

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

VOL 61 DAY 61
November 19, 2019



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

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

4 B E T W E E N:

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

8 - and -

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

18 Court File No. 03-CV-261134CM1

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

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

22 Plaintiffs

23 - and -

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

Defendants

26 -----
27 --- This is VOLUME 61/DAY 61 of the trial
28 proceedings in the above-noted matter, being held
29 At the Superior Court of Justice, Courtroom 5-1,
30 330 University Avenue, Toronto, Ontario, on the
31 19th day of November, 2019.

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

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

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

Renée Pelletier, Esq., for the Plaintiffs,
& Christopher Evans, Esq., The Chippewas of
Saugeen First Nation,
and the Chippewas of
Nawash First Nation.

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

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

REPORTED BY: Deana Santedicola, RPR, CSR, CRR

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

I N D E X

PAGES

Housekeeping/Scheduling matters..... 7942-7943

WITNESS: PROFESSOR ALAIN BEAULIEU

Examination In-Chief by Mr. McCulloch

(Cont'd)..... 7822-7895

Cross-Examination by Ms. Pelletier..... 7900-7942

INDEX OF EXHIBITS

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

NO.	DESCRIPTION	PAGE/LINE NO.
4384:	Article authored by Professor Alain Beaulieu entitled "Les pièges de la judiciarisation de l'histoire autochtone."	7906:2

09:52:38 1 -- Upon commencing at 10:02 a.m.

09:18:44 2

10:03:49 3 THE COURT: Good morning, Counsel.

10:03:52 4 MR. McCULLOCH: Good morning, Your
10:03:52 5 Honour.

10:03:56 6 THE COURT: Please go ahead.

10:03:59 7 PROFESSOR ALAIN BEAULIEU; Under Prior
10:03:59 8 Affirmation.

10:03:59 9 EXAMINATION IN-CHIEF BY MR. McCULLOCH
10:03:59 10 (CONT'D):

10:04:01 11 Q. Good morning, Professor Beaulieu.

10:04:02 12 A. Good morning.

10:04:02 13 Q. I hope you rested well.

10:04:04 14 A. Yes.

10:04:04 15 Q. I believe we left off at page 49
10:04:11 16 of Professor Morin's report.

10:04:14 17 A. Yes.

10:04:14 18 Q. And we were talking about the
10:04:17 19 domain of the King.

10:04:18 20 A. Yes.

10:04:19 21 Q. I would like to turn the page and
10:04:24 22 go to page 50.

10:04:27 23 A. Okay.

10:04:28 24 Q. Just waiting for it to come up on
10:04:30 25 the screen.

10:04:30 1
10:04:31 2
10:04:33 3
10:04:36 4
10:04:40 5
10:04:41 6
10:04:46 7
10:05:20 8
10:05:31 9
10:05:34 10
10:05:36 11
10:05:40 12
10:05:43 13
10:05:44 14
10:05:46 15
10:05:50 16
10:05:52 17
10:05:53 18
10:05:56 19
10:05:59 20
10:06:01 21
10:06:04 22
10:06:05 23
10:06:08 24
10:06:14 25

A. Okay.

Q. You may want to read the long quotation, because I'm going to be asking you if you have any comments on Professor Morin's interpretation.

A. [Witness reviews document.]

I'm ready.

Q. Go down to the next page.

Professor Morin writes:

"Hence, the 'rivers of the Mission of St. Francis and those that are close and that form one and the same ground in the depth of the lands' were officially 'reserved' for the Abenakis. Clearly, this area was considered their hunting grounds, even though they originally lived in present-day New England and moved in the Saint Lawrence Valley at the end of the 17th century."

Do you have any comments on that interpretation of the document?

A. I think that the document should be, first of all, replaced in the context of this ordinance from the Governor Jonquiere was in direct

10:06:18 1 connections with the grant of land that the
10:06:21 2 Abenakis did receive at the beginning of the 18th
10:06:23 3 century when they decided to move on the South
10:06:26 4 Shore of the St. Lawrence River. They established
10:06:30 5 within the limit of new Jesuit missions, and in
10:06:34 6 that context, they received a grant of lands from
10:06:39 7 two -- within the limits of two seigniories, the
10:06:44 8 seigniority of St. Francois, which is St. Francis,
10:06:47 9 and the seigniority of Pierreville, and this land was
10:06:53 10 reserved for them for all the time that the
10:06:56 11 missions will be there.

10:06:58 12 So it was a kind of temporary
10:07:00 13 concessions which still lasts, if you want, but at
10:07:05 14 the origin it was with the intentions to grant the
10:07:09 15 land to be sure that the Abenakis would be able to
10:07:13 16 settle within the limit of a Jesuit mission without
10:07:16 17 too much French people around them, because at that
10:07:20 18 time the Jesuit did not consider that it was a good
10:07:23 19 thing to be -- that their Christian Aboriginal be
10:07:32 20 in contact, regular contact with French people.

10:07:35 21 And we know that within this area,
10:07:38 22 generally the seigniories were granted with the
10:07:42 23 right to fish and to hunt very often as an
10:07:49 24 exclusive right to fish and to hunt.

10:07:51 25 So it is clear that within the limits

1 of the land that were granted to them, this right
2 was accorded to, given to them at the beginning of
3 the 18th century.

4 The ordinance of la Jonquiere at the
5 middle of the 18th century seems to extend the
6 limits of this hunting or these hunting grounds or
7 extend the limits on which the Abenakis could have
8 exclusive -- an exclusive right to hunt and fish.

9 It is a strange ordinance because we
10 know that the following year the same Governor will
11 grant another seigniory to the south of this land
12 with an exclusive right to hunt and to fish to
13 another French people, guys.

14 So it is not exactly -- it is not clear
15 to understand what he had in mind at this time, but
16 I think that we have to consider this ordinance
17 within the context of an original grant made by
18 French men at the beginning of the 18th century.

19 And probably with the desire from the
20 Governor to extend the limit on which the Abenakis
21 could have this right to hunt and to fish, but it
22 was not the acknowledgment that those people had, I
23 would say, Aboriginal hunting rights on this area.
24 It was clearly a unilateral decision made by the
25 Governor following some -- probably some requests

1 presented by the Abenakis themselves.

2 Q. Just for purposes of
3 clarification, you have said these lands were
4 granted in the seigniories of St. Francis and
5 Pierreville to the Abenakis for the purposes of the
6 Jesuit mission. Who made the grant from the
7 seigniory?

8 A. Those grants were made by the
9 seignior of the place. We have some example before
10 the beginning of the 18th century in which it was
11 the French authorities who gave or granted some
12 lands for the establishment of missions. In that
13 case, we are at the beginning of the 18th century.

14 All -- almost all the lands to the
15 south of the St. Lawrence River were already
16 granted to some private seignior, and when the
17 Abenakis wanted to settle on this land, it was not
18 the King itself, it was not the French authorities
19 who gave them this land, but some seignior who
20 owned those lands and who decided to reserve a
21 section of their seigniory for those Abenakis.

22 Q. I would like to now go to page 52
23 of the report.

24 A. Yes.

25 Q. And in this section, Professor

10:11:04 1 Morin is discussing how the French were accessing
10:11:10 2 Aboriginal territories. I would like to take you
10:11:14 3 to the sentence in the first paragraph where Morin
10:11:21 4 says:

10:11:23 5 "It is true that at times,
10:11:25 6 explorers pushed through
10:11:28 7 notwithstanding the displeasure of
10:11:30 8 their hosts. Nicolas Perrot, in the
10:11:33 9 1710s, and father Albanes, in 1672,
10:11:38 10 tried to convince their readers that
10:11:39 11 the French had been granted the
10:11:41 12 right to travel throughout North
10:11:43 13 America, but there is no evidence
10:11:44 14 that Aboriginal Peoples agreed to
10:11:46 15 this."

10:11:46 16 Do you have any comments on this
10:11:53 17 statement?

10:11:53 18 A. Yes, I know that the two documents
10:11:55 19 mentioned by Professor Morin and I disagree with
10:11:59 20 his interpretation. I don't think that it is
10:12:01 21 examples where the French considered that they had
10:12:03 22 got the right from the Aboriginal people to travel.
10:12:07 23 Those are instead examples where we can see that
10:12:10 24 the French refused to recognize that they had to
10:12:14 25 submit themselves to some kind of controls from the

1 Aboriginal peoples.

2 So it is not -- we don't know exactly
3 how the Aboriginal people reacted to this action,
4 but from the example we can see that the French
5 refused to be submitted to the rules that were
6 applied to other Aboriginal people.

7 In the case, for example, with the
8 Algonquin along the Ottawa River, we know that they
9 made a lot of pressure on other Aboriginal people
10 to get some tributes, some taxes, some kind of
11 payments for obtaining the rights to travel, but
12 the French, we have -- I think I told it
13 yesterday -- we have examples that the French
14 clearly refused to be submitted to this kind of
15 payment.

16 Q. On the same page, in the third
17 paragraph, Professor Morin refers to your work and
18 he quotes you as saying:

19 "Contrary to the Wendats, the
20 French didn't pay a tax to the
21 Algonquins when travelling on the
22 Ottawa River, simply because they
23 refused to comply with such a
24 demand."

25 He goes on to say:

1 "On the contrary, initially,

2 Champlain agreed to this."

3 And then he proceeds through the rest
4 of that paragraph.

5 A. Yes.

6 Q. Do you need to take a moment to
7 read the rest of the paragraph?

8 A. No, I know very well this example.
9 It is one of the first meetings between Samuel de
10 Champlain, and those who were called at that time
11 Huron by the French, so it was a meeting in which
12 the Huron really tried to establish a close
13 relationship with the French, especially with
14 Samuel de Champlain who was seen at that time as
15 probably one of the few French men who were ready
16 to fight with the Aboriginal people against their
17 enemies, the Iroquois.

18 So Champlain had at that time a very
19 good reputation among the Aboriginal people because
20 he was the only one who decided to follow them in
21 their military expeditions.

22 And when we read all the documents, the
23 context, we understand that the Huron gave him a
24 lot of presents. They were trying to establish a
25 link with him, a close relationship, and they gave

10:14:39 1 him a beaver pelt, they gave him wampum, and after
10:14:45 2 that -- and they gave -- the Chiefs that he met
10:14:49 3 gave him some presents, as I said, but they were
10:14:53 4 also -- they had also presents given by other
10:14:56 5 Chiefs who were not present at that time. So they
10:14:59 6 were giving their presents and presents from other
10:15:02 7 Chiefs of their country.

10:15:04 8 And the answer of Champlain was to say,
10:15:10 9 I accept. I will go to your country. I will go
10:15:13 10 there with some soldiers and I will help you in
10:15:17 11 your war against the Iroquois. You will feed us
10:15:21 12 all the time, and I will bring some presents for
10:15:24 13 you and you will be able to give those presents to
10:15:27 14 the Chiefs that we will meet during the travels.

10:15:33 15 So it is clearly not an acknowledgment
10:15:39 16 by Champlain that he had to pay the Aboriginal
10:15:41 17 people to get the right to travel, to cross some
10:15:44 18 point, but it is just a confirmation that he
10:15:48 19 accepted the presents and he will give the other
10:15:50 20 presents in exchange.

10:15:52 21 And during the first phase of the
10:15:56 22 alliance between French and Aboriginal people,
10:16:00 23 these ceremonies of gift-giving where the
10:16:02 24 Aboriginal people gave presents to the French and
10:16:07 25 gave presents to the Aboriginal people, it was

1 very, very frequent. It was at the basis, I would
2 say, of their establishing political, diplomatical
3 relationships. It was an Aboriginal ritual, very
4 important, and the French understood very soon that
5 they had to play that game to establish a close
6 relationship with the Aboriginal people.

7 So in that case, it was not alone
8 Champlain who gave presents to the Aboriginal
9 people, but Aboriginal people who gave him much
10 more presents and Champlain promised to come back
11 with presents for the other Chiefs.

12 Q. In the same paragraph, Professor
13 Morin refers to the relations between Pierre-Esprit
14 Radisson and the Dakota Sioux and he refers to it
15 as Radisson being "conscious of the need to offer a
16 present [...] so as to obtain 'a free passage' for
17 his group."

18 Do you have any comments to make on
19 that interpretation of events?

20 A. It is globally the same general
21 comment. Again, it was a meeting when Radisson and
22 Desgroseillers received presents from the Sioux.
23 It was a big meeting and the Sioux wanted to
24 establish a close relationship with the French.
25 They tried to convince them to come in their

10:17:41 1 country because they want to be able to trade
10:17:43 2 directly with the French.

10:17:45 3 So the first phase of the meeting was
10:17:48 4 the Sioux. We can see that they were giving a lot
10:17:52 5 of presents to Radisson and the other French men to
10:17:57 6 convince them to come in there, and they guaranteed
10:17:59 7 that they will be protected, that they will have
10:18:03 8 safe travel, that they won't be attacked by the
10:18:07 9 Sioux.

10:18:08 10 And the answer, again, in the same
10:18:11 11 ceremony Radisson had to give an answer and he gave
10:18:16 12 some presents and with some presents were to
10:18:27 13 "exprimer merci" --

10:18:27 14 Q. To express thanks?

10:18:28 15 A. Yes, to express his gratitude and
10:18:30 16 to say that he will come, he will come, and he gave
10:18:33 17 presents just as an answer to presents that he had
10:18:36 18 received earlier. And he mentioned, thank you for
10:18:40 19 promising that we will have a free passage.

10:18:45 20 So it is not a confirmation that he
10:18:46 21 accepted to give presents to obtain the right to
10:18:52 22 travel, but just an answer to an invitation made
10:18:54 23 before by the Sioux who gave him a lot of presents.

10:18:59 24 Q. In this paragraph we have the
10:19:01 25 example of Champlain and Radisson. I think we all

1 know who Samuel de Champlain was. Could you tell
2 us who Pierre-Esprit Radisson was?

3 A. Radisson was a young Frenchman,
4 very adventurous, who decided to leave the colony
5 to try his chance as a merchant. In a few
6 months -- when he was very young he was captured by
7 the Iroquois. He was adopted as a member of one
8 family among the Mohawks. He decided to escape.
9 He had a very, very adventurous life and he was
10 among the first young French who went in the Great
11 Lakes and trying to expand the limits of the
12 possessions of the King.

13 But he did it with -- clearly in his
14 mind it was clearly with, I would say, with
15 commercial objective. And after that he worked for
16 the English in Hudson Bay, and after that he came
17 back to the French. So he have a strange life of
18 moving, working for the French, working for the
19 British, but at that time he was, I would say, in
20 the French side of the history, if I can say that.
21 He was working for the French.

22 Q. At the very bottom of that page
23 going on into the next page, Professor Morin talks
24 about trade monopolies and he speaks of them in the
25 context of the Innu, but they were -- and as a

10:20:47 1 restriction on the Innu, but they were a condition
10:20:50 2 of the alliance with the French.

10:20:52 3 And then he goes on to say that you
10:20:56 4 note they were too dependent to put an end to their
10:20:59 5 relationship with this nation.

10:21:01 6 Do you have any comments on this?

10:21:03 7 A. I disagree with the argument that
10:21:06 8 it was a condition of the alliance between the
10:21:08 9 French and the Innu. I have covered this aspect of
10:21:12 10 the first phases of history between the French and
10:21:15 11 the Innu, and the Innu were really upset by the
10:21:21 12 desire and by the actions of the French to impose
10:21:24 13 trade monopoly along the St. Lawrence River.

10:21:31 14 So it was not a condition of the
10:21:32 15 alliance. It was a big problem within the
10:21:35 16 alliance, and I think that I talked a little bit
10:21:38 17 yesterday about this, this phase of the meeting
10:21:41 18 between the French and the Innu, and it was a phase
10:21:45 19 very tense with a lot of, I would say, hostility
10:21:49 20 from the Innu toward the French.

10:21:51 21 So we cannot say that the trade
10:21:53 22 monopoly was a kind of condition of the alliance.
10:21:56 23 It was imposed by the French on the land of the
10:22:02 24 Innu and it created a lot of problems between them.

10:22:07 25 Q. And on page 55 -- oh, I'm sorry,

1 I'm still on page 54. Professor Morin says:

2 "It is tempting to speculate
3 that, following the peace treaties
4 of 1665 and 1701, after new posts
5 were established in the Great Lakes
6 area and presents were offered
7 regularly, many allies allowed the
8 French to travel through their
9 territory without requiring gifts
10 from them."

11 Do you have any comments on that
12 speculation?

13 A. Just a short comment. If I
14 understand the argument, it is that the presents
15 given by the French was considered as a kind of
16 acknowledgment that they got the right or the
17 Aboriginal people gave the right to the French
18 because they received presents.

19 If it is the argument that Professor
20 Morin wants to speculate about, I disagree with
21 this interpretation. We know that the presents,
22 the annual distributions of presents were -- this
23 policy was put in place at the end of the 17th
24 century and not within the context of the desire of
25 the French to obtain the right to travel freely on

1 the lakes, on the rivers. It was clearly in a
2 military context.

