

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

DAY 6 / VOLL 6
May 14, 2019



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File No. 94-CQ-50872CM

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

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

Plaintiffs

- and -

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

Defendants

Court File No. 03-CV-261134CM1

A N D B E T W E E N:

CHIPPEWAS OF NAWASH UNCEDED FIRST NATION and
SAUGEEN FIRST NATION

Plaintiffs

- and -

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

Defendants

--- This is VOLUME 6/DAY 6 of the of the trial
proceedings in the above-noted matter, being
held at the James Mason Memorial Culture and
Recreation Centre, 47 French Bay Road,
Southampton, Ontario, on the 14th day of May
2019.

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

8
9 Michael Beggs, Esq., for the Defendant,
10 & Michael McCulloch, Esq., 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.

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20 REPORTED BY: Helen Martineau, CSR.

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1 -- Upon commencing at 10:02 a.m.

2 THE COURT: Mr. Beggs, how is our
3 database technology this morning? Are we all
4 set?

5 MR. BEGGS: Yes, we're all set, Your
6 Honour.

7 THE COURT: Good morning, Mr. Roote.

8 THE WITNESS: Morning.

9 THE COURT: Please go ahead, sir.

10 VERNON ROOTE: Previous Sacred Eagle
11 Feather Affirmation.

12 CROSS-EXAMINATION BY MR. BEGGS:

13 Q. Chief, Roote. Good morning Chief
14 Roote. Is it acceptable to continue to refer to
15 you as "Chief" although you are not currently
16 sitting as Chief?

17 A. Yes, it's appropriate because I
18 held the position.

19 Q. Thank you. Now, Chief Roote. A
20 few weeks ago we were welcomed to the community
21 of Neyaashiinigiing and -- or Nawash, and I
22 wondered if there's a -- is there an
23 Anishinaabemowin name for this community or is
24 "Saugeen" how we should be referring to it?

25 A. The name that likely would have

10:04:29 1 been carried on, if spelling had of stayed the
10:04:36 2 same, likely would have been Saugenaung [ph].
10:04:43 3 And unfortunately over the years and when
10:04:48 4 looking at the history books you find a lot of
10:04:52 5 different spelling changes over the year. And
10:04:56 6 so today everybody basically goes with the
10:05:01 7 terminology of "Saugeen" because that's the way
10:05:04 8 it's spelled.

10:05:05 9 Q. Okay, thank you.

10:05:08 10 Now, yesterday you mentioned that
10:05:11 11 James Nawash was one of your ancestors?

10:05:15 12 A. Yes.

10:05:16 13 Q. And that was through your
10:05:18 14 grandfather, Roy Livingston Nawash?

10:05:21 15 A. Yes.

10:05:22 16 Q. Was that the same James Nawash
10:05:25 17 who put his clan symbol on Treaty 72?

10:05:34 18 A. The signatory to the Treaty 72
10:05:38 19 was the same, yes.

10:05:42 20 Q. And was he from the Nawash
10:05:44 21 community at that time?

10:05:49 22 A. Yes, he would be, yes.

10:05:51 23 Q. I take it that the community may
10:05:52 24 be named after him, the Nawash name not the
10:05:56 25 Neyaashiinigiing name?

1 A. According to my knowledge there
2 are two different Nawashes, two different James
3 Nawash; because by looking at the year
4 difference you also indicate that there are two
5 different individuals at the same time. James
6 D. Nawash was the one that signed the Treaty
7 of -- number 72, and that would be my lineage.

8 Q. And was that James Nawash a Chief
9 at some point?

10 A. I would ask which Nawash, which
11 James Nawash are you now referring to?

12 Q. I mean the one who signed the
13 Treaty.

14 A. James D. Nawash would be the one
15 that would have signed this treaty, yes.

16 Q. And he was a Chief at some point?

17 A. Yes, he was. He was Chief of the
18 communities that we now know, because they were
19 of one before.

20 Q. And was he also involved with
21 Tecumseh?

22 A. I would imagine he was involved
23 to a certain point because he was just a young
24 man when all of that took place in regards to
25 Tecumseh's War of 1812.

10:07:51 1 Q. So your grandfather, Roy
10:07:59 2 Livingston Nawash, did he live at Saugeen or did
10:08:03 3 he live at the Nawash community?

10:08:06 4 A. No, no, he lived over here. His
10:08:09 5 grandfather goes back, let's see, Adam and then
10:08:15 6 it goes back one more to I believe it's David
10:08:22 7 and then to James D. Nawash.

10:08:25 8 James D. Nawash had four boys and the
10:08:30 9 oldest boy, Louis, stayed in Neyaashiinigmiiing
10:08:34 10 and the other three boys moved over to this
10:08:39 11 community.

10:08:49 12 Q. So then just because I want to
10:08:51 13 make clear to the Court and myself, when you've
10:08:53 14 referred to your activities with your
10:08:56 15 grandfather, Livingston Nawash, they've been in
10:09:00 16 the Saugeen community?

10:09:01 17 A. Yes.

10:09:02 18 Q. So, for example, when you -- when
10:09:05 19 your grandfather stopped at the Indian Agent's
10:09:08 20 house that was the Indian Agent here in Saugeen?

10:09:11 21 A. Yes, it is.

10:09:25 22 Q. Yesterday you referred to a
10:09:26 23 concept you described as the "Red Road" or
10:09:30 24 "Grandfather Teachings". Are they the same or
10:09:33 25 are they different things?

10:09:35 1 A. The expression that we use in the
10:09:41 2 English terminology of the "Red Road" means that
10:09:48 3 we would be following the lifestyle of our
10:09:51 4 people, in other words our way of life. Which
10:09:54 5 would mean that we follow the Seven Grandfather
10:09:57 6 Teachings, we would follow the belief system of
10:10:01 7 our people, and all of that encompasses the "Red
10:10:06 8 Road" if it's explained into the English
10:10:08 9 language. And that's why it would be called the
10:10:11 10 "Red Road".

10:10:13 11 It is definitely not a road that's
10:10:15 12 coloured red or anything like that, it's just an
10:10:17 13 expression that is used so that the English
10:10:20 14 speakers can better understand the terminology
10:10:24 15 and what we mean by "following the Red Road".

10:10:28 16 Q. Thank you.

10:10:31 17 And is that the same path as the
10:10:35 18 Midewiwin lodge we heard about from Mr. Keeshig
10:10:40 19 or is that something different?

10:10:41 20 A. It would be similar to that, yes,
10:10:44 21 because it's the belief system of our people
10:10:51 22 that we have and had for many centuries.

10:10:55 23 Q. Thank you. You referred this
10:11:05 24 morning to the fact that the communities were
10:11:05 25 one at one point?

10:11:09 1 A. Yes.

10:11:19 2 Q. Do they still -- well, the
10:11:20 3 Saugeen Ojibwe Nation is composed of the
10:11:22 4 community at Saugeen and the community at
10:11:23 5 Nawash?

10:11:24 6 A. Yes.

10:11:26 7 Q. And how unified are they? Do
10:11:32 8 they make joint decisions?

10:11:33 9 A. Yes, they would be a nation of
10:11:35 10 people, and that is. The Saugeen Nation that I
10:11:44 11 referred to that our people lived under, say
10:11:46 12 that nationhood within our territory. And we
10:11:50 13 were, for English terms, a nation that had the
10:11:57 14 authority to deal with land matters in terms of
10:12:04 15 the Treaties.

10:12:06 16 And so this term "nationhood" was a
10:12:16 17 people that were together as one. They did not
10:12:18 18 have any other nation that would make decisions
10:12:20 19 in their territory. We were the owners of the
10:12:22 20 territory and the occupiers of the territory.

10:12:26 21 Q. And so all the land that you
10:12:28 22 identified yesterday as the "traditional
10:12:30 23 territory" that would be land for both -- for
10:12:33 24 all the Saugeen Nation together?

10:12:38 25 A. Yes.

1 Q. And are members of each community
2 allowed to use the lands of the other community?

3 A. To some degree, and I can explain
4 that, and that's with the Indian Act. You have
5 to remember the Indian Act was made originally
6 in 1850 and that originally was to be a
7 protection act to protect us from settlers and
8 so on.

9 Eventually it turned around and it was
10 made into an administrative control type of --
11 piece of legislation. And in that control
12 legislation they made specific, we'll say ground
13 rules for each community to follow. And so each
14 community then that was created through the
15 Indian Act and through the Treaty 72 would have
16 to abide by the Indian Act within that Act.

17 And I can give you an example.
18 There's a section in the Indian Act where it
19 says that we would have to deal with obnoxious
20 weeds. And it was that silly how that law and
21 legislation was put together back then, and that
22 each community, each Band Council, had to deal
23 with obnoxious weeds and pass a bylaw to deal
24 with them.

25 And so the frustration of having to

10:14:24 1 deal with the Indian Act, and we still have to
10:14:27 2 deal with that Indian Act today in different
10:14:31 3 manners of the guidance that was put in there
10:14:33 4 for us to follow.

10:14:55 5 Q. So am I correct if I say that the
10:14:58 6 leadership -- the elected Chief and Council of
10:15:03 7 Nawash, and the elected Chief and Council of
10:15:06 8 Saugeen work together jointly to -- for the
10:15:09 9 Nation as a whole?

10:15:11 10 A. Before Treaty 72 we had a
10:15:15 11 hereditary system and we had leaders of our
10:15:19 12 people, and those headsmen were leaders and they
10:15:23 13 were heads of families of our people.

10:15:29 14 It was not until the Indian Act came
10:15:32 15 along where we used the election system because
10:15:37 16 that's what was put in the Act for us to follow
10:15:42 17 and how to deal with our elected system.

10:15:52 18 Q. And I take it even today the
10:15:55 19 financial resources of each community would be
10:15:58 20 kept separate because of the Indian Act?

10:16:00 21 A. Yes.

10:16:11 22 Q. And if this claim were to be
10:16:13 23 successful, the \$180 billion in damages would be
10:16:18 24 shared equally?

10:16:19 25 A. There would be an agreement on

10:16:22 1 how to share the settlement between the two
10:16:30 2 communities to be as fair as possible to each of
10:16:35 3 the families that are involved in all of the
10:16:37 4 territory.

10:16:54 5 Q. Yesterday you indicated how
10:16:55 6 problematic the term "reserve" or "reservation"
10:16:58 7 was in reference to lands held by First Nations
10:17:05 8 or that was not the preferred term, is that
10:17:11 9 right?

10:17:12 10 A. Yes. To a certain degree, yes.

10:17:23 11 Q. Just for clarity's purposes,
10:17:25 12 could I refer to them as lands set aside for the
10:17:29 13 benefit of the First Nation?

10:17:37 14 A. I'm not exactly sure where the
10:17:39 15 terminology of the benefit -- "for the benefit
10:17:42 16 of each community" came from, but in -- the
10:17:53 17 makeup of the Treaty 72 outlined the areas where
10:18:00 18 our people wished to remain theirs, and all
10:18:06 19 lands are unceded with the -- within that Treaty
10:18:14 20 that's addressed to -- or for the people of the
10:18:20 21 Saugeen Nation to use. And there would be at
10:18:24 22 least five areas that were reserved and that's
10:18:35 23 where the term "reservation" comes from; and
10:18:39 24 reserved for our sole use; and that we would not
10:18:44 25 be interfered with within our communities of

10:18:48 1 those areas that were addressed and made up in
10:18:53 2 the Treaty 72.

10:18:59 3 Q. Well, just for clarity then I
10:19:01 4 guess I'll have to keep referring to the
10:19:04 5 reservation -- the "reserve lands", just so we
10:19:06 6 all know what we're talking about, as opposed to
10:19:08 7 the "traditional lands"?

10:19:12 8 A. Yes.

10:19:14 9 Q. Now, you mentioned several times
10:19:16 10 yesterday "hunting grounds"?

10:19:18 11 A. Yes.

10:19:26 12 Q. Are those identified as reserve
10:19:28 13 lands?

10:19:29 14 A. Yes, they are.

10:19:32 15 Q. And is there more than one
10:19:33 16 hunting ground?

10:19:34 17 A. There are two reserved pieces of
10:19:40 18 land; one is for the community of Saugeen and
10:19:45 19 one is for the community of Neyaashiinigiing.
10:19:50 20 And those two are together and located on the
10:19:55 21 present Highway 6, approximately 15 miles or 10
10:20:02 22 miles from the north end of the peninsula, from
10:20:07 23 Tobermory.

10:20:10 24 Q. If I could ask you, behind you to
10:20:12 25 your left is a map, Exhibit Q, it's a map of

1 Grey County. It has on the left side letters
2 and on the top numbers that -- where you're
3 putting your finger is that where the reserves
4 are?

5 A. Yes, they are.

6 Q. Are you able to tell me, looking
7 to the left, what letter that is? On the left
8 side of the map? Would it be "B"?

9 A. The letter?

10 Q. Yeah. On the very left side of
11 the map there are letters.

12 A. Yes, "B".

13 Q. And is there a number at the top
14 that would help us locate -- across the top?

15 A. It would be 2.

16 Q. B2?

17 A. Yes.

18 Q. Thank you. And do those lands --
19 are they referred to as anything other than
20 "hunting grounds"?

21 A. They're referred to as "hunting
22 grounds", yes.

23 Q. Do they have another name?

24 Is Willow Creek one of the hunting
25 grounds or is that some place different?

10:21:22 1 A. I'm sorry, Willow Creek did you
10:21:25 2 say?

10:21:25 3 Q. Willow Creek?

10:21:27 4 A. No, that's the name of the creek
10:21:29 5 that runs through them.

10:21:30 6 Q. Oh, okay. So if you were fishing
10:21:32 7 at Willow Creek you would be fishing probably on
10:21:35 8 the hunting grounds?

10:21:36 9 A. I was fishing on the -- on the
10:21:41 10 west side of the peninsula not on the hunting
10:21:45 11 grounds.

10:21:46 12 Q. Right. Okay.

10:21:59 13 You shared with us yesterday your
10:22:01 14 experience in hunting deer, and I was wondering
10:22:08 15 if there were any other animals or species that
10:22:11 16 you hunted as a regular practice?

10:22:17 17 A. No, I did not hunt anything else
10:22:19 18 other than deer in the area.

10:22:22 19 Q. Okay.

10:22:31 20 You told us about an experience you
10:22:33 21 had where you were with your family, I believe
10:22:35 22 your cousins and your mother and you had been
10:22:39 23 fishing. I think it was 1965?

10:22:42 24 A. Yes.

10:22:42 25 Q. And you were -- well, the car was

10:22:49 1 stopped by a conservation officer of some sort?

10:22:51 2 A. Yes.

10:22:51 3 Q. And you said that the driver was
10:22:53 4 the only one convicted. Who was the driver?

10:22:56 5 A. That fellow's name was Raymond
10:22:58 6 Wahbazhee.

10:23:02 7 Q. Is he still alive today?

10:23:04 8 A. No, he isn't.

10:23:12 9 Q. Do you know where the court was
10:23:13 10 that the hearing was held?

10:23:15 11 A. Yes, it was held in Wiarton.

10:23:17 12 Q. Do you recall who the judge was
10:23:19 13 by any chance?

10:23:20 14 A. I'm sorry?

10:23:21 15 Q. Do you recall who the judge was
10:23:23 16 by any chance?

10:23:24 17 A. No, I don't. I would imagine you
10:23:26 18 would be able to find those records easy enough
10:23:30 19 with the county.

10:23:32 20 Q. Okay, thank you.

10:23:41 21 Now, yesterday -- sorry, I'm jumping
10:23:43 22 around a bit in topics.

