

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

DAY 4 / VOL 4
May 01, 2019



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

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

4 B E T W E E N:

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

8 - and -

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

18 Court File No. 03-CV-261134CM1

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

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

22 Plaintiffs

23 - and -

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

Defendants

26 --- This is VOLUME 4/DAY 4 of the trial
27 proceedings in the above-noted matter, being held at
28 The Cape Croker Community Centre, 34 Community
29 Centre Road, Lion's Head, Ontario, on the 1st day
30 of May, 2019.

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

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

2

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

8

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

12

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

17

18

19

20

21

22

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

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

PAGES

WITNESS: EDWARD LOUIS JOHNSTON

Examination In-Chief by Mr. Townshend.....386-399

Cross-Examination by Mr. Ennis.....399-407

Cross-Examination by Mr. Feliciant.....407-416

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

INDEX OF EXHIBITS

NO.	DESCRIPTION	PAGE/LINE NO.
	(No Exhibits Marked)	

09:52:38 1 -- Upon commencing at 10:01 a.m.

09:24:38 2

10:02:11 3 THE COURT: Mr. Townshend, introduce
10:02:29 4 your next witness, please.

10:02:30 5 MR. TOWNSHEND: Good morning, Your
10:02:31 6 Honour.

10:02:31 7 My next witness is Edward Johnston, and
10:02:34 8 he is in the witness stand at the moment.

10:02:41 9 THE COURT: Mr. Registrar, could you
10:02:44 10 administer the oath or affirmation, please.

10:02:47 11 THE REGISTRAR: I will.

10:02:56 12 Good morning, sir, can you please stand
10:02:57 13 up.

10:02:58 14 THE WITNESS: Anni bozhoo.

10:03:03 15 THE REGISTRAR: Do you want to swear an
10:03:05 16 oath on the holy book, or do you wish to make a
10:03:08 17 solemn affirmation to tell the truth?

10:03:10 18 THE WITNESS: I'll swear on the Bible.

10:03:12 19 THE REGISTRAR: You'll swear on the
10:03:13 20 Bible. Can you please state and spell your first
10:03:17 21 and last name for the record.

10:03:19 22 THE WITNESS: Edward Johnston,
10:03:22 23 E-d-w-a-r-d, J-o-h-n-s-t-o-n.

10:03:28 24 THE REGISTRAR: Thank you.

10:03:30 25 The Court's indulgence.

1 THE COURT: The witness will affirm on
2 his eagle feather that he is holding in his hand.

3 Thank you, sir.

4 THE REGISTRAR: Do you affirm that this
5 eagle feather symbolizes your direct connection to
6 the Creator for your peoples and you hold it in the
7 spirit of honour and truth and the evidence you
8 shall give in this matter shall be the truth, the
9 whole truth and nothing but the truth?

10 THE WITNESS: I do.

11 THE REGISTRAR: Thank you. You may be
12 seated.

13 EDWARD JOHNSTON: Sacred Eagle
14 Feather Affirmation.

15 EXAMINATION IN-CHIEF BY MR. TOWNSHEND:

16 Q. Good morning, Mr. Johnston.

17 A. Good morning.

18 Q. Could you please tell the Court
19 your date and place of birth?

20 A. I was born on the 1st of August,
21 1935, in the community here on the reserve that is
22 known as Sydney Bay.

23 Q. And can you tell us your parents'
24 names, please?

25 A. My father's name was Alexander

1 Murray Johnston, and my mother was Beatrice Carrie
2 Jones.

3 THE COURT: Sir, there is a microphone
4 in front of you. Maybe you could slide it a little
5 closer to you. That might be better.

6 THE WITNESS: Is that better?

7 THE COURT: That is much better, yes.

8 BY MR. TOWNSHEND:

9 Q. And going up on your father's
10 line, your father's parents?

11 A. Yes.

12 Q. What are their names?

13 A. Michael Johnston and Josette - and
14 there is some concern on that - I will say
15 Recollete, but I have heard that sometimes it was
16 Toulouse.

17 Q. And the name of Michael Johnston's
18 mother was?

19 A. Michael Johnston's mother was
20 Nawakwot. No, Nawakwot was the great -- was -- I
21 can't even say it now.

22 Q. You told me earlier it was
23 Mishkwebnouq?

24 A. Yes.

25 Q. I was really going up to Nawakwot,

10:06:17 1 and what can you tell us about Nawakwot?

10:06:17 2 A. Nawakwot was a Pottawatomi woman
10:06:20 3 that lived over in the Green Bay area, and at the
10:06:28 4 time that the American people were clearing out the
10:06:33 5 Great Lake Basin and sending the Indian people to
10:06:36 6 Oklahoma, she ran away and come across to Sarnia,
10:06:44 7 Port Huron, and across into Sarnia area and
10:06:46 8 eventually ended up here.

10:06:47 9 Q. And going to your mother's side,
10:06:58 10 you said your mother was Beatrice Jones, and can
10:07:02 11 you tell us the name of her parents?

10:07:04 12 A. Her parents were Charles Kegedonce
10:07:07 13 Jones, and her mother's maiden name was Ella Pen.

10:07:14 14 Q. And can you tell us the name of
10:07:15 15 Charles Kegedonce Jones' father?

10:07:20 16 A. Peter Jones.

10:07:21 17 Q. Mr. Johnston, for what periods of
10:07:24 18 your life have you lived on this reserve at Nawash?

10:07:27 19 A. I was born in Sydney Bay, and I
10:07:30 20 lived there until 1946 or '47, at which time I was
10:07:33 21 taken to a residential school in Spanish, Ontario.
10:07:38 22 I never returned to live on the reserve again until
10:07:42 23 1983. I lived back in the same house I was born
10:07:44 24 in.

10:07:48 25 Q. As a child, did you spend time

10:07:51 1 with your grandfather Charles Kegedonce Jones?

10:07:56 2 A. Considerable.

10:07:58 3 Q. Can you tell us what sort of
10:08:00 4 activities you did with him?

10:08:01 5 A. Well, it was usually after church
10:08:03 6 on Sunday. The Catholic church is over just a half
10:08:07 7 a mile from his home, and through the summers we
10:08:12 8 would drive down. Mother had a car, and we would
10:08:15 9 drive to church.

10:08:17 10 Following mass, we would go down to his
10:08:19 11 place, and we would either go swimming to start off
10:08:23 12 with, and then we would work in the garden. He was
10:08:26 13 an elderly man, and we would work in the garden,
10:08:31 14 and he would be out there showing us what to do,
10:08:33 15 how to hold the potatoes and pull weeds, and he was
10:08:38 16 out instructing us how to do that. He was a
10:08:41 17 farmer, but he was 90 years old, so he had a few
10:08:48 18 things that he couldn't do himself. So we would do
10:08:51 19 that practically every Sunday, and after which time
10:08:57 20 he would take us aside and talk to us.

10:09:03 21 Grandma, grandmother used to make
10:09:06 22 lemonade or some such drink, and then we would all
10:09:10 23 sit outside under the shade tree and converse about
10:09:13 24 whatever was happening or the family lines or
10:09:16 25 whatever it was.

1 Q. Did you hunt with Charles
2 Kegedonce Jones?

3 A. Yes, I did, yes.

4 Q. Can you tell us where and how
5 often?

6 A. If we -- around the reserve here,
7 but at other times we would go up to a place called
8 Halfway Rock, and we would go by boat and around
9 the Halfway Rock and that place they called the Log
10 Dump. We would hunt in that area.

11 Then later on, his son, Norman, moved
12 back from California to the reserve here, and he
13 had a big, red international truck, and he would
14 load us all into the truck and take the roadway up
15 and hunt around the Willow Creek area along the
16 highway, what is known as Highway 6 now.

17 Q. I think you might be the first
18 witness to mention that. Maybe we should locate
19 that on the map. There is a map to your right of
20 the peninsula, and that is lettered exhibit -- do
21 we have that number? Pardon me for a moment.

22 THE COURT: I think it is "Q"; is that
23 correct, Counsel?

24 MR. TOWNSHEND: Yes.

25 THE COURT: The map put forward by the

1 municipalities called "Grey Bruce Ontario Canada."

2 THE WITNESS: The Log Dump is in this
3 area here (indicating), and the reserve that we
4 used to hunt on is here, Willow Creek.