3 The presents were clearly given to the
4 Aboriginal people with the perspective to convince
5 them to fight with the French. It was one of the
6 symbols of the alliance between the French and the
7 Aboriginal people and that could not be seen as a
8 kind of payment that the French would have given to
9 the Aboriginal people to get the right to travel
10 freely or to build their forts within their
11 territory.

12 So I don't know any document in which
13 the presents were associated with this idea that
14 the French decided to put this policy in place to
15 be sure that the Aboriginal people would give them
16 the right to travel on their land.

17 Q. And now if we move to the next
18 page, page 55, and the first full paragraph on that
19 page, Professor Morin talks about three Mohawk
20 Chiefs. Do you want a chance to read that
21 paragraph?

22 A. I have already read it yesterday,
23 so I think I can make my comment.

24 Q. Please.

25 A. Again, I disagree with the

10:25:14 1 interpretations that Professor Morin gave to this
10:25:17 2 example.

10:25:18 3 First of all, if we go back to the page
10:25:21 4 54, Professor Morin was talking about Fort
10:25:28 5 Saint-Frédéric. It was a fort built a few years
10:25:31 6 before on land claims by the Mohawk without any
10:25:36 7 prior authorization, so the fort itself, it is a
10:25:39 8 sign that the French not only in the Great Lakes
10:25:41 9 but also to the south, along the Richelieu River
10:25:48 10 and the Lake Champlain, on land that were claimed
10:25:51 11 by the Mohawks, they decided to build forts without
10:25:59 12 any negotiations and I would say against the will,
10:26:01 13 the desire of the Mohawk.

10:26:03 14 So we know that around 17 -- pardon me.
10:26:12 15 In the 1730s the French wanted to establish some
10:26:18 16 new French colonizers in this area to be sure that
10:26:24 17 they will be able to control this sector, and we
10:26:28 18 can see that they granted a lot of seigniories
10:26:34 19 along the Richelieu River and close to the Lake
10:26:40 20 Champlain, again without negotiating something with
10:26:42 21 the Mohawk.

10:26:43 22 And the example given by Professor
10:26:47 23 Morin is a little bit more complex because it was
10:26:51 24 not because the Mohawk learned that some people
10:26:54 25 were trying to make surveys on a specific area that

1 he went there. They went to talk with the French
2 because the English told them that the French had
3 the objective to take their land and they asked
4 them to go there. They offered to pay their
5 travel. They offered to pay them just to make
6 representations to the French authorities to say
7 that they were opposed to this kind of action from
8 the French.

9 And if I understood exactly what
10 Professor Morin wrote, he said that in this area,
11 but I think that the work of the surveyor at that
12 time, it was pretty close to the Fort
13 Saint-Frédéric. It was this sector that the French
14 wanted to establish some colonial people there, and
15 this area was not abandoned following the request
16 of the Aboriginal people.

17 The only sector that the French
18 Governor accepted, as he said, to reserve for the
19 Mohawk as their hunting ground, which is very
20 strange because the French Governor decided to
21 reserve as hunting grounds some lands that the
22 Mohawk were claiming as their own land. For me it
23 is a good illustration of the way that the French
24 were able to appropriate those lands, even if it is
25 only symbolically, to say that the Governor will

10:28:30 1 reserve for you the land, this land, and you will
10:28:34 2 be able to hunt there.

10:28:35 3 And what for me is really important is
10:28:40 4 the fact that it is just not to say I will reserve
10:28:46 5 this land for the Mohawk. I will also reserve
10:28:49 6 these lands for the Mohawk and for all my allies in
10:28:55 7 the St. Lawrence Valley, the Abenakis, the Mohawk.

10:28:58 8 So it is like he was trying to, by
10:29:00 9 creating something just to, I would say, negate,
10:29:03 10 can we say to reject the idea that this land was
10:29:09 11 real land, real possession of the Mohawk. He was
10:29:11 12 creating a huge land for the Mohawk but also for
10:29:13 13 the French allies living in the St. Lawrence
10:29:17 14 Valley.

10:29:18 15 And he clearly said, if someone decided
10:29:20 16 to settle there, I will go there and I will impose
10:29:25 17 my will, my domination on this land.

10:29:30 18 So it is not -- again, for me, it is an
10:29:35 19 indication of the colonial spirit by which the
10:29:39 20 French considered their rights in this region and
10:29:44 21 how they maneuvered to try to impose their will,
10:29:48 22 even on lands that could be clearly attributed to
10:29:51 23 the Mohawk nation.

10:29:55 24 So the example is much, I would say,
10:29:58 25 more complex.

1 And maybe one last point is in that
2 case those who asked something, it was the Mohawk
3 who asked something to the Governor and it was the
4 Governor who gave them something by establishing or
5 by creating a kind of reserve for them as a hunting
6 ground.

7 Q. I would suggest you take a drink
8 of water, because we are about to jump fairly far
9 forward in the report and in time.

10 Let's go to page 77, the bottom
11 paragraph, and I would like to ask you who the
12 Duquesne is that is referred to in the second
13 sentence?

14 A. He was one -- he was the Governor
15 of the colony at that time.

16 Q. And we have again a quotation.

17 A. We are at the page 78?

18 Q. At the bottom of page 77, on over
19 to page 78.

20 Now, these are instructions being given
21 to the Marquis de Duquesne. Can you tell me, do
22 you know who was giving these instructions?

23 A. I'm sorry, I'm not at the right
24 page, I'm sorry.

25 Q. The footnote is 225, "Minutes of

1 instructions to be given to Mr. Duquesne."

2 A. Yes.

3 Q. And the date is April 1752. Do
4 you know who was giving these instructions?

5 A. Those instructions were coming
6 from France.

7 Q. Ah, okay, so it is the Imperial
8 Government I guess is what you are saying?

9 A. Yes.

10 Q. I just wanted to get that clear
11 that these are instructions for the Governor.

12 And if you go to read the minutes of
13 instructions.

14 A. [Witness reviews document.]

15 And was it the question?

16 Q. The question is, the paragraph
17 starting "Therefore [...]" that is where Professor
18 Morin is drawing a conclusion from those
19 instructions. It says:

20 "Therefore, if they had no
21 right to these lands, it was because
22 the French had discovered it and the
23 Chao8anons," I'm afraid I can't
24 pronounce that correctly, "were the
25 only Aboriginal people in the area.

1 Obviously, the situation would be
2 different in the Haudenosaunee
3 homeland. Indeed La Jonquiere," and
4 we'll figure out who he is in a
5 minute, "expressly acknowledged that
6 fort Frontenac and Niagara had 'only
7 been established with' their
8 'consent', a declaration which the
9 French government did not
10 criticize."

11 THE COURT: Before you ask your
12 question, could you pull that up on the screen?

13 MR. McCULLOCH: Oh, I'm sorry, it is
14 page 78, the next page.

15 THE COURT: All right.

16 BY MR. McCULLOCH:

17 Q. Do you have any comments on the
18 deduction that Professor Morin has drawn from the
19 minutes of instruction?

20 A. Yes, my main remark is about the
21 link that Professor Morin is trying to make between
22 the fact if it had been considered as a real
23 homeland of the Haudenosaunee, the French politics,
24 the French decisions would have been different. I
25 totally disagree with this argument.

1 The French had not this idea that they
2 should respect the land because it was the land of
3 some real, I would say real Aboriginal people,
4 people living there when they arrived in this
5 region.

6 So there is no connection in the French
7 policy between original, I would say, inhabitants
8 of a region and the obligations to respect their
9 land or to ask them some authorizations or some
10 permission before travelling or building some forts
11 in this area.

12 So there is -- maybe that we can try to
13 put this argument for the English, saying that they
14 were more preoccupied by this idea, are they the
15 real original occupants of the land, but with the
16 French we cannot establish this kind of link
17 between the two points.

18 And maybe the insistence of the French
19 in that case to say that they arrived there before,
20 before that the Iroquois knew this land should be
21 connected to the Treaty of Utrecht in 1713. In
22 that Treaty, the French recognized that the
23 Iroquois were under the domination or the
24 subjection of the British, and it was a big
25 argument after 1713 about the status of the

1 Iroquois. Were they simply allied or independent?
2 Were they subject to the British?

3 And the British really used this
4 argument that the Iroquois were their subject, to
5 argue that if they were the subject, all the land
6 that the Iroquois did conquer before should be
7 considered as British land.

8 And there was some fear among the
9 French that the simple fact that the Iroquois as
10 subject of the British King decided to settle on a
11 place could be used as an argument by the British
12 to say our subjects did discover this place before
13 the French, so this land is also the property of
14 the British King.

15 So we have to consider the global
16 context, I would say, to understand the French
17 reactions to the argument presented by the Iroquois
18 in that context.

19 Q. And still dealing with Governor
20 Duquesne, if we go to page 81 and the paragraph
21 below the quotation -- well, actually, if you would
22 like to read the quotation, I will ask you about
23 Professor Morin's interpretation.

24 A. [Witness reviews document.]

25 Yes.

10:38:01 1 Q. Now, Professor Morin says:

10:38:05 2 "Furthermore, Duquesne had
10:38:07 3 notified them [...]"

10:38:09 4 I gather "them" is the Five Nations?

10:38:10 5 A. Yes.

10:38:11 6 Q. Or I gather they were the Six
10:38:13 7 Nations by now.

10:38:14 8 "[...] them that the new forts
10:38:16 9 would be established there and that
10:38:18 10 his intentions towards them were
10:38:20 11 peaceful. Nowhere did he pretend
10:38:23 12 that the French could do the same on
10:38:26 13 their ancestral lands without their
10:38:27 14 consent."

10:38:32 15 A. I disagree, because we have the
10:38:34 16 example that the French did this. As I mentioned
10:38:37 17 earlier, the Fort Saint-Frédéric, it was clearly on
10:38:40 18 the land claimed by the Mohawk, and in that region
10:38:43 19 the French decided to settle without any prior
10:38:45 20 negotiations with the Aboriginal people.

10:38:46 21 So it is not because one Governor did
10:38:49 22 not insist on one aspect that we should conclude
10:38:54 23 something about the French policy. If in that
10:38:56 24 context Duquesne decided to say nothing about other
10:39:04 25 forts or about future forts in other regions, it

1 doesn't mean that he recognized that in the lands
2 claimed by the Mohawk or by the Six Nations that
3 the French would have to ask their authorizations
4 or their permission.

5 Q. And I just have one final question
6 to ask about the Morin report as a whole.

7 Generally, in terms of the subject matter of
8 Professor Morin's report, how would you describe or
9 characterize the basic or underlying differences in
10 approach between you and Professor Morin?

11 A. I would say it is a difficult
12 question, because I really appreciate the works
13 done by my colleague. He is one of the few jurists
14 that I know is able to work in the archives, to
15 make a lot of research, and really appreciate to
16 read his report and to read some of his documents.

17 So it is not that I would say a
18 personal or professional critique. We disagree on
19 a lot of things. We don't have, I think, the same
20 view about history, but I repeat, I do -- I have a
21 lot of respect for him as a professional, as a
22 scholar.

23 But I think we don't have the same
24 methodology. I am an historian and for me the
25 context is really, I would say, one of the most

10:40:32 1 important things.

10:40:34 2 We cannot take a document and without
10:40:37 3 going back to the context, and maybe it is a
10:40:41 4 difference in the approach from the historians and
10:40:46 5 the jurists. We don't look at the document with
10:40:49 6 the same perspective. I think, as I said
10:40:54 7 yesterday, for me it is really important to
10:40:56 8 understand a document, even if it is based on a
10:41:01 9 clear colonial spirit, even if it is not, I would
10:41:04 10 say -- did not connect to what we would like today
10:41:10 11 to see in those documents.

10:41:13 12 We have to consider the past in its own
10:41:15 13 terms, and in my mind, all the documents that we
10:41:19 14 can see during the French regimes, we have to keep
10:41:22 15 in mind that those documents are based on a
10:41:26 16 colonial project.

10:41:28 17 And even if we talk about alliance,
10:41:30 18 even if we talk about some, I would say some lands
10:41:37 19 that the French decided to reserve for Aboriginal
10:41:40 20 people, we have also always to keep in mind that it
10:41:43 21 is within a project, a French colonial project to
10:41:48 22 impose their domination in this region.

10:41:50 23 And I think that we agree on some
10:41:55 24 important facts. We agree on the fact that the
10:41:59 25 French did not consider that they had to ask the

10:42:02 1 permission to the Aboriginal people before granting
10:42:04 2 land. I think it is one point mentioned in the
10:42:09 3 report of Professor Morin, and maybe that we
10:42:12 4 disagree with following that, but on this point I
10:42:17 5 think that we share the same view.

10:42:19 6 I think that I agree, and Professor
10:42:22 7 Morin agrees with me, that there was no legal
10:42:24 8 obligation to ask authorizations or permissions
10:42:32 9 before building a fort on lands of the Aboriginal
10:42:34 10 people. We disagree after that on the way that we
10:42:37 11 -- the interpretations that we give of the events
10:42:41 12 surrounding the process by which the French decided
10:42:44 13 to build some forts, but maybe on the question of
10:42:47 14 the legal obligations, we have probably the same
10:42:53 15 view on that point.

10:42:56 16 Q. I think that finishes my questions
10:43:01 17 on Professor Morin. I would ask Ms. Kirk to put
10:43:07 18 Professor Beaulieu's second report, the report on
10:43:10 19 the Congress at Niagara, on the screen.

10:43:25 20 I would like to ask you some general
10:43:29 21 questions about this report to start off with.

10:43:33 22 What were you asked to research when
10:43:40 23 you were asked to prepare this report?

10:43:42 24 A. My mandate was to prepare an
10:43:47 25 historical report on what is referred or what was

10:43:49 1 referred in the documents I received as the Treaty
10:43:53 2 of Niagara in 1764.

10:43:56 3 The purpose of this report was to
10:44:00 4 elucidate the context in which this Treaty was
10:44:05 5 concluded. It was my mandate at the origin to
10:44:08 6 understand the context in which the Treaty was
10:44:10 7 concluded and to try to understand the nature of
10:44:15 8 the commitment made by the British and by the
10:44:19 9 Aboriginal people during that negotiation.

10:44:22 10 So it was at first, the starting point
10:44:27 11 was the existence of a Treaty at Niagara in 1764,
10:44:33 12 and my mandate was to understand in what context it
10:44:37 13 was concluded and what were the engagements taken
10:44:42 14 by the British and by the Aboriginal people.

10:44:45 15 Q. And you completed this report in
10:44:53 16 June of 2016 -- sorry, when did you complete this
10:44:57 17 report?

10:44:58 18 A. I finished in June 2016.

10:44:59 19 Q. Could you tell me about what
10:45:07 20 happened at Detroit in 1761?

10:45:12 21 A. Yes, as I mentioned in my report,
10:45:18 22 if we want to understand exactly what happened at
10:45:21 23 Niagara in 1764, we have to go back to the conquest
10:45:25 24 of New France. It is probably the most important
10:45:32 25 point, because what followed is the result of this

10:45:34 1 conquest and the necessity for the British to
10:45:37 2 reorganize, to take control of the land given by
10:45:45 3 the French and to establish a political
10:45:50 4 relationship with the old allies of the French.
10:45:54 5 And it was really an important point at the
10:45:57 6 beginning of the British regime.

10:46:07 7 And in the first section of my
10:46:11 8 report --

10:46:14 9 Q. If you would like to just stop for
10:46:16 10 a couple of minutes.

10:46:18 11 A. It will be okay.

10:46:22 12 THE COURT: Can we take a 15-minute
10:46:25 13 break.

10:46:26 14 MR. McCULLOCH: I beg your pardon, Your
10:46:27 15 Honour?

10:46:28 16 THE COURT: Why don't we take a
10:46:29 17 15-minute break.

10:46:30 18 MR. McCULLOCH: I think that would be a
10:46:32 19 good idea.

10:46:32 20 -- RECESSED AT 10:46 A.M.

11:03:11 21 -- RESUMED AT 11:00 A.M.

11:03:11 22 THE COURT: Mr. McCulloch, just plan on
11:03:13 23 a second short break, you know, in about 45 minutes
11:03:15 24 or so.

11:03:18 25 MR. McCULLOCH: Certainly, Your Honour.

11:03:22 1 THE COURT: Just go ahead.

11:03:23 2 BY MR. McCULLOCH:

11:03:25 3 Q. Professor Beaulieu, I would
11:03:27 4 actually like to jump back a little bit and ask you
11:03:30 5 some general questions about the structure and
11:03:34 6 mandate of your report.

11:03:36 7 A. Okay.

11:03:36 8 Q. If we could go to page 1, the
11:03:40 9 table of contents.

11:03:51 10 A. Yes.

11:03:52 11 Q. It shows that you have divided
11:03:53 12 this report into four sections?

11:03:56 13 A. Yes, I organized the report to be
11:04:01 14 sure that I would cover all the aspects of the
11:04:03 15 mandate, to identify the context, the actors, their
11:04:08 16 intentions, their strategies, their understanding,
11:04:14 17 their actions.