10:23:44 23 A. Okay.

10:23:45 24 Q. Yesterday you also talked about
10:23:48 25 marauders that your grandfather told you about?

10:23:50 1 A. Uhm-hmm.

10:23:51 2 Q. And about what time period
10:23:55 3 were -- was he talking about marauders? When
10:23:59 4 did the marauders exist? Was that before
10:24:02 5 Europeans came or after?

10:24:08 6 A. That would be prior to Treaty 72
10:24:17 7 mainly because there were no roads in the area
10:24:22 8 and a lot of our people used the walking
10:24:27 9 transportation, and also the -- the water as
10:24:33 10 their travel, mode of travel through canoes.
10:24:39 11 And those were stories that he had heard from
10:24:42 12 his grandfather about people that would come
10:24:45 13 around to different camp sites.

10:24:58 14 Q. And you also shared with us
10:25:02 15 yesterday about how the Huron asked the Saugeen
10:25:07 16 for help?

10:25:07 17 A. Yes.

10:25:08 18 Q. And you mentioned the chases that
10:25:11 19 went around the peninsula ending at Red Bay?

10:25:14 20 A. Yes.

10:25:15 21 Q. So the Saugeen did go to the
10:25:22 22 assistance of the Huron, is that right?

10:25:24 23 A. I'm sorry.

10:25:25 24 Q. The Saugeen did go to the help of
10:25:27 25 the Huron?

10:25:27 1 A. Yes, we --

10:25:30 2 Q. And was that -- how long did that
10:25:32 3 take? Was that right away they came or the same
10:25:35 4 year?

10:25:36 5 A. I would not be able to determine
10:25:38 6 the length of time it would take for that
10:25:40 7 communication to take place between here and the
10:25:48 8 location in southern Georgian Bay.

10:26:02 9 Q. What happened to the Huron after
10:26:03 10 that invasion by the Haudenosaunee?

10:26:10 11 A. The Huron people, and they're
10:26:12 12 call called Nottawak, they eventually moved over
10:26:21 13 to Quebec. There is a group that are there now
10:26:22 14 and they have their historical stories of when
10:26:25 15 they were here and located here and also the
10:26:32 16 remains that were left behind.

10:26:34 17 The other group of the Nottawak, they
10:26:39 18 went down south into the United States to -- and
10:26:42 19 so they actually split up -- split their
10:26:46 20 community up.

10:26:52 21 The appropriate time I'm not sure
10:26:53 22 right off hand as to when that actually took
10:26:55 23 place.

10:27:06 24 Q. Just so I heard it correctly, you
10:27:08 25 said that the Huron were called -- they called

10:27:12 1 themselves the Nottawak?

10:27:15 2 A. The Nottawak, yes.

10:27:27 3 Q. And yesterday you told us about
10:27:28 4 the Sauking who went to Wisconsin?

10:27:36 5 A. Yes.

10:27:36 6 Q. There's a map to your right of
10:27:38 7 the Great Lakes, it's Exhibit W. And I wondered
10:27:44 8 if you could point, if you know, where
10:27:46 9 approximately they settled?

10:27:49 10 A. I'm not exactly sure where they
10:27:51 11 settled. They are many tribes in the Wisconsin
10:27:59 12 area. I would think they're in the -- I guess
10:28:05 13 on the western shore of Lake Michigan. Because
10:28:08 14 when you look on the map today with the modern
10:28:14 15 names there are indications that there are a lot
10:28:18 16 of communities with the similar connection to
10:28:24 17 the names. And so some have moved into that
10:28:31 18 area.

10:28:32 19 Q. And just for the record, I
10:28:33 20 think -- I'm not sure I can describe it any more
10:28:37 21 accurately than the witness did that it went --
10:28:41 22 was on the western shore of Lake Michigan, on
10:28:46 23 the far left side of the map.

10:29:10 24 You told us yesterday about how you
10:29:11 25 started becoming involved in the Band council

1 here at Saugeen. And were you a council member
2 in -- or on the council either as Chief or
3 councilor in 1976?

4 A. No, I was not.

5 Q. And I think from your evidence
6 yesterday about when you were involved on the
7 council, you were not on the council either as
8 Chief or councilor in 1995?

9 A. I was not on council in 1995, no.

10 Q. Okay.

11 Now, you shared with us your knowledge
12 about the activities of the Indian Agent in the
13 communities and I wanted to ask for more
14 details. Who was the last Indian Agent that you
15 recall being involved with the Saugeen
16 community, for example?

17 A. The last Indian Agent that is
18 here is Marie Jones, Marie J. Jones. And her
19 title was the "Officer in Charge", and the
20 actual Superintendent of Indian Affairs, I
21 believe she held that position as well for a
22 number of years.

23 And before Marie Jones I believe there
24 was a fellow by the name of Hugh Smith that was
25 the Indian Agent, and before Hugh Smith we had

1 Fred Purser.

2 Q. Do you know when Ms. Jones
3 stopped acting as Officer in charge or
4 Superintendent with respect to the Saugeen?

5 A. I can only estimate that being
6 about ten years, ten years ago when she retired.

7 Q. Did she have an office on the
8 Band property?

9 A. She had an office and she still
10 works with Indian Affairs through a contract
11 system to deal with the estate files.

12 Q. And was the same agent
13 responsible for both Saugeen and
14 Neyaashiinigmiing?

15 A. Referring to Marie Jones?

16 Q. Yeah.

17 A. Yes.

18 Q. So she was responsible for both?

19 A. Yes.

20 Q. Were they ever separate?

21 A. At one point they were separate.
22 They had a separate agency, the
23 Neyaashiinigmiing. And I can't recall the exact
24 year when the -- they had removed the agency in
25 Neyaashiinigmiing and put that under the

10:33:11 1 category and authority here in Saugeen.

10:33:27 2 Q. So when you described your
10:33:29 3 grandfather stopping to inform the Indian Agent
10:33:31 4 or to get permission that was the Indian Agent
10:33:35 5 here at Saugeen?

10:33:40 6 A. Yes. I believe that Indian Agent
10:33:44 7 was likely Bouchard because Bouchard was in the
10:33:51 8 area in the '50s. I can't recall the exact
10:33:55 9 years that he was here but I think it was around
10:34:00 10 the '50s that he was here; and that would be
10:34:04 11 the Indian Agent that he would go and see.

10:34:13 12 Q. And when you described that you
10:34:14 13 discovered later on that correspondence had not
10:34:18 14 been going to Ottawa that had been sent by
10:34:21 15 the -- or should have been sent, passed on, was
10:34:26 16 that the Saugeen Indian Agent or was it the
10:34:30 17 Nawash Indian Agent or were they the same at the
10:34:33 18 time?

10:34:34 19 A. It would have been, I guess, the
10:34:35 20 Indian Agent that represented both communities
10:34:41 21 in Saugeen.

10:34:47 22 Q. And the agent who was burning the
10:34:49 23 records that was burning them at Saugeen, was
10:34:52 24 it?

10:34:53 25 A. That was in the '50s and I think

10:34:57 1 there was another Indian Agent after Bouchard
10:35:01 2 and that might have been Grover. I think there
10:35:04 3 was another Indian Agent by the name of Grover,
10:35:09 4 and I'm not sure which one of the two would be
10:35:12 5 the ones that had burnt.

10:35:20 6 Q. And you mentioned I think Jim
10:35:21 7 Wesley and Alex Sullivan were the ones who
10:35:24 8 saw --

10:35:24 9 A. Yes.

10:35:25 10 Q. And are they -- were they Band
10:35:27 11 members of Saugeen?

10:35:29 12 A. They were Band members, yes.

10:35:30 13 Q. And are they alive today?

10:35:34 14 A. No, they are not.

10:35:40 15 Q. And I think you described the
10:35:43 16 materials they found as being minute books?

10:35:45 17 A. Yes.

10:35:46 18 Q. And what would a minute book be?

10:35:49 19 A. A minute book would be a record
10:35:51 20 of resolutions that were made by Band council.
10:36:00 21 And whenever the pages were filled up that's
10:36:07 22 when they would start a new minute book.

10:36:16 23 Those minute books that I referred to
10:36:19 24 I remember the one that was having minutes in
10:36:22 25 the 1890s, there was one, the other one I

10:36:26 1 believe was in the 1930s, and another one in
10:36:30 2 the 1940s. So those three minute books should
10:36:40 3 be in the filing cabinets of our community right
10:36:43 4 now.

10:36:44 5 Q. And that's the Saugeen community?
10:36:45 6 The filing cabinets of the Saugeen community?

10:36:47 7 A. Yes.

10:37:02 8 Q. You shared with us yesterday the
10:37:03 9 ceremonies or practices that might be used when
10:37:06 10 someone visited another community to, I guess --
10:37:19 11 well, I think you spoke of -- or discussed
10:37:22 12 people visiting to hunt, perhaps, on this
10:37:25 13 territory from outside?

10:37:30 14 A. I'm not sure if there would be a
10:37:32 15 ceremony to -- perhaps you're referring to
10:37:36 16 having ceremonies before decisions were made.
10:37:43 17 Those requests of going through the leadership
10:37:49 18 in terms of asking whether or not they want to
10:37:52 19 hunt or fish, I don't believe they would have a
10:37:55 20 ceremony for that purpose. Ceremonies would be
10:38:00 21 more for a decision-making exercise such as a
10:38:03 22 treaty-making exercise.

10:38:09 23 Q. You're quite right, I was
10:38:11 24 mistaken in what I was saying.

10:38:18 25 Have you ever gone to another First

1 Nation and asked for permission to use their
2 lands in some way?

3 A. Yes, I have.

4 Q. And I take it that was the way
5 you described it to us yesterday?

6 A. Yes. There was a system that we
7 were involved in when I was working with the
8 Union of Ontario Indians and we addressed that
9 as the "harvesting rights". And the harvesting
10 rights were intended to bring back the methods
11 of asking for each -- with each community,
12 whoever community that you were going to work
13 with, to hunt.

14 Such as, an example, where you would
15 go and hunt for moose, you would go to the
16 territory closest by, let's say a community in
17 Massey, a community called Sagamok. You would
18 ask the community there if you could go and hunt
19 for moose in their territory.

20 And in some cases, through that
21 harvesting agreement, we tried to help those
22 communities work that system so that it wouldn't
23 be so hard and it would be equal for everybody
24 in terms of how to deal with that request.

25 And, yes, there are requests and many

10:39:58 1 other requests that have taken place for people
10:40:01 2 to go hunting moose; and then vice versa where
10:40:04 3 people have come to our community and have asked
10:40:05 4 to go hunting deer from other communities as
10:40:08 5 well.

10:40:24 6 Q. And were you successful in
10:40:25 7 getting communities to take up that practice?

10:40:29 8 A. Yes.

10:40:33 9 Q. So it's a practice that is
10:40:34 10 widespread in Ontario now?

10:40:35 11 A. Yes, that practice is still in
10:40:36 12 use today. There were individuals that went --
10:40:48 13 in terms of examples, last year that went to
10:40:51 14 other communities and exercised that particular
10:40:58 15 request.

10:41:15 16 Q. Would that arrangement also
10:41:19 17 work -- apply to, for example, the Haudenosaunee
10:41:24 18 or do they have separate practices?

10:41:27 19 A. It would apply to the
10:41:28 20 Haudenosaunee as well, yes.

10:41:33 21 Q. And the Cree perhaps up north?
10:41:36 22 Would the Cree up north be in the same
10:41:38 23 situation?

10:41:40 24 A. Um, my understanding for that is
10:41:43 25 the Haudenosaunee people had a tendency to go

10:41:48 1 along the shore of Georgian Bay on the east side
10:41:53 2 and they approached those communities over there
10:41:55 3 for moose hunting.

10:42:00 4 And the Cree in the north would -- I'm
10:42:05 5 not sure if they would come as far south to hunt
10:42:09 6 deer, but that could be very possible.

10:42:31 7 Q. Yesterday you described for us
10:42:32 8 the boundaries of the traditional territory of
10:42:34 9 the Saugeen, of the Saugeen Ojibwe Nation, and
10:42:41 10 you said it went out to the international
10:42:43 11 boundary in Lake Huron?

10:42:47 12 A. Yes.

10:42:53 13 Q. Prior to the United States being
10:43:01 14 created or Canada being created would that same
10:43:05 15 boundary have been -- like, would it still be
10:43:08 16 regarded as the same spot that you're -- the
10:43:12 17 limit of the territory went?

10:43:13 18 A. That boundary, if the United
10:43:15 19 States did not exist and Canada did not exist,
10:43:19 20 would be based on a mutual agreement between the
10:43:23 21 Nations Of people that were involved in, we'll
10:43:28 22 say the State of Michigan now, those who were
10:43:31 23 along that shore and those of us that would be
10:43:40 24 on this side of the lake. We would have a
10:43:42 25 mutual agreement to say where those boundaries

10:43:44 1 would be.

10:43:51 2 Q. And on the other side with
10:43:52 3 Georgian Bay obviously not an international
10:43:54 4 boundary but it would be --

10:43:57 5 A. It would also be the same
10:43:59 6 arrangement.

10:44:14 7 Q. I want to ask you about the White
10:44:15 8 Dog Ceremony you referred to yesterday.

10:44:17 9 A. Yes.

10:44:18 10 Q. And I just want to make it clear
10:44:24 11 for the record, because I think it's -- I think
10:44:27 12 it's implied in what you said, but it does
10:44:30 13 involve the sacrifice of a dog?

10:44:33 14 A. Okay, uhm-hmm.

10:44:34 15 Q. And it has to be a white dog?

10:44:36 16 A. Yes.

10:44:38 17 Q. Were white dogs unusual at the
10:44:39 18 time?

10:44:46 19 A. I don't know. I would imagine
10:44:51 20 they were all colours.

10:44:55 21 Q. I guess so. It doesn't matter
10:44:57 22 what type of dog though? It would be whatever
10:44:59 23 as long as it's a white dog? I don't know if
10:45:04 24 there were different breeds of dogs at the time
10:45:06 25 or not.

1 I'm not trying to be silly. I'm
2 genuinely asking but if you don't have an answer
3 that's fine.

4 A. Well, there must have been white
5 dogs because that's what they used, and the fur
6 that was found in the burial, of course, from
7 the artifact they determined that it was white,
8 white fur that was on the dog.

9 Q. And I just -- I mean, because you
10 spoke of -- I can't remember the term you used,
11 but essentially the dog sharing with the people
12 their strength and agility, or somehow helping
13 the people, the sacrifice would help the people?
14 Is that right?

15 A. I'm sorry, could you repeat that?

16 Q. I said I think you were
17 describing that the sacrifice of the dog would
18 help the people conducting the ceremony? They
19 would gain strength or some sort of skill?

20 A. Yes, that is our belief system
21 and the belief system was part of that ceremony.
22 And the ceremony is that it would be -- the head
23 of the dog would be removed and the sacrifice
24 that would be given for purposes of praying to
25 the Creator to make sure that we had paid our

1 price by donating to the Creator and sacrificing
2 the dog as our -- would be our request.

3 And so that particular ceremony then
4 was for whatever specific reason that was at the
5 time of the day.

6 So the ceremony would take place at a
7 certain time of the day and it would encompass a
8 sacred fire, and it would involve the prayers
9 that go along with all of that ceremony.

10 Q. When was the last time you heard
11 of the ceremony being conducted?

12 A. The last time I heard of it?

13 Q. Yes. Like, have you -- did it --
14 was it being done in the 20th century or 19th
15 century?

16 A. That ceremony ceased to happen
17 before the Indian Act was put in place. Because
18 in the Indian Act there was a section in there
19 were our people could not have any celebrations.

