,18 | seasons 11584:21 | separate 11610:22 | | side 11483:19 11485:22,23 11505:23 11510:7 11559:24 11632:22 |
| SC2035 11502:21,24 | secretary 11486:3 11511:19 11605:3 11623:7 | September 11507:20 11557:7 11575:4 11586:13 11587:14 11588:4 | settlements 11621:14 | signatories 11485:22 |
| scale 11608:22 | | series 11566:5 | settler 11580:17 | signed 11486:11 11490:8 11510:2 11514:14 |
| schedule 11520:10 11522:25 11543:23 11546:25 11547:20 | section 11510:5,8 11516:14 11519:18 11531:6 11561:4,5 11573:2 11574:15 11581:5 11602:24 11603:22 11604:2 11617:19,23 11623:21 11628:10 11648:16 | services 11610:17 | settlers 11575:14 11576:19 11629:4 11630:16 11631:5 11633:22 11634:3 11636:4,8,9 11642:9 11643:1 | significance 11515:4,9 |
| school 11641:22 | | session 11501:16,19 11628:5,6 11629:9,20 11630:1,4 | | significant 11482:12 11604:10,12 |
| scope 11485:11 | | sessional 11478:24 | settling 11573:12 11637:17 11644:24 11645:13 11646:8 11647:18,20 11648:8 | similar 11564:9 |
| scramble 11640:11 | sections 11603:23,24 | sessions 11501:14,17,24 11629:10 | | simple 11539:18 11582:25 |
| screen 11582:19,23 11617:23 | secured 11513:14 11514:6 | set 11491:12,16 11494:10 11503:6 | shared 11564:17 | simply 11583:20 |
| scroll 11476:8 11478:5 11485:18 11486:14 11512:12,14,20, 24 11513:1 11538:25 11544:12 11549:23 11555:9,11,14 11561:8,10 11568:4 11581:16 11582:7 11588:18,22 11590:14 11595:10 11596:6 11598:6 11605:9,24 11614:9,12 11619:15 | securing 11643:6 | sets 11593:10 11623:16 | sheds 11647:1 | single 11529:11 11584:5 |
| | seek 11537:21 | setting 11491:6 11504:25 11542:21 11585:4 | shift 11529:20 11570:4 | sir 11475:12 11512:8 11560:5 11561:6 11566:20 11585:22 11586:16 11591:16 |
| | seeking 11610:23 11629:1 11642:4 | settle 11539:6, 14,15 11601:10 11605:23 11606:14,16,20 11608:18 11644:20 | shifting 11570:5,12 | |
| | sell 11631:8 | | shillings 11507:21 | |
| | sense 11520:16 11533:8 11542:4 | | short 11489:17 11534:16 11628:3 11649:14 | site 11529:16 |

| | | | | |
|--|---|--|---|--|
| situation 11584:16 11600:22 11621:25 | 11631:19 11632:16 11633:3,4,14,24 11636:4,9 | speculator 11624:24 11631:7,8 | 19 11642:4 11643:5 | 11604:10 11613:10 11615:13,14 11617:22 11632:23 11649:3 |
| skip 11604:1 | Sound' 11523:23 | speculators 11578:14 11624:13 11625:16,20,23 11626:1,7 11628:23 11630:20 | squatters' 11579:6 | starts 11488:1 11510:8 11519:18 11524:20 11549:22 11556:11 11593:13 11610:16 11623:23 11627:25 11629:14 |
| slow 11625:4, 16 | sounds 11591:3 11600:9,15 11630:15 11639:3 | speech 11517:12,24 11519:9 11524:14,15 11569:18 | squatting 11492:4 11572:20 11573:1,5,25 11574:11,14,24 11575:17 11577:14 11579:4 11580:6 11583:23 11584:6,11 11585:5 11620:6,7 11623:1,19 11624:12 11625:12 11626:19 11631:1 11640:2 11642:6 11643:3,9 | state 11525:7, 15 11535:7 11593:1 11610:25 |
| small 11521:17 11564:21 11578:11 11629:1,25 | source 11482:19 | speech-making 11519:6 | stand 11506:2 11585:17 | stated 11528:16 |