11:04:14 18 So I tried to organize the archival
11:04:19 19 materials or the documents within a clear
11:04:23 20 structure. For me, it was really important in the
11:04:25 21 first part to place very general information about,
11:04:30 22 as I said earlier, in what context should we
11:04:34 23 understand the great meeting at Niagara in 1764.

11:04:39 24 So the first part is more about
11:04:43 25 general, I would say, information relevant to

1 understand what will happen in 1764. It is the
2 result of a specific war, so we have to place this
3 element.

4 And in the second part I go through the
5 negotiations at Niagara in 1764. I tried to
6 understand what was negotiated exactly, by what
7 tools, by what kind of arguments, so to understand
8 with the available documents the more specific
9 context of the negotiations in 1764.

10 In the third section, I tried to use
11 the oral testimony available about this event to
12 cover those aspects. I tried to understand the
13 Aboriginal perspective about that meeting.
14 Beginning in the 18th century, we have the most
15 significant, I would say, mention of this meeting.

16 So I go through those elements of the
17 oral tradition collected in 19th century to reach a
18 better view of the perspective of the Aboriginal
19 people.

20 And in the fourth part of my report, I
21 cover the questions of the Niagara Congress and the
22 Royal Proclamation of 1763, just to see if this
23 document was presented, explained or integrated
24 within the Treaty or the Treaties concluded at
25 Niagara in 1764.

11:06:41 1 So with all those sections, I think I
11:06:45 2 covered the main aspects that I was asked to cover,
11:06:52 3 the context, the content, the actors, and the
11:06:58 4 results also of these negotiations and the
11:07:00 5 understanding that the British and the Aboriginal
11:07:02 6 people could have had of these negotiations.

11:07:08 7 Q. And just to get you to repeat
11:07:11 8 something I think you have already said, did you
11:07:14 9 have any ideas about the Treaty of Niagara when you
11:07:17 10 started this research?

11:07:18 11 A. When I started this research, I
11:07:21 12 was sure that there was one Treaty at Niagara. I
11:07:25 13 have read the articles of John Borrows. I have
11:07:30 14 teach this aspect of history in my classes, when I
11:07:33 15 was talking about the conquest of New France, the
11:07:36 16 main documents used, the Royal Proclamations, the
11:07:43 17 articles of capitulation, the treaties concluded in
11:07:46 18 the St. Lawrence Valley with the Aboriginal people
11:07:48 19 living there, and of course the Treaty of Niagara.

11:07:54 20 Before starting this research, I had no
11:07:56 21 idea that I would be surprised by what I would find
11:07:58 22 in the documents. The objective was only to
11:08:02 23 understand what could have been the promises made
11:08:06 24 by the British in 1764 in this Treaty concluded at
11:08:12 25 Niagara.

1 So when I started, it was clear in my
2 mind that one treaty had been concluded at this
3 place.

4 Q. And now that we have the structure
5 clear, I would like to return to my question about
6 the Detroit Congress of 1761. What were its
7 objectives? What was its context?

8 A. The objective of this great
9 meeting in Detroit was clearly to integrate the old
10 French allies -- the old allies of the French
11 within the new alliance with the British. As I
12 said, it was a moment of tension. The British did
13 not know exactly if the Aboriginal people will
14 agree to stay peaceful, if they will agree to
15 establish a new alliance with the British.

16 There were some rumours of the desire
17 of some nations to attack the British. So it was a
18 very tense moment between 1760 and 1761.

19 And the objective of William Johnson
20 was to meet the Aboriginal people of the Great
21 Lakes and the Ohio Valley and to convince them to
22 integrate the Covenant Chain. And this was done at
23 Niagara in -- in Detroit, pardon me, in 1761, and
24 at that time a Treaty was concluded between the
25 British and the Aboriginal Nations represented

11:09:54 1 there, a Treaty -- I think that the main
11:09:59 2 characteristic, at least for the British, it was
11:10:00 3 that they had integrated those, the old Aboriginal
11:10:08 4 allies of the French had become at that time allies
11:10:10 5 of the British and they accepted to be their
11:10:13 6 allies.

11:10:13 7 They have accepted, I would say, the
11:10:15 8 new political or geopolitical reality created by
11:10:19 9 the conquest of New France and now they were a
11:10:24 10 member of the Covenant Chain with a similar status
11:10:29 11 with the other Aboriginal people included in this
11:10:37 12 alliance.

11:10:38 13 Q. Professor Beaulieu, perhaps you
11:10:41 14 could tell the Court what your understanding of the
11:10:44 15 term "Covenant Chain" is?

11:10:47 16 A. "Covenant Chain" is the expression
11:10:50 17 used to define the network of alliance between the
11:10:55 18 British and the Aboriginal people, and at the
11:10:59 19 centre of this alliance, the Six Nations played a
11:11:04 20 really important role.

11:11:06 21 I would say the real first strong
11:11:09 22 alliance between English, the British and
11:11:14 23 Aboriginal people, it was done with the Five
11:11:15 24 Nations and it became the Six Nations. And around
11:11:20 25 this first group, I would say, of allies, the

1 British tried to integrate many other nations. It
2 was very difficult for them before the conquest of
3 New France because most of the Aboriginal people
4 were more tempted to ally themselves with the
5 French than with the British.

6 But after the conquest of New France,
7 it was necessary for the Aboriginal people to
8 decide what they will do. Will they fight the
9 British? Will they decide to try to create a new
10 alliance with them? And the Congress at Detroit
11 was, in my understanding, a really important moment
12 in which the British tried to reorganize their
13 network of alliance with the old allies of the
14 French.

15 And so for the British, and I think
16 also for the Aboriginal people, it was a new kind
17 of new beginning, a new alliance, and at least for
18 the British, they considered that now those
19 Aboriginal people were members of their network.

20 Q. If I could ask you to turn to page
21 17 of your second report. In the paragraph under
22 "Britain's conditions," you list the Indigenous
23 peoples who attended there. Could you explain who
24 they were?

25 A. What page?

11:13:00 1
11:13:16 2
11:13:19 3
11:13:19 4
11:13:23 5
11:13:24 6
11:13:24 7
11:13:27 8
11:13:31 9
11:13:33 10
11:13:38 11
11:13:41 12
11:13:46 13
11:13:49 14
11:13:55 15
11:14:01 16
11:14:06 17
11:14:06 18
11:14:08 19
11:14:11 20
11:14:15 21
11:14:18 22
11:14:21 23
11:14:22 24
11:14:28 25

Q. Page 17.

A. Pardon me, what is exactly the question?

Q. There is a list of the nations who attended?

A. Yes.

Q. If you could just go through that list and make any comments identifying who was who, particularly as we might know them now?

A. You have the "Wiandots," who I believe at that time lived in the Detroit area.

The "Saguenays" and the Ottawas, who lived also close to Detroit and to other regions.

The "Chipeweighs", the "Powtewatamis", the "Kickapous", the "Twightwees", the "Delawares", the "Shawanese", the "Mohicons", the "Mohocks", the "Oneidas" and the "Senecas".

So different nations. Some of them were from the Six Nations, others were from the Great Lakes area, and the Delawares and the Shawanese were from the Ohio Valley.

So it was a good representation, I would say, of the nations who were before the conquest of New France members of the French network of alliance.

1 Q. And just to confirm, by the
2 "Chipeweighs," do you understand that to mean
3 Ojibwe?

4 A. Yes.

5 Q. And I assume the same thing with
6 the "Powtewatamis," they are the Pottawatomis?

7 A. Yes.

8 Q. And of course, the Ottawas are the
9 Ottawas?

10 A. Yes.

11 Q. Okay, I just wanted to get that
12 point clear.

13 So we have this alliance that has been
14 formed following the surrender of the forts by the
15 capitulation of Montreal. What is the next factor
16 that contributes towards the Congress at Niagara?

17 A. As I explained in the first part
18 of my report, the alliance concluded or established
19 at Detroit was a fragile alliance. There was still
20 a threat, fears from the Aboriginal people who were
21 not sure of the real intention of the British.

22 And I think that I explained yesterday
23 that the radicalization of the British -- of the
24 Indian British policy was very threatening for the
25 Aboriginal people. Jeffrey Amherst decided to cut

11:15:56 1 the annual distribution of presents, decided to
11:15:59 2 restrict the sale of weapons and ammunition,
11:16:02 3 decided to, how can I say that, to have a very
11:16:11 4 disrespectful attitude toward the Aboriginal
11:16:14 5 people. And I think that I mentioned also
11:16:17 6 yesterday the unilateral occupations of the French
11:16:21 7 forts.

11:16:22 8 All those elements were creating some
11:16:25 9 serious threats among Aboriginal people. And it
11:16:29 10 was not starting only after the Congress, the
11:16:32 11 Congress at Detroit in 1761. We have indications
11:16:38 12 that some people, especially Senecas, one of the
11:16:41 13 Six Nations, were at that time very early thinking
11:16:44 14 about the necessity to take an offensive and to
11:16:48 15 attack the British before the British could become
11:16:51 16 too strong within the interior of the continent.

11:16:55 17 And those frustrations, threats led to
11:17:06 18 the war of Pontiac in 1763. The war started in the
11:17:13 19 spring of 1763. It was one of the great, I would
11:17:18 20 say, moments of concertation between Aboriginal
11:17:28 21 people. It was the result of common -- for some
11:17:31 22 nations to decide to attack the British globally at
11:17:35 23 the same time. It was probably the first moment,
11:17:40 24 at least in the 18th century, where you can see
11:17:44 25 many Aboriginal people trying to create a real

1 alliance between themselves against the British.

2 Before the conquest of New France, the
3 French, I think, was at the centre of this
4 alliance, but without the French, we have the -- we
5 see this necessity for Aboriginal people to try to
6 find another way to organize their resistance
7 against the threat of the British.

8 So it is one of the great moments of
9 resistance from the Aboriginal people in the 18th
10 century. It was -- but it was also a short moment.
11 The offensive was very successful at the beginning.
12 I think I told yesterday that for the smallest
13 forts, it was easy for the Aboriginal people to
14 take possession of them, but they were unable to
15 capture the most important forts at Detroit, at
16 Niagara and at Fort Pitt.

17 And this incapacity to take all the
18 forts was certainly one of the causes of the fact
19 that this war did not last so long and ended very
20 quickly.

21 Q. Were there any other factors,
22 perhaps European factors, that affected the
23 development of Pontiac's War?

24 A. I mentioned in my report and also
25 in the previous one the existence of a Messianic

11:19:33 1 movement. There was a prophet named Neolin who
11:19:38 2 played a role in the development of a new religion,
11:19:45 3 spiritual movement, which made the promotion to try
11:19:49 4 to convince the Aboriginal people to abandon all
11:19:55 5 the merchandise coming from the Europeans and to go
11:19:58 6 back to their old traditional way of life.

11:20:00 7 And in the discourse of Neolin, it was
11:20:06 8 one of the only means that the Aboriginal people
11:20:10 9 could have to regain their strength and to be able
11:20:15 10 to fight effectively the British.

11:20:17 11 And we know that this movement was
11:20:24 12 adopted by many Aboriginal people, and we also know
11:20:27 13 that Pontiac himself was using this spiritual, I
11:20:35 14 would say, movement to create or to convince
11:20:44 15 Aboriginal people to follow him in the war against
11:20:46 16 the British.

11:20:47 17 Q. What, if anything, did the French
11:20:51 18 do that affected the development of the war?

11:20:55 19 A. Nothing, I would say but -- the
11:21:00 20 French you say or the British?

11:21:02 21 Q. The French and the British in
11:21:05 22 Europe.

11:21:05 23 A. The French -- for the British, at
11:21:11 24 first when they tried to understand why the
11:21:13 25 Aboriginal people decided to attack all those

11:21:14 1 forts, they saw it as the result of some action of
11:21:20 2 the French who were still on the south and they
11:21:23 3 were convinced that the French were at the origin
11:21:27 4 at this great war of Pontiac.

11:21:28 5 But we know that the French did not
11:21:30 6 accept to help the Aboriginal people, and it was
11:21:35 7 probably, I would say, one of the factors which
11:21:37 8 explained why this war was not successful, because
11:21:40 9 at the beginning Pontiac I think was believing that
11:21:44 10 the French would probably come back and will help
11:21:47 11 them in fighting, in their fight against the
11:21:51 12 British.

11:21:52 13 But it was not a reality. So the
11:21:57 14 Aboriginal people were very early confronted to the
11:22:00 15 fact that they were alone against the British and
11:22:02 16 they were not able to trade to get what they needed
11:22:06 17 to fight with, I would say, effectively the British
11:22:11 18 at that time.

11:22:12 19 Q. What made the supporters of
11:22:16 20 Pontiac realize that the French weren't coming
11:22:20 21 back?

11:22:20 22 A. Oh, they received the news that
11:22:23 23 they weren't, the news from one commander of a
11:22:26 24 post, I think it was Fort de Chartres, who told
11:22:31 25 Pontiac that the French will not participate in

11:22:33 1 this war because there was peace at that time
11:22:37 2 between France and Great Britain and it was clear
11:22:39 3 that France would not come back to fight with the
11:22:43 4 Aboriginal people.

11:22:44 5 As I said, it is not -- it was a fear
11:22:47 6 from the British. It was probably a hope for the
11:22:51 7 Aboriginal people, but there was no concrete sign
11:22:54 8 that the French will come back to help them.

11:22:57 9 Q. What were the first signs that
11:23:05 10 Pontiac's alliance was crumbling?

11:23:09 11 A. The first sign was the proposal
11:23:13 12 from some Aboriginal people to make a peace treaty
11:23:18 13 with the British. The Wyandot in the Detroit
11:23:23 14 region were the first to make some formal peace
11:23:26 15 proposition to the British, and they were followed
11:23:30 16 later, a bit later by one of the Six Nations, the
11:23:36 17 Senecas, who also made a proposal of peace to the
11:23:40 18 British to stop, they wanted to go out of this war.

11:23:45 19 In the case of the Wyandot, I think we
11:23:49 20 can say that they did not participate with a real
11:23:53 21 -- as much conviction as other people, but decided
11:23:56 22 to fight directly the British, but not with so much
11:24:00 23 conviction as those who were following Pontiac.

11:24:02 24 In the case of the Senecas who were
11:24:09 25 probably one of those who were the most efficient

11:24:11 1 in their attack against the British, they were
11:24:16 2 under pressure from the other nations of the Six
11:24:20 3 Nations to stop the war against the British.

11:24:23 4 Q. And when was it decided to have a
11:24:36 5 general meeting with First Nations in the aftermath
11:24:42 6 of the end of the siege at Detroit?

11:24:47 7 A. It was decided -- decided or there
11:24:50 8 was some suggestion very early to organize a big
11:24:54 9 meeting to conclude some peace treaties with those
11:25:01 10 who were ready to do it. Johnson -- when the
11:25:04 11 British learned that some Aboriginal people were
11:25:06 12 ready to make peace, they decided to organize
11:25:11 13 something to solemnize or to formalize or ratify
11:25:16 14 those treaties with the Aboriginal people and made
11:25:20 15 some proposal in that direction.

11:25:22 16 So very early, I would say in the fall,
11:25:25 17 in the spring, in the fall of 1763 and in the
11:25:29 18 spring of 1764, there were some discussions between
11:25:33 19 Johnson and his superior, Thomas Gage, about the
11:25:37 20 best strategy to adopt for achieving peace with
11:25:42 21 those Aboriginal people who were ready to conclude
11:25:47 22 a peace with the British.

11:25:49 23 Q. Professor Beaulieu, would you like
11:25:52 24 me to show the document in which Gage and Johnson
11:25:58 25 discuss the tactics they are going to use?

11:26:00 1 A. Yes.

11:26:01 2 Q. And has this been made -- and I
11:26:31 3 believe this is Exhibit 548.

11:26:40 4 A. What I -- can I continue?

11:26:42 5 Q. Sure.

11:26:43 6 A. What I explained in my report is I
11:26:47 7 tried to highlight the most important point in this
11:26:54 8 strategy elaborated by the British when they
11:26:56 9 decided to conclude peace treaties with those
11:27:01 10 Aboriginal Nations, and one important point which
11:27:03 11 emerged very quickly was the necessity to divide,
11:27:09 12 to break any kind of coalition between the
11:27:13 13 Aboriginal people.

11:27:13 14 And this idea was very early mentioned
11:27:18 15 by Thomas Gage in his correspondence with William
11:27:22 16 Johnson, and when we read the document, we can see
11:27:25 17 probably a kind of critique toward the job done by
11:27:30 18 William Johnson at Detroit because Gage had the
11:27:34 19 impression that Johnson did negotiate at Detroit
11:27:39 20 with all the Aboriginal people together as a huge
11:27:43 21 coalition, and for him it was a mistake because it
11:27:48 22 was certainly a factor which encouraged the
11:27:51 23 creation, the reinforcement of this coalition
11:27:54 24 between Aboriginal people.

11:27:56 25 So --

11:27:56 1 Q. But just could you tell us who
11:27:59 2 Thomas Gage was?

11:28:00 3 A. Thomas Gage was the
11:28:01 4 Commander-in-Chief of the British Army. He
11:28:05 5 succeeded Jeffrey Amherst, who was obliged in a
11:28:12 6 sense to quit and to be replaced because the
11:28:16 7 strategy that he adopted between 1760 and 1763,
11:28:22 8 especially toward the Aboriginal people, was not
11:28:26 9 well perceived in the end because it led to a very
11:28:32 10 bad result.