20 And a lot of our ceremonies went
21 underground because it was opposed by the
22 government of the day when they made the Indian
23 Act so that the savage Indians would not be able
24 to do their ceremonies.

25 Q. Now, yesterday you shared with us

10:49:47 1 that there were at least three sites that you
10:49:51 2 knew of where dogs had been buried?

10:49:54 3 A. Yes.

10:49:54 4 Q. And I wondered if you could go to
10:49:56 5 map Q, again, on your left? And I'm just going
10:50:05 6 to try and mark this for the record. But I
10:50:07 7 think you mentioned a dog burial at Cove Island,
10:50:10 8 and that would be A1, would it be? Or A2? Or
10:50:16 9 sorry, is it A1 or B1?

10:50:22 10 A. It would be A1.

10:50:24 11 Q. A1, top left corner of the map?

10:50:26 12 A. Yes.

10:50:31 13 Q. And you mentioned Clarksburg, and
10:50:34 14 would that be E5?

10:50:39 15 A. Yes.

10:50:44 16 Q. And you also mentioned one at the
10:50:47 17 mouth of the Saugeen. Would that be E2?

10:50:57 18 A. Yes.

10:50:58 19 Q. And that last one would that be
10:51:00 20 where Southhampton is today?

10:51:02 21 A. Yes.

10:51:07 22 Q. And for each of these burials,
10:51:08 23 was it just a single dog that was buried there?

10:51:13 24 A. Yes.

10:51:14 25 Q. So when the ceremony was

10:51:16 1 conducted it would be conducted at different
10:51:17 2 locations I take it?

10:51:21 3 A. Those ceremonies were likely
10:51:25 4 placed in those specific areas to determine the
10:51:29 5 boundary areas of our territory.

10:51:42 6 Q. Sorry, if I can bother you to
10:51:44 7 stand up again, you mentioned a couple of other
10:51:47 8 places I just wanted to clear up. You mentioned
10:51:50 9 Craigleith yesterday. Would that be E6 maybe?

10:51:59 10 A. That would be E6, yes.

10:52:04 11 Q. And that was the one near Blue
10:52:06 12 Mountain, is that right?

10:52:08 13 A. Yes.

10:52:08 14 Q. And you also mentioned a sacred
10:52:12 15 place and a burial site which was moved to
10:52:14 16 London, I think. Was that Dunks Bay?

10:52:18 17 A. Yes.

10:52:28 18 Q. Would that be A1 again?

10:52:30 19 A. That would be B1.

10:52:31 20 Q. Okay, B1 thank you.

10:52:33 21 And this last one I don't have a
10:52:35 22 suggestion for you but you mentioned the Skull
10:52:37 23 Mound being on the Donaldson farm?

10:52:45 24 A. Yes.

10:52:46 25 Q. Whereabouts would that be?

10:52:56 1 A. It would be E2 on the map.

10:52:57 2 Q. Okay, thank you.

10:53:02 3 You can sit again, thank you. Is the

10:53:08 4 Skull Mound still there on the property?

10:53:10 5 A. Yes, it is.

10:53:11 6 Q. So does it appear as a hill or

10:53:13 7 what does it look like?

10:53:14 8 A. No, it's not a hill per se in

10:53:16 9 terms of the mound.

10:53:18 10 Q. Oh.

10:53:19 11 A. It's a flat area.

10:53:21 12 Q. Oh, okay.

10:53:25 13 A. And the expression is "everything

10:53:27 14 is together in one."

10:53:29 15 Q. I understand. Now, when you

10:53:40 16 talked yesterday about burial sites, would these

10:53:46 17 be solitary burials or were a number of people

10:53:48 18 buried in the same location?

10:53:55 19 A. Some would be solitary of course,

10:53:57 20 because they would not have the ability to

10:54:10 21 preserve for any number of days if somebody

10:54:16 22 died, especially in the summer time when it was

10:54:19 23 warm. So they would have their burials as soon

10:54:22 24 as possible wherever that they were located.

10:54:27 25 And if they were out hunting on the

10:54:30 1 land and if a family encountered difficulty,
10:54:34 2 then that's where it would -- that's where the
10:54:39 3 burial would take place.

10:54:41 4 If there was perhaps more time
10:54:44 5 allotted then, of course, they would focus more
10:54:49 6 on the central part of burial sites. Again --

10:54:58 7 Q. Would -- oops, sorry.

10:54:58 8 A. Again, you know, based on the
10:55:01 9 time of the season. They didn't have the
10:55:06 10 embalming methods that they have today and so
10:55:10 11 those burials took place as soon as the death
10:55:17 12 occurred.

10:55:20 13 Q. Thank you.

10:55:37 14 You told us earlier this morning,
10:55:39 15 yesterday and today about the time you were
10:55:42 16 charged with respect to fishing. Were you
10:55:45 17 ever -- did anybody ever interfere with you when
10:55:49 18 you were hunting, any official interfere?

10:55:55 19 A. There was a few members charged
10:56:00 20 with hunting in the Bruce Peninsula. And,
10:56:05 21 again, those same similar cases where the
10:56:08 22 Province, the MNR, had laid the charge. And,
10:56:15 23 again, the issue at the time where it was not
10:56:19 24 pursued to appeal the decision was based on the
10:56:23 25 amount of resources available to the family,

10:56:26 1 such as ourselves. We didn't have the resources
10:56:30 2 to further pursue the case in court.

10:56:40 3 Q. And do you know what the nature
10:56:44 4 of the charge was? Was it about what they were
10:56:47 5 hunting, the type of animal they were hunting or
10:56:50 6 was it the location they were hunting? What was
10:56:53 7 it that they were doing that --

10:56:54 8 A. It was the location.

10:57:03 9 Q. And you told us yesterday about
10:57:05 10 the letters from 2004 involving Parks Canada?

10:57:12 11 A. Uhm-hmm.

10:57:12 12 Q. I think you mentioned that before
10:57:15 13 that incident arose, you had -- the Band had a
10:57:18 14 good relationship with Parks Canada. Is that
10:57:22 15 true?

10:57:23 16 A. Yes, we had a reasonably good
10:57:25 17 relationship with them.

10:57:28 18 Q. And I think you said that the --
10:57:31 19 the lands were not, in fact, national parks
10:57:34 20 because they had had -- they were not listed as
10:57:41 21 national parks because of concerns of the
10:57:44 22 communities about that, is that fair?

10:57:58 23 A. The National Park had known about
10:58:00 24 the litigation of Treaty 72, and so they were
10:58:02 25 cautious in terms of the relationship we had in

10:58:04 1 terms of establishing different agreements such
10:58:08 2 as MOUs that we would be involved with.

10:58:19 3 Q. And has the relationship gotten
10:58:21 4 any better in recent times?

10:58:22 5 A. We're on a talking basis, which
10:58:24 6 is good.

10:58:47 7 Q. And with regard to the incident
10:58:48 8 or the discussion that was happening at the
10:58:49 9 time, was it the case that the lands that were
10:58:52 10 being talked about were actually provincial
10:58:54 11 lands that Canada was administering?

10:59:09 12 A. The clarity came about in 2004
10:59:18 13 with the letter of the opinion of the Parks
10:59:23 14 Canada, based on the federal government's
10:59:27 15 opinion about Aboriginal rights. And that's the
10:59:36 16 reason why we were surprised of that written
10:59:42 17 decision in the letter.

10:59:44 18 It was our understanding, and still is
10:59:48 19 our understanding, that we have Aboriginal
10:59:50 20 rights throughout the territory, because we were
10:59:56 21 not surrendering the Aboriginal rights in the
11:00:02 22 Treaties.

11:00:08 23 And the understanding of our people
11:00:12 24 throughout the years of Treaty 72 only mentioned
11:00:16 25 the sale of lots, not -- and not the removal of

1 any Aboriginal rights; and that is why our
2 people continued to use those Aboriginal rights
3 for survival.

4 And when the letter was written we
5 were surprised to see that letter. And then
6 there was a clarity given following, and you
7 will likely see the clarity where it says that
8 they were looking only at conservation and the
9 safety.

10 Q. I want to actually take you to a
11 letter. There was a letter my friend referred
12 to, I think it's Exhibit 3961. It was a letter
13 from Mr. Penner to Mr. Townshend?

14 A. Yes.

15 Q. And my friend yesterday read a
16 paragraph to you?

17 A. Yes.

18 Q. Just a moment. So it says in the
19 third paragraph, and this was a passage read to
20 you yesterday:

21 "At present the Canada National
22 Parks Act does not apply to the lands
23 comprising the BPNP."
24 Which was the Bruce Peninsula National
25 Park.

1 "As a result, by virtue of a
2 Memorandum of Understanding between
3 the Ontario Ministry of Natural
4 Resources and the Parks Canada Agency,
5 members of the BPNP Warden Service are
6 authorized to enforce the Fish and
7 Wildlife Conservation Act of Ontario
8 as any provincial conservation officer
9 would. Thus, any decision to enforce
10 the law is subject to the requirements
11 of the interim enforcement policy of
12 the Ontario Ministry of Natural
13 Resources."

14 And then it goes on to talk about the
15 things you just mentioned about conservation and
16 safety that you explained to us yesterday.

17 So was your understanding from that
18 that although it's called a "national park" it
19 wasn't officially a national park and that
20 provincial policies were being applied on it?

21 A. First of all, it is the belief of
22 our people, and will continue to be on that same
23 understanding, that the province were not
24 involved in the treaty-making process and so any
25 laws pertaining to us under the treaty-making

1 process by the Province doesn't exist.

2 Because that enforcement then comes
3 under the Indian Act, and then when we say that
4 it's under the Indian Act that is under an
5 assimilation- and genocide-type of process
6 that's starting to be put in place.

7 And that is the understanding and
8 belief of our people that we had signed the
9 Treaty with only one government.

10 Q. And that -- the understanding
11 that the provincial laws didn't apply, would
12 that be the source of the confrontations between
13 MNR officers and people hunting or fishing?

14 A. Yes.

15 Q. Your Honour, I just noticed the
16 time, I have a few more topics to address if now
17 is a convenient time for a break?

18 THE COURT: It's only just 5 after
19 11:00, sir. So --

20 MR. BEGGS: I misread the time, yes.

21 MR. FELICIAN: None of us have iPads
22 that are working so we're not benefiting from
23 the real-time reporting. It would be good to
24 have a moment of the court reporter's time to
25 fix that.

11:05:04 1 THE COURT: So you would like an early
11:05:06 2 morning break?

11:05:10 3 MR. FELICIAN: If it coincides.

11:05:12 4 THE COURT: I would not normally stop
11:05:14 5 this early but this technical problem should be
11:05:17 6 addressed, so we will have our morning break
11:05:19 7 early.

11:05:20 8 -- RECESSED AT 11:05 A.M. --

11:31:52 9 -- RESUMED AT 11:31 A.M. --

11:31:58 10 THE COURT: I ask again, how is the
11:32:00 11 technology this morning? Is it okay now?
11:32:04 12 Please go ahead, sir.

11:32:06 13 MR. BEGGS: Thank you, Your Honour.

11:32:09 14 BY MR. BEGGS:

11:32:09 15 Q. Chief Roote, I'm going to jump
11:32:12 16 topics again. Yesterday you were sharing with
11:32:23 17 us the some of the types of ceremonies that
11:32:25 18 might be used in a treaty-making or land
11:32:31 19 surrender. And I take it these were traditional
11:32:35 20 Anishinaabe ceremonies?

11:32:36 21 A. Yes, they were.

11:32:38 22 Q. And did any of them involve
11:32:40 23 pipes? Would pipes be used in some of these
11:32:43 24 ceremonies?

11:32:44 25 A. I'm sorry, what was that?

1 Q. Would pipes be used in some of
2 these ceremonies?

3 A. Yes, sorry.

4 Q. When you were doing research on
5 these cases, were you aware of any evidence that
6 pipes were used in Treaty 72?

7 A. Yes, I was.

8 Q. And what do you recall about
9 that?

10 A. I recall hearing from our -- or
11 looking at field notes that were put together in
12 the -- approximately 1896. And those notes were
13 made after the fact as a biography type of
14 notes, made by individuals that were at the
15 1872 -- or Treaty 72 signing in 1854. And it
16 indicated on one of the pages that they had 12
17 pipes at the ceremony -- at the signing.

18 And in the notes it indicated that the
19 12 pipes were smoked in the evening and they
20 didn't finish until midnight. And so the
21 nickname for Treaty 72 was called the "Midnight
22 Treaty" because that's when people finally got
23 around to signing the Treaty, at midnight.

24 Q. Thank you.

25 When you were Chief of the Saugeen

1 First Nation were you involved in bringing
2 forward any other cases before the courts
3 involving Treaty 72, apart from the one we're
4 here today about?

5 A. No, I was not.

6 Q. Are you aware of a case involving
7 the boundaries of Saugeen on Sauble Beach?

8 A. Yes.

9 Q. But you weren't involved in that?

10 A. Yes, I was, because that's the
11 research work I done was the -- the east
12 boundary.

13 Q. Oh, that's right. You did say
14 that.

15 A. So the actual -- I guess there
16 was two or three attempts to try and get that
17 into the court system to try and resolve the
18 issue; and each couple of times, the judge had
19 sent it back to try and negotiate a settlement
20 of that particular case.

21 Q. And is that case still waiting to
22 be heard?

23 A. Yes.

24 Q. I want to show you a couple of
25 actions brought before the Federal court in

1 1989. Were you a Chief in 1989?

2 A. Yes, I was.

3 Q. And if we could bring up -- so
4 this is a cover page of a Statement of Claim in
5 the Federal court for Court File T-34-89. And
6 it says:

7 "Between Vernon Roote et al. and
8 Howard Jones et al., Plaintiffs v. Her
9 Majesty the Queen".

10 THE COURT: Just a moment, I'm not
11 getting it on my screen here. Please go ahead.

12 MR. BEGGS: Thank you, Your Honour.

13 BY MR. BEGGS:

14 Q. Would you be the Vernon Roote in
15 the name of this action?

16 A. Yes, I would be.

17 Q. And this action has something to
18 do with McNabb Lake? Do you recall that action?

19 A. Yes, I do recall that now.

20 Q. And do you know -- I believe that
21 case was stayed in 1998. Are you aware of that?

22 A. I was not aware of that in 1998.

23 THE COURT: Counsel, just before you
24 go on. First of all, is this an exhibit?

25 MR. BEGGS: No. I was going to ask

1 after the witness had looked at it.

2 THE COURT: Okay. And I prefer not to
3 interrupt counsel cross-examining but did you
4 say stayed in 1988?

5 MR. BEGGS: Sorry, it was filed in
6 1989 and stayed in 1998.

7 THE COURT: That makes more sense.
8 Perhaps you can ask the question again then
9 since I interrupted you.

10 BY MR. BEGGS:

11 Q. My question was, were you aware
12 that the case was stayed in 1998?

13 A. Not in 1998 because I wasn't
14 here. I was employed some place else.

15 Q. Oh. And do you -- you don't have
16 any knowledge of where the case is right now or
17 what's happening with it?

18 A. No, I don't.

19 MR. BEGGS: Now, Your Honour, under
20 the Canada Evidence Act 23.1, evidence of
21 judicial proceedings could be filed as evidence
22 if it were certified under seal. Obviously this
23 is a photocopy.

24 THE COURT: I am not anticipating an
25 objection. Is there an objection to marking

11:39:41 1 this document, Mr. Townshend?

11:39:42 2 MR. TOWNSHEND: No, Your Honour.

11:39:44 3 THE COURT: Anybody else?