| smart 11529:9 | south 11505:16 11511:4 11513:23 11559:24 11578:23 11631:16 | spend 11571:5 | standard 11507:20 | statement 11534:10,16 11537:22 11577:20,21 11578:22,25 11579:15 11590:20 11599:23 |
| Society 11509:21 | Southampton 11479:16 11575:4 11642:20 | spent 11574:6 | standpoint 11493:8 | states 11513:6 11546:7 11550:17 11557:2 11558:14 11578:9 |
| sold 11485:15 | speak 11517:9 11648:12 | spot 11510:22 11551:15 | start 11474:8, 15 11484:23 11504:14 11506:6 11530:8 11535:23 11572:19 11573:2 11592:15 | stating 11531:11 |
| sole 11482:19 | speaking 11489:25 11511:2 11519:6 11611:25 | spring 11581:25 | started 11636:9 | stationed 11592:6 |
| SON 11478:9 11513:6 | special 11478:25 11550:25 11559:13 | square 11477:7 11478:1,10 11487:25 | starting 11481:12 11484:22 11492:9,11,12 11494:22 11561:6 11573:1 11581:10 11586:16 11603:10 | status 11533:14,16 |
| SON's 11587:8 11607:23 | specific 11554:1 11563:6 11574:24 11582:15 11646:19 | squatted 11539:12 11593:22 11642:10 | staying 11533:5 11581:21 | stay 11513:7,8 11514:5,12 11515:11 11524:13 11542:10 |
| sooner 11496:4 | specifically 11525:21 11579:12 11625:25 11634:5 | squatter 11580:10,14,16, 25 11617:14 11618:2,13 11619:20 | | |
| sort 11529:20 11543:12 11569:18 11649:14 | speculate 11647:4 | squatters 11539:5 11573:12,17 11574:2,18 11575:21 11578:11,20 11579:13,24 11580:1 11593:4 11594:9 11611:21 11623:17 11636:10,12,17, | | |
| sought 11590:10 | speculation 11577:4 | | | |
| sound 11486:2 11509:6 11511:9 11525:12 11527:11 11528:9 11529:1 11545:23 11557:3,12 11558:12 11560:2 11569:4 11594:7 11595:18 11596:19 11597:11 11600:11,12 11601:18,20 11605:7 11607:3 11621:13,15 | | | | |

| | | | | |
|--|--|--|--|--|
| 11582:5 | submits 11613:21 | 11578:19 | support 11483:12,15 11551:22 | Sutton 11599:24 11600:1,5 |
| stealing 11581:20 11585:7 11601:17 | submitted 11515:13 | 11589:13 11599:3 11608:20 11611:4 11636:13 | supported 11479:18 11564:3 | switch 11481:1 |
| stemming 11611:1 | subsist 11480:23 | suiting 11517:12 | supporting 11484:14 | SWORN 11474:4 |
| step 11649:13 | subsistence 11475:6,7 11482:20,23 | summarized 11601:9 | suppose 11629:25 11633:2 | Sydenham 11632:24 11633:22 11634:3 |
| Stinson 11512:1 11514:14,15,24 | subsisting 11475:4 | summarizes 11572:5 | surprised 11540:8 | synonymousl y 11580:15 |
| Stinson's 11514:9 | successful 11484:3 11518:4 11643:6 | summarizing 11481:17 | surrender 11478:15 11489:24 11515:6 11522:13 11540:3,18 11541:1 11544:15 11545:17 11569:10 11591:12 | <hr/> T <hr/> |
| stood 11585:18 | suggest 11483:9 11528:24 11535:16 11539:22 11542:15 11552:19 11560:16 11564:16 11566:5 11582:20 11638:7 | summary 11481:17 11490:17 11534:16 11573:3,20 11575:2,9 11619:6 11624:14 | surrendered 11487:17 11506:23 11507:15 11511:3 11523:4 11542:17 11552:1 | T.G. 11619:19, 20,22 11620:22 |