11:28:33 11 So Gage, who was before Commander, a
11:28:39 12 General, I would say a Governor in the Montreal
11:28:41 13 sector before the creations of the Province of
11:28:45 14 Quebec, became the new Commander-in-Chief at that
11:28:49 15 time, and he was the superior of William Johnson.
11:28:54 16 Johnson, it was possible for him to maneuver, but
11:29:00 17 he was also under the direction, the supervision of
11:29:06 18 Thomas Gage.

11:29:07 19 Q. If I could ask Ms. Kirk to put up
11:29:12 20 Exhibit 565. And scroll down a little bit. Scroll
11:29:38 21 down some more. I think -- I may have given you
11:29:41 22 the wrong one.

11:29:49 23 Actually, let's make that 568. I'm
11:29:55 24 sorry, Your Honour.

11:29:55 25 I frankly -- sorry, if we could go back

11:30:26 1 to 565. Actually, Professor Beaulieu, I believe
11:30:30 2 you have copies of the documents?

11:30:31 3 A. No, but I have the excerpt cited
11:30:34 4 in my report at page 37, so if it is difficult to
11:30:41 5 find it in the document, we can just use the
11:30:43 6 quotation in my report.

11:30:44 7 Q. And if you would like to take us
11:30:59 8 to the quotation about keeping them divided?

11:31:01 9 A. I think, maybe just not to take
11:31:07 10 too much time, I think that I quote what seems to
11:31:09 11 me the most important document to understand the
11:31:11 12 British policy at that time, and the first is a
11:31:14 13 letter from Thomas Gage from the 26th of December,
11:31:18 14 1763, in which he explained what Johnson should do.

11:31:25 15 He tried to convince, or not exactly to
11:31:32 16 order but to give a very precise guideline to
11:31:36 17 Johnson how to maneuver, how to negotiate with the
11:31:40 18 Aboriginal people, and the point on which he
11:31:42 19 insisted is the necessity not to negotiate with all
11:31:49 20 the Aboriginal people together. Probably that many
11:31:52 21 nations will be there, but he should avoid to
11:31:56 22 take -- to have only one negotiations with all
11:31:59 23 those nations.

11:32:02 24 Q. And do we have the right
11:32:05 25 quotation, the "As I think it likely [...]?"

11:32:10 1 A. Yes.

11:32:10 2 Q. Is there any part of that
11:32:13 3 quotation that you would like to bring to the
11:32:14 4 attention of the Court?

11:32:15 5 A. Maybe on the next page, the
11:32:33 6 sentence beginning:

7 "And by those general Assemblies
8 of the Whole Confederacy, we
9 brought back often to our Interest,
10 Those few who had been poisoned by
11 the Machinations of the French. But
12 I could never comprehend that these
13 general Assemblies of the other
14 Indian Nations was consistent with
15 the Principles of Sound Policy.
16 They have however followed the old
17 Plan lately at Augusta and have
18 taken great Pains to make Peace
19 between
20 Nations at War with each other, & to
21 prevent them knocking each other in
22 the Head at the Congress. And all,
23 which I can foresee must arise from
24 this System is, that if they are
25 Friends, they will all join to cut

1 our Throats, whenever we are so
2 unfortunate as to disagree with
3 anyone of them. In short we have
4 been forming Alliances between
5 Nations at Variance in order to
11:33:25 6 unite them against ourselves."

11:33:25 7 So he clearly wanted to be sure that in
11:33:33 8 the negotiations at Niagara which will follow that
11:33:39 9 Johnson did not create some alliances or some links
11:33:44 10 between nations who could be at the beginning not
11:33:47 11 necessarily interested to create a strong
11:33:53 12 confederation.

11:33:53 13 And the next document, Johnson, when he
11:33:58 14 explained to the Board of Trade what strategy he
11:34:03 15 will use, it is clear that he had understood the
11:34:06 16 recommendations of his superior because he
11:34:10 17 explained -- and maybe we can go just to the next
11:34:14 18 quotation:

19 "Whenever it may happen that a
20 peace is agreed upon, I apprehend it
21 will be Expedient to treat with each
22 Nation separately; which will be
23 attended with the advantages you
24 have so judiciously pointed out.
25 This way of proceeding I have always

1 observed in my Transactions
2 with them, particularly at Detroit
11:34:40 3 in 1761 [...]"

11:34:40 4 So he understood the argument made by
11:34:45 5 Gage and a promise he gave, the guarantee that we
11:34:54 6 will follow this policy of negotiating, of having
11:34:56 7 some negotiations with separate nations and not
11:35:01 8 with all of them together.

11:35:01 9 Q. In light of this policy, how did
11:35:05 10 Johnson organize the meeting at Niagara in the
11:35:10 11 summer of 1764?

11:35:11 12 A. If I may, before going there, I
11:35:16 13 think that the other point within the strategy
11:35:19 14 which is really important to understand what
11:35:22 15 Johnson wanted to do is to look at his
11:35:29 16 formulations, the formulation that he wanted to use
11:35:31 17 not only traditional, I would say, tools of
11:35:37 18 Aboriginal and British diplomacy, but also use
11:35:40 19 written documents.

11:35:43 20 And this is probably a new strategy at
11:35:46 21 that time. We know that in some cases the British
11:35:50 22 used written documents, but it was not the main
11:35:58 23 tools used by the British when they are negotiating
11:36:00 24 with Aboriginal people.

11:36:00 25 So he decided that at Niagara or at the

11:36:07 1 next meeting he will not only use wampum belts,
11:36:12 2 which was the most traditional tools or means to
11:36:15 3 conclude an alliance or treaty with Aboriginal
11:36:18 4 people, but also a written document in which all
11:36:22 5 the engagements, the promises taken by the
11:36:25 6 Aboriginal people will be written and it could be
11:36:30 7 used later to remind to the Aboriginal people that
11:36:34 8 they had made some promises.

11:36:38 9 Pardon me, I thought it was important
11:36:43 10 to just mention those two points.

11:36:46 11 Q. And in terms of the strategy of
11:36:51 12 divide and rule, what did Johnson -- how did
11:36:55 13 Johnson organize the Congress at Niagara? Did he
11:37:01 14 follow this strategy?

11:37:03 15 A. He followed this strategy, but
11:37:07 16 when -- first of all, he sent a lot of messages to
11:37:10 17 encourage as many people to come to the big
11:37:13 18 Congress, to meet with the British, to negotiate
11:37:15 19 with them, to renew their alliance, to make some
11:37:19 20 peace treaties. So he decided to organize this
11:37:22 21 event in Niagara.

11:37:24 22 And when we follow the process by which
11:37:31 23 Johnson negotiated with those nations, we can see
11:37:34 24 that he followed this rule of not negotiating with
11:37:39 25 only one group of nations but with different

1 nations.

2 Q. If you could turn to page 46 of
3 your report.

4 A. Yes.

5 Q. This is a -- did you compile this
6 chart?

7 A. Yes.

8 Q. I would just like to ask you some
9 questions about it.

10 A. This chart was prepared in the
11 second section of my report when I tried to explain
12 who were the actors present at Niagara in 1764.

13 So for me, it was important to
14 understand the identity but also the repartition
15 between the different groups who were at this
16 meeting in 1764. We know that 1,100 British
17 soldiers were there also at that time, so there was
18 not only -- it was not only William Johnson in
19 front of a lot of Aboriginal people, but also
20 William Johnson with a lot of soldiers behind him
21 for this negotiation.

22 And we have in the document some
23 indications about the number and the identity of
24 the Aboriginal people who were present at this
25 meeting. And I identified in my report three

11:39:38 1 important groups.

11:39:42 2 The first one was the Aboriginal people
11:39:44 3 who accompanied the British at Niagara in 1761, so
11:39:49 4 some of them, as the -- some of the five out of the
11:39:55 5 Six Nations, some people from the St. Lawrence
11:39:59 6 Valley, mainly the Mohawk, decided to follow
11:40:03 7 William Johnson at Niagara to show that they
11:40:06 8 support the British, that they were behind the
11:40:08 9 British and that they were not against them.

11:40:10 10 And when we compile the information
11:40:13 11 that we have on this group, we can see that they
11:40:17 12 formed, that they were the majority of Aboriginal
11:40:21 13 people at this meeting at Niagara. A little bit
11:40:25 14 more than 58 percent of Aboriginal people were
11:40:29 15 there to show their support to the British and not
11:40:33 16 to negotiate with them.

11:40:37 17 The second group is the group that
11:40:41 18 Johnson qualified at that time as members of the
11:40:46 19 Western Nations. It is a formula that we find very
11:40:52 20 often in the documents at that time. It was a
11:40:55 21 general term to designate a lot of nations living
11:41:00 22 in the Great Lakes area, and when we -- we know
11:41:05 23 that there were probably around 370 people, so
11:41:12 24 around 23 percent of those Aboriginal represented
11:41:16 25 at this meeting.

11:41:17 1 And the last group, the two nations who
11:41:20 2 came essentially to conclude or to ratify peace
11:41:30 3 treaties with the British, the Hurons or Wyandots
11:41:36 4 and the Senecas who represented approximately 18
11:41:42 5 percent of the people, Aboriginal people present at
11:41:47 6 this meeting.

11:41:48 7 For me it was important to try to
11:41:51 8 understand the repartition between those different
11:41:55 9 groups, to have a better picture of the Aboriginal
11:42:00 10 representation at this meeting.

11:42:03 11 Q. Just two questions. Just to be
11:42:08 12 clear, "Jibbeways" are Ojibwe?

11:42:13 13 A. Yes.

11:42:14 14 Q. And you base your calculations on
11:42:16 15 the number of 1,700 Indigenous people. Have you
11:42:25 16 seen any other numbers cited?

11:42:27 17 A. The numbers, we know that it was
11:42:30 18 between 1,700 and 2,000. We have different
11:42:36 19 numbers. I explained that in my opinion 1,700 is
11:42:43 20 probably closer to the reality, but William Johnson
11:42:48 21 also wrote that almost or around 2,000 people were
11:42:53 22 there at this moment.

11:42:55 23 So it is an indication of the
11:43:00 24 importance of the Aboriginal representation, but we
11:43:05 25 have, as I said, an average of around -- between

1 1,700 and 2,000 people.

2 MR. McCULLOCH: Your Honour, it is
3 nearly quarter to 12:00. Would it be possible to
4 take that brief break you mentioned now?

5 THE COURT: Yes, we'll take a second
6 15-minute break now.

7 -- RECESSED AT 11:44 A.M.

8 -- RESUMED AT 12:01 P.M.

9 THE COURT: Please go ahead.

10 BY MR. McCULLOCH:

11 Q. Professor Beaulieu, in your report
12 you have given a detailed day-by-day description of
13 the Congress at Niagara. I don't think we need to
14 go through that. On that basis, unless you have
15 something to add, I would otherwise like to just
16 talk to you about the meetings with the Western
17 Nations.

18 A. Yes, maybe one point to mention
19 before talking about the Western Nations is the
20 fact that two treaties were effectively concluded
21 at Niagara in 1764. It was covered in my report.
22 I don't think it is necessary to re-explain, but
23 based on my analysis, it is clear that we can
24 clearly identify two treaties concluded at Niagara,
25 one with the Wyandot and the other with the

12:03:39 1 Senecas, two nations who clearly attacked the
12:03:44 2 British and did recognize that they attacked the
12:03:47 3 British and came there to officially to be
12:03:52 4 re-integrated within the Covenant Chain, because by
12:03:55 5 their action they became enemies of the British and
12:03:59 6 now they needed to make peace treaties, to be
12:04:02 7 re-introduced within this Covenant Chain.

12:04:05 8 And it was probably the most -- one of
12:04:09 9 the most important aspects of this Congress, the
12:04:14 10 necessity to re-integrate those Aboriginal people.

12:04:17 11 Q. And in fact, that takes me to my
12:04:21 12 question. I would like you to look at page 70 of
12:04:23 13 your report. In the evidence you have examined,
12:04:42 14 from the British perspective is there anything in
12:04:44 15 the record of the meeting at Niagara in 1764 that
12:04:50 16 would support the idea that there was a specific
12:04:54 17 treaty with the Western Nations?

12:04:56 18 A. No, all the -- when we consider
12:05:00 19 the proceedings prepared by William Johnson during
12:05:06 20 the meeting at Niagara, when we look at the
12:05:09 21 official reports that he prepared after the event,
12:05:13 22 it is clear that for him it was not -- he did not
12:05:16 23 conclude a treaty with them but just renewed and
12:05:21 24 strengthened the Covenant Chain.

12:05:23 25 The wording that he used three times

12:05:31 1 when he explained the result of his negotiations
12:05:35 2 with those that he called the Western Nations at
12:05:39 3 Niagara, to renew and to strengthen the Covenant
12:05:43 4 Chain.

12:05:43 5 He decided and I think it is really
12:05:45 6 important to understand that he chose to consider
12:05:49 7 that those Western Nations had not become enemies
12:05:55 8 of the British. He knew pretty well that some of
12:05:57 9 them probably had felt the British, he knew that
12:06:03 10 maybe some warriors of some nations had decided to
12:06:06 11 join the attacks with the other Aboriginal people,
12:06:09 12 but he decided that at that moment it was his best
12:06:14 13 choice, I would say, was to consider that they did
12:06:17 14 not go out of the Covenant Chain. And what he
12:06:21 15 wanted to do was just to renew and to strengthen
12:06:23 16 the Covenant Chain.

12:06:24 17 And this formula, we can find this
12:06:30 18 formula many times in the documents when the
12:06:36 19 British at some meeting with their allies, it was
12:06:38 20 very often this way to conclude a meeting saying
12:06:42 21 that we have renewed and we have strengthened the
12:06:44 22 alliance.

12:06:45 23 It is not necessary to conclude a new
12:06:47 24 treaty. You can have a lot of meetings between the
12:06:51 25 British and between the Aboriginal people, and each

12:06:56 1 meeting does not necessarily finish with the
12:07:01 2 conclusions of a treaty.

12:07:03 3 There was a lot of meetings between
12:07:05 4 British and Aboriginal people to find some solution
12:07:08 5 to some specific problems, just annual, regular
12:07:12 6 meetings to maintain a good relationship, and those
12:07:16 7 meetings was considered as a way to renew and
12:07:19 8 strengthen the Covenant Chain.

12:07:21 9 So for me, it is clear that in the
12:07:27 10 British perspective, two treaties were concluded
12:07:31 11 with the Wyandot, with the Seneca, and in the case
12:07:36 12 of those Western Nations, Johnson decided just to
12:07:39 13 renew and to strengthen the Covenant Chain because
12:07:43 14 it was not necessary with them to make new peace
12:07:48 15 treaties. They were not considered as enemies and
12:07:50 16 it was enough for him to consider that it was not
12:07:55 17 necessary to make a peace treaty with those
12:07:57 18 nations.

12:07:57 19 Q. And is the quotation at the bottom
12:08:00 20 of page 70, and going over to page 71, the basis
12:08:07 21 for your opinion?

12:08:08 22 A. Yes, I think there are three
12:08:14 23 mentions by Johnson: Johnson to Gage in August
12:08:17 24 1764; Johnson to Colden, who was at that time the
12:08:25 25 Lieutenant Governor of the colony of New York; and

12:08:27 1 we know obviously that Thomas Gage reiterated the
12:08:30 2 same information to Lord Halifax who was at that
12:08:37 3 time the Minister responsible for the colonies.

12:08:39 4 So the official, I would say, report
12:08:43 5 concerning the meeting at the Congress at Niagara
12:08:48 6 contained the same information about this renewal
12:08:52 7 and strengthening of the Covenant Chain.

12:08:55 8 Q. Could you tell us who were the
12:08:56 9 Lords of the Board of Trade?

12:08:58 10 A. The Board of Trade was -- it is an
12:09:05 11 administrative structure created at the end of the
12:09:08 12 17th century to supervise, I would say, all the
12:09:13 13 colonial matters. They were a group of Lords who
12:09:18 14 met to look at the documents that were coming from
12:09:24 15 the colonies, making some recommendations, and it
12:09:28 16 is a structure which knew some evolution with some
12:09:37 17 periods with less power, other periods with more
12:09:41 18 power.

12:09:41 19 But it was a kind of political or
12:09:44 20 administrative structure to look at what happened
12:09:47 21 in the colony.

12:09:48 22 Q. Could you tell me, on the basis of
12:09:56 23 the evidence that you have reviewed about what
12:09:59 24 happened at the Congress at Niagara, is there any
12:10:04 25 reason to believe that the Western Nations thought

12:10:08 1 that they had concluded a treaty with the British
12:10:12 2 Crown?