5 BY MR. TOWNSHEND:

6 Q. Okay, the positions Mr. Johnston
7 has indicated on Exhibit Q are in the far northern
8 tip of the peninsula.

9 What do you consider your tribal
10 affiliation to be?

11 A. My father was Pottawatomi, and we
12 were taught that we were Pottawatomi. And my
13 mother was from the reserve here, but when she
14 married my father, she automatically took on his
15 status as Pottawatomi.

16 Q. And you mentioned before the
17 ancestry that -- the Pottawatomi ancestry you have
18 stemmed from, you mentioned, Nawakwot?

19 A. Nawakwot, yes.

20 Q. Are you aware of Pottawatomi
21 ancestry on your mother's side other than the sort
22 of by-marriage affiliation?

23 A. Not that I am aware of.

24 Q. Do you consider Ojibwe and Odawa
25 and Pottawatomi to be different peoples or the same

10:12:35 1 people?

10:12:36 2 A. I think they are basically the
10:12:40 3 same people. They spoke a little different dialect
10:12:44 4 of the Ojibwe language, but they did speak. They
10:12:49 5 could understand each other and communicate.

10:12:50 6 Q. Is it socially significant today
10:12:57 7 at Nawash if one's ancestors were Pottawatomi or
10:13:01 8 not?

10:13:01 9 A. I beg your pardon?

10:13:02 10 Q. Is it significant socially at
10:13:07 11 Nawash today if one's ancestors were Pottawatomi or
10:13:11 12 not?

10:13:11 13 A. I'm not aware of anything
10:13:15 14 different. I think they are socially accepted.

10:13:21 15 Q. What have you heard about the
10:13:23 16 Pottawatomi first coming to Nawash?

10:13:26 17 A. Nawakwot's brother was the first
10:13:33 18 one to come over here, and then when she came
10:13:39 19 across, she eventually moved into this area here,
10:13:44 20 her and three children.

10:13:52 21 Q. Were the Pottawatomi accepted, or
10:13:53 22 were there difficulties in that transition?

10:13:55 23 A. I am not really sure. I imagine
10:14:02 24 there must have been some conflict at first, but by
10:14:06 25 the time I come along, everybody was accepted

10:14:08 1 because they had integrated into this band here
10:14:13 2 through marriage and that.

10:14:14 3 Q. And how did you learn about the
10:14:22 4 issues about the Pottawatomi?

10:14:23 5 A. My father told me. He told me
10:14:28 6 about them coming across. Apparently, Nawakwot had
10:14:34 7 a number of horses, and when they finally got to
10:14:39 8 Port Huron there was some sort of a conflict
10:14:42 9 between Canada and the United States at that time,
10:14:46 10 and they couldn't get a boat to bring them across.

10:14:49 11 But they did hire a scow, and she had
10:14:56 12 to trade some of the horses off to this scow owner,
10:15:00 13 and he brought them across to Sarnia. But they
10:15:03 14 couldn't land in Sarnia. All they done was just
10:15:05 15 brush the wharf, and the people were on horseback,
10:15:08 16 and they rode off that old scow onto the shore,
10:15:13 17 onto the wharf.

10:15:19 18 Q. Had there also been religious
10:15:23 19 tensions in this community?

10:15:24 20 A. Yes, there has been religious
10:15:26 21 tensions, primarily the Catholic church and the
10:15:29 22 church across the road here, which was Methodist.
10:15:33 23 And originally there was a few traditional people
10:15:37 24 from other places, some Iroquois people that were
10:15:44 25 here, and they have all left now. But there was

10:15:48 1 some religious tensions between the two factions
10:15:53 2 that were here.

10:15:53 3 Q. Were the Pottawatomi aligned
10:15:55 4 mostly on one side of that?

10:15:57 5 A. Mostly on the Catholic side.

10:15:59 6 Q. Can you give us some examples
10:16:11 7 of -- have you experienced some of these tensions?
10:16:15 8 Have you experienced some of these tensions in your
10:16:16 9 life, and can you tell us a bit about them?

10:16:18 10 A. Yes. When I was young, and it was
10:16:23 11 just probably during the war or after the war,
10:16:25 12 there was a lot of tension between what is now is
10:16:30 13 the United Church, but it was Methodist at that
10:16:35 14 time. There was a lot of tensions, and the
10:16:37 15 conflicts occurred right here in the centre of this
10:16:40 16 little -- practically where we are sitting.

10:16:42 17 Q. You told me a story about your
10:16:49 18 grandfather Charles Kegedonce Jones and Markdale,
10:16:55 19 can you tell that to us, please?

10:16:58 20 A. Yes. My grandfather was born here
10:17:00 21 just 2 or 300 yards from where we are sitting, at
10:17:03 22 the shoreline down here, but they came here through
10:17:06 23 the summer. They were hunter-gathering people, and
10:17:10 24 the gathering and the hunting through the summer
10:17:14 25 was better here.

10:17:15 1 But the deer and the moose would go to
10:17:22 2 yard where there was less open country, a different
10:17:26 3 type of foliage. It is cedar trees, like almost
10:17:30 4 into a swamp-type thing that was over
10:17:33 5 south -- or east of Markdale. I think it was on
10:17:39 6 Beaver River Valley that was in there, and they
10:17:42 7 went there through the winters because the hunting
10:17:44 8 was better there, and they could continue to live.

10:17:51 9 Q. Can you point out Markdale on the
10:17:56 10 map behind you, which is Exhibit Q?

10:17:59 11 A. Right here (indicating).

10:18:09 12 Q. Yes, Mr. Johnston has indicated
10:18:14 13 Markdale. There is a modern town called Markdale.

10:18:21 14 There was also a story you told me
10:18:25 15 about, near the end of his life, Charles Kegedonce
10:18:29 16 Jones and Markdale; can you tell us that too?

10:18:34 17 A. Yes. My mother and father had one
10:18:40 18 of the few cars on the reserve, and Charles
10:18:44 19 Kegedonce Jones was quite elderly at this time, and
10:18:49 20 he wanted to go back and visit the place where he
10:18:52 21 had spent his younger days in Markdale. So mother
10:18:58 22 drove him down, and my brother and I went with
10:19:01 23 them.

10:19:01 24 And it took us a long time to get
10:19:03 25 there, and it took him a long time to find the

10:19:05 1 place where they were -- where they had been,
10:19:08 2 because everything had changed. The farmers had
10:19:11 3 plowed up some of the fields and a lot of the bush
10:19:15 4 had been cut down and removed. And it took him a
10:19:17 5 long while to find it, but he did find it, and I
10:19:21 6 recall standing there not too far away from him and
10:19:25 7 listening to him talk to the people that he had
10:19:28 8 left behind there.

10:19:29 9 Q. Did you hear about the Treaty
10:19:40 10 concerning the peninsula from your grandfather
10:19:42 11 Charles Kegedonce Jones?

10:19:44 12 A. I beg your pardon?

10:19:46 13 Q. Did you hear things about the
10:19:49 14 Treaty concerning the peninsula from your
10:19:51 15 grandfather Charles Kegedonce Jones?

10:19:53 16 A. Yes, yes, I did. There was some
10:19:57 17 concern at the time that a lot of the people, of
10:20:05 18 our people, could neither read nor write. Some
10:20:08 19 could sign their names, but others couldn't. So
10:20:11 20 that when the Treaty was made, it is not
10:20:13 21 necessarily what they had agreed to that was
10:20:17 22 written into the Treaty, and there was a lot of
10:20:23 23 concern about that.

10:20:24 24 Q. What have you heard about the
10:20:30 25 shores of the peninsula?

10:20:32 1 A. That the water beds were never
10:20:37 2 surrendered, only the land was surrendered, and
10:20:45 3 there was a certain area surrounding the lake beds
10:20:49 4 and the bay side that they could use because at
10:20:59 5 that time the only means of transportation was by
10:21:01 6 boat or walking. So they would travel by boat, and
10:21:06 7 they could push into shore anywhere they wanted and
10:21:09 8 camp.

10:21:10 9 Q. And from whom did you hear this?

10:21:17 10 A. From my grandfather.

10:21:18 11 Q. Now, I would like you to talk
10:21:25 12 about Indian Agents.