11:39:45 4 MR. OGDEN: No, Your Honour.

11:39:47 5 THE COURT: We can go with that, then.

11:39:49 6 MR. BEGGS: Then I would like to ask

11:39:50 7 the Registrar to mark it as an exhibit.

11:39:54 8 EXHIBIT NO. 3962: Statement of Claim

11:36:50 9 for Court File T-34-89 between Vernon

11:36:57 10 Roote et al. and Howard Jones et al.,

11:36:59 11 Plaintiffs v. Her Majesty the Queen"

11:40:02 12 THE COURT: Please go ahead.

11:40:03 13 BY MR. BEGGS:

11:40:04 14 Q. And do you recall another Federal

11:40:05 15 Court action about roads and road allowances

11:40:08 16 perhaps?

11:40:13 17 A. Yes, I do recall something about

11:40:19 18 the road allowances within the Bruce Peninsula.

11:40:24 19 Q. And if we could call up court

11:40:26 20 number T-33-89? And, again, it's the same

11:40:32 21 names, Vernon Roote and Howard Jones and Her

11:40:35 22 Majesty the Queen. And would you be the same

11:40:41 23 Vernon Roote, again?

11:40:42 24 A. Yes.

11:40:43 25 Q. And do you have any knowledge of

11:40:44 1 what's happened with this case? Whether it's
11:40:47 2 stayed or not?

11:40:49 3 A. I do not.

11:40:51 4 Q. And I'd like to ask that this be
11:40:54 5 made an exhibit as well.

11:40:58 6 THE COURT: Any objection?

11:41:01 7 MR. TOWNSHEND: No.

11:41:02 8 THE COURT: Please go ahead,
11:41:03 9 Mr. Registrar.

11:41:05 10 THE REGISTRAR: Can you repeat the
11:41:07 11 document number, counsel?

11:41:09 12 THE COURT: The number is the next
11:41:11 13 exhibit.

11:41:12 14 MR. BEGGS: The document number is
11:41:13 15 SC0044.

11:41:28 16 THE REGISTRAR: Exhibit No. 3963.

11:41:31 17 THE COURT: Thank you, Mr. Registrar.

11:41:33 18 EXHIBIT NO. 3963: Document SC0044.

11:41:34 19 Statement of Claim for Court File
11:41:34 20 T-33-89, between Vernon Roote et al.
11:41:34 21 and Howard Jones et al., Plaintiffs v.
11:41:34 22 Her Majesty the Queen.

11:41:47 23 BY MR. BEGGS:

11:41:47 24 Q. Chief Roote, yesterday my friend
11:41:49 25 took you to an interview that you did with

11:41:51 1 Professor Brownlie?

11:41:53 2 A. Yes.

11:41:55 3 Q. I won't take you back to that,
11:41:57 4 unless we need to refresh my memory at least,
11:42:03 5 but on page 4 -- or sorry, on one of the pages
11:42:07 6 you referred to a book by your grandfather
11:42:11 7 Livingston Nawash?

11:42:13 8 A. Yes.

11:42:14 9 Q. What is that book?

11:42:16 10 A. It's a journal that he had put
11:42:20 11 together, just like small journals from some of
11:42:27 12 his memories that he had.

11:42:32 13 Q. Did he record anything about --
11:42:34 14 obviously he wasn't alive at the time of Treaty
11:42:38 15 72, but did he record anything about the Treaty
11:42:41 16 72?

11:42:44 17 A. I don't ever recall seeing
11:42:45 18 anything about Treaty 72.

11:42:49 19 Q. I take it you still have these
11:42:51 20 books?

11:42:51 21 A. Yes, I do.

11:43:05 22 Q. And there was a portion in your
11:43:06 23 interview with Professor Brownlie which wasn't
11:43:09 24 referred to yesterday, I don't think, but it
11:43:11 25 pertained to the Indian Act preventing First

11:43:17 1 Nations from hiring lawyers. Do you recall
11:43:19 2 that?
11:43:20 3 A. Yes.
11:43:26 4 Q. I'd like to take you to -- or
11:43:29 5 show you a document currently numbered SC0122.
11:43:50 6 Apparently we don't have the document.
11:43:52 7 THE COURT: You can read the number to
11:43:54 8 Mr. Registrar again please?
11:44:12 9 MR. BEGGS: SC0122.
11:44:16 10 THE COURT: Mr. Registrar has it, but
11:44:18 11 his computer will not show on these screens.
11:44:22 12 Your team doesn't have it for the screens?
11:44:27 13 MR. BEGGS: No, he doesn't have it on
11:44:28 14 his computer.
11:44:31 15 THE REGISTRAR: SC0122?
11:44:33 16 MR. BEGGS: Yes.
11:44:34 17 THE COURT: What is it you're hoping
11:44:35 18 to do with that document, sir, if we can't look
11:44:39 19 at it.
11:44:39 20 MR. BEGGS: Well, it's a provision
11:44:40 21 from the Indian Act and I hoped to ask if this
11:44:43 22 was the provision he was referring to.
11:44:47 23 THE COURT: Well, you have to put it
11:44:48 24 in front of the witness, sir, in some fashion.
11:45:41 25 You don't have a hard copy of it?

1 Sir, there it is on the screen.

2 MR. BEGGS: Yes, thank you, Your
3 Honour.

4 BY MR. BEGGS:

5 Q. This is a copy of the Indian Act
6 from 1927, RSC 1927, chapter 98 and section 41
7 at the beginning -- sorry, 141 at the top of the
8 page. It says:

9 "Every person who, without the
10 consent of the Superintendent General
11 expressed in writing, receives,
12 obtains, solicits or requests from any
13 Indian any payment or contribution or
14 promise of any payment or contribution
15 for the purpose of raising a fund or
16 providing money for the prosecution of
17 any claim which the tribe or Band of
18 Indians to which such Indian belongs,
19 or of which he is a member, has or is
20 represented to have for the recovery
21 of any claim or money for the benefit
22 of the said tribe or Band, shall be
23 guilty of an offence and liable upon
24 summary conviction for each such
25 offence to a penalty not exceeding

11:46:54 1 \$200 and not less than \$50 or to
11:47:00 2 imprisonment for any term not
11:47:02 3 exceeding two months."

11:47:03 4 And I was wondering, is this the
11:47:05 5 provision you were referring to when you
11:47:07 6 referred to the Indian Act prohibiting lawyers
11:47:11 7 being hired?

11:47:12 8 A. I believe that that's one. I
11:47:14 9 believe there's another one within the Indian
11:47:16 10 Act too that states that we need approval to
11:47:24 11 obtain a lawyer to speak on our behalf. So,
11:47:33 12 yes, this is one and I believe there is another
11:47:37 13 one within the Indian Act as well.

11:47:41 14 Q. And are you aware whether this
11:47:42 15 provision that I just referred was repealed or
11:47:45 16 not, or still in place?

11:47:50 17 A. For -- as far as I know it's
11:47:52 18 still in place.

11:47:53 19 Q. And the one that you're referring
11:47:54 20 to is it still in place?

11:47:56 21 A. Yes.

11:47:56 22 MR. BEGGS: I'm not sure if it will
11:48:19 23 benefit the court to have it as an exhibit. I
11:48:24 24 don't think it's necessary for a statute to
11:48:24 25 be --

1 THE COURT: It isn't necessary, sir,
2 but absent any objection it would make for an
3 orderly record. It could be marked as a
4 lettered exhibit if there is any objection.
5 Mr. Registrar has the image, yes?

6 THE REGISTRAR: I can mark it lettered
7 exhibits.

8 THE COURT: Does anyone object to it
9 being marked as an exhibit? I don't see any
10 objection, sir, so why don't we go ahead and
11 mark it. You're content with that
12 Mr. Townshend?

13 MR. TOWNSHEND: Yes.

14 THE REGISTRAR: Exhibit number 3964.

15 EXHIBIT NO. 3964: Document SC0122.

16 Copy of the Indian Act from 1927, RSC
17 1927, chapter 98, section 141.

18 BY MR. BEGGS:

19 Q. Are you aware of any attempts by
20 the Saugeen community to hire lawyers prior to
21 1951?

22 A. Prior to 1951? No, I'm not
23 aware.

24 Q. Do you know who the first lawyer
25 that the Saugeen hired to work on land claims

11:49:36 1 was?

11:49:42 2 A. Repeat that again, please.

11:49:44 3 Q. Do you know who the first lawyer
11:49:45 4 was that the Saugeen hired with respect to land
11:49:48 5 claims?

11:49:57 6 A. I believe there was a fellow by
11:49:59 7 the name of Paul Williams who acted as a
11:50:01 8 researcher at the time. The Band council hired
11:50:10 9 Mr. Williams to do research work, and at the
11:50:16 10 time he had credentials --

11:50:21 11 THE COURT: Just to interrupt you,
11:50:22 12 sir, Mr. Roote. Mr. Townshend, do you have an
11:50:25 13 objection?

11:50:26 14 MR. TOWNSHEND: Your Honour, this is
11:50:26 15 getting very close to privileged information so
11:50:33 16 I'm not sure -- the exact question was all
11:50:37 17 right, but if the answer drifts into privileged
11:50:41 18 information that's --

11:50:43 19 THE COURT: All right. Just for the
11:50:44 20 witness' benefit, just wait for a moment, sir.

11:50:48 21 Mr. Beggs?

11:50:51 22 MR. BEGGS: I'm only interested in
11:50:52 23 finding the name of the lawyer and perhaps when
11:50:55 24 that occurred.

11:50:58 25 THE COURT: I take it, Mr. Townshend,

11:51:00 1 you don't have an objection to that very narrow
11:51:02 2 question? The name and the date, if known? Is
11:51:05 3 that correct?

11:51:07 4 MR. TOWNSHEND: That's right.

11:51:08 5 THE COURT: Sir, this is a technical,
11:51:10 6 legal issue that plaintiff's counsel has raised,
11:51:14 7 but it is an important issue. So all you need
11:51:17 8 to do is limit your answer to the very narrow
11:51:20 9 question, which is do you know who and when?
11:51:22 10 And you were starting to talk a little bit more
11:51:25 11 broadly.

11:51:26 12 If you want to start again you
11:51:28 13 mentioned a Mr. Williams I believe. But perhaps
11:51:32 14 what I'll do is just ask Mr. Beggs to repeat his
11:51:35 15 question and just answer narrowly please, sir.

11:51:38 16 THE WITNESS: Okay.

11:51:52 17 BY MR. BEGGS:

11:51:52 18 Q. So my question was, do you know
11:51:55 19 who the first lawyer was that the Saugeen had
11:51:58 20 hired with respect to land claims? And I think
11:52:05 21 your answer was you recall Paul Williams.

11:52:08 22 A. Yes.

11:52:10 23 Q. And do you know approximately
11:52:12 24 when that would have been?

11:52:24 25 A. Perhaps 1972.

11:52:31 1 Q. Thank you. Another aspect of
11:52:44 2 your interview with Professor Brownlie that was
11:52:48 3 discussed yesterday was about the Indian Act
11:52:51 4 prohibiting children from attending school after
11:52:56 5 age 16?

11:52:57 6 A. Yes.

11:53:03 7 Q. And that was in reference to your
11:53:05 8 grandfather Livingston Nawash?

11:53:10 9 A. Yes.

11:53:16 10 Q. Is it possible that you were
11:53:18 11 referring to the statute that made attendance
11:53:24 12 compulsory until 16? Or were you thinking of
11:53:29 13 something different?

11:53:30 14 A. It could have been the same.

11:53:42 15 Q. The last question I have is, are
11:53:43 16 you aware of what the current population is of
11:53:45 17 the Saugeen Ojibwe Nation?

11:53:49 18 A. Could you repeat that?

11:53:52 19 Q. Do you know what the current
11:53:54 20 population is for the Saugeen Ojibwe Nation, the
11:53:56 21 two communities?

11:54:02 22 A. I do not know exactly.

11:54:03 23 Q. Do you have an approximate idea?

11:54:07 24 A. I have an approximate idea, yes.

11:54:10 25 Q. What would that be?

11:54:13 1 A. For Saugeen it is around 1,825
11:54:14 2 and for Neyaashiinigmiing I believe theirs is
11:54:26 3 around 2,500.

11:54:28 4 Q. Thank you. Thank you very much
11:54:29 5 for your evidence, Chief Roote. Your Honour,
11:54:31 6 those are my questions.

11:54:33 7 THE COURT: Thank you, Mr. Beggs.
11:54:34 8 Which counsel for Ontario will be
11:54:37 9 asking questions?

11:54:39 10 MR. OGDEN: Mr. Ogden, Your Honour.

11:54:42 11 THE COURT: I didn't hear that so that
11:54:43 12 is a good practice.

11:54:46 13 MR. OGDEN: Mr. Ogden, Your Honour.

11:55:05 14 THE COURT: Mr. Ogden, please go
11:55:06 15 ahead.

11:55:08 16 CROSS-EXAMINATION BY MR. OGDEN:

11:56:05 17 Q. Good morning, Your Honour.
11:56:06 18 Bonjour, Chief Roote. Thank you for the
11:56:09 19 knowledge and teachings you have already shared
11:56:12 20 with us and thank you for offering more.
11:56:14 21 Miigwetch.

11:56:17 22 A. You're welcome.

11:56:19 23 Q. My obligations today are to
11:56:21 24 represent my client, the Queen in Right of
11:56:24 25 Ontario, and to assist the Court by putting

11:56:27 1 evidence before it to help assess the SON's
11:56:31 2 claims. So part of my task is to seek to
11:56:34 3 clarify the evidence that a court considers.

11:56:41 4 I would like to confirm and clarify
11:56:43 5 two of the sources of your knowledge of the
11:56:44 6 facts in this -- in dispute in this case.

11:56:49 7 In part that knowledge has come from
11:56:52 8 your research and archives in Ottawa, is that
11:56:55 9 correct?

11:56:56 10 A. Some of that information, yes.

11:57:00 11 Q. And some of it has come from
11:57:02 12 other research you have done including museums,
11:57:07 13 is that correct?

11:57:08 14 A. Yes.

11:57:18 15 Q. In one of the Anishinaabe
11:57:20 16 migration stories the migration begins on the
11:57:22 17 east coast, is that correct?

11:57:25 18 A. Yes.

11:57:26 19 Q. And do you know the name Eddie
11:57:31 20 Benton-Banai?

11:57:36 21 A. Yes, I do.

11:57:37 22 Q. And he is a respected knowledge
11:57:39 23 holder of the Anishinaabe migration story, is
11:57:42 24 that correct?

11:57:43 25 A. Yes, he is.

11:57:45 1 Q. Are you aware of the Mishomis
11:57:46 2 book?

11:57:48 3 A. Yes, I am.

11:57:49 4 Q. And do you recognize that as a
11:57:50 5 valuable resource on the history of the
11:57:53 6 Anishinaabe?

11:57:58 7 A. Yes.

11:58:05 8 Q. You said earlier that your
11:58:08 9 community's understanding is that the Province
11:58:10 10 was not involved in the treaty-making process.
11:58:15 11 Is it your view that the bulk of the Crown
11:58:19 12 responsibility to repair the treaty relationship
11:58:23 13 belongs to Canada and not to Ontario?

11:58:36 14 A. It is, in my view, the
11:58:39 15 responsibility of Canada to repair the Treaty
11:58:48 16 wrong-doing.

11:58:59 17 Q. You said that your grandfather
11:59:01 18 told you about marauders who would overpower a
11:59:05 19 camp site and would go in the dead of the night.
11:59:11 20 Was that Livingston Nawash or Alex Roote,
11:59:13 21 please?

11:59:14 22 A. That was Livingston Nawash.