12:10:12 3 A. I don't think so. When I look at
12:10:16 4 the proceedings of this meeting and when we look at
12:10:18 5 the speeches of the Aboriginal Chiefs of the
12:10:24 6 Western Nations, they came to confirm that they
12:10:26 7 were not enemies of the British. They came to
12:10:30 8 reassure the British that they did not want to
12:10:33 9 fight them, that they want to maintain good
12:10:36 10 relationships, that their warriors did not take
12:10:40 11 part in the offensive against the British, that
12:10:44 12 they wanted to re-open -- that the British re-open
12:10:48 13 the trade.

12:10:48 14 What we can see in the proceedings is
12:10:51 15 that they were not coming at Niagara with the
12:10:54 16 intention to conclude a new treaty with William
12:10:59 17 Johnson because they did not present themselves as
12:11:01 18 enemies of the British. They went with a clear
12:11:05 19 will to reaffirm their connection with the British,
12:11:11 20 their relation with the British. And there is no
12:11:14 21 indication that they felt obliged to negotiate a
12:11:22 22 new treaty with William Johnson at that time.

12:11:30 23 So in my understanding, based on the
12:11:30 24 document, on the proceedings prepared at that time,
12:11:31 25 there is no indications that we could say oh, the

12:11:34 1 Aboriginal people understood that at this occasion
12:11:37 2 they made a treaty with William Johnson.

12:11:39 3 Q. I would like to ask you now about
12:11:45 4 section 3 of your report, and the section starts at
12:11:50 5 page 82.

12:11:51 6 A. Yes.

12:11:51 7 Q. And again, unless you feel it
12:11:55 8 appropriate, I don't think we have to go through
12:11:58 9 all of the details. I would simply ask, do you
12:12:01 10 have any comment that you would make in addition to
12:12:04 11 what you have written or, rather, to explain what
12:12:08 12 you have written?

12:12:09 13 A. I think those documents are
12:12:11 14 important to understand the perspective of the
12:12:17 15 Aboriginal people, but not necessarily the
12:12:19 16 perspective of those who were present at Niagara in
12:12:21 17 1764. The oral traditions, the pieces of oral
12:12:30 18 traditions were collected in 19th century, and it
12:12:33 19 is clear that in the memory of the Aboriginal
12:12:36 20 people, it was an important event.

12:12:39 21 But it is also in the way that the
12:12:42 22 Aboriginal people were remembering this event. It
12:12:45 23 is always connected to the reality of the present.
12:12:51 24 They tried to convince the British to do something
12:12:54 25 by talking about this great meeting at Niagara in

12:13:01 1 1764.

12:13:02 2 So it is really interesting, if we want
12:13:03 3 to be able to understand the Aboriginal perspective
12:13:09 4 in 19th century, those documents are very
12:13:12 5 important. But I don't think that we can use them
12:13:17 6 really to understand the specific aspects of the
12:13:22 7 negotiation during the Niagara conference.

12:13:24 8 For example, there is a lot of mention
12:13:26 9 in the oral traditions about the presents that
12:13:32 10 should be given to the Aboriginal people, as if
12:13:34 11 Johnson would have made this promise at Niagara in
12:13:38 12 1764, and we know that Johnson probably did not
12:13:43 13 make this promise because he was not sure that he
12:13:46 14 will be -- that he will have enough funding to be
12:13:50 15 able to do that. And there is no indications in
12:13:53 16 the proceedings that he made this kind of promise
12:13:57 17 to the Aboriginal people, and there is nothing in
12:13:59 18 his official report which could lead us to believe
12:14:03 19 that he made these kind of promises.

12:14:08 20 Another example, there is nothing in
12:14:10 21 the oral tradition concerning the trade. It was a
12:14:14 22 fundamental aspect of the requests of the
12:14:19 23 Aboriginal people of the Western Nations at
12:14:22 24 Niagara. They wanted to convince the British to
12:14:25 25 re-open the trade. They needed to trade with the

1 British, and from a strictly, I would say,
2 historical perspective, it was one of the most
3 important aspects of the negotiations at Niagara in
4 1764.

5 But in 19th century, there is nothing
6 about this in the oral traditions, nothing which
7 could be reminding that the Aboriginal people were
8 asking to the British to re-open the trade, that
9 they were confronted to a refusal of the British to
10 restart the trade so soon.

11 So it is hard to use this tradition to
12 find very specific aspects of the negotiations that
13 happened at Niagara.

14 And I think, again, if we want to
15 understand the perspective of those who were
16 present at that time, we have to look at the
17 proceedings prepared by William Johnson. You have
18 there the speeches, extracts of speeches of the
19 Aboriginal people, and it is probably the best
20 source to understand what could have been the
21 Aboriginal perspective during the negotiations of
22 1764.

23 Q. And I would now like to turn to
24 the fourth section of your report, which begins on
25 page 103.

12:15:56 1 A. Yes.

12:15:57 2 Q. And again, I am not going to take
12:16:03 3 you through the entire section. I would simply
12:16:08 4 ask, on the basis of the evidence you have reviewed
12:16:12 5 about what happened at Niagara in the summer of
12:16:16 6 1764, do you have an opinion as to whether or not
12:16:22 7 the Royal Proclamation of 1763 was read out or
12:16:27 8 discussed in any substantive fashion?

12:16:30 9 A. There is no indications in the
12:16:33 10 documents that the Royal Proclamation was
12:16:36 11 presented, read, explained, and it was one of my
12:16:41 12 surprises because I was again almost sure to find
12:16:46 13 mention of the Royal Proclamation during this
12:16:48 14 meeting because it is considered as one of the most
12:16:51 15 important documents at the beginning of the British
12:16:54 16 regime, a really important and symbolic document.

12:17:00 17 And it seemed logical that William
12:17:04 18 Johnson would have taken the occasion of this
12:17:07 19 meeting to present this Royal Proclamation, to take
12:17:10 20 the time to explain to the Aboriginal people, look,
12:17:12 21 this is the intention of the King.

12:17:17 22 And we find and there is -- to my
12:17:20 23 knowledge there is no indications that the Royal
12:17:22 24 Proclamation was neither presented or explained or
12:17:28 25 negotiated in a sense at this meeting at Niagara.

1 Q. Those are my questions on your
2 second report.

3 I would like now to turn to the second
4 supplementary report of Professor Eric Hinderaker,
5 "A Response to Alain Beaulieu."

6 THE COURT: Just a moment, Counsel.

7 Just a moment, Counsel, I just want to
8 get my copy of that.

9 MR. McCULLOCH: I believe it is Exhibit
10 4020 --

11 THE COURT: No, it is all right. I
12 have it in my office. It will just take a moment.

13 MR. McCULLOCH: Okay.

14 THE COURT: What was the Exhibit number
15 again?

16 MR. McCULLOCH: Exhibit 4020.

17 THE COURT: The report on the screen is
18 not the exhibit. It is an SC number. It is likely
19 the same, but you might want to take the
20 opportunity to get the exhibit itself. 4020?

21 Yes, I have my copy now. Please go
22 ahead.

23 BY MR. McCULLOCH:

24 Q. Professor Beaulieu, do you
25 recognize this document?

12:19:30 1 A. Yes.

12:19:30 2 Q. And you have had a chance to
12:19:39 3 review it?

12:19:39 4 A. Yes.

12:19:40 5 Q. I would just like to ask you some
12:19:44 6 questions about it.

12:19:44 7 On page 3, Professor Hinderaker
12:19:51 8 suggests that you are inventing a new criterion for
12:19:57 9 what constitutes a treaty. Do you have a comment
12:20:01 10 on that suggestion?

12:20:02 11 A. Yes, I was surprised to see this
12:20:06 12 comment from Professor Hinderaker because it has
12:20:10 13 never been my intention to try to elaborate a new
12:20:13 14 criterion to determine what is a treaty, what is
12:20:17 15 not a treaty.

12:20:17 16 And I understood that in the mind of
12:20:24 17 Professor Hinderaker, when I was talking about war
12:20:28 18 reparations, it was -- for me it was a criterion to
12:20:32 19 determine if a treaty had been concluded or not
12:20:35 20 concluded, and it is strange because I have never
12:20:38 21 said that if there is no war reparation, it is not
12:20:40 22 a treaty. I just explained that in the context of
12:20:43 23 this meeting at Niagara, the British had decided
12:20:47 24 that they will impose war reparations to those who
12:20:52 25 broke the Covenant Chain and who came to make

12:20:56 1 peace.

12:20:57 2 In the British conception, those who
12:21:02 3 were guilty in this war, it was the Aboriginal
12:21:04 4 people and those who decided to fight the British
12:21:07 5 after the treaty at Detroit in 1761 had to be
12:21:11 6 punished in a way. And it was clear that it should
12:21:17 7 be a clause in the treaty, in the treaties which
12:21:23 8 will be concluded with those Aboriginal people.

12:21:25 9 And it is the case with the Senecas, it
12:21:28 10 is the case with the Wyandots, and it is also the
12:21:31 11 case in 1765 when William Johnson will conclude
12:21:34 12 some treaties with the Aboriginal people of the
12:21:38 13 Ohio Valley. It was always important that those
12:21:44 14 nations recognized their fault and that they be
12:21:49 15 submitted to some kind of reparations.

12:21:53 16 So I have never tried to put this
12:21:57 17 argument as an element, as a criterion for
12:22:03 18 determining if a treaty was concluded or not.

12:22:07 19 And I think that the best example of
12:22:09 20 this, of the proof of this is in the first section
12:22:13 21 of my report. When I was considering the Congress
12:22:16 22 at Detroit in 1761, I clearly write that the treaty
12:22:23 23 was concluded there and there was no war
12:22:26 24 reparations. I have never tried to argue that at
12:22:29 25 Detroit because there were no war reparations, it

1 is not a treaty. I consider that a treaty was
2 officially concluded at that time.

3 So I don't think that this critique
4 towards my report is based on anything that I have
5 written in my report.

6 Q. And along the same line, on page
7 4, the paragraph beginning "Beaulieu himself [...]"

8 A. Yes.

9 Q. The sentence is:

10 "Beaulieu himself repeatedly
11 shies away from a strong formulation
12 of his own argument."

13 Would you care to comment on this
14 suggestion that you are shying away from your own
15 argument?

16 A. It is not my argument, so I have
17 never felt uncomfortable because I have never tried
18 to argue that point.

19 And I read that Professor Hinderaker
20 wrote that:

21 "In fact, the modifier 'new'
22 appears three times on page 11 of
23 the report, and crops up repeatedly
24 throughout the rest of the text. Is
25 there a salient difference between a

12:23:48 1 treaty and a new treaty? If so, it
12:23:51 2 is not explained."
12:23:52 3 Honestly, I don't understand what is
12:23:54 4 the basis of this distinction between a treaty and
12:23:58 5 a new treaty. For me it is clear that if the peace
12:24:01 6 was broken, William Johnson met some Aboriginal
12:24:06 7 people and he needed to conclude a new treaty. The
12:24:09 8 formula for new treaties, expression is really
12:24:18 9 simple to describe this reality.
12:24:20 10 And I am also surprised to see that
12:24:22 11 Professor Hinderaker used exactly the same
12:24:24 12 expression at page 6 of his report. I don't know
12:24:28 13 if you can go to the page.
12:24:37 14 THE COURT: Are you talking about this
12:24:38 15 report, sir, the same report?
12:24:41 16 THE WITNESS: Yes. I don't have it
12:24:45 17 with me.
12:24:56 18 THE COURT: Would you just move the
12:24:57 19 document to the next page, Mr. McCulloch? It has
12:25:09 20 already moved, I see that, at the top of the page.
12:25:17 21 BY MR. McCULLOCH:
12:25:19 22 Q. Is that the last line of the first
12:25:22 23 partial paragraph:
12:25:28 24 "[...] Covenant Chain to the
12:25:29 25 Western Nations, but instead a new

12:25:30 1 treaty with those nations or
12:25:32 2 communities"?

12:25:33 3 A. Yes. So Professor Hinderaker used
12:25:36 4 exactly the same formula that I used and it is not
12:25:39 5 an indication that I was uncomfortable with an
12:25:41 6 argument that I have never presented in my report.

12:25:45 7 Q. And if we could now go to page 9
12:25:52 8 of the Hinderaker report, the second supplementary,
12:26:04 9 and go down a little bit further.

12:26:06 10 A. Yes.

12:26:06 11 Q. Actually, if I could borrow my
12:26:10 12 copy back.

12:26:12 13 A. Yes, I'm sorry.

12:26:13 14 Q. Actually, we'll skip that one and
12:26:47 15 go to page 12.

12:26:53 16 A. I think it is on page 9.

12:26:57 17 Q. Yes, there we are. Would you care
12:27:05 18 to make any comment on the paragraph starting:

12:27:12 19 "Under these circumstances,
12:27:13 20 Johnson had no choice but to conduct
12:27:16 21 a single treaty, in which he
12:27:19 22 affirmed a British alliance with all
12:27:21 23 the Western Nations that had
12:27:22 24 assembled at Niagara."

12:27:24 25 A. Yes, I disagree with this

12:27:28 1 affirmation. Johnson had a choice. And we can
12:27:31 2 understand it if we take the time to read
12:27:34 3 carefully.

12:27:34 4 His official reports explain what he
12:27:36 5 did, why he did this, and he explained clearly that
12:27:43 6 he negotiated two treaties, one with the Wyandot
12:27:44 7 and the other one with the Senecas, and he
12:27:47 8 explained why he decided not to conclude a treaty
12:27:50 9 with the other nations.

12:27:51 10 So he had a choice, and he was in
12:27:53 11 charge of the negotiations. He was well aware of
12:27:55 12 the political reality in this region. He was able
12:28:00 13 to make some choice, and he made clearly the choice
12:28:03 14 to conclude two treaties and to only renew and
12:28:07 15 strengthen the Covenant Chain with the Aboriginal
12:28:11 16 people.

12:28:12 17 If we want to understand the
12:28:13 18 perspective of William Johnson in that context, we
12:28:15 19 have to go back to what he wrote and to be sure
12:28:21 20 that we understand what he wanted to do and for
12:28:25 21 what reason he did what he did.

12:28:29 22 Q. And do you have any comments on
12:28:36 23 Professor Hinderaker's suggestion that you are
12:28:39 24 trying to underplay the extent to which the Western
12:28:45 25 Nations took part in Pontiac's rebellion?

12:28:48 1 A. I disagree also with this comment.

12:28:50 2 I have never tried to reduce the importance of the
12:28:53 3 event or tried to say that only a few Aboriginal
12:28:57 4 people take part in this war.

12:29:01 5 I think it is one of the great moments
12:29:02 6 of resistance in the Great Lakes and Ohio Valley
12:29:07 7 region.

12:29:08 8 But at the same time if we want to
12:29:10 9 understand the complexity of this event, we have
12:29:11 10 also to consider that many nations were hesitant.
12:29:16 11 Many considered that or many communities considered
12:29:18 12 that it would be hard to win this war against the
12:29:22 13 British, and a war with the British also signified
12:29:27 14 the end of the trade with the British.

12:29:29 15 So the reality is more complex than
12:29:33 16 just to say all the Aboriginal Nations decided to
12:29:36 17 fight against the British. There was a coalition
12:29:39 18 of nations, but as we can see in the documents,
12:29:42 19 some of them were more reluctant to take an active
12:29:45 20 part in this war.

12:29:47 21 Q. And just to wrap this up, on page
12:29:53 22 12, the first full paragraph, Professor Hinderaker
12:30:02 23 characterizes your whole position. Would you like
12:30:04 24 to make a general comment on the way he talks about
12:30:08 25 your perception?

12:30:10 1 A. What page is it?

12:30:13 2 Q. It is:

12:30:14 3 "For Beaulieu, the absence of
12:30:15 4 war reparations makes the
12:30:16 5 proceedings with the Western Nations
12:30:18 6 at Niagara something other than a
12:30:20 7 treaty."

12:30:20 8 That whole concluding paragraph.

12:30:23 9 A. Yes, as I said, for me it is not a
12:30:29 10 criterion to determine if a treaty was concluded or
12:30:31 11 not, and in my opinion, and I wrote it in my
12:30:33 12 report, those nations who were at Niagara in 1764
12:30:37 13 and who did not conclude a treaty with the British
12:30:40 14 were in the better position than those who were
12:30:44 15 obliged to negotiate the treaties.

12:30:46 16 Those who were obliged to negotiate the
12:30:49 17 treaties were submitted to some kind of war
12:30:51 18 reparations. Those who were still considered as
12:30:54 19 allies of the British did not -- were not placed in
12:30:59 20 this uncomfortable position to be obliged to
12:31:03 21 recognize in some way that they were responsible
12:31:06 22 for this war.

12:31:07 23 So I understand that today when we talk
12:31:11 24 and we consider the treaty, it is always as a good
12:31:16 25 symbol, symbols of relationship between Aboriginal

1 people and British, but we have to keep in mind
2 that sometimes a treaty was not always a good
3 thing.

4 In that context, the two treaties
5 negotiated at Niagara were not a good thing for
6 those who were obliged to sign those documents.

7 So it is not a question of if there was
8 no war reparation, it is not a treaty. If there is
9 no war reparation, it is because William Johnson
10 considered that those nations did not fight the
11 British. That's it.

12 Q. And do you have any opinion of the
13 effect of the various different meetings at Niagara
14 in the summer of 1764 on the Covenant Chain?