10:21:30 13 A. I only knew two of them. One of
10:21:32 14 them was a fellow named Fred Tufnel that was here
10:21:37 15 when I was a youngster. He was the fellow that
10:21:40 16 took me to Spanish, to the residential school.

10:21:44 17 There was a concern about his ability
10:21:49 18 to read and write. He could sign his name,
10:21:51 19 apparently, but this is just hearsay of what I have
10:21:56 20 been told. He could sign his name, but he couldn't
10:21:58 21 necessarily read nor write what was on the paper.
10:22:02 22 And his wife was very well educated, was his person
10:22:09 23 that done the writing and reading for him.

10:22:12 24 Q. And how did he relate to the
10:22:15 25 people here?

10:22:16 1 A. Not well, not well. The Indian
10:22:22 2 Agent was omni-puissant. He had all power, and he
10:22:28 3 abused that power.

10:22:34 4 Q. Can you elaborate on that, please?

10:22:36 5 A. Well, there was lots of times that
10:22:40 6 the people would have something, they would take it
10:22:43 7 to Council and -- to try and get some solution to
10:22:46 8 it. And at which time he was like, almost like the
10:22:52 9 king here. And he had all that power, and he could
10:23:00 10 -- he wouldn't associate with that.

10:23:01 11 Q. How did he relate to the Band
10:23:08 12 Council?

10:23:09 13 A. Not well. The Band and Council
10:23:12 14 and he were always at odds.

10:23:19 15 Q. Do you have some examples?

10:23:20 16 A. There was a certain person that
10:23:24 17 was the Chief here. Wilmer Nadjiwon at one time
10:23:28 18 was here, and he happened to be down at the Indian
10:23:35 19 Agency, which is just the big stone building down
10:23:37 20 the road here. And he seen the Indian Agent out
10:23:42 21 there burning papers, and it was the records of the
10:23:47 22 Council meetings and such, and he was out burning
10:23:50 23 them.

10:23:51 24 And Wilmer went in and rescued one book
10:23:55 25 out of there that is very important. I am sure

10:23:59 1 that when you get Marshall Nadjiwon up here, he'll
10:24:03 2 be able to tell you exactly what it was.

10:24:04 3 Q. And how did you learn these things
10:24:07 4 about the Indian Agent?

10:24:08 5 A. Well, we lived it.

10:24:19 6 MR. TOWNSHEND: Thank you. Those are
10:24:20 7 my questions.

10:24:21 8 THE COURT: Thank you, sir.

10:24:23 9 Now, which counsel is asking questions
10:24:26 10 next?

10:24:28 11 MR. ENNIS: Good morning, Your Honour,
10:24:29 12 yes, it is Barry Ennis with Canada.

10:24:32 13 THE COURT: Sir, could you come forward
10:24:33 14 to the podium.

10:24:35 15 MR. ENNIS: Certainly.

10:24:40 16 CROSS-EXAMINATION BY MR. ENNIS:

10:24:47 17 Q. Good morning, Mr. Johnston.

10:24:49 18 A. Good morning.

10:24:50 19 Q. I am one of Canada's legal
10:24:52 20 counsel, Barry Ennis, and I have some questions to
10:24:55 21 ask you this morning.

10:24:57 22 I would like to ask you, first, some
10:25:02 23 questions relating to the harvesting rights in the
10:25:07 24 SON territory. You mentioned deer and moose were
10:25:12 25 hunted?

10:25:12 1 A. Yes.

10:25:13 2 Q. What else was hunted in the

10:25:16 3 territory?

10:25:16 4 A. Whatever was edible.

10:25:21 5 Q. So that would include?

10:25:22 6 A. Ducks, geese, rabbits, raccoons.

10:25:28 7 Q. And where did the community

10:25:32 8 members hunt on the peninsula?

10:25:34 9 A. On the peninsula? When the

10:25:39 10 Treaties were first signed, they understood that

10:25:42 11 they could continue to use the lands that were

10:25:45 12 surrendered as they had before they were

10:25:51 13 surrendered.

10:25:52 14 Hunting was usually within a close

10:25:56 15 proximity of where they lived, so if they lived on

10:26:00 16 the reserve here, a lot of the hunting was done on

10:26:02 17 the reserve or just around the periphery of the

10:26:05 18 reserve.

10:26:07 19 Q. And did community members ever

10:26:14 20 hunt on farm lands?

10:26:15 21 A. Yes, they did, uhm-hmm.

10:26:19 22 Q. And also on other non-reserve

10:26:23 23 lands?

10:26:23 24 A. That's correct.

10:26:24 25 Q. And were you ever, you or any

1 community members ever interfered with by
2 conservation officers or others in the hunting?

3 A. At one time my brother-in-law,
4 Donald Keeshig, and I were hunting up by Dyer's
5 Bay, and it was a road into -- there was an old
6 road into the reserve up in that area, and we were
7 hunting on that road, and the game warden stopped
8 us.

9 Q. And about what time period would
10 that have been?

11 A. I beg your pardon?

12 Q. About what time period would that
13 have been?

14 A. You mean in years?

15 Q. Yes.

16 A. It would be about, probably, 1960.

17 Q. Thank you.

18 And in terms of fishing, where would
19 your community, you and your community members be
20 fishing in the Bruce Peninsula area?

21 A. Wherever they wished, usually. We
22 understood that we owned the water completely
23 surrounding the peninsula, so whenever the fishing
24 was required, and there was certain areas at
25 certain times of the year that were better than

10:27:43 1 others.

10:27:46 2 When -- I recall that Nochemowenaning
10:27:57 3 that Karl had mentioned yesterday, it is over on
10:28:00 4 the other side of Hope Bay, and the only boat we
10:28:02 5 had was a row boat, so we would help my father. We
10:28:06 6 would go over -- we would leave home in the late
10:28:08 7 afternoon and go over there and set the nets just
10:28:12 8 off the Nochemowenaning point there.

10:28:16 9 And then we would stay there. There
10:28:18 10 was a cabin there. We stayed there overnight
10:28:21 11 because if the wind changed, we had to get out and
10:28:23 12 get that net out of the water before it was
10:28:26 13 damaged. So we would be out there sometimes in
10:28:30 14 dark and sometimes in the early morning to retrieve
10:28:35 15 the fish from the nets.

10:28:37 16 Q. And was there any interference by
10:28:42 17 officials with your fishing?

10:28:44 18 A. I beg your pardon? I'm kind of --

10:28:47 19 Q. Did officials ever interfere with
10:28:49 20 your fishing as well?

10:28:51 21 A. Not at that time.

10:28:52 22 Q. Okay. Now, you are related to
10:29:00 23 Charles Kegedonce Jones?

10:29:02 24 A. That was my grandfather.

10:29:03 25 Q. And his father was Peter Jones?

10:29:06 1 A. That's correct.

10:29:07 2 Q. And is that the same Peter Jones
10:29:09 3 who signed Treaty 72?

10:29:12 4 A. I believe it is.

10:29:13 5 Q. Now, you mentioned your dealings
10:29:21 6 with the Indian Agent, and you have said you dealt
10:29:24 7 with the Indian Agent Tufnel, but you said there
10:29:28 8 was another Indian Agent as well. What was his
10:29:31 9 name?

10:29:31 10 A. There was another one following
10:29:34 11 Tufnel. After Tufnel left, he was the last one we
10:29:37 12 had here. His name was Ford Butchart, and he lived
10:29:42 13 in Wiarton at the end of his life, and he stayed in
10:29:46 14 the area once he was appointed.

10:29:49 15 Q. And when did his official Indian
10:29:52 16 Agency stop, what year, about?

10:29:54 17 A. I have no idea. I wasn't here. I
10:29:57 18 was in residential school, and immediately after I
10:30:01 19 finished residential school, I went into the
10:30:03 20 military, and I stayed there for 20 years. And
10:30:08 21 when I come back here, back to the reserve to live,
10:30:11 22 there was no Indian Agent.

10:30:14 23 Q. Okay, thank you.

10:30:24 24 Now, the records that you mentioned
10:30:26 25 being burned when the Chief -- Wilmer Nadjiwon was

1 Chief?

2 A. I believe that was the time, he
3 was either the Chief or the Councillor at that
4 time.

5 Q. And those records were burned by
6 the Indian Agent Tufnel?

7 A. That's right.

8 Q. Did you hear about this from Chief
9 Wilmer Nadjiwon?

10 A. It was the talk of the reserve
11 when I came back here to visit at one time. I had
12 not necessarily heard it from the Chief Wilmer
13 Nadjiwon, but possibly from my mother and father.