11:59:18 23 Q. And you also said there were
11:59:20 24 watchers on high points. Was that something
11:59:23 25 that Livingston Nawash told you?

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12:01:16 25

A. Yes.

Q. And you said that if watchers saw something going along the lake they would give notice, perhaps through smoke signals or runners. My question is -- my question is, is that also something that Livingston Nawash told you?

A. The communication portion was not described by Livingston Nawash. I would only assume that the communication was done by smoke signals.

The other piece of information that he did relate to me was that the runners would go to the appropriate heads of people to notify them of what they saw.

Q. You said yesterday and you referred to today a White Dog Ceremony, the White Dog Ceremony. And yesterday you said it, and today, that it had been performed at various places and you noted three places.

Is your knowledge that a White Dog Ceremony was performed at those places something that comes from the artifacts found at those places, those specific places?

A. The ceremony would take place at

12:01:18 1 those locations and the burial of the animal
12:01:22 2 would be done at that site as well.

12:01:29 3 And, I'm sorry, the other part of the
12:01:31 4 question?

12:01:33 5 Q. Well, your knowledge that a White
12:01:35 6 Dog Ceremony took place in those specific
12:01:41 7 locations does not come from a separate oral
12:01:44 8 history that the White Dog Ceremony was
12:01:49 9 performed at those specific locations, is that
12:01:50 10 correct?

12:01:53 11 A. My information comes from the
12:01:55 12 oral history of our people that have spoke about
12:02:01 13 it. And the information specifically in written
12:02:09 14 form today I'm not sure if you could find that.

12:02:16 15 Q. And the oral history relates to
12:02:18 16 those specific locations? Is that your answer?

12:02:21 17 A. The oral -- the locations are not
12:02:24 18 oral, the locations are factual.

12:02:32 19 Q. Thank you.

12:02:37 20 Yesterday you talked about the battle
12:02:38 21 at Red Bay and you mentioned it today as well.
12:02:44 22 To your knowledge is it correct that tribes from
12:02:51 23 Michigan did not participate in the battle at
12:02:55 24 Red Bay?

12:03:04 25 A. I don't believe so. That story

12:03:08 1 belongs to us and that is the story of our
12:03:16 2 people. There would be no reason for me to
12:03:19 3 doubt that it was somebody else that was doing
12:03:21 4 that.

12:03:23 5 Q. Is the same accurate with respect
12:03:28 6 to tribes from north of Manitoulin and around
12:03:33 7 towards Nipissing that they did not participate
12:03:37 8 in the battle at Red Bay?

12:03:52 9 A. I do not recall anything that
12:03:54 10 would show or indicate, even through by oral
12:03:57 11 history, that they did participate in that. It
12:04:01 12 was our people that were involved with that
12:04:04 13 particular battle.

12:04:10 14 Q. Is that also accurate with
12:04:12 15 respect to the battle at Skull Mound, that
12:04:15 16 tribes from Michigan and north of Manitoulin and
12:04:20 17 Nipissing did not participate in the battle that
12:04:22 18 led to Skull Mound?

12:04:30 19 A. Yes, they would not be
12:04:31 20 participating.

12:04:42 21 Q. And, to your knowledge, Michigan
12:04:46 22 tribes -- other tribes in Michigan and north of
12:04:51 23 Manitoulin and around Nipissing that are in the
12:04:55 24 Three Fires Confederacy?

12:05:02 25 A. Yes, all of the tribes around

1 Lake Superior, Lake Michigan, Lake Huron and
2 Georgian Bay would be part of the Three Fires
3 Confederacy.

4 Q. In respect of the burning of
5 papers, Indian Agency papers, did you hear --
6 did anyone say to you that the Indian Agency had
7 hired a member or members of either the Saugeen
8 or Nawash communities to do the burning?

9 A. My personal connection and my
10 personal involvement, Jim Wesley and Alex
11 Solomon, I personally heard that from them about
12 what happened with the burning of the papers
13 from the Indian Agent.

14 Q. And who was the Indian Agent at
15 the time, please?

16 A. I'm not sure who that Indian
17 Agent was at the time. I -- at this point in
18 time I would only be guessing.

19 Q. We heard the name "Bouchard". Is
20 that a correct pronunciation?

21 A. There was a couple of Indian
22 agents around that period of time. One of the
23 longer-standing agents was Mr. Bouchard, he was
24 one; he stayed for a while longer than most.

25 And then there was also an Indian

1 Agent by the name of Mr. Grover, and he was also
2 in -- sometime in the '50s.

3 You had a -- also an Indian Agent by
4 the name of Mr. Lavalle. Mr. Lavalle I believe
5 came after Fred Purser, or during the time of
6 Fred Purser. He was an assistant Indian Agent.

7 Q. Are you able to spell Bouchard or
8 Buchard or the name of the agent, please?

9 A. I don't know the appropriate
10 spelling for that.

11 Q. That's okay, thank you.

12 It was not Mr. Tuffnell though, as far
13 as you have been made aware?

14 A. I could not be sure.

15 Q. And you said that Jim Wesley and
16 Alex Solomon retrieved papers? It was not
17 Wilmer Nadjiwon?

18 A. No, this particular burning of
19 papers came from this location in this
20 community. And that burning of the papers took
21 place on the French Bay Road approximately a
22 mile and a half from the --

23 -- COURT REPORTER CLARIFICATION --

24 THE COURT: Sir, the technology is not
25 our strong point this morning. If you can just

12:09:35 1 try and hold the microphone a little closer that
12:09:37 2 would be helpful.

12:09:39 3 THE WITNESS: Thank you.

12:09:41 4 BY MR. OGDEN:

12:09:42 5 Q. When you were a Band
12:09:42 6 administrator in the 1970s was Saugeen First
12:09:47 7 Nation researching the circumstances surrounding
12:09:49 8 the surrender and Treaty 72?

12:09:58 9 A. The research work about that time
12:10:02 10 was specifically for the east boundary. And
12:10:10 11 other information that I received was in regards
12:10:13 12 to Treaty 72 but I was not looking for the
12:10:17 13 research material for Treaty 72.

12:10:25 14 Q. In the 1980s was Saugeen First
12:10:27 15 Nation researching the circumstances surrounding
12:10:30 16 Treaty 72's surrender?

12:10:45 17 A. There was a large amount of
12:10:46 18 research work done by the '80s in regards to the
12:10:52 19 Treaty 72.

12:10:58 20 Q. I'd like to show you a document
12:11:00 21 now, please, this is Exhibit 3869.

12:11:04 22 MR. OGDEN: This document, Your
12:11:11 23 Honour, is part of the record as it is cited in
12:11:15 24 a report prepared for the plaintiffs by
12:11:19 25 Professor Brownlie.

1 BY MR. OGDEN:

2 Q. And the date on the letter at the
3 top is August 10, 1987. It is a letter to Chief
4 Vernon Roote and it is signed "Bill McNight".
5 The letterhead is Ministry of Indian Affairs.
6 And I am going to point you to a couple of
7 sentences in this letter, Chief Roote.

8 The first page, in the first paragraph
9 it refers to a letter from you dated April 10,
10 1987; and then in the second paragraph there's
11 the sentence:

12 "In your letter you state that in
13 return for certain rights your Band
14 would be willing to abandon any claims
15 or court actions relating to the
16 validity of the 1836 and 1854 treaties
17 and the issue of unsold surrendered
18 lands on the Peninsula."

19 And then the third paragraph:

20 "While you have mentioned a
21 possible claim in connection with
22 surrender No. 72 dated October 13,
23 1854, no such claim has been
24 submitted."

25 My question is, at April 10, 1987,

1 were you aware of a possible claim in relation
2 to the validity of Treaty 72?

3 A. Yes, I was.

4 Q. The next document is Exhibit
5 3791. This is also part of the records because
6 it was cited by Professor Brownlie. And this is
7 a copy of a letter to the regional director.
8 Mr. Roote, to your understanding is that the
9 regional director in Indian Affairs?

10 A. Yes.

11 Q. And the date is October 9, 1973,
12 and it shows you as being copied. Was that you
13 being copied to the document?

14 A. Yes, I was.

15 Q. Where it says, "Mr. Vernon Roote,
16 Saugeen Band Administrator"?

17 The letter refers to and includes the
18 text of a motion made by a joint council of the
19 Cape Croker and Saugeen Bands. And the text of
20 that joint motion reads:

21 "Moved by Robert Nashkewa,
22 seconded by Robert Jones, that the
23 Chippewas of Saugeen and Cape Croker
24 Bands request that all unsold
25 surrendered lands, islands, and lakes

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1 be reverted to reserve status."
2 Do you recall this letter?
3 A. Yes, I do.
4 Q. Do you recall the 1968 motion
5 that the letter refers to?
6 A. I recall the discussion at the
7 time, yes.
8 Q. And as far as you recall was
9 there a request to Canada by 1973 to return
10 unsold, surrendered lands, islands and lakes?
11 A. I don't believe there was a
12 reply. Is that the question?
13 Q. No, sorry. My question was, was
14 there a request to Canada by Saugeen and Cape
15 Croker First Nations that Canada return unsold
16 surrendered lands, islands and lakes?
17 A. I don't recall the answer or
18 reply from Canada at the time. The discussions
19 were involving the Band councils at the time.
20 Although I was working with the Band
21 councils from time-to-time and I would be
22 sitting in the meetings when they discussed
23 them, sometimes I was not present when they
24 discussed some of those items, especially in
25 1973, so I don't know if there was any reply.

12:17:15 1 But I do know that there was further dialogue in
12:17:21 2 regards to the letters.

12:17:22 3 Q. Thank you.

12:17:40 4 Are you aware of the TVO television
12:17:43 5 documentary series call "The Bruce"?

12:17:48 6 A. Yes.

12:17:48 7 Q. It showed in three parts in
12:17:50 8 August of 2018, is that correct?

12:17:53 9 A. Yes, I believe so, yes.

12:17:55 10 Q. And each part is about an hour
12:17:57 11 long?

12:17:58 12 A. Yes.

12:17:58 13 Q. And you provided an interview to
12:18:04 14 the makers of that documentary series, is that
12:18:06 15 correct?

12:18:07 16 A. Yes, I did.

12:18:07 17 Q. And parts of that interview were
12:18:09 18 included in the documentary?

12:18:11 19 A. Yes.

12:18:18 20 Q. I'd like to refer to a document
12:18:21 21 which is not an exhibit but has been produced by
12:18:23 22 Ontario. It's SC0053, and that is a copy of the
12:18:32 23 transcript for episode 3 of "the Bruce" titled
12:18:37 24 "The Peaceful Path", and the date on that is
12:18:44 25 August 26, 2018.

1 Your Honour, I would like to tender
2 this document as an exhibit.

3 THE COURT: Any objection?

4 MR. TOWNSHEND: No.

5 THE COURT: Mr. Registrar.

6 THE REGISTRAR: Exhibit number 3965.

7 THE COURT: Thank you.

8 EXHIBIT NO. 3965: Document SC0053.

9 copy of the transcript of episode 3 of
10 "The Bruce" titled "The Peaceful
11 Path", dated August 26, 2018.

12 MR. OGDEN: Thank you.

13 BY MR. OGDEN:

14 Q. Can I take you to page 35 please?

15 The document says:

16 "Vernon says the benefits of
17 having a park was called conservation.
18 If you have a conservation approach to
19 it there would be the nonexistence of
20 residential lots for human beings and
21 so, it would be preserved in a way
22 where conservation would be good for
23 us and perhaps even others."

24 And, sir, in this interview were you
25 talking about the Bruce Peninsula National Park?

12:20:10 1 A. Yes.

12:20:28 2 Q. Yesterday, sir, you were asked
12:20:31 3 about processes that would be expected to be
12:20:33 4 followed by an Anishinaabe First Nation making a
12:20:38 5 decision about a treaty that affected their
12:20:40 6 traditional territories. And in response you
12:20:45 7 shared knowledge about the process for making a
12:20:48 8 decision, and that was the process in regard to
12:20:53 9 a decision in the present, is that correct,
12:20:55 10 today?

12:21:03 11 A. The present system of
12:21:04 12 decision-making is not the same as it was back
12:21:11 13 in 1854.

12:21:30 14 Q. Yesterday you shared with us that
12:21:32 15 the use of a sacred pipe in ceremony brings the
12:21:36 16 Creator into the ceremony, and that would
12:21:42 17 include a ceremony before a Treaty Council, is
12:21:45 18 that correct?

12:21:48 19 A. Yes.

12:21:54 20 Q. And that would signify the
12:21:55 21 importance of the Treaty Council, is that
12:21:57 22 correct?

12:22:01 23 A. I'm sorry?

12:22:02 24 Q. Raising a sacred pipe during a
12:22:04 25 ceremony before a Treaty Council signifies the

1 importance of the Treaty Council?

2 A. Yes, very much.

3 Q. And it shows that the Anishinabek
4 intend to be bound by any agreement made during
5 the Treaty Council, is that correct?

6 A. It is expected by both parties to
7 be bound by the agreement.

8 Q. Thank you.

9 Chief Roote, is it your view that
10 after Treaty 72 the SON trusted the Crown's land
11 agent to sell the surrendered lands at a fair
12 price?

13 A. Yes, I believe that was the
14 intent.

15 Q. Is it your view that the lands
16 were not sold at a fair price?

17 A. That's correct.

18 Q. Is it your view that if the SON
19 had received a fair price on land sales the
20 current economic situation of the SON would be
21 much better?

22 A. It would be much better today,
23 yes.

24 Q. I'd like to show you another
25 transcript of one of the episodes of the "The

1 Bruce" documentary series. This is document
2 SC0054. And this was produced by Ontario and it
3 is not yet an exhibit.

4 This is for Episode 1 of "The Bruce".
5 The episode is titled "The Fishing Chiefs" and
6 it is dated August 12, 2018. I would like to
7 add it as an exhibit, please, Your Honour.

8 THE COURT: Any objection?

9 MR. TOWNSHEND: No.

10 THE COURT: Mr. Registrar.

11 THE REGISTRAR: Exhibit number 3966.

12 EXHIBIT NO. 3966: Document SC0054.

13 Episode 1 of "The Bruce" titled "The
14 Fishing Chiefs", dated August 12, 2018

15 THE COURT: Thank you, please go
16 ahead.

17 BY MR. OGDEN:

18 Q. This is page 129. You will see a
19 paragraph commencing "Vernon says", which I will
20 read. It quotes you as saying:

21 "Saugeen Peninsula was
22 surrendered for sale of those lots,
23 but it did not sell Aboriginal rights
24 to sustain ourselves."

25 Did you make that statement?

12:25:24 1 A. Yes, I did.

12:25:31 2 Q. Did that statement reflect your
12:25:32 3 view at the time you made the statement?

12:25:34 4 A. Yes, and it still is.

12:25:46 5 Q. Thank you.

12:25:46 6 The next document I would like to show
12:25:48 7 you is document SC0055. And it is the
12:25:54 8 transcript for Episode 2 of "The Bruce" titled
12:25:58 9 "The Last Frontier". This program aired on
12:26:09 10 August 19, 2018, or the transcript has a date of
12:26:15 11 August 19, 2018.

12:26:17 12 Your Honour, I would like to add this
12:26:19 13 as an exhibit, please.

12:26:21 14 THE COURT: Any objection?

12:26:21 15 MR. TOWNSHEND: No.

12:26:23 16 THE COURT: Mr. Registrar.

12:26:25 17 THE REGISTRAR: Exhibit No. 3967.

12:26:28 18 THE COURT: Thank you.