15 A. I am not sure I understand your
16 question.

17 Q. Oh, I'm sorry, I'll take you to
18 the -- well, I'll rephrase it then.

19 What would you say was the overall
20 effect on the relationship of the British Crown
21 with Indigenous peoples of the meetings at Niagara?

22 A. The main result was to conclude
23 two treaties, as I said, and to renew and
24 strengthen the Covenant Chain with some Western
25 Nations.

1 It is clear that it was not with all
2 the Western Nations, because when I wrote that the
3 treaty -- the negotiation at Niagara was a renewal
4 and strengthening of the Covenant Chain with
5 Western Nations, I did not want -- my intention was
6 not to say that with all the Western Nations, but
7 with those who were there at that moment Johnson
8 decided to renew and strengthen the Covenant Chain.

9 We know very well that other Western
10 Nations were still at war with the British, and it
11 is clear that William Johnson did not renew and
12 strengthen the Covenant Chain with them because
13 they were not present at Niagara. They were not --
14 they did not send some representatives. So Johnson
15 renewed and strengthened something with those who
16 were there at that Congress.

17 MR. McCULLOCH: And those are my
18 questions, Your Honour.

19 THE COURT: So before we proceed, I
20 just want to talk a little bit about the continuing
21 schedule.

22 And I am leaning over. I am not sure,
23 Ms. Pelletier, if it is you or your colleague who
24 is doing the cross-examination, but whichever of
25 you it is, and bearing in mind that we have the

12:34:08 1 capacity in our schedule to accommodate this
12:34:10 2 gentleman's health reasons, I wonder about the
12:34:14 3 schedule for this afternoon and tomorrow. I am
12:34:17 4 assuming that you'll probably be planning on
12:34:21 5 proceeding at least that long, if not longer.

12:34:24 6 So I don't normally have two lawyers
12:34:30 7 standing at the same time, but Mr. McCulloch can
12:34:32 8 come up to the podium as well.

12:34:35 9 I am thinking about something along the
12:34:37 10 lines of we can start at 2:15 and go for about an
12:34:43 11 hour this afternoon, and then resume at 10 o'clock
12:34:46 12 tomorrow morning.

12:34:47 13 Would that suit your witness,
12:34:49 14 Mr. McCulloch?

12:34:50 15 MR. McCULLOCH: Professor Beaulieu,
12:34:51 16 would that --

12:34:52 17 THE WITNESS: Yes, perfectly.

12:34:54 18 THE COURT: And then tomorrow morning
12:34:55 19 we can again take two breaks instead of one.

12:34:57 20 And I am going to look to you, Ms.
12:34:59 21 Pelletier, to give me some indication of what
12:35:01 22 timing is suited to your cross-examination when we
12:35:04 23 get there, not now.

12:35:04 24 MS. PELLETIER: Sure.

12:35:06 25 THE COURT: And then perhaps tomorrow

12:35:08 1 afternoon we can try that same approach, and, you
12:35:13 2 know, if we are not making -- if we have a timing
12:35:15 3 issue, we can discuss it. I am not expecting that
12:35:17 4 we will.

12:35:19 5 Is that suitable to you, Ms. Pelletier?

12:35:24 6 MS. PELLETIER: It is, Your Honour.

12:35:24 7 And maybe I'll raise this now. In
12:35:26 8 terms of who is doing the cross-examination --

12:35:26 9 THE COURT: Oh, yes, I wasn't sure who
12:35:26 10 was doing the cross-examination.

12:35:28 11 MS. PELLETIER: I was going to ask
12:35:29 12 permission that the cross be split, as there were
12:35:31 13 three reports. I would propose that I would do the
12:35:35 14 cross-examination on qualifications, the British
12:35:37 15 period, so the last part of report 1, all of report
12:35:41 16 2, and then the third report, the translation
12:35:44 17 report, and my colleague Mr. Evans would take the
12:35:47 18 French period. I would go first.

12:35:48 19 But between the two of us, I don't
12:35:51 20 anticipate that -- we are not going to come close
12:35:53 21 to hitting the five days.

12:35:54 22 THE COURT. Yes, well that is good to
12:35:57 23 know. I permitted this before, so I will permit it
12:35:59 24 again.

12:36:00 25 MS. PELLETIER: Thank you.

1 THE COURT: And, sir, I know you have
2 testified before, but with some of our witnesses
3 who have lengthy reports, and I include yours in
4 that category, I have permitted either one side or
5 the other to have two lawyers ask questions, not on
6 the same subject matter but on different subject
7 matters, and it is to assist the preparation and
8 orderly process of our trial, if for no other
9 reason.

10 So I just explain that to you in case
11 you haven't encountered that before.

12 THE WITNESS: That is fine for me, Your
13 Honour.

14 THE COURT: So just before you all sit
15 down, I just want to check, sir, the schedule I
16 have mentioned, does that sound like something you
17 would be okay with?

18 THE WITNESS: That is perfect.

19 THE COURT: All right, and if there is
20 a problem, just tell me and it will be fine.

21 THE WITNESS: Thank you.

22 THE COURT: So what we'll do is we'll
23 resume at 2:15.

24 Now, before we break, sir, as you have
25 testified before, you probably remember that there

12:36:50 1 are serious limitations on what you can talk about
12:36:53 2 while you are under cross-examination.

12:36:55 3 THE WITNESS: Yes, I remember.

12:36:56 4 THE COURT: Yes, please treat them as
12:36:58 5 starting right now.

12:37:00 6 THE WITNESS: Yes.

12:37:02 7 THE COURT: And basically you must
12:37:03 8 occupy yourself entirely with other matters and not
12:37:07 9 work or inquiry or Google or whatever it is about
12:37:11 10 this matter, all right?

12:37:13 11 THE WITNESS: Perfect.

12:37:14 12 THE COURT: You are familiar with those
12:37:15 13 obligations?

12:37:16 14 THE WITNESS: Can I ask one question?

12:37:18 15 THE COURT: You may, yes.

12:37:19 16 THE WITNESS: I received three books of
12:37:21 17 documents that could be used in cross-examination.

12:37:23 18 THE COURT: Yes.

12:37:23 19 THE WITNESS: I have the occasions to
12:37:26 20 look very briefly to those documents yesterday, but
12:37:29 21 so I am not supposed to look at them right now?

12:37:32 22 THE COURT: Does anyone object to this
12:37:34 23 gentleman looking at those materials, Ms.
12:37:36 24 Pelletier?

12:37:37 25 MS. PELLETIER: No, that is fine, Your

1 Honour .

2 THE COURT: Plaintiffs' counsel does
3 not object to you looking at those three volumes of
4 documents, sir.

5 THE WITNESS: Thank you.

6 THE COURT: You can just avoid any
7 other independent inquiry or research or whatever.

8 THE WITNESS: Perfect.

9 THE COURT: And if you have any other
10 questions, you can ask me or ask Mr. McCulloch. I
11 am sure it will all be fine.

12 THE WITNESS: Thank you.

13 THE COURT: So we'll adjourn now until
14 2:15. Thank you.

15 -- RECESSED AT 12:38 A.M.

16 -- RESUMED AT 2:18 P.M.

17 THE COURT: Please go ahead, Ms.
18 Pelletier.

19 MS. PELLETIER: Thank you, Your Honour.

20 CROSS-EXAMINATION BY MS. PELLETIER:

21 Q. Professor Beaulieu, my name is
22 Renee Pelletier. I am counsel for the Plaintiffs.
23 I am here today with my colleague Christopher Evans
24 and Dan Shaule who is our historian.

25 As I mentioned before lunch, I will be

14:19:01 1 asking you questions about your curriculum vitae
14:19:03 2 and the British period, so the last section of your
14:19:05 3 first report, your second report, and then I'll
14:19:07 4 also be asking you questions about your third
14:19:10 5 translation report.

14:19:10 6 I have been known to speak very
14:19:14 7 quickly, so if I speak too fast, I will try my best
14:19:16 8 to slow it down, but just interrupt me and ask me
14:19:20 9 to repeat.

14:19:21 10 A. Okay.

14:19:21 11 Q. So I would like to begin by
14:19:23 12 pulling up your curriculum vitae, which is Exhibit
14:19:26 13 4383.

14:19:36 14 Apologies, I believe we are
14:19:38 15 experiencing some technical difficulties.

14:19:40 16 Excellent, okay, my apologies. Here we
14:21:30 17 go. So I see here that both your masters thesis
14:21:35 18 and your Ph.D. focussed on French-Aboriginal
14:21:40 19 relations in the 17th century; that's correct?

14:21:44 20 A. That's correct.

14:21:45 21 Q. And then in terms of your work in
14:21:46 22 the 18th century, you have published on the Great
14:21:51 23 Peace of 1701?

14:21:52 24 A. That's correct.

14:21:52 25 Q. And you have published on the

14:21:54 1 British relations with First Nations starting with
14:21:56 2 the conquest of New France in 1760?

14:21:59 3 A. Yes, yes.

14:22:01 4 Q. Okay. Now, for the period between
14:22:05 5 1701 and 1760, you have published on French
14:22:10 6 relations with the Indigenous peoples in the St.
14:22:14 7 Lawrence Valley and Acadia; that's correct?

14:22:17 8 A. That's correct, but also in the
14:22:18 9 Great Lakes.

14:22:18 10 Q. But also, pardon?

14:22:20 11 A. On the Great Lakes region.

14:22:21 12 Q. You have published on the Great
14:22:23 13 Lakes region?

14:22:23 14 A. Yes, on an article when I talk
14:22:26 15 about the French-Aboriginal relationships, it is a
14:22:31 16 more general perspective, but I cover the period
14:22:33 17 from the beginning of the 17th century up to the
14:22:37 18 conquest of New France.

14:22:38 19 Q. And perhaps we could get you,
14:22:39 20 Professor Beaulieu, to point that out on your
14:22:41 21 curriculum vitae?

14:22:42 22 A. Yes.

14:22:43 23 Q. I did note that you had published
14:22:45 24 generally on French colonial policy, but I don't
14:22:48 25 believe I was aware that you had a focus on the

14:22:50 1 Great Lakes First Nations specifically after 1701?

14:22:53 2 A. No, generally, I am talking about
14:22:56 3 the general French policy and the alliance between
14:23:01 4 the French and the Aboriginal people from 1701 to
14:23:05 5 the conquest of New France.

14:23:07 6 Q. Okay, understood. But just to
14:23:09 7 clarify, no publications on French relations with
14:23:12 8 the Great Lakes First Nations after 1701
14:23:15 9 specifically?

14:23:15 10 A. Specifically, no.

14:23:16 11 Q. Okay. And you have been an expert
14:23:20 12 witness in many Aboriginal cases, I understand,
14:23:22 13 Aboriginal rights cases?

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

14:23:23 15 Q. In cases involving Indigenous
14:23:26 16 people of the St. Lawrence Valley?

14:23:29 17 A. Yes.

14:23:30 18 Q. And I understand in claims by
14:23:35 19 Indigenous persons to tax exemptions?

14:23:36 20 A. Yes.

14:23:37 21 Q. If I could go to page 15 of your
14:23:48 22 curriculum vitae, this is a list of research
14:23:54 23 reports. And perhaps go to the beginning of that
14:23:58 24 list, section 4.4.2. Here we go.

14:24:12 25 So I see in this list they include a

1 number of reports that you provided to museums?

2 A. Yes.

3 Q. And otherwise, they appear to be
4 reports prepared for litigation; is that correct?

5 A. Yes, yes, for litigation and for
6 museums.

7 Q. Okay.

8 A. Not always for litigation.
9 Sometimes it is connected to potential litigation,
10 but it is not always for litigation.

11 Q. Understood. So these were
12 sometimes reports for litigation where you were
13 ultimately not called as an expert; is that right?

14 A. That's correct.

15 Q. Okay, understood. And I just want
16 to clarify that none of these reports, however,
17 focussed on French relations with the Great Lakes
18 Anishinaabe; is that right?

19 A. That's correct.

20 Q. So I want to talk a little bit
21 about your work as a consultant on Aboriginal
22 history, and I believe this work was between --
23 after you received your Ph.D. in 1993 until 1999
24 when you became a Professor; is that correct?

25 A. That's correct.

14:25:11 1 Q. And in that work as a consultant
14:25:15 2 on Aboriginal history, that involved preparing
14:25:18 3 expert reports for litigation?

14:25:20 4 A. Yes.

14:25:20 5 Q. And in your curriculum vitae you
14:25:25 6 say that you worked for various organizations and
14:25:28 7 groups, museums, federal and provincial ministries
14:25:33 8 and First Nation groups, et cetera. That is on the
14:25:39 9 first page, I believe. So prior to 1999, expert in
14:25:45 10 Aboriginal history for various organizations and
14:25:47 11 groups, museums, federal and provincial ministries,
14:25:50 12 First Nation groups, et cetera.

14:25:51 13 So I would like to bring up a document
14:25:53 14 that you discussed with my friend this morning
14:25:57 15 entitled, "Les pièges de la judiciarisation de
14:26:05 16 l'histoire autochtone," which I believe you said
14:26:08 17 loosely translated to "The traps of the
14:26:11 18 judicialization of Indigenous history"?

14:26:14 19 A. Yes.

14:26:14 20 Q. So I'll bring that up. That is
14:26:17 21 document SC-1364. And this of course is an article
14:26:28 22 that you have written?

14:26:28 23 A. Yes.

14:26:30 24 MS. PELLETIER: Your Honour, I would
14:26:31 25 like to mark this as an exhibit, please.

14:26:33 1

THE COURT: Mr. Registrar?

14:26:34 2

THE REGISTRAR: Exhibit No. 4384.

14:26:34 3

EXHIBIT NO. 4384: Article authored by

14:26:34 4

Professor Alain Beaulieu entitled "Les

14:26:34 5

pièges de la judiciarisation de

14:26:05 6

l'histoire autochtone."

14:26:39 7

BY MS. PELLETIER:

14:26:41 8

Q. And if I understand correctly,

14:26:43 9

this article is about the ethical pitfalls

14:26:46 10

associated with acting as an expert historian in

14:26:49 11

Aboriginal rights cases; is that right?

14:26:51 12

A. That's correct.

14:26:52 13

Q. So I would like to take you to

14:26:54 14

page 542. I know you have written this, but

14:26:57 15

perhaps we can just get you to re-read or

14:27:01 16

familiarize yourself with the paragraph --

14:27:02 17

A. Yes.

14:27:03 18

Q. -- that we have highlighted.

14:27:11 19

A. [Witness reviews document.]

14:27:12 20

That's correct.

14:27:13 21

Q. And you say here that you have

14:27:16 22

been an expert sometimes for Quebec, sometimes for

14:27:19 23

the Federal Government, and sometimes for

14:27:22 24

Indigenous people?

14:27:22 25

A. That's correct.

1 Q. And you also say that some people
2 have called you a mercenary?

3 A. Yes, it was those people from the
4 Huron-Wendat community who said to me, as a joke,
5 because I was working for the federal, working for
6 Quebec government, and also working for Aboriginal
7 people, so he told me -- he asked me as a joke if I
8 was a mercenary, and I explained to them that no,
9 for me it was the only way to be able to help the
10 Court, not just to work for people, for a specific
11 group, but to maintain my integrity, for me it was
12 important to be able to work with government but
13 also for Aboriginal people.

14 Q. Okay. And yes, so this is
15 essentially what I took from this article, that I
16 believe you say at one point that collaborating
17 with opposing sides, you view it as the -- I think
18 you call it the essential condition of true
19 intellectual independence?

20 A. That's correct.

21 Q. Now, I would just like to go back
22 to your curriculum vitae, and I would like to go to
23 section, I believe it is, page 14, 4.4.2,
24 "Court-related expertise." So I see here that you
25 have been an expert witness 15 times?

14:28:55 1 A. Yes, but the last one I was just
14:28:59 2 as a consulting historian. I have not testified in
14:29:03 3 Court.

14:29:04 4 Q. Okay, understood.

14:29:05 5 A. And I would have to revise, I did
14:29:08 6 not necessarily testify in all of those cases, but
14:29:10 7 it was always connected to a litigation.

14:29:13 8 Q. Understood. I see the first one
14:29:17 9 that you have listed for the Specific Claims
14:29:21 10 Tribunal, I understand that was a joint retainer,
14:29:24 11 you were jointly retained by the First Nation and
14:29:25 12 Canada?

14:29:26 13 A. That's correct.

14:29:26 14 Q. And you were originally hired by
14:29:29 15 Canada on that file, Canada was the party that
14:29:31 16 brought you into that file; is that correct?

14:29:35 17 A. I was hired at the same time by
14:29:42 18 the Abenakis and by the Federal Government to work
14:29:44 19 on this case.

14:29:44 20 Q. You weren't originally hired by
14:29:46 21 Canada and then a joint retainer was reached?