14 Q. Thank you. Pardon me for a
15 moment.

16 A. Sure.

17 Q. Mr. Johnston, you had pointed out
18 Willow Creek on the map and also Markdale.

19 A. Yes.

20 Q. Are there letters and numbers on
21 that map, do you know, right behind you?

22 A. In what respect?

23 Q. I guess they would be on the top
24 or on the side, a number and a letter. We think
25 Willow Creek may be on the grid B-1, between B-1

1 and B-2; is that correct?

2 A. That's correct.

3 Q. And Markdale, is that in the grid
4 at F-5?

5 A. Yes.

6 Q. Thank you.

7 Now, you spoke about your Pottawatomi
8 ancestors who came from the Green Bay area in
9 Wisconsin. You didn't mention the time period.
10 You mentioned there was a conflict between Canada
11 and the United States. Was that in the War of
12 1812, in that period?

13 A. It quite possibly could be. My
14 father was born in 1889, and his father before
15 that, so I am not really sure just what year that
16 may have been, but it was at a time that there was
17 conflict between Canada and the United States,
18 possibly 1812.

19 Q. And based on what you heard in
20 your family and community, can you tell us -- well,
21 you have actually told us why your ancestors came
22 here. It was because there was a clearing out of
23 the Great Lakes area and a movement to Oklahoma?

24 A. That's right.

25 Q. Did you hear anything more about

10:33:47 1 these policies of moving out the Indian people, as
10:33:54 2 you said, from the Great Lakes area by the American
10:33:57 3 authorities?

10:33:57 4 A. I have read a lot about it, yes.
10:34:00 5 They call it the Trail of Tears, where they moved
10:34:04 6 everyone from Florida out to areas in Arizona and
10:34:08 7 Oklahoma, all the native people around this area.
10:34:13 8 If they wanted a piece of land that was occupied by
10:34:16 9 the native people, they just went and moved the
10:34:19 10 native people out.

10:34:20 11 Q. And is that what caused Nawakwot's
10:34:26 12 brother to first come to the Southwestern Ontario
10:34:30 13 area?

10:34:30 14 A. It is quite possibly.

10:34:32 15 Q. So do you know of any other
10:34:36 16 connections that your ancestors had to the
10:34:41 17 Southwestern Ontario area, where they came?

10:34:43 18 A. Yes, my grandfather was a
10:34:49 19 descendant of Tecumseh, and one afternoon when we
10:34:57 20 were over helping him with the garden and such, he
10:35:00 21 was talking to us about that. And he said, "Come
10:35:05 22 with me," and he took us a little way from the
10:35:08 23 house there where he was living, over what they
10:35:10 24 called The Point. And he showed us a grave, and
10:35:14 25 that grave was of Tecumseh's sister.

10:35:23 1 Q. And she was your ancestor?

10:35:24 2 A. Yes, he called her his aunt.

10:35:26 3 Q. Now, when your ancestors came to

10:35:31 4 the Southwestern Ontario area, do you know how the

10:35:34 5 British accepted the move into the area?

10:35:37 6 A. I am not really sure about that,

10:35:42 7 but I have heard that some areas that they were

10:35:46 8 moving through, they weren't really welcomed.

10:35:50 9 Q. Sorry, you said they weren't

10:35:53 10 welcomed?

10:35:53 11 A. They weren't welcomed by the

10:35:56 12 British in that area, that were occupying that

10:35:59 13 area.

10:35:59 14 Q. But your ancestors were able, of

10:36:05 15 course, to come into Canada and stay?

10:36:07 16 A. Yes, uhm-hmm.

10:36:08 17 Q. One moment, please.

10:36:09 18 Mr. Johnston, those are all my

10:36:14 19 questions. Thank you very much.

10:36:17 20 THE COURT: Thank you.

10:36:19 21 Counsel for Ontario?

10:36:22 22 CROSS-EXAMINATION BY MR. FELICIAN:

10:37:28 23 Q. Good morning, Mr. Johnston.

10:37:29 24 A. Good morning.

10:37:30 25 Q. My name is David Feliciant. We

1 met briefly before we began.

2 A. Yes, we did.

3 Q. I'm counsel for Ontario in this
4 matter, and I just have a few questions, and
5 hopefully it won't take too long.

6 Speaking a bit more about your family
7 tree, I understand you have eight siblings, am I
8 correct, four brothers and four sisters?

9 A. Yes, there was nine in the family.
10 One boy died of meningitis at a very early age.

11 Q. And one of your siblings, I
12 understand you had a sister named Keitha, married
13 to a Donald Keeshig?

14 A. That's correct. That was the
15 mother of the fellow who was here yesterday, Karl
16 Keeshig.

17 Q. Yes, that is what I was going to
18 ask you. So to situate you and Karl, Karl Keeshig
19 from yesterday would be your nephew?

20 A. Yes.

21 Q. Okay. And it was your mother
22 Beatrice who was Charles Kegedonce Jones' daughter?

23 A. That's correct. My father was
24 married twice, first to Kate Jones, who was my
25 mother's sister, but she died of the flu in 1919,

1 and so dad returned to the well again and chose my
2 mother.

3 Q. Lucky for you.

4 Now, I understand that your father's
5 father, Peter Jones, was a signatory -- no, sorry,
6 your father's father was Charles Kegedonce Jones,
7 your grandfather. His father was Peter Jones, who
8 was a signatory to the Treaty?

9 A. That was on my mother's side.

10 Q. On your mother's side, okay. And
11 he was a signatory to the Treaty in 1884.

12 Now, he, I understand, was married to
13 Margaret McLeod?

14 A. Yes.

15 Q. And was Margaret McLeod of
16 Scottish or British descent?

17 A. I beg your pardon?

18 Q. Was she of Scottish or British
19 descent?

20 A. No.

21 Q. What would her ancestry be?

22 A. Native. At that time, the same as
23 my name is Johnston now, the government decided
24 that we couldn't have native names, so they had to
25 change, accept somebody that they knew and take

10:40:05 1 that name. So that is where the Joneses come from,
10:40:08 2 the Johnstons come from, the McLeods come from.

10:40:12 3 Q. Okay. Now, you also have a
10:40:19 4 daughter, Darlene Johnston, who will be testifying
10:40:22 5 later in these proceedings?

10:40:23 6 A. That's correct.

10:40:23 7 Q. And Darlene Johnston, I
10:40:25 8 understand, has spent several years doing research
10:40:27 9 into issues relevant to these claims?

10:40:30 10 A. That's right.

10:40:31 11 Q. Okay. Have you had an opportunity
10:40:34 12 to read any of her material?

10:40:36 13 A. I have read some, but mostly when
10:40:39 14 -- at the time she was living here. She had been a
10:40:44 15 professor, law professor at a university in Ottawa,
10:40:47 16 and she left that job to come back here and do some
10:40:51 17 research and to help in the fishing case that we
10:40:56 18 had. So she built a house just over the way here
10:40:59 19 from me, a piece of property I gave her. And I
10:41:05 20 didn't really have to read anything because she
10:41:07 21 would be telling me about it.

10:41:09 22 Q. And when was this on the time
10:41:14 23 line? What years would this have been?

10:41:18 24 A. Oh, gee whiz, I think that fishing
10:41:21 25 case took place in 1990, when it was finalized, but

10:41:26 1 she had moved here a few years before that.

10:41:30 2 Q. And I also understand you were on
10:41:33 3 the Council for the communities?

10:41:35 4 A. At one time I was on the Council.

10:41:37 5 Q. And when was that?

10:41:39 6 A. Sometime, possibly, around 1985.

10:41:48 7 I was working with Ontario Hydro, and it is 70
10:41:52 8 miles from my door to the parking lot at Ontario
10:41:54 9 Hydro, and I had a position there. And I had been
10:42:02 10 asked to run for Council, so I took it, and I did
10:42:06 11 get elected, but I had difficulty trying to work
10:42:11 12 down there and be here for Council meetings.

10:42:14 13 So they agreed that they would have
10:42:17 14 most of these meetings in the evening, supposedly
10:42:24 15 at 7 o'clock. But as it turned out, people never
10:42:28 16 showed up until 7:30 or 8:30 and 9 o'clock, and I
10:42:32 17 had to leave in the morning about 4:30 or 5 o'clock
10:42:35 18 to be back down to work.