| stop 11483:10 11484:12 11571:5 11589:12 11594:13 11601:11 | suggested 11534:2 11560:7 11569:22 | summer 11581:25 | surrenders 11508:12 11520:11 11547:3,21 | takes 11495:13 11582:13 11583:18 |
| store 11617:11,16 11618:1 | suggesting 11474:22 11488:9 11540:20,23 11611:5,16 | superintende nce 11548:14 11602:8,17 | surrounding 11586:25 | taking 11562:8,21 11583:1,14,25 11584:1 11587:7 11589:19 11594:9 11595:20 11596:20,22,25 11597:14 11604:7,9 |
| straighten 11527:1 | suggestion 11494:25 | Superintende nt 11489:22 11520:17 11523:1 11531:15 11533:9 11553:8 11592:13 | survey 11605:14 11607:18,21 11608:12,14 11609:23 | talk 11474:13 11503:11 11508:8 11529:5 11567:1 11576:3 11580:9 11584:15 11609:5,6 11623:1 |
| Strip 11505:12 11593:23 11644:12 | suggests 11475:3 11476:16 11487:18 11532:18 11533:21 11534:22 11536:7,23 11537:4 11553:3 11567:22 11573:7,24 11576:12 | supplement 11480:23 | surveyed 11593:22 11608:5,8 | talking 11474:8 11475:2 11478:8,15,16, 18 11481:1 11484:23 11487:18 11493:23 11506:7 |
| strong 11642:21 | | supplementa ry 11577:14 | survive 11477:13 11483:2 | |
| subject 11493:7 11505:3,5,11,14 11532:15 11534:18 11535:8 11567:1 11599:25 11603:16 11626:22 | | supplementin g 11475:6 | | |
| submission 11566:15 | | supplies 11474:23 | | |
| submissions 11535:23 | | supply 11475:1 | | |
| submit 11600:19 | | supplying 11475:7 | | |

| | | | | |
|------------------------|------------------------|-----------------------|-----------------------|------------------------|
| 11513:22 | 11506:17,24 | 11598:20 | 11596:21,22,25 | 11611:23 |
| 11514:21 | 11514:18 | theme | 11597:14 | tomorrow |
| 11539:7 | 11517:18 | 11492:18 | 11598:20 | 11649:3 |
| 11543:20 | 11537:18 | 11504:12 | 11601:17 | top 11512:4 |
| 11563:8 | 11562:18 | thesis | 11604:7,9 | 11520:14 |
| 11565:21 | 11564:7,9,25 | 11562:11 | 11617:9 | 11522:10 |
| 11572:20 | 11569:14 | thief 11580:25 | time 11486:4 | 11549:24 |
| 11577:10 | 11575:10 | thieves | 11492:2 | 11551:12 |
| 11583:3 | 11645:3 | 11579:24 | 11495:13 | 11563:4 |
| 11594:6 | terribly | 11580:1 | 11507:1,5,11,25 | 11567:20 |
| 11608:2 | 11483:22 | thing 11529:11 | 11508:3,4,9 | 11568:20 |
| 11625:3 | territory | 11546:16 | 11513:22 | 11589:4 |
| 11628:18 | 11509:5 | 11562:12 | 11514:19 | 11609:15 |
| 11630:1 | 11510:25 | 11565:4 | 11526:24 | 11612:11,22 |
| 11631:12 | 11511:3,8 | 11566:25 | 11530:2 | 11618:23 |
| 11633:2 | 11513:19 | 11612:15,17 | 11534:13,17 | 11623:12 |
| 11642:21 | 11515:7,11 | things 11571:7 | 11536:16 | 11635:22,23 |
| talks 11483:5 | 11521:25 | thinking | 11537:9,19,23 | topic 11495:21 |
| 11561:2 | 11525:11,16 | 11646:20 | 11538:5 | 11522:14 |
| 11590:15 | 11527:10 | 11648:13 | 11542:7,23 | 11559:22 |
| 11623:18 | 11528:8,11,25 | Thomas | 11543:11 | 11564:22 |
| 11642:19 | 11540:15 | 11515:15 | 11553:9,15 | 11570:13 |
| teach 11546:1 | 11544:3 | thought | 11574:6 | tour 11509:18 |
| team 11571:6 | 11545:18,22 | 11532:20 | 11582:13 | TOWNSHEN |
| tears 11513:11 | 11613:11 | 11585:19,20 | 11583:4,8 | D 11474:5 |