12:26:28 19 EXHIBIT NO. 3967: Document SC0055.
12:26:29 20 Transcript for Episode 2 of "The
12:26:29 21 Bruce" titled "The Last Frontier",
12:26:29 22 dated August 19, 2018.

12:26:42 23 BY MR. OGDEN:

12:26:42 24 Q. I will read another paragraph to
12:26:43 25 you. The paragraph says:

12:26:49 1 "The days of hunting and fishing
12:26:53 2 survival methods were starting to
12:26:55 3 fade, and the need for money to
12:26:57 4 purchase goods were upon our people.
12:26:59 5 The Saugeen Peninsula was surrendered
12:27:01 6 for sale so that our communities would
12:27:03 7 be able to have their start in money,
12:27:05 8 so that they could sustain themselves
12:27:08 9 to live in a modern way.
12:27:10 10 Unfortunately, the money that was put
12:27:13 11 into a pot was controlled by the
12:27:14 12 government of the day. Those dollars
12:27:17 13 were never received by the people."
12:27:19 14 Did you make this statement?
12:27:22 15 A. Yes, I did.
12:27:36 16 Q. Chief Roote, you were referred to
12:27:38 17 yesterday a book containing and called
12:27:44 18 "Anishinaabe Men's Teachings", is that correct?
12:27:48 19 A. Yes.
12:27:49 20 Q. In the course of preparing for
12:27:50 21 this trial I read that book, sir, and I would
12:27:53 22 like to thank you for the knowledge that it
12:27:56 23 contains.
12:27:58 24 I would also like to thank you for
12:28:01 25 sharing other knowledge and information with us

12:28:03 1 yesterday and today. Miigwetch.

12:28:06 2 A. You're welcome.

12:28:08 3 MR. OGDEN: Your Honour, those are my
12:28:10 4 questions.

12:28:10 5 THE COURT: Thank you.

12:28:10 6 Mr. Townshend, do you have any
12:28:12 7 re-examination?

12:28:16 8 MR. TOWNSHEND: Yes.

12:28:17 9 THE COURT: Please go ahead."

12:28:18 10 RE-EXAMINATION BY MR. TOWNSHEND:

12:28:30 11 Q. Bear with me a minute, please.

12:29:13 12 Mr. Roote, counsel for Ontario was
12:29:15 13 asking you about the migration story in the
12:29:18 14 Mishomis book. What is your view about how long
12:29:24 15 the -- your people have lived in this territory?

12:29:37 16 A. Many centuries. And I would
12:29:41 17 estimate that we are talking thousands of years
12:29:48 18 when we look at the migration story.

12:30:01 19 We have so many stories and the part
12:30:05 20 that's missing is the actual year that people
12:30:12 21 are looking for in terms of when that was
12:30:15 22 introduced or when it was announced. But the
12:30:26 23 approximate time would be more than, in my
12:30:31 24 estimate, more than 3,000 years.

12:30:40 25 Q. Is it your view that the

12:30:42 1 Anishinaabe migration story is inconsistent with
12:30:45 2 that view or not?

12:30:52 3 A. Not all believe in the migration
12:30:55 4 story at this point. We do have other stories
12:31:00 5 that are attached with the -- our Creation
12:31:04 6 Stories. And some of the Creation Stories have
12:31:11 7 the same meaning but some have a little
12:31:16 8 different version to it.

12:31:29 9 MR. TOWNSHEND: May I have a moment,
12:31:29 10 please? No further questions.

12:31:51 11 THE COURT: Thank you.

12:31:51 12 Sir, thank you for your assistance.
12:31:53 13 You can return to the public gallery at this
12:31:56 14 time.

12:31:59 15 THE WITNESS: Thank you, Your Honour.

12:32:04 16 THE COURT: Mr. Townshend.

12:32:05 17 MR. TOWNSHEND: Your Honour, we've
12:32:06 18 arranged for the next witness to be here after
12:32:08 19 lunch so could I suggest an early lunch break?

12:32:12 20 THE COURT: And is that Mr. Ritchie
12:32:16 21 that's coming?

12:32:17 22 MS. GUIRGUIS: Good afternoon, Your
12:32:17 23 Honour. I can speak to this. The scheduling
12:32:24 24 has been a little jumbled given the --

12:32:28 25 THE COURT: Who are we expecting?

12:32:31 1 MS. GUIRGUIS: We're expecting
12:32:32 2 Mr. Gary Harron.
12:32:34 3 THE COURT: Mr. Gary Harron?
12:32:34 4 MS. GUIRGUIS: Yes.
12:32:34 5 THE COURT: All right.
12:32:34 6 MS. GUIRGUIS: Mr. James Ritchie we
12:32:36 7 would like to call him tomorrow morning, he has
12:32:38 8 some scheduling restrictions, if I could just
12:32:40 9 speak to that now? He needs to be done by about
12:32:43 10 2:30, so if we could start at 9:30 a.m.
12:32:47 11 tomorrow?
12:32:48 12 THE COURT: One thing at a time.
12:32:49 13 MS. GUIRGUIS: Sure.
12:32:49 14 THE COURT: So Mr. Harron is coming
12:32:50 15 this afternoon?
12:32:52 16 MS. GUIRGUIS: That's correct.
12:32:54 17 THE COURT: Is it anticipated that he
12:32:55 18 will be completed this afternoon?
12:32:58 19 MS. GUIRGUIS: Yes, Your Honour.
12:32:59 20 THE COURT: And Mr. Ritchie is coming
12:33:02 21 tomorrow morning and he has to be completed by
12:33:04 22 what time?
12:33:07 23 MS. GUIRGUIS: By 2:30.
12:33:08 24 THE COURT: By 2:30. And have you
12:33:09 25 discussed this with the other counsel who will

12:33:12 1 be questioning him?

12:33:16 2 MS. GUIRGUIS: I have, Your Honour.

12:33:19 3 THE COURT: I think for now what I
12:33:20 4 will say is this. We'll commence at 2:15 with
12:33:24 5 Mr. Harron, and does that give ample time to
12:33:29 6 complete him by 4:30 or should we commence at
12:33:35 7 2:00 o'clock?

12:33:37 8 MS. GUIRGUIS: No, 2:15 should be
12:33:37 9 fine.

12:33:40 10 THE COURT: As for tomorrow morning,
12:33:41 11 I'm ordinarily quite happy to accommodate
12:33:45 12 witnesses -- I'll have to take it one step at a
12:33:47 13 time. So we can commence at 9:30, that will not
12:33:53 14 mean that we can proceed through to 2:00
12:33:55 15 o'clock. So we'll just have to take that one
12:33:59 16 step at a time.

12:34:02 17 MS. GUIRGUIS: I think that should be
12:34:03 18 fine, Your Honour.

12:34:04 19 THE COURT: And so he's ready? He's
12:34:07 20 going to be ready to start at 2:15 Mr. Harron.

12:34:15 21 MS. GUIRGUIS: Yes, I believe so.
12:34:15 22 I've asked him to be here for 2:00 o'clock, Your
12:34:18 23 Honour.

12:34:19 24 THE COURT: We'll adjourn now until
12:34:20 25 2:15.

12:34:20 1 MS. GUIRGUIS: Thank you, Your Honour.

12:34:20 2 -- RECESSED AT 12:34 P.M. --

01:00:49 3 -- RESUMED AT 2:16 PM --

02:16:46 4 MR. FELICIAN: Your Honour, just by
02:16:48 5 way of a small housekeeping matter, on the day
02:16:50 6 of the opening statements we provided you with
02:16:52 7 three maps which became lettered exhibits. One
02:16:56 8 of them was printed incorrectly with a large
02:16:58 9 block of yellow.

02:17:01 10 THE COURT: Yes.

02:17:01 11 MR. FELICIAN: I have a replacement
02:17:02 12 version and it's lettered Exhibit N, as in
02:17:05 13 Norman. If I could provide that to the
02:17:07 14 Registrar, please?

02:17:08 15 THE COURT: Is that for my use, sir,
02:17:11 16 or is that the court's copy?

02:17:25 17 MR. FELICIAN: That's the court's
02:17:26 18 copy.

02:17:28 19 THE COURT: All right. Give that to
02:17:28 20 Mr. Registrar and at some point can you replace
02:17:28 21 the one you gave me? It doesn't have to be
02:17:28 22 today.

02:17:28 23 MR. FELICIAN: Thank you.

02:17:34 24 THE COURT: Counsel.

02:17:36 25 MS. GUIRGUIS: Good afternoon, Your

02:17:36 1 Honour. I'd like to call Mr. Gary Harron to the
02:17:39 2 stand.

02:18:04 3 THE REGISTRAR: Good afternoon, sir.

02:18:06 4 THE WITNESS: Afternoon.

02:18:07 5 THE REGISTRAR: Would you like to make
02:18:08 6 an oath on the holy book or make a solemn
02:18:11 7 affirmation to tell the truth?

02:18:12 8 THE WITNESS: I'll swear on the Bible.

02:18:17 9 GARY HARRON: SWORN.

02:18:24 10 EXAMINATION IN-CHIEF BY MS. GUIRGUIS:

02:18:57 11 Q. Good afternoon, Mr. Harron.

02:18:59 12 A. Good afternoon.

02:19:00 13 Q. Thank you for being here with us
02:19:02 14 today. I am going to ask you a few questions,
02:19:04 15 first to introduce you to the court.

02:19:07 16 THE COURT: Just before you begin,
02:19:07 17 sir, if you could either move your chair up or
02:19:11 18 pull that microphone closer to you so that it
02:19:15 19 picks up your voice.

02:19:18 20 THE WITNESS: This one?

02:19:18 21 THE COURT: And I just notice you have
02:19:20 22 some papers with you. I think just in -- I
02:19:22 23 noticed, and in fairness to the other lawyers,
02:19:24 24 you might just identify what they are, or
02:19:27 25 counsel can come and assist you.

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THE WITNESS: I'm sorry, I didn't catch that.

THE COURT: You have some papers with you, sir?

THE WITNESS: I just wrote down a few names to jog my memory, that's all.

THE COURT: All right. That's no problem, sir, as long as there's no objection. Other counsel can look at that piece of paper if you have it with you, not right now, sir, but I just wanted to let you know that I would permit that if they asked.

THE WITNESS: That's fine.

THE COURT: Does anyone have any objection on that basis? No? Please go ahead, counsel.

MS. GUIRGUIS: Thank you, Your Honour.

BY MS. GUIRGUIS:

Q. So, Mr. Harron, I want to ask you a few questions to introduce you to the Court. First of all, what year were you born?

A. 1937.

Q. And where do you currently live?

A. In the village of Elsinore in South Bruce Peninsula.

02:20:13 1 Q. What's the address?

02:20:15 2 A. 7199 Highway 21.

02:20:19 3 Q. And how long have you lived

02:20:21 4 there?

02:20:22 5 A. 82 years. I was born there.

02:20:25 6 Q. Can you tell us a bit about the

02:20:27 7 farms that you currently operate?

02:20:35 8 A. Yes, we're still operating 450

02:20:38 9 acres of beef operation, and we sell hay.

02:20:45 10 Q. Tell us where they're located.

02:20:48 11 A. They're located on -- the one is

02:20:52 12 Lot 27 Concession ^A and it abutts the Saugeen

02:20:55 13 First Nation, I'm the first farm to the east of

02:20:57 14 it; and there's one right at the village of

02:21:02 15 Elsinore, just a small acreage, it's part of the

02:21:05 16 half mile strip, part of lot 40 of

02:21:08 17 Arran-Elderslie; and then two farms over in

02:21:11 18 Arran Township about a mile south of Elsinore,

02:21:14 19 lot 16 and 17, Concession 13 of Arran Township.

02:21:20 20 Q. So there's a map to your right,

02:21:21 21 it's Exhibit Q. I'm just wondering those farms

02:21:27 22 that you just described

02:21:29 23 Arran-Elderslierran-Elderslie township if you'd

02:21:32 24 be able to point it out on that map.

02:21:43 25 A. Yes, I can.

02:21:44 1 Q. Thank you.

02:21:44 2 A. This is Lot 27 Concession A, and
02:22:05 3 that's the two farms there in Arran Township,
02:22:08 4 south of Highway 20.

02:22:10 5 THE COURT: Now, I'm going to ask
02:22:11 6 counsel to repeat the answer. And, sir, if you
02:22:15 7 could step all the way to one side and allow
02:22:17 8 your -- further, further. While you hear
02:22:21 9 your -- the repetition point so everyone can see
02:22:24 10 where you're referring to.

02:22:25 11 Counsel, can you repeat the answer?

02:22:28 12 BY MS. GUIRGUIS:

02:22:28 13 Q. Absolutely, Your Honour.

02:22:29 14 So you pointed out lot 16 and 17 on
02:22:33 15 Concession 13 in Arran-Elderslie Township.

02:22:40 16 A. Yes, they are right there, south
02:22:40 17 of Highway 20 and one Concession back, half a
02:22:40 18 mile back.

02:22:44 19 THE COURT: The court reporter cannot
02:22:46 20 hear this gentleman. He needs to take the
02:22:49 21 microphone with him. Sorry, it just takes a
02:22:50 22 little getting used to. If you can hold the
02:22:59 23 microphone and repeat your answer.

02:23:01 24 THE WITNESS: Okay. Lot 16 and 17 --
02:23:04 25 that's really loud. Right here, if you can see

02:23:11 1 that, just east of Arran Lake. And lot 40, part
02:23:16 2 of lot 40 HMS is just abutting Highway 21 right
02:23:21 3 in the Village of Elsinore, and lot 27,
02:23:23 4 Concession A abutting the Saugeen First Nation
02:23:27 5 is right there.

02:23:28 6 BY MS. GUIRGUIS:

02:23:28 7 Q. Excellent, thank you.

02:23:29 8 I'm going to keep you there for one
02:23:32 9 more moment. On that Exhibit Q, on the
02:23:35 10 left-hand side of that map there are letters and
02:23:37 11 along the top there are numbers that graph out
02:23:42 12 what you're talking about. So is that -- what
02:23:44 13 you've pointed out located in E2?

02:23:54 14 A. That's correct.

02:23:55 15 Q. Thank you, you can have a seat.
02:23:57 16 You can sit down.

02:24:20 17 So, Mr. Harron, you've talked about
02:24:24 18 the two farms that you currently operate. Have
02:24:26 19 you owned other farms on the peninsula?

02:24:29 20 A. Did I?

02:24:30 21 Q. Yes.

02:24:30 22 A. Yes. At one time when I was
02:24:32 23 dairy farming I owned lot 22, 23 and 24
02:24:37 24 Concession A all along Highway 21.

02:24:41 25 Q. That's right around where you

02:24:43 1 pointed out?

02:24:44 2 A. Yes, right in Elsinore.

02:24:47 3 Q. And when did you own that dairy

02:24:49 4 farm?

02:24:50 5 A. In the 1970s.

02:24:55 6 Q. You don't own it any more?

02:24:57 7 A. No.

02:25:00 8 Q. Who did you sell it to?

02:25:01 9 A. I sold it to the Saugeen First

02:25:03 10 Nation.

02:25:07 11 Q. Did you keep any part of those

02:25:10 12 lands?

02:25:11 13 A. Yes, we severed the home off and

02:25:14 14 we still live in the home on part of Lot 23,

02:25:16 15 Concession A.

02:25:17 16 Q. So I want to ask you a few more

02:25:19 17 questions about your relationship over the years

02:25:21 18 with Saugeen First Nation. You've lived on the

02:25:24 19 peninsula a long time.

02:25:26 20 What has your relationship been with

02:25:28 21 the Saugeen Ojibwe?