10:42:37 19 So I eventually just said no, that is
10:42:39 20 enough.

10:42:40 21 Q. And at that point in time, while
10:42:45 22 you were on Council, were there any discussions in
10:42:48 23 the community with respect to bringing any claims
10:42:50 24 against the government?

10:42:51 25 A. I beg your pardon?

1 Q. At the time you were on the
2 Council, in or around 1985, were there any
3 discussions at Council about bringing claims
4 against the government?

5 A. Yes, there was. It seems to me
6 that that has gone on for a number of years, even
7 prior to me being on Council.

8 Q. And do you know when those
9 discussions might have started?

10 A. Possibly just as soon as the
11 Treaty had been signed.

12 Q. And why do you say that?

13 A. Well, they didn't believe that the
14 Treaty was truthful, in respect. They couldn't
15 read nor write. Some of them could sign their
16 name. But when they agreed to something, their
17 sign, their mark and then the dodem was on the
18 Treaty, and they didn't think that they had been
19 truthful in the Treaty itself.

20 Q. Now, your grandfather, Charles
21 Kegedonce Jones, was a Chief in the community as
22 well?

23 A. Yes, he was.

24 Q. And when you heard your
25 grandfather talking or when he would talk to you,

10:44:15 1 did you hear discussions about the possibility of
10:44:18 2 bringing a claim against the governments?

10:44:20 3 A. Yes, there was talk about it way
10:44:24 4 back then.

10:44:24 5 Q. And do you remember any details
10:44:26 6 about that?

10:44:26 7 A. No, I don't.

10:44:27 8 Q. Okay.

10:44:28 9 A. I was only 11 or 12 when I left
10:44:31 10 the reserve.

10:44:31 11 Q. Now, did he speak to you usually
10:44:40 12 in English or Ojibwe?

10:44:41 13 A. Both. I wasn't fluent in Ojibwe.
10:44:46 14 My mother and father spoke it, but my father said
10:44:51 15 "You had better learn to speak English," he said,
10:44:53 16 "because that is going to be English you are
10:44:58 17 working in." So we didn't speak -- my mother and
10:45:02 18 father spoke it in the house, but when they spoke
10:45:04 19 to us, they spoke to us in English.

10:45:06 20 Q. And your grandfather, you say,
10:45:09 21 spoke to you in both?

10:45:10 22 A. Well, he would talk in both when
10:45:17 23 he was -- and then he would tell us over again what
10:45:20 24 he had said.

10:45:20 25 Q. In an effort to teach you the

10:45:21 1 language?

10:45:21 2 A. Yes.

10:45:22 3 Q. Okay. And did his father speak
10:45:26 4 English as well?

10:45:26 5 A. I believe he did.

10:45:28 6 Q. During your time on Council, were
10:45:40 7 any of the findings from any of the research
10:45:43 8 presented to the people in Council, yourself and
10:45:46 9 others?

10:45:47 10 A. Not while I was there. Of course,
10:45:49 11 I wasn't there very long, but I don't recall any
10:45:54 12 being...

10:45:56 13 Q. Are you familiar with a Professor
10:46:09 14 Brownlie? Does that name mean anything to you,
10:46:13 15 Professor Brownlie, Jarvis Brownlie?

10:46:18 16 A. No, it means nothing to me.

10:46:20 17 Q. Now, you have been in the
10:46:26 18 communities, residing now since your return in
10:46:29 19 1983, so that is about 36 years?

10:46:31 20 A. Yes, about.

10:46:33 21 Q. And you have had an opportunity, I
10:46:37 22 take it then, through either work on Council or
10:46:40 23 your interactions with your siblings and other
10:46:43 24 members of the community to talk about the Treaties
10:46:47 25 and the legacy of the Treaties?

10:46:49 1 A. Yes, I have, but when I moved back
10:46:56 2 here in 1983, I was still with Ontario Hydro until
10:46:59 3 1993, I believe it was, when I left Ontario Hydro.

10:47:02 4 Q. Now, in any of your discussions,
10:47:09 5 either with your father, your parents, your
10:47:15 6 grandparents, was anyone able to provide you with
10:47:22 7 any details that was passed down to them about
10:47:27 8 specifics of what happened at the Treaty signings?

10:47:31 9 A. It had been mentioned several
10:47:35 10 times, yes.

10:47:35 11 Q. So when I say "specifics," I am
10:47:39 12 meaning things like who was there, how many of
10:47:45 13 those people might have spoken English or not
10:47:48 14 spoken English, any of those, that level of detail?

10:47:52 15 A. Not that I recall.

10:47:54 16 Q. Okay. And similarly, in
10:47:57 17 discussions with any of your siblings who would
10:48:00 18 have also spoken to your parents and grandparents,
10:48:05 19 anyone convey to you that they had heard stories
10:48:08 20 about details of who spoke English, what might have
10:48:13 21 happened at the Treaty Council when they discussed
10:48:15 22 the Treaty in 1854, any of those kinds of details?

10:48:19 23 A. There would be some detail that I
10:48:28 24 would recall, but I'm not really familiar with it.

10:48:34 25 Q. And when you say there is some

10:48:36 1 detail that you recall, what is the extent of that
10:48:39 2 detail?

10:48:40 3 A. Well, the main part that they were
10:48:45 4 talking about was the road allowances and the
10:48:50 5 location of certain areas that were supposedly
10:49:01 6 sacred places to us, like Nochemowenaning over
10:49:05 7 across the bay and areas like that. But they were
10:49:09 8 released under the Treaty, but they thought that
10:49:12 9 that was going to be reserved for them.

10:49:15 10 Q. Anything else, or that was it?

10:49:19 11 A. Well, there was several other
10:49:21 12 places up around the Log Dump area and what is now
10:49:28 13 known as the Cypress Lake and that area, they
10:49:34 14 understood that a lot of that area was going to be
10:49:36 15 reserved for them, but it turned out that there was
10:49:39 16 only a two and a half square mile, mile square
10:49:43 17 piece of land that was reserved.

10:49:54 18 Q. Thank you very much, Mr. Johnston,
10:50:00 19 I appreciate that. Those are my questions.

10:50:03 20 A. Thank you.

10:50:06 21 THE COURT: Mr. Townshend, do you have
10:50:07 22 any re-examination for this gentleman?

10:50:10 23 MR. TOWNSHEND: One moment, Your
10:50:11 24 Honour.

10:50:12 25 THE COURT: Yes.

10:50:34 1 MR. TOWNSHEND: I have no questions.

10:50:38 2 THE COURT: All right. Sir, thank you
10:50:39 3 very much for your assistance. That concludes your
10:50:41 4 testimony.

10:50:43 5 THE WITNESS: Thank you.

10:50:46 6 THE COURT: And through the very
10:50:48 7 extensive preparation and efficiency of the lawyers
10:50:51 8 involved in this case, we are finished our two
10:50:54 9 witnesses earlier this week than we had planned.

10:50:58 10 However, efficiency is to be commended,
10:51:02 11 Counsel. I thank you for that.

10:51:04 12 This does conclude the sitting of this
10:51:07 13 Court in this location. I wish to thank the
10:51:12 14 Chippewas of Nawash First Nation for welcoming us
10:51:16 15 all here. Thank you very much.

10:51:18 16 We'll adjourn.

10:51:19 17 Counsel, I would like to have a very
10:51:21 18 short organizational talk with you before you all
10:51:24 19 leave, maybe in sort of five minutes or so, so if
10:51:28 20 you could bear that in mind before you leave the
10:51:31 21 building.

10:51:32 22 Thank you, everybody.

10:51:33 23 MR. FELICIAN: Your Honour, if I just
10:51:35 24 may, on behalf of Ontario, I wanted to take the
10:51:37 25 opportunity to thank the communities as well for

10:51:39 1 their hospitality, and we very much appreciated it.

10:51:43 2 Thank you.

10:51:43 3 THE COURT: I think all parties would
10:51:47 4 share that remark, and again, the Court is now
10:51:51 5 adjourned.

10:51:51 6 Thank you.

10:51:52 7
8
9 -- Adjourned at 10:52 p.m.