| 11514:11,22 | 11617:4 | 11629:24 | 11585:18,24,25 | 11475:9,13,17, |
| 11515:1 | 11618:7 | threat | 11587:4 | 23 11476:24 |
| Telfer | 11619:4,10,13 | 11573:25 | 11597:10 | 11477:5 |
| 11621:13,19 | 11620:10 | 11575:16 | 11607:13 | 11479:8 |
| telling 11634:1 | 11621:16 | three-page | 11622:11 | 11485:17,20 |
| tells 11508:23 | testified | 11494:19 | 11625:12 | 11487:4 |
| 11522:25 | 11474:9 | tilt 11610:3 | 11629:8 | 11489:9,16 |
| 11554:4 | 11506:10 | timber | 11647:16 | 11490:24 |
| 11629:20 | testify 11521:4 | 11574:10 | times 11505:20 | 11491:9 |
| 11633:21 | testimony | 11578:1 | timestamp | townships |
| 11636:9 | 11506:9 | 11579:24 | 11581:10,14 | 11642:11 |
| 11637:2 | 11507:3 | 11580:1,23,25 | title 11505:1 | 11644:11 |
| tend 11570:25 | text 11506:15, | 11581:20 | 11531:13 | track 11529:11 |
| tended | 18 11508:10,14 | 11582:12 | 11580:17 | tract 11505:16 |
| 11582:20 | 11514:20 | 11583:1,9,14 | 11603:16 | 11506:23 |
| tendency | 11519:2,3,7,15 | 11585:7 | today | 11507:16 |
| 11630:19 | 11524:16 | 11586:8,22 | 11483:14 | 11511:4 |
| tendered | 11525:6 | 11587:7 | 11494:17 | 11513:23 |
| 11585:15 | 11528:23 | 11589:8,15,19, | 11495:10 | 11515:23 |
| term 11580:9, | 11546:20 | 24 11590:3,16, | 11506:7 | 11557:19 |
| 13,16,20,24 | thankful | 21 11591:11,12 | 11566:16 | 11558:2,10,20 |
| 11604:13 | 11538:17 | 11593:3 | 11648:19,23 | 11559:16 |
| terms | theft 11574:10 | 11594:1,9 | told 11511:25 | 11560:4 |
| 11504:15 | 11586:8 | 11595:20,24 | 11512:6 | 11561:22 |
| thefts | 11598:25 | | 11513:6,7 | tracts 11629:1, |
| | | | 11516:3 | 6 11630:9,20 |
| | | | 11589:12 | |
| | | | 11591:10,12,16 | |

| | | | | |
|---------------------|------------------------|--------------------|-----------------------|-----------------------|
| 11631:4 | 11594:19 | 21 11527:4,15, | 11613:12 | turned |
| 11638:3 | 11597:3,21,23 | 18,20 11528:17, | trial 11491:8 | 11642:17 |
| trading | 11598:10 | 23 11530:5,24, | 11567:18 | typed |
| 11541:13 | 11603:8 | 25 11533:8 | 11584:17 | 11508:10 |
| traditional | 11604:18 | 11534:5 | 11646:15 | 11524:9 |
| 11481:4,23 | 11634:14,15,20 | 11535:4,11 | tribe 11545:16 | types 11585:10 |
| 11483:7 | 11635:4,9,15 | 11536:9 | 11600:14 | |
| 11515:7 | 11643:21 | 11540:3 | tribes | <hr/> U <hr/> |
| transactions | transcription | 11541:5 | 11520:12 | U.S. 11578:22 |
| 11490:19 | 11635:10 | 11543:21 | 11532:9 | Uhm-hmm |
| transcribed | transcription | 11544:4,8,9,15 | 11535:15 | 11530:7 |
| 11635:10 | s 11495:19 | 11545:5 | 11544:22 | 11602:12 |
| transcript | transcripts | 11546:17 | 11548:14 | 11606:1 |
| 11474:17,19 | 11493:12 | 11547:4,7,9,11, | 11559:15 | 11630:17 |
| 11475:16,17 | 11494:19,20,21 | 12 11552:1 | 11561:16 | 11632:4 |
| 11476:21,23,24 | 11503:16 | 11553:11,14 | 11568:14 | 11638:23 |
| 11477:3,7 | 11604:23 | 11554:4 | 11569:3,6 | |
| 11478:1 | travels | 11560:16,24 | 11602:7,17 | ultimately |