02:25:32 22 A. Well, I can go back to when I

02:25:35 23 first dairy farmed in the '70s, and at that

02:25:38 24 time when we took the hay off they were small,

02:25:47 25 what we call "square bales", weighed about 65/75

02:25:52 1 pounds and I used to hire labour from Saugeen
02:25:56 2 First Nation. They'd come and help with the
02:25:58 3 hay.

02:25:58 4 And then I used to hire them year
02:26:00 5 round on helping to milk the cows, et cetera.

02:26:03 6 I then, in 1969, ran for council in
02:26:06 7 Amabel Township which is now South Bruce
02:26:12 8 Peninsula, and I was on council for about 14
02:26:15 9 years, 12 and a half of them I was reeve, which
02:26:20 10 is similar to mayor now.

02:26:21 11 And we used to have annual meetings
02:26:26 12 then at least once a year, sometimes twice a
02:26:29 13 year with the late -- the Chief then was James
02:26:31 14 Mason. And the two councils would get together
02:26:34 15 and we'd talk over things of mutual interest.

02:26:37 16 In fact, we even exchanged some road
02:26:40 17 work. We maintained the road for them. Those
02:26:42 18 of you familiar with Sauble Beach along by the
02:26:45 19 bowling alley and the Dancero, and in return
02:26:49 20 Saugeen First Nation maintained our road down to
02:26:51 21 Denny's Dam, which was part of Amabel Township
02:26:56 22 and that worked out very well.

02:26:58 23 But we tried to have those meetings at
02:27:00 24 least once a year where we could talk over
02:27:03 25 matters of mutual interest, and it worked out

02:27:06 1 well.

02:27:12 2 Q. Do members of the Saugeen Ojibwe
02:27:15 3 use your farm lands?

02:27:18 4 A. You'll have to repeat. Did they
02:27:22 5 work on the farm land?

02:27:22 6 Q. Do they use your farm land?

02:27:25 7 A. Did they use it?

02:27:26 8 Q. Yes.

02:27:27 9 A. They did for quite a while and
02:27:29 10 now they lease some of it out as well. Are you
02:27:38 11 referring to the land they purchased from me or
02:27:40 12 the land we still own?

02:27:41 13 Q. To both. Right now I was going
02:27:42 14 to turn to asking you about the land that you
02:27:43 15 still owned.

02:27:44 16 A. Okay. Yeah, they do.

02:27:48 17 I can recall, I believe it was Dorin
02:27:52 18 Ritchie a few years ago he came and asked me
02:27:57 19 permission. A friend of his who was having
02:28:00 20 mobility problems liked to hunt, and he wondered
02:28:03 21 if he could set him up with what they call a
02:28:05 22 "blind" where they have a kind of a camouflage
02:28:08 23 they sit behind for hunting deer. And I said I
02:28:11 24 had no problem with that.

02:28:13 25 I think he returned maybe four or five

02:28:15 1 years, I don't know if he still does or not. So
02:28:18 2 they used our property for hunting purposes.

02:28:21 3 We have quite a heavy, thick, cedar
02:28:24 4 bush, and some of the natives come in every
02:28:27 5 spring and they cut out the cedar boughs, and
02:28:31 6 I'm not sure where they go but a truck picks
02:28:34 7 them up and go on; so they use that as well.

02:28:38 8 Q. So members of the Saugeen Ojibwe
02:28:41 9 have used it for hunting and for trimming cedar
02:28:44 10 boughs?

02:28:44 11 A. That's correct.

02:28:45 12 Q. Is there any other harvesting or
02:28:47 13 trapping of animals?

02:28:50 14 A. It's interesting, Lot 27 contains
02:28:55 15 the headwaters for what they call Stoney Creek,
02:28:57 16 and it runs west from our farm through Saugeen
02:29:02 17 First Nation and crosses the road going to
02:29:04 18 Sauble Beach and empties into Lake Huron. And
02:29:06 19 the beaver were bad in there and Mr. Ritchie
02:29:10 20 returned again and trapped a bunch of those
02:29:12 21 beaver because they were flooding the farm land.

02:29:15 22 And we then, at actually quite an
02:29:19 23 expense, we fenced that water and swamp so no
02:29:23 24 cattle could go in so the water wouldn't be
02:29:27 25 polluted going to Lake Huron; and it's still

02:29:29 1 fenced; no cattle go in there.

02:29:35 2 Q. So prior to that fencing or with
02:29:36 3 that fencing beavers are sometimes a pest?

02:29:40 4 A. I'm sorry?

02:29:41 5 Q. Beavers are pests on your
02:29:42 6 property at times?

02:29:47 7 A. I'm still getting a bit of an
02:29:49 8 echo, sorry.

02:29:52 9 Q. That's okay. You were talking
02:29:52 10 about the flooding of the property because of
02:29:54 11 the beavers creating dams?

02:29:56 12 A. Yes.

02:29:56 13 Q. So they can be a bit of a pest on
02:29:58 14 the property?

02:29:59 15 A. We have problems with coyotes and
02:30:03 16 we like to see them eliminated, especially at
02:30:08 17 calving time. We can't allow our cows to go
02:30:12 18 back and have calves at the back end of the farm
02:30:14 19 because the calf wouldn't be there long. So we
02:30:18 20 have to calve them up at the barn in the
02:30:19 21 barnyard because of the coyotes.

02:30:22 22 I suppose the one thing that coyotes
02:30:24 23 have done that's good is, we used to have a lot
02:30:28 24 of problem with groundhogs and when they dig in,
02:30:30 25 bring gravel and stones out; then when you cut

02:30:33 1 your hay they would foul up the machinery, but
02:30:36 2 since coyotes came in we never see a groundhog
02:30:39 3 any more.

02:30:40 4 Q. So you mentioned Mr. Dorin
02:30:43 5 Ritchie, that you have an understanding with him
02:30:45 6 in place that allows him to hunt there. How
02:30:48 7 long have you had that agreement?

02:30:50 8 A. Well, there's no written
02:30:55 9 agreement, it's just a hand shake. And I
02:30:56 10 appreciate that he came and asked permission and
02:30:59 11 he doesn't do any harm. He can come up there as
02:31:02 12 long as he wants.

02:31:03 13 Q. I'm going to put up a map now.
02:31:04 14 This is SC0109 in the database. Counsel has
02:31:10 15 received a copy of this map.

02:31:28 16 MR. FELICIAN: Your Honour, I don't
02:31:29 17 know if yours is working but we have another
02:31:31 18 iPad problem at our end.

02:31:33 19 THE COURT: Yes, I'm having the same
02:31:35 20 problem. It just stopped for no apparent
02:31:37 21 reason. I don't see it as an impediment to me
02:31:43 22 proceeding. Does anyone have a problem with
02:31:45 23 giving notetaking a try for a short while?

02:31:54 24 MR. FELICIAN: We can continue but I
02:31:55 25 don't know whether it was something you wanted

02:31:56 1 to address. The others are having a problem.

02:32:00 2 THE COURT: Depends on -- Madam
02:32:02 3 Reporter, there does seem to be a problem. I
02:32:05 4 don't want to take a long break right now. We
02:32:08 5 just began. Counsel, I'm going to proceed, if
02:32:09 6 it becomes an impediment please rise again. Go
02:32:25 7 ahead.

02:32:26 8 BY MS. GUIRGUIS:

02:32:27 9 Q. So the map that's in front of you
02:32:28 10 on that screen, this is a map that was prepared
02:32:33 11 by Mr. Ritchie. Are you familiar with this map?

02:32:37 12 A. Yes, I am.

02:32:38 13 Q. Can you please tell the Court
02:32:39 14 what it shows?

02:32:42 15 A. Sorry?

02:32:43 16 Q. Can you please tell the Court
02:32:44 17 what it shows?

02:32:45 18 A. Oh, it's showing Lot 27
02:32:48 19 Concession A, and it's showing the wet area
02:32:51 20 where there was beaver trapping; it's also
02:32:53 21 showing the open fields where we pasture cattle
02:32:59 22 and take hay off, and then the area where they
02:33:03 23 have been doing some hunting.

02:33:08 24 MS. GUIRGUIS: Your Honour, I'd like
02:33:08 25 to add this as the next exhibit.

02:33:12 1 THE COURT: Any objection? No?

02:33:13 2 Mr. Registrar.

02:33:16 3 THE REGISTRAR: Can you identify the

02:33:18 4 document number, counsel?

02:33:19 5 MS. GUIRGUIS: Yes, SC0109.

02:33:22 6 THE REGISTRAR: Exhibit number 3968,

02:33:22 7 Your Honour.

02:33:22 8 THE COURT: Thank you.

02:33:31 9 EXHIBIT NO. 3968: Document SC0109.

02:33:34 10 Map prepared by Mr. Ritchie showing

02:33:34 11 Lot 27 Concession A.

02:33:58 12 BY MS. GUIRGUIS:

02:34:03 13 Q. Mr. Harron, is this map an

02:34:05 14 accurate representation of where Mr. Richard and

02:34:07 15 other Saugeen members harvest on your property?

02:34:10 16 A. Yes.

02:34:16 17 Q. How do the harvesting activities

02:34:19 18 of Saugeen Ojibwe members affect the use of your

02:34:22 19 land? Your use of your land?

02:34:26 20 A. No, it hasn't been detrimental to

02:34:29 21 us at all. They don't interfere with the cattle

02:34:31 22 or the buildings and so on.

02:34:33 23 Q. And you mentioned that you

02:34:37 24 appreciate the notice from Mr. Ritchie. Do you

02:34:41 25 mind when other members access your lands to

02:34:44 1 say, for example, trim cedar boughs even if they
02:34:49 2 don't give you notice ahead of time?

02:34:50 3 A. Well, I would appreciate if they
02:34:52 4 would come and ask so I know who's on my
02:34:55 5 property, but as far as cutting cedar boughs
02:34:58 6 they're welcome to it. I don't take it off and
02:35:00 7 they might as well have it.

02:35:03 8 Q. It's fair to say that you don't
02:35:05 9 mind so long as they're not interfering where
02:35:07 10 there's cattle?

02:35:08 11 A. That is correct.

02:35:15 12 MS. GUIRGUIS: Thank you, Mr. Harron.
02:35:15 13 Those will my questions.

02:35:17 14 THE COURT: Thank you. If you could
02:35:18 15 stay there, sir, other counsel will have some
02:35:22 16 questions.

02:35:23 17 THE WITNESS: Thank you.

02:35:24 18 THE COURT: Who from Canada is asking
02:35:25 19 questions?

02:35:25 20 MR. McCULLOCH: Michael McCulloch,
02:35:25 21 Your Honour.

02:35:25 22 THE COURT: Mr. McCulloch, please come
02:35:25 23 to the podium.

02:35:25 24 CROSS-EXAMINATION BY MR. MCULLOCH:

02:35:39 25 Q. Mr. Harron.

02:35:39 1 A. Yes.

02:35:39 2 Q. I'm Michael McCulloch, and I'm
02:35:41 3 going to be asking you a few questions about
02:35:45 4 hunting, harvesting and farming. This is on
02:35:49 5 behalf of the Attorney General of Canada.

02:35:51 6 I need to warn you about one thing, I
02:35:55 7 am a complete city boy. I know almost nothing
02:36:00 8 about hunting and even less about farming. So
02:36:04 9 I'm going to be asking questions that may strike
02:36:08 10 you as a little bizarre. They are not some
02:36:11 11 sneaky trap, they're a confession of genuine and
02:36:16 12 respectful ignorance.

02:36:17 13 So if my questions make no sense,
02:36:24 14 please assume it's because I don't really
02:36:25 15 understand the subjects and I'm looking for your
02:36:28 16 help in understanding.

02:36:29 17 A. No problem.

02:36:30 18 Q. I'm going to start with the
02:36:32 19 stupidest question. I hear this term
02:36:36 20 "operated". Could you tell me what operating a
02:36:39 21 farm means?

02:36:41 22 A. Well, operating a farm is where
02:36:43 23 you either plant the crops or take them off. In
02:36:48 24 our case we have beef cattle. So we -- the
02:36:52 25 spring now we have close to 80 new calves so you

02:36:57 1 have to be there when they're calving. I'm
02:37:00 2 fortunate as a farmer that my daughter is a
02:37:03 3 veterinarian and has a practice nearby so I get
02:37:07 4 some help there.

02:37:08 5 So it's very labour intensive at
02:37:11 6 calving time. And then at haying time, as I
02:37:14 7 mentioned earlier, you have to cut the hay and
02:37:17 8 let it dry, and then you bale it with a baler
02:37:20 9 and then you put it in under storage so it
02:37:24 10 doesn't get wet and spoils.

02:37:26 11 So the whole operation of farming is
02:37:28 12 fairly labour intensive.

02:37:30 13 Q. So, in short, we're not talking
02:37:32 14 about giant automated, 80-section industrial
02:37:37 15 agriculture like you have in Saskatchewan? This
02:37:39 16 is really in-depth, in-person farming?

02:37:43 17 A. It is here, yes.

02:37:47 18 Q. I'll try to keep the dumb
02:37:49 19 questions to a minimum so I'd like to move on to
02:37:52 20 just kind of a summary to make sure. I've
02:37:55 21 understood what my friend asked you, and that is
02:37:59 22 that if -- with asking permission members of the
02:38:07 23 Saugeen Ojibwe Nation have helped you with
02:38:11 24 dealing with potential pests, to their benefit?
02:38:14 25 It's a mutually beneficial, cooperative,

02:38:17 1 friendly relationship based on informing each
02:38:23 2 other and, essentially, if I can use a cliché
02:38:27 3 word, a neighbourly arrangement?

02:38:36 4 A. Yes.

02:38:36 5 Q. Have I properly understood it?

02:38:36 6 A. No, you've described it
02:38:38 7 correctly.

02:38:38 8 Q. Now I'm going to move to another
02:38:40 9 question. I see on the map that's been put up
02:38:44 10 that the area where there are the cattle fields
02:38:48 11 are marked "No Hunting". I can guess why, but
02:38:53 12 just for the Court can you explain why you don't
02:38:56 13 want anyone hunting there?

02:39:04 14 A. Are you looking where it says
02:39:06 15 "Water Fowl Hunting"?

02:39:08 16 Q. No. It says "Cattle Fields, No
02:39:11 17 Hunting".

02:39:12 18 A. Yes, that's right. That's where
02:39:13 19 we pasture cattle. And the three, I guess, you
02:39:20 20 call them fields to the left where the words
02:39:22 21 "Cattle Fields" are, that's actually where we
02:39:25 22 cut and take off hay. And the rest of it to the
02:39:27 23 east side of the farm from the red line at the
02:39:30 24 back right to Highway 21 that's where we pasture
02:39:33 25 cattle.

02:39:35 1 Now, we rotate them so that we'll put
02:39:38 2 them in the back field maybe for ten days; when
02:39:41 3 they eat that down then we move them to the
02:39:43 4 center field for a week and then the front field
02:39:46 5 for another ten days. And that way every couple
02:39:49 6 of weeks they have fresh feed.

02:39:54 7 Q. And you, I gather, don't want
02:39:56 8 hunting there?

02:39:57 9 A. Sorry?

02:39:58 10 Q. It says "No Hunting" on the map.

02:39:59 11 A. Yeah, we don't want any hunting
02:40:02 12 in and around the cattle.

02:40:03 13 Q. Because they might get killed?

02:40:05 14 A. I presume they all know the
02:40:07 15 difference between a cow and a deer but I want
02:40:09 16 to be sure.

02:40:09 17 Q. I'm not sure I would.

02:40:18 18 Anyway, so that there are certain
02:40:20 19 types of farm operation which at certain times
02:40:22 20 of the year don't go well with, say, hunting?