10
11
12
13
14
15
16
17
18
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, DEANA SANTEDICOLA, RPR, CRR,
CSR, Certified Shorthand Reporter, certify;

That the foregoing proceedings were
taken before me at the time and place therein set
forth, at which time the witness was put under oath
by me;

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

That the foregoing is a true and
correct transcript of my shorthand notes so taken.

Dated this 7th day of May, 2019



NEESON COURT REPORTING INC.

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

1	6	age 408:10	August 386:20	bit 394:9 408:6
10:01 385:1	6 390:16	Agency 398:19 403:16	aunt 407:2	boat 390:8 393:10 397:6 402:4,5
10:52 418:9	7	Agent 398:2,20 399:4 403:6,7,8, 22 404:6	authorities 406:3	book 385:16 398:24
11 413:9	7 411:15	Agents 397:12	automatically 391:14	born 386:20 388:19,23 394:20 405:14
12 413:9	70 411:7	agreed 396:21 411:13 412:16	aware 391:20,23 392:13	boy 408:10
1812 405:12,18	72 403:3	Alexander 386:25	B	bozhoo 385:14
1854 415:22	7:30 411:16	aligned 394:3	B-1 404:25	briefly 408:1
1884 409:11	8	allowances 416:4	B-2 405:1	bring 393:10
1889 405:14	8:30 411:16	American 388:4 406:2	back 388:23 390:12 395:20 403:21 404:11 410:16 411:18 413:4 415:1	bringing 411:23 412:3 413:2
1919 408:25	9	ancestor 407:1	band 393:1 398:11,13	British 407:5,12 409:16,18
1935 386:21	9 411:16	ancestors 392:7,11 405:8,21 406:16 407:3,14	Barry 399:12,20	brother 392:17 395:22 406:12
1946 388:20	A	ancestry 391:17,21 409:21	based 405:19	brother-in-law 401:3
1960 401:16	a.m. 385:1	Anni 385:14	basically 392:2	brothers 408:8
1983 388:23 414:19 415:2	ability 397:17	apparently 393:6 397:19	Basin 388:5	brought 393:13
1985 411:6 412:2	abused 398:3	appointed 403:14	bay 386:22 388:3,19 397:4 401:5 402:4 405:8 416:7	Brownlie 414:14,15
1990 410:25	accept 409:25	appreciated 418:1	bear 417:20	Bruce 391:1 401:20
1993 415:3	accepted 392:14,21,25 407:5	area 388:3,7 390:10,15 391:3 392:19 397:3 401:6,20 403:14 405:8,23 406:2,7, 13,17 407:4,5,12, 13 416:12,13,14	Beatrice 387:1 388:10 408:22	brush 393:15
1st 386:20	activities 389:4	areas 401:24 406:6 407:7 416:5,7	Beaver 395:6	building 398:19 417:21
2	adjourn 417:16	Arizona 406:6	beds 397:1,3	built 410:18
2 394:21	adjourned 418:5,9	assistance 417:3	beg 392:9 396:12 401:11 402:18 409:17 411:25	burned 403:25 404:5
20 403:20	administer 385:10	associate 398:10	began 408:1	burning 398:21, 22
3	affiliation 391:10,22		behalf 417:24	bush 396:3
300 394:21	affirm 386:1,4		Bible 385:18,20	Butchart 403:12
36 414:19	affirmation 385:10,17 386:14		big 390:13 398:19	by-marriage 391:22
4	afternoon 402:7 406:19		birth 386:19	C
47 388:20				cabin 402:10
4:30 411:17				
5				
5 411:17				

California 390:12	claims 410:9 411:23 412:3	correct 390:23 400:24 403:1 405:1,2 408:8,14, 23 410:6	dealt 403:6	early 402:14 408:10
call 406:5	clearing 388:4 405:22	Council 398:7, 12,13,22 411:3,4, 10,12,22 412:2,3, 7 414:6,8,22 415:21	decided 409:23	east 395:5
called 390:7,9 391:1 395:13 406:24 407:2	close 400:14	Councillor 404:3	deer 395:1 399:24	edible 400:4
camp 397:8	closer 387:5	counsel 390:23 399:9,20 407:21 408:3 417:11,17	descendant 406:19	educated 397:22
Canada 391:1 393:9 399:12 405:10,17 407:15	commencing 385:1	country 395:2	descent 409:16, 19	Edward 385:7, 22 386:13
Canada's 399:19	commended 417:10	Court 385:3,9 386:1,18 387:3,7 390:22,25 399:8, 13 407:20 416:21, 25 417:2,6,13 418:3,4	detail 415:14,23 416:1,2	efficiency 417:7,10
car 389:8	communicate 392:5	Court's 385:25	details 413:5 415:7,20,22	effort 413:25
Carrie 387:1	communities 411:3 414:18 417:25	Creator 386:6	dialect 392:3	elaborate 398:4
cars 395:18	community 386:21 393:19 400:7,19 401:1,19 405:20 411:23 412:21 414:24	Creek 390:15 391:4 404:18,25	died 408:10,25	elderly 389:13 395:19
case 410:17,25 417:8	completely 401:22	CROSS- EXAMINATION 399:16 407:22	difficulties 392:22	elected 411:11
Catholic 389:6 393:21 394:5	concern 387:14 396:17,23 397:17	cut 396:4	difficulty 411:11	Ella 388:13
caused 406:11	conclude 417:12	Cypress 416:13	direct 386:5	end 395:15 403:13
cedar 395:3	concludes 417:3	D	discussed 415:21	ended 388:8
centre 394:15	conflict 392:24 393:8 405:10,17	dad 409:1	discussions 411:22 412:3,9 413:1 415:4,17	English 413:12, 15,16,19 414:4 415:13,14,20
change 409:25	conflicts 394:15	damaged 402:13	dodem 412:17	Ennis 399:11,12, 15,16,20
changed 396:2 402:11	connection 386:5	dark 402:14	Donald 401:4 408:13	evening 411:14
Charles 388:12, 15 389:1 390:1 394:18 395:15,18 396:11,15 402:23 408:22 409:6 412:20	connections 406:16	Darlene 410:4,7	door 411:8	eventually 388:8 392:19 411:19
Chief 398:17 403:25 404:1,3,8, 12 412:21	conservation 401:2	date 386:19	drink 389:22	evidence 386:7
child 388:25	Considerable 389:2	daughter 408:22 410:4	drive 389:8,9	EXAMINATION 386:15
children 392:20	continue 395:8 400:11	David 407:25	drove 395:22	examples 394:6 398:15
Chippewas 417:14	converse 389:23	days 395:21	Ducks 400:6	exhibit 390:20 391:7 395:10
chose 409:1	convey 415:19	dealings 403:5	Dump 390:10 391:2 416:12	experienced 394:7,8
church 389:5,6, 9 393:21,22 394:13			Dyer's 401:4	extensive 417:7
claim 413:2			E	extent 416:1
			E-D-W-A-R-D 385:23	F
			eagle 386:2,5,13	F-5 405:4
			earlier 387:22 417:9	