| 11481:6,9 | 11574:5 | 11562:6 | tricky | 11607:22 |
| 11486:22 | treat 11547:14 | 11563:24,25 | 11582:10 | 11608:14 |
| 11489:8,13 | treated | 11565:1,2,6,8, | trifling | Um-hum |
| 11496:7,9,11, | 11563:22 | 11,13,17,23 | 11476:13 | 11523:15 |
| 13,15,17,19,21, | Treaties | 11567:3 | trouble | unceded |
| 23,25 11497:2, | 11505:3 | 11568:18 | 11542:4 | 11621:16 |
| 4,6,8,10,12,14, | 11508:11 | 11570:1 | turn 11491:11 | uncertain |
| 16,18,20,22,24 | 11547:2 | 11573:23 | 11511:17 | 11620:11 |
| 11498:1,3,5,7,9, | 11548:7,8 | 11574:11,19 | 11515:14 | uncertainty |
| 11,13,15,17,19, | treating | 11577:6,17,23 | 11516:10,13 | 11535:4 |
| 21,23,25 | 11610:21 | 11585:12 | 11520:20 | underlying |
| 11499:2,4,6,8, | 11611:5 | 11586:9 | 11523:6 | 11512:18 |
| 10,12,14,16,18, | treatment | 11607:15 | 11530:3 | 11626:19 |
| 20,22,24 | 11639:7,16,17 | 11648:11 | 11531:21 | underneath |
| 11500:1,3,5,7,9, | treaty 11485:7, | trespass | 11536:1 | 11628:11 |
| 11,13,15,17,19, | 10 11505:5,11, | 11573:10 | 11538:11,14 | understand |
| 21,23,25 | 14,15 11506:7, | 11574:10 | 11540:5 | 11479:23 |
| 11501:2,4,6,8, | 15 11507:5,14, | 11577:13 | 11549:14 | 11483:24 |
| 10,12 11511:22 | 24 11508:5,10, | 11578:1 | 11550:12,15 | 11567:17 |
| 11512:4 | 14,18 11510:1 | 11579:11 | 11551:3,9,18 | 11575:5 |
| 11515:21 | 11511:3 | 11580:10,14,20 | 11556:7 | 11580:16,20 |
| 11526:23 | 11512:1,6 | 11583:20 | 11559:18 | 11590:19 |
| 11530:16 | 11514:19,20 | 11585:6 | 11568:16 | 11595:17 |
| 11540:6 | 11515:10 | 11599:3 | 11578:7 | 11624:24 |
| 11549:3,5,13 | 11517:8 | 11601:17 | 11581:7 | 11630:3 |
| 11550:7,13 | 11518:21,22 | 11604:8 | 11586:10 | 11633:23 |
| 11554:12,19,21, | 11519:2,3,7,9, | 11609:10,17 | 11591:20 | 11635:23 |
| 24 11556:9 | 15 11522:7,20 | 11611:6 | 11593:8 | 11636:1 |
| 11557:1,2,24 | 11523:4,8,14 | 11613:17 | 11610:15 | 11637:20 |
| 11581:8 | 11524:1,10,12, | 11614:25 | 11615:11 | 11641:14 |
| 11586:15 | 13,14,16,19 | 11615:2 | 11629:12 | |
| 11587:23 | 11525:5,16 | 11621:3,17 | 11630:21 | |
| 11588:10 | 11526:5,18,20, | trespassed | 11632:20 | |
| 11592:16 | | 11599:14 | 11640:2,19,22 | |
| 11593:9 | | trespassers | | |
| | | 11611:21 | | |

| | | | | |
|---------------------|-----------------------|----------------------|-----------------------|-----------------------|
| understandin | usefulness | 11508:12 | war 11516:4 | 11597:12,17 |
| g 11482:10 | 11643:9 | 11523:7 | warrant | 11598:2 |
| 11488:24 | usual | 11559:11 | 11622:2 | 11643:17 |
| 11520:5 | 11490:18,20 | 11560:13 | waste | winter |
| 11524:4 | utmost | 11562:15 | 11590:16 | 11479:19 |
| 11534:12 | 11624:19 | 11563:7 | watch 11529:8, | 11581:24 |
| 11542:6,25 | | 11572:23 | 9 | wished |
| 11543:20 | | 11574:22,25 | | 11512:9 |
| 11546:22,24 | | 11576:8 | watches | withdraw |
| 11548:5,7,8 | | 11577:15 | 11529:10 | 11639:24 |
| 11564:2,17,19 | | 11581:8 | ways 11562:17 | witness' |
| 11566:1 | v | 11591:25 | 11631:16 | 11504:19,20 |