14:29:48 22 A. It depends if we start with this
14:29:50 23 specific case or to my collaborations with the
14:29:56 24 Abenakis who goes back to many years before. At
14:29:59 25 that time I was hired by the Indian Affairs but

14:30:01 1 with the agreement, I would say, by the scholars,
14:30:04 2 the researchers of the Abenakis, so it was a joint
14:30:08 3 research team and I was the official, if I have the
14:30:15 4 term, but the historian on the team paid by the
14:30:17 5 Federal Government to help to manage all the
14:30:21 6 historical stuff and to read some previous versions
14:30:26 7 of their analysis, try to help them on some
14:30:32 8 specific aspects.

14:30:33 9 I have to work, for example, on the
14:30:35 10 questions of the rights of the Abenakis of
14:30:39 11 Bécancour because there was a specific mention in
14:30:41 12 their concession which was very ambiguous, so as an
14:30:44 13 historian so I had to go back to the archives and
14:30:46 14 to understand what could this have mean for that
14:30:50 15 time.

14:30:50 16 Q. Okay. Now, I see here number 12,
14:30:58 17 if we can scroll down.

14:31:00 18 A. Yes.

14:31:01 19 Q. That is the Savard case?

14:31:07 20 A. Yes.

14:31:07 21 Q. And I understand in that case you
14:31:08 22 were an expert witness for several members of the
14:31:10 23 Huron-Wendat mission?

14:31:11 24 A. For at least two members, Michel
14:31:13 25 Savard, Mr. Gros-Louis, I forgot his first name,

1 Michel Gros-Louis.

2 Q. I understand that that was a case
3 of two individuals that had been charged with
4 hunting out of season?

5 A. It is what I understood.

6 Q. And if I understand correctly, in
7 that case the two individuals who you worked for
8 were challenging an agreement that the First Nation
9 had reached with the province?

10 A. I didn't know at that time what
11 was the real problems or the real judiciary
12 problems. I was contacted by their lawyer who
13 asked me if I was ready to testify on the case. I
14 had to prepare a report for them about their
15 hunting activities, their fishing activities.

16 I met Michel Gros-Louis and Mr. Savard
17 maybe two times. It was not just to meet them, but
18 I didn't know exactly what was the charges against
19 them. I understood that it was a case related to
20 hunting, but not the exact -- their exact
21 infraction? No, their exact...

22 Q. Infraction, yes.

23 A. Infraction, okay.

24 Q. Yes. No, my question was more
25 were you aware that -- well, you would have been

14:32:31 1 aware you were not working for -- it wasn't the
14:32:33 2 First Nation that retained you? It was the two
14:32:35 3 individuals?

14:32:36 4 A. Members of that community, yes.

14:32:39 5 Q. And that that case was actually
14:32:41 6 the members were challenging something that their
14:32:45 7 First Nation had done? It was --

14:32:48 8 A. I don't know. I was paid by them.
14:32:50 9 I understood that they were unable to get the money
14:32:53 10 from the Band Council, but I was not familiar with
14:32:57 11 their -- I would say with their relationship with
14:33:00 12 the Council.

14:33:01 13 Q. Okay, that is fair. So in that
14:33:04 14 case -- so we have the first case which, as you
14:33:08 15 have mentioned, was a joint retainer which would
14:33:11 16 have been for both Canada, your clients would have
14:33:14 17 been both Canada and the First Nation.

14:33:15 18 And I think we have established that
14:33:16 19 the Savard case was for individuals, so in that
14:33:21 20 case it would appear that the only time that you
14:33:26 21 haven't been an expert witness other than in that
14:33:29 22 joint retainer for a First Nation; is that correct?

14:33:34 23 A. That's correct.

14:33:35 24 Q. So I'll take you to the next
14:33:39 25 section of your curriculum vitae, which is entitled

14:33:41 1 "Research reports." I see that there are 35 that
14:33:44 2 you have listed. Now, I understand that these
14:33:47 3 include the expert reports for the cases we have
14:33:49 4 just discussed; is that correct?

14:33:50 5 A. Yes, that's correct, yes.

14:33:51 6 Q. Here again I see that you haven't
14:33:56 7 listed any reports written for First Nations; is
14:33:58 8 that right?

14:33:58 9 A. Pardon me?

14:33:59 10 Q. I see here that you have not
14:34:00 11 listed any reports written for First Nations; is
14:34:03 12 that right?

14:34:03 13 A. Number 8.

14:34:04 14 Q. Could you scroll down, please.

14:34:11 15 A. "Histoire socio-économique de la
14:34:18 16 Gaspésie," "Socio-economic history of the
14:34:19 17 Gaspésie."

14:34:19 18 Q. Okay, sorry, is that for
14:34:20 19 litigation at all?

14:34:21 20 A. I didn't know at that time. I was
14:34:24 21 just mandated to write the report and they wanted
14:34:29 22 to know exactly what the change at that time, and I
14:34:33 23 have a mandate and I prepare a report. And after
14:34:36 24 that, as I said I think earlier, some sections were
14:34:38 25 integrated within the book prepared by the Mi'kmaq.

14:34:44 1

Q. Okay.

14:34:44 2

A. So it was not clear if it was for

14:34:46 3

litigations or not, and it sometimes happens I am

14:34:50 4

hired to prepare a report with no obligations or no

14:34:56 5

certitude about what I will have to do or what the

14:35:00 6

clients will do after that with the report.

14:35:02 7

Q. Understood. Okay, so with the

14:35:04 8

exception of number -- where were we, we were

14:35:09 9

number 8? Yes, number 8. The other reports are

14:35:12 10

not on behalf of First Nations?

14:35:13 11

A. The number 22, but it is the

14:35:15 12

report about the hunting and fishing.

14:35:17 13

Q. The one we just discussed?

14:35:19 14

A. Yes.

14:35:19 15

Q. Okay, thank you. Now, I would

14:35:26 16

like to ask you a few questions based on some of

14:35:30 17

your testimony this morning around Pontiac's War,

14:35:34 18

we'll begin there.

14:35:35 19

So I believe earlier today you said

14:35:39 20

that Aboriginal people were unable to capture the

14:35:43 21

most important forts at Detroit, Niagara and Fort

14:35:47 22

Pitt.

14:35:47 23

A. That's correct.

14:35:48 24

Q. Now, you acknowledge, however,

14:35:50 25

that there was no attempt by the Aboriginal Nations

14:35:52 1 to capture or take Niagara?

14:35:55 2 A. Oh, they made a siege. They
14:35:58 3 decided to stay close to the fort, and in the case
14:36:01 4 of Detroit, they tried to take it. So they were
14:36:05 5 unable to do it, but in that case, in that case of
14:36:09 6 Detroit specifically, there was an attempt to take
14:36:12 7 it. It was the objective to take all the British
14:36:15 8 forts.

14:36:15 9 Q. Yeah, sorry, so yes, Detroit we
14:36:18 10 had a prolonged siege from May 9th to October 30th?

14:36:21 11 A. Yes.

14:36:21 12 Q. Fort Pitt we had a prolonged siege
14:36:24 13 from May 9th to, I believe it was, August 5th?

14:36:28 14 A. I don't remember exactly the date,
14:36:29 15 but that is --

14:36:31 16 Q. And it is Niagara that I meant.
14:36:33 17 You mentioned that they were unable to capture
14:36:35 18 Niagara, and I am asking if you would agree that in
14:36:38 19 Pontiac's War there was not an attempt to take
14:36:41 20 Niagara, it wasn't one of the forts they were
14:36:43 21 trying to capture?

14:36:44 22 A. It was a huge battle close to
14:36:46 23 Niagara engaging the Senecas and British soldiers,
14:36:49 24 so it was close. Were they there to make the
14:36:51 25 siege? I would not be able to answer, but it is

14:36:55 1 clear that this fort was not -- was not taken.

14:36:58 2 Q. And the battle that happened
14:36:59 3 between the Senecas and the British near Fort
14:37:03 4 Niagara, the Senecas were in fact successful in
14:37:06 5 that, they won that battle?

14:37:08 6 A. They were successful, yes.

14:37:09 7 Q. And then also this morning in
14:37:17 8 talking about sort of near the end of Pontiac's
14:37:20 9 War, you said that one of the factors why Pontiac's
14:37:24 10 War wasn't successful was because at the beginning
14:37:27 11 Pontiac and his supporters were believing that the
14:37:29 12 French would come back and they were then
14:37:32 13 confronted by the fact that they were alone against
14:37:35 14 the British and they were not able to trade to get
14:37:38 15 what they needed to fight.

14:37:40 16 And then I believe later you said that
14:37:46 17 a war with the British also signified the end of
14:37:49 18 trade with the British?

14:37:50 19 A. I'm sorry, I did not understand
14:37:54 20 the last --

14:37:54 21 Q. Oh, the last was when you were
14:37:56 22 talking about Niagara.

14:37:57 23 A. Yes.

14:37:57 24 Q. And then you said there was some
14:37:59 25 hesitancy amongst the western nations in that a war

1 with the British also signified the end of trade
2 with the British?

3 A. Yes.

4 Q. Okay. So I'm wondering if it
5 would be fair to say then that when Pontiac and his
6 supporters in the midst of Pontiac's War received
7 news that the French weren't coming back, whether
8 many of the participants had to re-evaluate their
9 objectives?

10 A. Considering this fact and other
11 factors also, as they were unable to take those
12 forts, there is a series, I would say, of points
13 which led the Aboriginal people, some of them, to
14 reconsider, as you said, their positions in this
15 war.

16 Q. So in other words, the initial
17 objective may have been remove the British to get
18 the French back in, but when they realized that
19 that wasn't going to happen, then, as you say,
20 kicking out the British meant they would have had
21 no one to trade with?

22 A. I think that they were instead
23 hoping to get the help of the French to push the
24 British out, not to push -- their objective was not
25 to expel the British to leave the place to the

14:39:09 1 French. They needed the help of the French if they
14:39:11 2 wanted to succeed, or at least some of them were
14:39:14 3 hoping that the French were coming. There was a
14:39:15 4 series of rumours, rumours circulating in the Great
14:39:20 5 Lakes and in the Ohio Valley, and I think for some
14:39:23 6 nations it was one of their hopes that, with the
14:39:26 7 help of the French, they would be able to succeed
14:39:30 8 in their battle against the British.

14:39:32 9 Q. Presumably, though, with the help
14:39:34 10 of the French, the expectation would have been
14:39:36 11 that, if successful, the French could have stayed?
14:39:42 12 As you have said, that they realized that if the
14:39:45 13 French weren't returning, that kicking out the
14:39:48 14 English or the British would have meant that they
14:39:51 15 wouldn't have had anyone to trade with?

14:39:52 16 A. I would not say it like that. I
14:39:55 17 would say they were just unable to push the British
14:39:57 18 out. It is not because they considered that the
14:40:00 19 French were not coming that there was no more
14:40:02 20 interest to expel the British. They had to adjust
14:40:08 21 the strategy considering that they will not get the
14:40:11 22 help of the French.

14:40:13 23 With the help of the French, maybe that
14:40:15 24 they would have been able to succeed. They just --
14:40:20 25 they did not change their strategy because they

14:40:24 1 were now we are ready to accept the British because
14:40:28 2 we won't have the French with us. It is not like
14:40:30 3 that that I would present the reality.

14:40:31 4 Q. But would you acknowledge that one
14:40:33 5 of their interests was to maintain trade? In fact,
14:40:38 6 I believe it is what you said was one of the
14:40:40 7 reasons that people came to Niagara?

14:40:42 8 A. I think that they knew that if
14:40:45 9 they attacked the British, it will be the end of
14:40:48 10 the trade with the British. They hoped to
14:40:51 11 establish a new link with the French.

14:40:54 12 Q. Yes?

14:40:55 13 A. But they knew pretty well that the
14:40:58 14 British will not continue to trade with them if
14:41:06 15 they fight them.

14:41:07 16 Q. Yes. No, understood. Okay.

14:41:12 17 So now I would like to go back again on
14:41:14 18 the topic of Pontiac's War, but on the topic of
14:41:17 19 some of the causes of Pontiac's War.

14:41:20 20 So for that I would like to bring up
14:41:22 21 your first report, which is Exhibit 4380, and if I
14:41:41 22 could go to page 82.

14:41:44 23 A. Yes.

14:41:44 24 Q. That is PDF 83.

14:41:51 25 So again, Professor Beaulieu, this is

1 something you spoke about this morning.

2 A. Yes.

3 Q. I'll just give you a moment to
4 just situate yourself in your report, the first
5 box, "The hostility toward the British [...]"

6 A. [Witness reviews document.]

7 That's right.

8 Q. Now, you say here that the
9 spiritual movement started by Neolin played a
10 decisive role, and by that do you mean that this
11 fact on its own was sufficient to cause the war?

12 A. I don't think so.

13 Q. So you are aware then that this
14 movement involved of course giving up trade goods,
15 European trade goods?

16 A. Exactly.

17 Q. And this is something I believe
18 you mentioned this morning, and so trade goods
19 would include the giving up of firearms?

20 A. Yes.

21 Q. And you would agree that there is
22 no evidence of really any of the Western Nations
23 having given up firearms? In fact, it was one of
24 the main things that they were looking to trade
25 for?

14:43:07 1 A. Yes, and it is one of the
14:43:10 2 contradictions I think that at that time the origin
14:43:13 3 of this Messianic movement was based on these basic
14:43:20 4 contradictions, on what they want to do and their
14:43:23 5 dependence, and this movement was a kind of way to
14:43:26 6 try to find a solution to this dilemma, can we say
14:43:30 7 that.

14:43:30 8 Q. Dilemma, yes.

14:43:31 9 A. The Aboriginal people needed the
14:43:34 10 trade, but at the same time they knew that they
14:43:37 11 were dependent from the British, and this movement,
14:43:39 12 spiritual movement, was a way to liberate them from
14:43:44 13 these obligations. And Neolin, his message was if
14:43:49 14 we abandon all those stuff from the Europeans, we
14:43:52 15 will become stronger.

14:43:54 16 Again, it doesn't mean that all of
14:43:56 17 those who follow or believe were ready to renounce
14:43:59 18 to all. It is, I would say, in all religions and
14:44:03 19 for all believers, sometimes you choose something
14:44:05 20 and you decide not to respect exactly the other
14:44:08 21 aspect.

14:44:08 22 We know, for example, that Pontiac
14:44:11 23 probably decided to -- in Neolin's message, the
14:44:19 24 most important thing was to renounce to everything
14:44:21 25 which was European, but Pontiac probably

14:44:24 1 reorganized a little bit just to say only the
14:44:27 2 British, not the French, using the same kind of
14:44:30 3 argument but trying to use it as a tool to convince
14:44:32 4 people to follow him in his war.

14:44:35 5 Q. Okay, thank you.

14:44:36 6 So I would like to turn now to the
14:44:48 7 Treaty of Detroit, so we'll go to your second
14:44:52 8 report, which is Exhibit 4381, and take you to page
14:45:11 9 19, Professor Beaulieu, and we'll have it up on the
14:45:15 10 screen in a moment.

14:45:16 11 So I would like to ask you a few
14:45:30 12 questions about how you characterized the Treaty of
14:45:33 13 Detroit, so I'll give you a moment to review the
14:45:36 14 passage we have blocked off in green.

14:45:40 15 A. [Witness reviews document.]

14:46:05 16 Q. Sorry, Professor Beaulieu, we are
14:46:06 17 going to come back to that section.

14:46:08 18 Sorry, we'll just need a moment to
14:46:35 19 situate ourselves.

14:46:36 20 Sorry, could you go to page 26,
14:47:22 21 Professor Beaulieu.

14:47:23 22 A. 26, yes.

14:47:39 23 [Witness reviews document.]

14:47:40 24 That's correct.

14:47:40 25 Q. So here, as I said, I wanted to

1 ask you some questions about how you characterized
2 the Treaty of Detroit.

3 And here you say that:

4 "Johnson was proposing an
5 alliance that the Aboriginal nations
6 of the continental interior could
7 not refuse, unless they wanted to go
8 to war [...]"

9 A. Yes.

10 Q. Then you go on to say that Johnson
11 had relayed this message to the Aboriginal peoples
12 of the St. Lawrence River Valley, and then you also
13 in that paragraph discuss a Treaty?

14 A. Yes.

15 Q. But I want to clarify that this
16 was a meeting and a Treaty that did not involve the
17 Western Nations; correct?

18 A. That's correct.

19 Q. You have also spoken in your
20 report about Johnson imposing unilateral terms?

21 A. At Detroit?

22 Q. Yes.

23 A. Yes.

24 Q. And so language like "unilateral
25 terms," "alliances that the Aboriginal Nations

14:48:36 1 don't have a choice but to accept," it sounds an
14:48:38 2 awful lot to me, Professor Beaulieu, like you are
14:48:40 3 suggesting that the Aboriginal Nations didn't gain
14:48:43 4 anything at Detroit?

14:48:48 5 A. They gained the possibility to
14:48:49 6 trade with the British.

14:48:50 7 Q. And you would agree also that in
14:48:53 8 addition with the possibility to trade, one of the
14:48:56 9 things that they went to Detroit with was trade
14:48:58 10 that was fair at good prices?

14:49:01 11 A. I think that they hoped would be
14:49:03 12 the case. There was a lot of complaints by
14:49:06 13 Aboriginal people about the bad treatment they
14:49:07 14 received from the British and the higher prices of
14:49:10 15 their merchandise, so it is clear that they wanted
14:49:13 16 to get a better treatment from them.