<p>factions 394:1</p> <p>familiar 414:13 415:24</p> <p>family 389:24 405:20 408:6,9</p> <p>farm 400:20</p> <p>farmer 389:17</p> <p>farmers 396:2</p> <p>father 388:15 391:11,14 393:5 395:17 402:5,25 404:13 405:14 408:23 409:5,6,7 413:14,18 414:3 415:5</p> <p>father's 386:25 387:9,10 409:4,6</p> <p>feather 386:2,5, 14</p> <p>Feliciant 407:22,25 417:23</p> <p>fellow 397:14,15 408:15</p> <p>fields 396:3</p> <p>finalized 410:25</p> <p>finally 393:7</p> <p>find 395:25 396:5</p> <p>findings 414:7</p> <p>finished 403:19 417:8</p> <p>fish 402:15</p> <p>fishing 401:18, 20,23 402:17,20 410:17,24</p> <p>Florida 406:6</p> <p>flu 408:25</p> <p>fluent 413:13</p> <p>foliage 395:3</p> <p>Ford 403:12</p> <p>forward 390:25 399:13</p> <p>Fred 397:14</p>	<p>front 387:4</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>game 401:7</p> <p>garden 389:12, 13 406:20</p> <p>gathering 394:24</p> <p>gave 410:19</p> <p>gee 410:24</p> <p>geese 400:6</p> <p>gentleman 416:22</p> <p>give 386:8 394:6</p> <p>Good 385:5,12 386:16,17 399:11, 17,18 407:23,24</p> <p>government 409:23 411:24 412:4</p> <p>governments 413:2</p> <p>grandfather 389:1 394:18,20 396:10,15 397:10 402:24 406:18 409:7 412:20,25 413:20</p> <p>Grandma 389:21</p> <p>grandmother 389:21</p> <p>grandparents 415:6,18</p> <p>grave 406:24,25</p> <p>great 387:20 388:5 405:23 406:2</p> <p>Green 388:3 405:8</p> <p>Grey 391:1</p> <p>grid 404:25 405:3</p> <p>guess 404:23</p>	<hr/> <p style="text-align: center;">H</p> <hr/> <p>half 389:6 416:16</p> <p>Halfway 390:8,9</p> <p>hand 386:2</p> <p>happened 398:18 415:8,21</p> <p>happening 389:24</p> <p>harvesting 399:23</p> <p>he'll 399:1</p> <p>hear 396:9,13 397:9 404:8 405:25 413:1</p> <p>heard 387:15 392:15 396:24 404:12 405:19 407:7 412:24 415:19</p> <p>hearsay 397:19</p> <p>helping 406:20</p> <p>highway 390:16</p> <p>hire 393:11</p> <p>hold 386:6 389:15</p> <p>holding 386:2</p> <p>holy 385:16</p> <p>home 389:7 402:6</p> <p>honour 385:6 386:7 399:11 416:24 417:23</p> <p>Hope 402:4</p> <p>horseback 393:15</p> <p>horses 393:7,12</p> <p>hospitality 418:1</p> <p>house 388:23 406:23 410:18 413:18</p>	<p>hunt 390:1,10,15 391:4 400:8,20</p> <p>hunted 399:25 400:2</p> <p>hunter-gathering 394:23</p> <p>hunting 394:24 395:7 400:14,16 401:2,4,7</p> <p>Huron 388:7 393:8</p> <p>Hydro 411:7,9 415:2,3</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>idea 403:17</p> <p>imagine 392:23</p> <p>immediately 403:18</p> <p>important 398:25</p> <p>IN-CHIEF 386:15</p> <p>include 400:5</p> <p>Indian 388:5 397:12 398:1,18, 20 399:4 403:6,7, 8,15,22 404:6 406:1</p> <p>indicating 391:3 395:11</p> <p>indulgence 385:25</p> <p>instructing 389:16</p> <p>integrated 393:1</p> <p>interactions 414:23</p> <p>interfere 402:19</p> <p>interfered 401:1</p> <p>interference 402:16</p>	<p>international 390:13</p> <p>introduce 385:3</p> <p>involved 417:8</p> <p>Iroquois 393:24</p> <p>issues 393:4 410:9</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>J-O-H-N-S-T-O-N 385:23</p> <p>Jarvis 414:15</p> <p>job 410:16</p> <p>Johnston 385:7,22 386:13, 16 387:1,13 388:17 391:6 395:12 399:17 404:17 407:18,23 409:23 410:4,7 416:18</p> <p>Johnston's 387:17,19</p> <p>Johnstons 410:2</p> <p>Jones 387:2 388:10,13,16 389:1 390:2 394:18 395:16,19 396:11,15 402:23, 25 403:2 408:24 409:5,6,7 412:21</p> <p>Jones' 388:15 408:22</p> <p>Joneses 410:1</p> <p>Josette 387:13</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Karl 402:3 408:15,18</p> <p>Kate 408:24</p> <p>Keeshig 401:4 408:13,16,18</p>
---	--	--	---	--

Kegedonce 388:12,15 389:1 390:2 394:18 395:15,19 396:11, 15 402:23 408:22 409:6 412:21	level 415:14	405:3	Mishkwebnou q 387:23	10 409:22,24
Keitha 408:12	life 388:18 394:9 395:15 403:13	marriage 393:2	modern 395:13	Nawakwot 387:20,25 388:1,2 391:18,19 393:6
kind 402:18	lines 389:24	married 391:14 408:12,24 409:12	moment 385:8 390:21 404:15 407:17 416:23	Nawakwot's 392:17 406:11
kinds 415:22	listening 396:7	Marshall 399:1	moose 395:1 399:24	Nawash 388:18 392:7,11,16 417:14
king 398:9	live 388:22 395:8 403:21	mass 389:10	morning 385:5, 12 386:16,17 399:11,17,18,21 402:14 407:23,24 411:17	necessarily 396:21 397:21 404:12
knew 397:13 409:25	lived 388:3,18, 20,23 399:5 400:15 403:12	material 410:12	mother 387:1, 18,19 388:10 389:8 391:13 395:17,21 404:13 408:15,21 409:2 413:14,17	nephew 408:19
<hr/> L <hr/>	living 406:23 410:14	Mcleod 409:13, 15	mother's 388:9, 13 391:21 408:25 409:9,10	net 402:12
lake 388:5 397:3 416:13	load 390:14	Mcleods 410:2	move 407:5	nets 402:7,15
Lakes 405:23 406:2	locate 390:18	meaning 415:12	moved 390:11 392:19 406:5,9 411:1 415:1	Nochemowena ning 402:2,8 416:6
land 393:14 397:2 406:8 416:17	location 416:5 417:13	means 397:5 414:16	movement 405:23	non-reserve 400:22
lands 400:11,20, 23	Log 390:9 391:2 416:12	meetings 398:22 411:12,14	moving 406:1 407:8	Norman 390:11
language 392:4 414:1	long 395:24,25 396:5 408:5 414:11	members 400:8,19 401:1,19 414:24	municipalities 391:1	northern 391:7
late 402:6	lot 394:12,14 396:3,17,22 400:16 406:4 411:8 416:14	meningitis 408:10	Murray 387:1	number 390:21 393:7 404:24 412:6
law 410:15	lots 398:5	mention 390:18 405:9	<hr/> N <hr/>	numbers 404:20
lawyers 417:7	Lucky 409:3	mentioned 391:16,18 399:24 402:3 403:5,24 405:10 415:9	Nadjiwon 398:17 399:1 403:25 404:9,13	<hr/> O <hr/>
learn 393:3 399:3 413:15	<hr/> M <hr/>	met 408:1	named 397:14 408:12	oath 385:10,16
leave 402:6 411:17 417:19,20	made 396:20	Methodist 393:22 394:13	names 386:24 387:12 396:19 409:24	occupied 406:8
left 393:25 396:8 403:11 410:16 413:9 415:3	maiden 388:13	Michael 387:13, 17,19	Nation 417:14	occupying 407:12
legacy 414:25	main 416:3	microphone 387:3	native 406:7,9,	occurred 394:15
legal 399:19	make 385:16 389:21	mile 389:7 416:16		Odawa 391:24
lemonade 389:22	man 389:13	miles 411:8		odds 398:14
letter 404:24	map 390:19,25 395:10 404:18,21	military 403:20		officers 401:2
lettered 390:20	Margaret 409:13,15	mind 417:20		official 403:15
letters 404:20	mark 412:17	minutes 417:19		officials 402:17, 19
	Markdale 394:18 395:5,9, 13,16,21 404:18			Ojibwe 391:24