| 11580:9 | | 11609:2 | wealthy | 11645:21 |
| 11589:16 | vaguely | 11614:1 | 11630:19 | witnessed |
| 11591:2,14 | 11520:24 | 11615:12 | Weaver | 11514:24 |
| 11593:24 | valid 11582:16 | 11616:5,15 | 11578:5,9 | witnesses |
| 11600:7 | valuable | 11617:1,17,19, | Weaver's | 11485:23 |
| 11608:19 | 11507:16 | 21 11621:6 | 11578:18 | 11581:6 |
| 11609:22 | verbatim | 11633:12 | week 11649:5 | 11584:20 |
| 11625:10 | 11519:8,11 | volumes | weight | wondering |
| 11632:3 | 11547:24 | 11563:7 | 11534:12,15 | 11556:19 |
| 11636:14,15,22 | 11548:2 | | Wesleyan | 11635:14 |
| 11637:5,7,8 | version | W | 11511:19 | 11641:15 |
| 11641:25 | 11514:23 | | West 11564:12 | word 11510:12, |
| 11647:14 | 11524:9 | W-3 11502:16, | white 11505:10 | 14 11537:13 |
| understood | versus | 17 | 11536:25 | 11567:20 |
| 11523:2 | 11513:23 | Wabatic | 11537:7,11 | 11574:14 |
| 11530:5 | view 11506:2 | 11610:17 | 11538:18 | 11598:24 |
| 11547:5,8 | 11565:13 | Wahbahdick | 11539:7,11,13 | 11599:2 |
| 11553:3,7,14 | 11569:1 | 11605:3,6,14 | 11605:19,21 | 11609:16,20 |
| 11560:8 | 11575:5,16 | 11608:1,15,22 | 11606:11,13,19, | 11635:15 |
| 11576:16 | 11584:11 | 11614:18 | 21 11608:17,21 | worded |
| undeveloped | 11607:23 | Wahbahdick' | 11610:22 | 11533:24 |
| 11628:1,25 | 11619:20 | s 11608:19 | whites | wording |
| 11629:5,7 | viewed | 11615:7 | 11508:20 | 11599:7,9 |
| 11630:9 | 11562:17 | wait 11526:12 | 11509:13 | 11636:2,3 |
| unjust | views | Wales | 11519:24 | words |
| 11642:12 | 11506:21 | 11578:23 | 11529:2 | 11514:7,8 |
| unnecessary | village | wandering | 11546:4 | 11517:14 |
| 11590:16 | 11632:24 | 11559:15 | wide 11521:17 | 11518:22 |
| unobjectiona | 11633:23 | 11561:15 | wilderness | 11519:21 |
| ble 11566:18 | 11634:3 | wanted | 11516:16 | 11527:17 |
| unsurrendere | violence | 11483:10,25 | 11517:4 | 11557:11 |
| d 11573:12 | 11640:12 | 11484:2 | William | 11558:1 |
| Upper | virtue 11533:7 | 11495:16 | 11522:22,23 | 11602:25 |
| 11520:12 | void 11529:3 | 11504:14 | 11594:20 | 11637:14,21 |
| 11537:23 | Volume | 11506:6 | 11595:2,19 | working |
| 11559:15 | 11480:1 | 11513:14 | 11596:16,17,20 | 11483:22 |
| 11564:12 | 11484:21 | 11520:2,15 | | 11535:10 |
| 11578:22 | 11491:23,24 | 11539:1 | | 11604:24 |
| 11625:12,25 | 11492:1,13 | 11549:19 | | |
| 11640:5 | | | | |

| | |
|--|---|
| World 11578:6 | yellow 11505:4 |
| would-be 11642:3,25 | <hr/> Z <hr/> |
| write 11591:24 | zoom 11520:15 11521:2,8 11635:20 |
| writes 11510:19 11559:22 | zoomed 11521:14 |
| writing 11487:9 11488:6 11511:20 11547:6 11596:3 11598:19 11600:21 11607:2 11620:5 11645:22 | |
| written 11502:9 11514:13 | |
| wrong 11503:6 11571:3 | |
| wrongly 11550:7 | |
| wrote 11490:11 11553:5 11646:21 | |
| <hr/> X <hr/> | |
| X-3 11502:22, 23 | |
| <hr/> Y <hr/> | |
| year 11489:5 11546:13,22 11547:6,7 11582:11 | |
| years 11479:14 11511:12,13 11514:13,16 11534:4 11536:13,21 11636:21 11637:3 | |