02:40:28 21 A. Yeah, we prefer the hunting be
02:40:30 22 done in hunting season. And most farmers around
02:40:34 23 here allow hunters for that seven to ten days.
02:40:36 24 I'm not sure just what the -- I don't hunt
02:40:38 25 myself, but seven to ten days of deer hunting

02:40:42 1 season. Most of them allow them on but they
02:40:44 2 have to have permission under the Ontario
02:40:47 3 Trespass Act now, they just can't walk on your
02:40:50 4 farm and start hunting. But I have no problem
02:40:52 5 as long as they ask and it's in season.

02:40:56 6 Q. I'm now going to move to a
02:40:58 7 slightly more hypothetical territory.

02:41:02 8 If you or our successor, at some time
02:41:05 9 in the distant future, wanted to take that water
02:41:08 10 feature and turn it into a commercial carp
02:41:15 11 breeding pond -- you can tell I don't know very
02:41:19 12 much about carp either, but I'm just using that
02:41:22 13 as a hypothetical -- would that be inconsistent
02:41:25 14 with beaver trapping?

02:41:27 15 A. Yeah. Just to clarify, that blue
02:41:30 16 area on the map with "Beaver Trapping" is really
02:41:34 17 about ten times the size of the wet area there.
02:41:36 18 It's more of a swamp among trees. The cleared
02:41:40 19 water area would probably be as wide as between
02:41:43 20 you and I.

02:41:44 21 Q. So if somebody drained that swamp
02:41:47 22 and wanted to use it for --

02:41:48 23 A. But the water at this time of
02:41:50 24 year, if you went in there now, it would cover
02:41:52 25 up the area as big as the blue because we've had

02:41:55 1 a very wet spring. But, no, there's no
02:42:00 2 intention of me or my family to ever turn it
02:42:03 3 into any kind of a commercial -- it will stay in
02:42:07 4 its natural state.

02:42:10 5 Q. But you would agree that if you
02:42:12 6 did turn it into a commercial function, which
02:42:14 7 I'm not suggesting you ever would --

02:42:17 8 A. No, and it's too small a wet area
02:42:19 9 to ever turn it into a commercial function.

02:42:22 10 Q. Oh, I see.

02:42:23 11 A. Too small.

02:42:23 12 Q. I'm now going to ask you, because
02:42:25 13 you've been on the peninsula for so long, what
02:42:27 14 types of agricultural activity you have on the
02:42:31 15 peninsula? Because, again, I gather it's a very
02:42:34 16 particular agricultural environment? It's not
02:42:37 17 like the prairies, which I know a little bit
02:42:39 18 about.

02:42:40 19 A. Uhm-hmm.

02:42:47 20 Q. You've told us you've got dairy?

02:42:49 21 A. I did have.

02:42:50 22 Q. Hay?

02:42:50 23 A. Yup.

02:42:51 24 Q. Beef. Is there anything else
02:42:52 25 that --

02:42:53 1 A. Yeah, the big trend now in this
02:42:55 2 area is what called "cash crop" where they're
02:42:59 3 planting things like wheat, but mainly soyabeans
02:43:02 4 has become very -- now. And, of course, they're
02:43:05 5 all quite worried on this China deal right now
02:43:08 6 but we can't solve that here.

02:43:10 7 A lot of them have gone now to
02:43:12 8 planting soybeans rather than livestock, and
02:43:14 9 that's right from here to Tobermory, more and
02:43:21 10 more cash crops.

02:43:23 11 Q. Would these cash crops be
02:43:25 12 year-round compatible with hunting rabbits or
02:43:27 13 something like that?

02:43:28 14 A. Well, cash crop they plant in the
02:43:31 15 spring and they harvest in the late fall before
02:43:33 16 the snow flies and that's their farming for the
02:43:36 17 year.

02:43:36 18 Q. So there would be seasons where
02:43:38 19 it would be appropriate, seasons where it
02:43:40 20 wouldn't be appropriate for people with
02:43:42 21 permission to hunt and gather?

02:43:44 22 A. There is a lot of hunting done on
02:43:45 23 the Bruce Peninsula.

02:43:47 24 Q. So I'm starting to find out. But
02:43:49 25 I think on the basis of what we've been talking

02:43:53 1 about, different types of farming, different
02:43:55 2 types of land use involve different types of
02:44:00 3 cooperation if everybody is going to co-exist?

02:44:04 4 A. Correct.

02:44:05 5 Q. Those are our questions.

02:44:08 6 THE COURT: Thank you. Is someone for
02:44:10 7 Ontario going to question this gentleman?

02:44:15 8 MR. OGDEN: Yes, Your Honour.

02:44:16 9 CROSS-EXAMINATION BY MR. OGDEN:

02:44:34 10 Q. Good afternoon, Your Honour.

02:44:35 11 Good afternoon, Mr. Harron.

02:44:36 12 A. Good afternoon.

02:44:37 13 Q. My name is Richard Ogden, I'm one
02:44:40 14 of the counsel for Ontario.

02:44:42 15 I'd like you to look at the exhibit on
02:44:48 16 your screen, 3968 please. And I don't think
02:44:54 17 it's been covered in the evidence already, but
02:44:58 18 can you let me know, please, what the red line
02:45:03 19 signifies? Is that the boundary of your
02:45:08 20 property?

02:45:09 21 A. Well, part of it is. I'm not
02:45:12 22 sure the red line to the west whether it goes a
02:45:15 23 little far or not. It may be a little far to
02:45:19 24 the west. That farm does -- on the easterly --
02:45:23 25 or on its westerly boundary is the easterly

02:45:26 1 boundary of Saugeen First Nation.

02:45:35 2 Q. And in the northwest, the upper
02:45:38 3 left of the picture with the diagonal line, is
02:45:41 4 that the boundary of the property?

02:45:46 5 A. Very close.

02:45:48 6 Q. So where it says "Waterfowl
02:45:49 7 Hunting" is that outside of your property area?

02:45:54 8 A. Part of it is and part of it is
02:45:55 9 not. If you go back north of the words
02:45:58 10 "Waterfowl Hunting" that is now owned by Saugeen
02:46:03 11 First Nation. That's the farm they purchased
02:46:05 12 from the McRae family. So we abutt it on the
02:46:09 13 north as well. So part of it is on our property
02:46:13 14 and part of it is owned by the Saugeen First
02:46:24 15 Nation.

02:46:24 16 Q. And to the southeast, the bottom
02:46:25 17 right, there is a portion in which the words
02:46:28 18 "Forested Area" appear. Is that part of your
02:46:32 19 property or not part of your property, please?

02:46:34 20 A. Yes, that is our property.

02:46:36 21 Q. All the way to the intersection
02:46:37 22 of -- is that Highway 21 --

02:46:40 23 A. 21 and McRae Road, yes.

02:46:48 24 Q. In the middle of your property,
02:46:51 25 at the south end, there are some buildings.

02:46:55 1 Could you describe those buildings, please?

02:46:58 2 A. The house and the residence and
02:47:02 3 two acres was severed off prior to us purchasing
02:47:05 4 the farm, so that's a separate property.

02:47:09 5 Then we have what they call a bank
02:47:11 6 barn, your old wooden barn with the roof, and so
02:47:14 7 on; and then in behind it we have what they call
02:47:17 8 a quonset barn, where it's a canvass top, and
02:47:21 9 that's where store about 250 big round bales.
02:47:27 10 And that's the only two buildings we own.

02:47:31 11 Q. And the part that was severed, is
02:47:32 12 that a residence?

02:47:35 13 A. Could you repeat that?

02:47:35 14 Q. The parts that were severed is
02:47:40 15 that a residence?

02:47:41 16 A. That is a residence.

02:47:43 17 Q. Someone lives there at the
02:47:44 18 moment?

02:47:44 19 A. No, they use it as cottage. They
02:47:46 20 live down near Waterloo and they come up a lot
02:47:50 21 of weekends and a couple of weeks in the summer.

02:48:02 22 Q. Could you estimate how far that
02:48:03 23 residence is from the red line, please?

02:48:09 24 A. Yeah, I'm not sure what that red
02:48:11 25 line on an angle signifies behind the buildings

02:48:14 1 because that's not a property boundary there.

02:48:22 2 Q. Let me ask you then please to
02:48:24 3 estimate the distance from the buildings to the
02:48:28 4 highway, the length of the road -- the drive,
02:48:31 5 sorry.

02:48:31 6 A. Yeah, that would be about 250
02:48:34 7 feet.

02:48:37 8 Q. Thank you.

02:48:42 9 You said that Mr. Ritchie has hunted
02:48:49 10 on your property. Does he still hunt on your
02:48:52 11 property?

02:48:52 12 A. I'm not sure if he hunts himself,
02:48:54 13 but he brought a young person there with
02:48:56 14 mobility problems and set him up, as I
02:48:59 15 mentioned, with what they call a "blind"
02:49:01 16 where -- something he sits behind and watches
02:49:03 17 for deer. He did that over several years. I
02:49:10 18 don't know if he still brings him or not but he
02:49:13 19 did that for several years.

02:49:15 20 Mr. Ritchie trapped some of the beaver
02:49:17 21 for us and got them out of there, which was a
02:49:19 22 great benefit to us.

02:49:30 23 Q. And when you give permission to
02:49:31 24 Mr. Ritchie, or when you have given permission
02:49:34 25 to Mr. Ritchie to hunt on your property, you're

02:49:38 1 not saying to him or purporting to say to him
02:49:42 2 that he does not have to follow provincial or
02:49:45 3 federal hunting laws, are you?

02:49:49 4 A. No. I know the boy that he
02:49:51 5 brought that had the mobility problem, he always
02:49:53 6 brought him and set him up in deer-hunting
02:49:56 7 season. It wasn't out of season.

02:50:07 8 Q. And you're aware of the
02:50:08 9 requirement under the Fish and Wildlife
02:50:09 10 Conservation Act not to discharge a firearm or
02:50:13 11 handle a firearm without due care or attention
02:50:17 12 or without reasonable consideration for people
02:50:19 13 or property? Are you aware of that requirement?

02:50:25 14 A. I'm not a hunter myself but I
02:50:27 15 have a general idea of the -- because my family
02:50:30 16 used to hunt, of the rules. Yes.

02:50:39 17 Q. And do you or have you taken
02:50:40 18 steps to ensure that Mr. Ritchie has hunted in a
02:50:44 19 safe manner?

02:50:47 20 A. I didn't go back and personally
02:50:49 21 check on him, but he seemed like a very
02:50:51 22 reasonable person and I took him at his word.

02:50:59 23 Q. Were you aware of whether he had
02:51:00 24 taken any of the appropriate safety courses?

02:51:09 25 A. No, I'm not.

02:51:17 1 Q. Are you aware of whether
02:51:18 2 Mr. Ritchie or anyone hunting with him has been
02:51:22 3 injured by the discharge of a firearm on your
02:51:26 4 property?

02:51:26 5 A. No. During hunting season I
02:51:27 6 check all my farms once or twice a day to make
02:51:30 7 sure that only the people are hunting that got
02:51:33 8 permission. And I never saw anything out of
02:51:35 9 place with Mr. Ritchie and the person he had set
02:51:38 10 up back there. Everything seemed quite orderly
02:51:41 11 and in place.

02:51:58 12 Q. Are you aware of the direction in
02:52:00 13 which they were shooting when they were set up?

02:52:05 14 A. They probably shoot towards the
02:52:07 15 deer, whatever direction they came from.

02:52:14 16 Q. Are you aware of whether they
02:52:16 17 would have done that if the deer crossed the
02:52:19 18 boundary line, or a roadway?

02:52:27 19 A. Well, I know deer move very fast
02:52:30 20 and I suppose when a gunshot went off they would
02:52:34 21 take off. If they went to the west they would
02:52:36 22 run on to the Saugeen First Nation and that's
02:52:39 23 where the bush is so I presume that's the
02:52:42 24 direction they would go.

02:52:46 25 Q. Are your neighbours or were your

02:52:48 1 neighbours aware of the hunting that was taking
02:52:53 2 place?

02:52:56 3 A. Repeat that, please.

02:52:58 4 Q. Sorry, sir. Were your neighbours
02:52:59 5 aware of the hunting that was taking place?

02:53:03 6 A. There's no residences within even
02:53:07 7 eyesight of where they're hunting back there.
02:53:14 8 Even that house that is severed off, and there's
02:53:18 9 a lot of bush between that house and back where
02:53:20 10 they were hunting. They would barely hear the
02:53:23 11 gunshot let alone see anything.

02:53:31 12 Q. Do you know how many beavers
02:53:32 13 Mr. Ritchie trapped?

02:53:37 14 A. No, I don't. I didn't go back
02:53:38 15 and check on him. He just told me that he saw
02:53:41 16 the flooding and he said if I wanted he would
02:53:43 17 trap the beaver and I said I'd appreciate that.

02:53:46 18 Q. And do you know whether he
02:53:48 19 informed any provincial official about the
02:53:51 20 number?

02:53:52 21 A. I have no idea.

02:54:01 22 Q. You mentioned another farm
02:54:02 23 property you have, Lots 16 and 17 on Concession
02:54:07 24 13?

02:54:08 25 A. Correct.

02:54:09 1 Q. Do you permit hunting on those
02:54:10 2 properties?

02:54:11 3 A. Yes, I do.

02:54:26 4 It's interesting, the two gentlemen
02:54:28 5 that hunted there a year ago were both off-duty
02:54:32 6 OPP officers so I would feel they'd be obeying
02:54:34 7 the law.

02:54:38 8 Q. I hope so. I'm sure they were,
02:54:40 9 apologize.

02:54:43 10 Are you aware whether Mr. Ritchie sold
02:54:47 11 any of the game he killed or trapped?

02:54:53 12 A. I have no idea. I never asked
02:54:55 13 him about that.

02:54:56 14 Q. And did he pay you or otherwise
02:55:01 15 give you anything in return?

02:55:02 16 A. No, he did me a favour and
02:55:04 17 there's no exchange of monetary.

02:55:20 18 Q. Thank you, sir. Those are all my
02:55:21 19 questions.

02:55:23 20 A. Thank you.

02:55:23 21 THE COURT: Thank you. Counsel, any
02:55:26 22 re-examination?

02:55:28 23 MS. GUIRGUIS: No.

02:55:28 24 THE COURT: Thank you, sir, for coming
02:55:30 25 to assist us.

02:55:31 1 THE WITNESS: No, problem. Thank you.

02:55:33 2 THE COURT: You can excuse yourself at
02:55:34 3 this point.

02:55:35 4 And I know our plan is to commence
02:55:37 5 early tomorrow at 9:30 a.m. I overlooked and
02:55:43 6 should have made sure that that was acceptable
02:55:45 7 to other important participants such as our
02:55:52 8 court reporter. Madam Court Reporter, that's
02:55:52 9 all right with you?

02:55:53 10 THE COURT REPORTER: Yes, Your Honour.

02:55:53 11 THE COURT: And, Mr. Registrar?

02:55:54 12 THE REGISTRAR: Yes, your Honour.

02:55:55 13 And I've had no other issues raised by
02:55:58 14 anyone actually. So we will adjourn early today
02:56:01 15 but we will begin early tomorrow morning. Thank
02:56:03 16 you.

17 --- Whereupon the proceedings were
18 adjourned at 2:56 p.m.

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REPORTER'S CERTIFICATE

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

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

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

That the foregoing is a true and
accurate transcript of my shorthand notes so
taken. Dated this 24th day of May 2019.



PER: HELEN MARTINEAU
CERTIFIED SHORTHAND REPORTER

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