392:4 413:12,13 Oklahoma 388:6 405:23 406:7 omni-puissant 398:2 one's 392:7,11 Ontario 388:21 391:1 406:12,17 407:4,21 408:3 411:7,8 415:2,3 417:24 open 395:2 opportunity 410:11 414:21 417:25 organizational 417:18 originally 393:23 Ottawa 410:15 overnight 402:10 owned 401:22 owner 393:12	passed 415:7 Pen 388:13 peninsula 390:20 391:8 396:10,14,25 400:8,9 401:20,23 people 388:4,5 392:1,3 393:15, 23,24 394:23 396:7,17,18 397:25 398:6 406:1,7,9,10 411:15 414:8 415:13 peoples 386:6 391:25 period 401:9,12 405:9,12 periods 388:17 periphery 400:17 person 397:22 398:16 Peter 388:16 402:25 403:2 409:5,7 piece 406:8 410:19 416:17	positions 391:6 possibility 413:1 possibly 404:13 405:13,18 406:14 411:6 412:10 potatoes 389:15 Pottawatomi 388:2 391:11,12, 15,17,20,25 392:7,11,16,21 393:4 394:3 405:7 power 398:2,3,9 practically 389:19 394:16 preparation 417:7 presented 414:8 primarily 393:21 prior 412:7 proceedings 410:5 professor 410:15 414:13,15 property 410:19 provide 415:6 proximity 400:15 pull 389:15 push 397:7 put 390:25	raccoons 400:6 ran 388:6 re-examination 416:22 read 396:18 397:18,21 406:4 410:12,13,20 412:15 reading 397:23 recall 396:6 402:2 414:11 415:15,24 416:1 Recollete 387:15 record 385:21 records 398:21 403:24 404:5 red 390:13 Registrar 385:9, 11,15,19,24 386:4,11 relate 397:24 398:11 related 402:22 relating 399:23 released 416:8 relevant 410:9 religious 393:18,20 394:1 remark 418:4 remember 413:5 removed 396:4 required 401:24 rescued 398:24 research 410:8, 17 414:7 reserve 386:21 388:18,22 390:6, 12 391:3,13 395:18 400:16,17, 18 401:6 403:21 404:10 413:10	reserved 416:9, 15,17 residential 388:21 397:16 403:18,19 residing 414:18 respect 404:22 411:23 412:14 retrieve 402:14 return 414:18 returned 388:22 409:1 rights 399:23 River 395:6 road 393:22 398:20 401:5,6,7 416:4 roadway 390:14 Rock 390:8,9 rode 393:16 row 402:5 run 411:10
<hr/> P <hr/>				<hr/> S <hr/>
p.m. 418:9 paper 397:21 papers 398:21 pardon 390:21 392:9 396:12 401:11 402:18 404:14 409:17 411:25 parents 387:10 388:11,12 415:5, 18 parents' 386:23 parking 411:8 part 416:3 parties 418:3	place 386:19 389:11 390:7,9 395:20 396:1 410:25 places 393:24 416:6,12 planned 417:9 plowed 396:3 podium 399:14 point 395:9 402:8 406:24 411:21 pointed 404:17 policies 406:1 Port 388:7 393:8 position 411:9	questions 399:7,9,20,23 407:19 408:4 416:19 417:1	<hr/> Q <hr/>	share 418:4 shore 393:16 397:7
		rabbits 400:6	<hr/> R <hr/>	

<p>shoreline 394:22</p> <p>shores 396:25</p> <p>short 417:18</p> <p>showed 406:24 411:16</p> <p>showing 389:14</p> <p>siblings 408:7, 11 414:23 415:17</p> <p>side 388:9 391:21 394:4,5 397:4 402:4 404:24 409:9,10</p> <p>sign 396:19 397:18,20 412:15, 17</p> <p>signatory 409:5,8,11</p> <p>signed 400:10 403:3 412:11</p> <p>significant 392:6,10</p> <p>signings 415:8</p> <p>similarly 415:16</p> <p>sir 385:12 386:3 387:3 399:8,13 417:2</p> <p>sister 406:25 408:12,25</p> <p>sisters 408:8</p> <p>sit 389:23</p> <p>sitting 394:16,21 417:12</p> <p>situate 408:18</p> <p>slide 387:4</p> <p>socially 392:6, 10,14</p> <p>solemn 385:17</p> <p>solution 398:7</p> <p>son 390:11 399:24</p> <p>sort 389:3 391:21 393:8 417:19</p>	<p>south 395:5</p> <p>Southwestern 406:12,17 407:4</p> <p>Spanish 388:21 397:16</p> <p>speak 392:4 413:11,15,17 414:3</p> <p>Speaking 408:6</p> <p>specifics 415:8, 11</p> <p>spell 385:20</p> <p>spend 388:25</p> <p>spent 395:21 410:8</p> <p>spirit 386:7</p> <p>spoke 392:3 405:7 413:14,18, 19,21 415:20</p> <p>spoken 415:13, 14,18</p> <p>square 416:16</p> <p>stand 385:8,12</p> <p>standing 396:6</p> <p>start 389:11</p> <p>started 412:9</p> <p>state 385:20</p> <p>States 393:9 405:11,17</p> <p>status 391:15</p> <p>stay 402:9 407:15</p> <p>stayed 402:10 403:13,20</p> <p>stemmed 391:18</p> <p>stone 398:19</p> <p>stop 403:16</p> <p>stopped 401:7</p> <p>stories 415:19</p> <p>story 394:17 395:14</p>	<p>summer 394:23, 24</p> <p>summers 389:7</p> <p>Sunday 389:6, 19</p> <p>supposedly 411:14 416:5</p> <p>surrendered 397:2 400:12,13</p> <p>surrounding 397:3 401:23</p> <p>swamp-type 395:4</p> <p>swear 385:15, 18,19</p> <p>swimming 389:11</p> <p>Sydney 386:22 388:19</p> <p>symbolizes 386:5</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>talk 389:20 396:7 397:11 404:10 412:25 413:3,22 414:24 417:18</p> <p>talking 406:21 412:25 416:4</p> <p>taught 391:12</p> <p>teach 413:25</p> <p>Tears 406:5</p> <p>Tecumseh 406:19</p> <p>Tecumseh's 406:25</p> <p>telling 410:21</p> <p>tension 394:12</p> <p>tensions 393:19,21 394:1, 7,8,14</p> <p>terms 401:18</p>	<p>territory 399:24 400:3</p> <p>testifying 410:4</p> <p>testimony 417:4</p> <p>thing 395:4</p> <p>things 389:18 396:13 399:3 415:12</p> <p>thought 416:8</p> <p>time 388:4,20,25 389:19 392:25 393:9 394:14 395:19,24,25 396:17 397:5 398:8,17 401:3,9, 12 402:21 404:2, 4,11 405:9,16 409:22 410:14,22 411:4,21 412:1 414:6</p> <p>times 390:7 398:5 401:25 415:10</p> <p>tip 391:8</p> <p>today 392:6,11</p> <p>told 387:22 393:5 394:17 395:14 397:20 405:21</p> <p>top 404:23</p> <p>Toulouse 387:16</p> <p>town 395:13</p> <p>Townshend 385:3,5 386:15 387:8 390:24 391:5 399:6 416:21,23 417:1</p> <p>trade 393:12</p> <p>traditional 393:23</p> <p>Trail 406:5</p> <p>transition 392:22</p> <p>transportation 397:5</p>	<p>travel 397:6</p> <p>Treaties 400:10 414:24,25</p> <p>Treaty 396:9,14, 20,22 403:3 409:8,11 412:11, 14,18,19 415:8, 21,22 416:8</p> <p>tree 389:23 408:7</p> <p>trees 395:3</p> <p>tribal 391:9</p> <p>truck 390:13,14</p> <p>truth 385:17 386:7,8,9</p> <p>truthful 412:14, 19</p> <p>Tufnel 397:14 403:7,11 404:6</p> <p>turned 411:15 416:15</p> <p>type 395:3</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>uhm-hmm 400:21 407:16</p> <p>understand 392:5 408:7,12 409:4,12 410:8 411:2</p> <p>understood 400:10 401:22 416:14</p> <p>United 393:9 394:13 405:11,17</p> <p>university 410:15</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Valley 395:6</p> <p>visit 395:20 404:11</p>
---	---	---	---	---

W	written 396:22	
	Y	
walking 397:6		
wanted 395:20 397:7 406:8 417:24	yard 395:2	
war 394:11 405:11	yards 394:21	
warden 401:7	year 401:25 403:16 405:15	
water 397:1 401:22 402:12	years 389:17 401:14 403:20 410:8,23 411:1 412:6 414:19	
weeds 389:15	yesterday 402:3 408:15,19	
week 417:9	young 394:10	
welcomed 407:8,10,11	younger 395:21	
welcoming 417:14	youngster 397:15	
wharf 393:15,17		
whiz 410:24		
Wiarthon 403:13		
wife 397:22		
Willow 390:15 391:4 404:18,25		
Wilmer 398:17, 24 403:25 404:9, 12		
wind 402:11		
winters 395:7		
Wisconsin 405:9		
wished 401:21		
witnesses 417:9		
woman 388:2		
work 389:12,13 411:11,18 414:22		
working 411:7 413:17		
write 396:18 397:18,21 412:15		
writing 397:23		