14:49:18 17 Q. Okay. Now, let's see if I have
14:49:20 18 this page reference right now. Let's now try to go
14:49:28 19 to page 19. Okay, here we go.

14:49:39 20 A. [Witness reviews document.]

14:49:50 21 Q. So here, Professor Beaulieu, you
14:49:52 22 have acknowledged that there was the promise of
14:49:54 23 advantageous trade?

14:49:55 24 A. Yes.

14:49:56 25 Q. And then if I can scroll to the

14:49:58 1 bottom of the page --

14:50:24 2 THE COURT: We seem to be onto the next
14:50:27 3 page, Counsel.

14:50:30 4 BY MS. PELLETIER:

14:50:31 5 Q. Yes. So, sorry, my apologies, it
14:50:45 6 is actually in the same paragraph, so there is the
14:50:47 7 acknowledgment of advantageous trade, but then you
14:50:49 8 say:

14:50:50 9 "Clearly the British were using
14:50:52 10 trade as an instrument to strengthen
14:50:54 11 their control over the Aboriginal
14:50:55 12 peoples."

14:50:57 13 A. That's correct.

14:50:57 14 Q. Now, I gather you were saying this
14:50:59 15 because the British had something that the
14:51:02 16 Aboriginal Nations wanted?

14:51:03 17 A. Yes.

14:51:04 18 Q. But you would agree with me that
14:51:07 19 the British also wanted trade?

14:51:08 20 A. Of course.

14:51:09 21 Q. Now, if I can go to page 22 of
14:51:22 22 your report, and again, just highlighting here that
14:51:38 23 you have acknowledged the insistence on the
14:51:42 24 re-establishment of trade on a good basis was
14:51:45 25 something that was a requirement from the First

1 Nations' perspective?

2 A. Yes, it was a constant, I would
3 say, request from the Aboriginal people during the
4 French regime, during the British regimes. It was
5 always one important aspect of their request toward
6 the Europeans.

7 Q. So I would like to go back to this
8 point that the British were using trade as an
9 instrument to strengthen their control. I would
10 like to pull up the Detroit minutes, which are at
11 Exhibit 491, and I will go to page 478 and I will
12 give you a moment to read a highlighted paragraph.

13 So first I will perhaps situate
14 ourselves. This here is an address by Johnson to
15 the nations at Detroit. So beginning with "For
16 these purposes [...]"

17 A. [Witness reviews document.]

18 Okay.

19 Q. So we have here language of
20 friendship, of clemency and favour to the
21 Aboriginal Nations and there is also language of
22 equitable terms. And I am wondering if you would
23 agree with me, Professor Beaulieu, that there is no
24 language of control in this passage?

25 A. I would say that it is a typical

1 colonial language. The way that the British, that
2 the French used the words that they used to
3 convince the Aboriginal peoples and the Aboriginal
4 knew pretty well that they could not took those
5 words as a real intention.

6 They were always suspicious about the
7 intentions, and in those great diplomatical
8 meeting, the British were using that kind of
9 languages and the French also, insisting on their
10 benevolence or their will to treat the Aboriginal
11 people correctly.

12 So it is -- I agree it is a language of
13 clemency, but for me it is a typical colonial
14 language.

15 Q. Okay, and let's go to page 498,
16 and this is, again, Johnson addressing the nations.
17 I'll give you a moment.

18 A. [Witness reviews document.]

19 That's correct.

20 Q. And so here it appears that
21 Johnson is in fact giving the Aboriginal Nations
22 exactly what they asked for?

23 A. He did try, but it was also a kind
24 of hypocrite, can we say that? He knew pretty well
25 that the Aboriginal people were not satisfied. He

14:55:06 1 knew pretty well that he would not be able to
14:55:08 2 change the terms of exchange, because the merchants
14:55:10 3 are able to fix their price. He knew pretty well
14:55:13 4 that he could try and he would try -- I think he
14:55:17 5 was -- in this case he understood that it was
14:55:18 6 important to give some good conditions, some good
14:55:21 7 trading conditions to the Aboriginal people, but he
14:55:23 8 knew pretty well that it would be difficult.

14:55:27 9 And the result of this kind of promise
14:55:30 10 which will not be realized was the war of Pontiac.
14:55:35 11 It was also a kind of reaction from the Aboriginal
14:55:39 12 people to these kind of promises which meant
14:55:41 13 nothing in real, I think, and also in the
14:55:48 14 perspective of the Aboriginal people.

14:55:49 15 Q. No, understood. I don't mean to
14:55:50 16 ask you about what happened next, but just in the
14:55:53 17 context of the Treaty of Detroit in these
14:55:55 18 discussions, you would agree that there was a
14:55:59 19 request, as we have established, by the nations for
14:56:01 20 trade, fair trade at good prices, and this
14:56:04 21 paragraph is where Johnson in fact gives them that?

14:56:07 22 A. Yes, and he was ready to do that
14:56:09 23 before going there. Since the conquest of New
14:56:12 24 France, even before these great meetings, he knew
14:56:15 25 that good trade conditions would be conditions to

14:56:21 1 establish correctly the British domination in this
14:56:25 2 region. Without good trading conditions, the
14:56:31 3 Aboriginal people won't never be satisfied.

14:56:33 4 Q. Now, a promise was also made at
14:56:37 5 Detroit that the British would not try to take
14:56:41 6 Aboriginal Nations' lands, but you say in your
14:56:43 7 report that this didn't mean that the British
14:56:45 8 couldn't build or occupy forts. You say that those
14:56:48 9 two things were linked?

14:56:50 10 A. Yes.

14:56:50 11 Q. And in fact, I believe you have
14:56:53 12 said in your report that this was non-negotiable
14:56:56 13 and was also -- this is an example of where you
14:56:59 14 have said there was a unilateral decision; is that
14:57:01 15 right?

14:57:01 16 A. That's right.

14:57:02 17 Q. Now, forts were in fact where
14:57:06 18 trading occurred; correct?

14:57:07 19 A. Yes, also trading centres, yes.

14:57:12 20 Q. I would like to bring up Exhibit
14:57:22 21 498, which is a letter from Amherst to Johnson
14:57:27 22 dated July 11th, 1761. And I will give you a
14:57:40 23 moment to review that passage.

14:57:41 24 A. [Witness reviews document.]

14:57:42 25 I have read it.

14:57:59 1 Q. Okay. Now, I believe you have
14:58:01 2 cited this letter, in fact, in your report?

14:58:02 3 A. Yes.

14:58:03 4 Q. And I believe you have cited it
14:58:04 5 for the proposition that you have said that Jeffrey
14:58:07 6 Amherst had been very clear on what he viewed as
14:58:10 7 Britain's right to occupy the forts and build new
14:58:12 8 ones in messages to Aboriginal Nations the previous
14:58:15 9 year?

14:58:16 10 A. That's correct.

14:58:16 11 Q. Okay. Now, in this letter Amherst
14:58:20 12 is replying to a letter from Johnson; correct?
14:58:24 13 I'll stop there. And perhaps we can scroll up and
14:58:28 14 give you a moment to remind yourself of the
14:58:32 15 context.

14:58:32 16 A. [Witness reviews document.]
14:58:33 17 Can I have the title of --

14:58:36 18 Q. Yes.

14:58:37 19 A. Okay.

14:58:41 20 [Witness reviews document.]
14:59:03 21 That's right.

14:59:04 22 Q. Okay. So in this letter we have
14:59:09 23 Johnson -- Amherst replying to a letter from
14:59:14 24 Johnson, and it appears that Johnson was meeting
14:59:15 25 with the Oneida and Tuscarora nations about a

1 murder committed by an Indian?

2 A. Yes.

3 Q. And those are two of the Six
4 Nations; correct?

5 A. Yes.

6 Q. And Amherst appears to be giving
7 him instructions about how to deal with that
8 situation?

9 A. I would say that he was giving
10 general information. Maybe he was responding -- I
11 would have to go to take the time to look closer to
12 the context, but this is the policy of Jeffrey
13 Amherst from the end of the war of -- Seven Years'
14 War. We have the same exact promises made by
15 Amherst before, before the capitulation of
16 Montreal. So it is a general policy, his general
17 view of how the -- of what the Aboriginal people
18 could receive as promises from the British.

19 Q. And you are not suggesting that
20 Johnson relayed this message to the nations at
21 Detroit, are you?

22 A. I think it is a general policy, so
23 Johnson has to apply this policy in everywhere. He
24 knew pretty well that it was the policy of Jeffrey
25 Amherst, his superior, and during his negotiations

1 with the Aboriginal people it was this great
2 guideline, this guideline which I think that he has
3 to follow.

4 He knew pretty well the objective of
5 Jeffrey Amherst. He disagreed with him on many
6 points, but he had to follow his -- I would say his
7 guidelines about the negotiations with the
8 Aboriginal people.

9 Q. Okay. I would like to take a look
10 then to see what Johnson actually did say to the
11 nations at Detroit on the subject of occupying
12 posts.

13 So if I can go back to the Detroit
14 minutes, Exhibit 491, and we'll go to page 478 and
15 then this bottom section, and then, Professor
16 Beaulieu, please let me know when you are ready to
17 scroll.

18 So this is again Johnson addressing all
19 the nations assembled?

20 A. Yes.

21 Q. So "I can with confidence [...]"

22 A. [Witness reviews document.]

23 Can I read the following page?

24 That's correct.

25 Q. So you'll agree with me, Professor

1 Beaulieu, that there is no language here of taking
2 posts unilaterally or of punishment?

3 A. Pardon me, no mention?

4 Q. There is no language here of
5 taking posts unilaterally or of punishment?

6 A. When he said "[...] (and for the
7 occupying of such posts as have been surrendered to
8 us by the Capitulation of Canada) [...]," it was a
9 clear mention that the British will occupy those
10 posts.

11 Q. But just before it, it says --
12 well, perhaps we can read the whole thing:

13 "I can with confidence assure
14 you that it is not at present,
15 neither hath it been his Majestys
16 intentions to deprive any Nation of
17 Indians of their Just property by
18 taking possess[ion] of any Lands to
19 which they have a lawfull Claim,
20 farther than," so this is the
21 exception, "farther than for the
22 better promoting of an extensive
23 Commerce, for the security and
24 protection of which (and for the
25 occupying of such posts as have been

1 surrendered to us by the
2 Capitulation of Canada)."

3 So here what I understand him to be
4 saying, and you can tell me if you agree, is they
5 won't take any of the Aboriginal peoples' lands.
6 What they will do is provide commerce, trade, and
7 we have already established that the posts is where
8 trade occurred, so that is where they would occupy
9 those posts with the purpose of trade and for
10 securing posts?

11 A. I would say it is, again, typical
12 colonial language. He knew pretty well that the
13 Aboriginal people did not appreciate the idea that
14 the British occupy unilaterally the French posts,
15 and he had to present these occupations as only
16 under the pretext it is only for trade, it will be
17 good for you. The French did the same thing.

18 He had to offer something to -- how can
19 I say that -- to -- how do you say, to be sure that
20 the thing will be more acceptable. And I think
21 that it is connecting -- it is exactly the same
22 spirit than what Jeffrey Amherst told to the
23 Aboriginal people, we will occupy the forts, and
24 Johnson used the argument of commerce.

25 And what for me was also important is

1 he is talking about lawful claim. This is a
2 specific term used by Johnson. This is your land.
3 We won't take your land, if you have a lawful claim
4 on those lands.

5 For me, the associations of trade and
6 the will of the British to occupy the posts anyway
7 are connected.

8 Q. We were talking, however, about
9 your comment, your prior comment that Amherst had
10 made the position of the right of the British to
11 unilaterally take posts very clear, and we took the
12 source that you had for that, and you had said that
13 you understood that -- you would have understood
14 that Johnson would have relayed that message, and
15 that message was very much of unilaterally the
16 taking of posts, of punishment.

17 And what I am asking is that is not
18 what Johnson is saying at Detroit?

19 A. The British were already there, so
20 Johnson was not asking anything. He was there.
21 The British were there, already occupied the posts,
22 and Johnson went at this place to negotiate with
23 the Aboriginal people. He did not ask anything.
24 He was just telling, transmitting the message from
25 Jeffrey Amherst.

1 You know, more -- I would agree with
2 you more in a diplomatic way, but in the same
3 message, the same substance of the message is the
4 same.

5 Q. Well, to the extent the substance
6 of the message is unilateral taking and punishment,
7 that that message -- I am not saying the wanting to
8 take the posts. I hear you that that's in here and
9 I think it is something that we have agreed that
10 that is where trade happened and the First Nations
11 wanted trade, but --

12 A. Can we go back to the previous
13 document? I just want to see the expression
14 "punishment."

15 Q. Yes.

16 A. [Witness reviews document.]

17 Yes, he just say that he will reward
18 them if he is happy by their attitude and he will
19 punish them if he is not happy with what the
20 Aboriginal people are doing. It was just -- it is
21 just a promise to reward them or to punish them.
22 If they act as he wanted, they will be rewarded; if
23 they act in a contrary way, for example, if they
24 decide to stop, to fight the British, they won't be
25 rewarded, they would be punished.

1 I don't see the connection between the
2 other document.

3 Q. Well, clearly, in addition to the
4 language of punishment, there is language of I will
5 not "[...] otherwise Interfere with their Lands,
6 than by taking such Posts as I may think necessary
7 [...]"

8 I am remembering that this is the
9 document you cited for the premise that the British
10 felt that they could unilaterally occupy forts, and
11 so I see here where you are getting the language of
12 the unilateral taking. But here they don't make it
13 about commerce. Here Amherst does appear to be --
14 and Amherst, we remember, you have said before is
15 the one that got kicked out because his policy with
16 respect to the First Nations was what many said led
17 to Pontiac's War.

18 So here we do see more forceful
19 language, and what I am suggesting to you is -- and
20 you have said that you felt that this message was
21 likely conveyed in Detroit because it was British
22 policy.

23 A. Yes.

24 Q. And what I am saying is if you
25 look at what Johnson said to the Western Nations,

15:08:33 1 to the nations assembled at Detroit, there isn't
15:08:36 2 language of unilateral taking and there isn't
15:08:38 3 language of punishment. It is making it about we
15:08:41 4 are going to protect your land, your lawful claims.
15:08:44 5 The posts will be for commerce. And that is
15:08:46 6 something that they wanted?

15:08:47 7 A. I would say that the unilateral
15:08:50 8 appropriation was already done and there is also in
15:08:53 9 the speeches of William Johnson some threat. They
15:08:57 10 could be the allies of the British, or they could
15:09:02 11 be their enemies, and if they are their enemies,
15:09:05 12 they will be punished in a certain way.

15:09:07 13 So it is not the same language.
15:09:11 14 William Johnson knew pretty well how to negotiate
15:09:13 15 with the Aboriginal people. He would not
15:09:14 16 necessarily use this military language from his
15:09:18 17 boss, but the objective was to convey the same idea
15:09:23 18 and to be sure that it will work on the field using
15:09:30 19 different strategies, different words, but convey
15:09:33 20 the same -- I would say the same message.

15:09:38 21 Q. So I would like to go to see how
15:09:40 22 the First Nations responded to Johnson at Detroit,
15:09:43 23 particularly on the question of occupying of the
15:09:46 24 posts. So I'll go back to the Detroit minutes and
15:09:53 25 we'll go to page 483, and here we have the speaker

1 for the First Nation who is responding to Johnson.
2 And if I could have the paragraph that begins with
3 "It gives us great satisfaction [...]"

4 Here we go.

5 A. [Witness reviews document.]

6 Yes, I'm ready.

7 Q. So here we have the Aboriginal
8 Nations saying that they are pleased with the
9 troops going to the posts; would you agree?

10 A. It is what they said officially,
11 but we know that they were really upset by this and
12 we have a lot of documents of Aboriginal people
13 complaining about the action of the British. It
14 was again a diplomatic meeting and each party has
15 to -- it was, I think, in that context for the
16 Aboriginal people to show that we are satisfied, we
17 agree, we are happy, but you have to -- you promise
18 at the same time that you will give us good trade
19 conditions.

20 So it is a diplomatical language, but
21 we know pretty well by the documents that they were
22 a huge dissatisfaction from the Aboriginal people.

23 Q. Yes, I will give you that after
24 the fact, there is definitely dissatisfaction, but
25 what I am talking about is in the context of this

15:11:40 1 meeting, Johnson is asking to occupy the posts for
15:11:44 2 trade. The nations have already asked for trade.
15:11:48 3 And here they appear to be:

15:11:50 4 "It gives us great satisfaction
15:11:53 5 to hear that the King has no
15:11:54 6 intentions to deprive us of our
15:11:56 7 Lands [...] and as to the Troops who
15:11:59 8 are now going to the distant posts,
15:12:01 9 we are well pleased therewith [...]"

15:12:04 10 And what I am suggesting is it sounds
15:12:08 11 very much like the Aboriginal people agreeing and
15:12:10 12 not like a unilateral demand?

15:12:12 13 A. If Johnson would have like to get
15:12:13 14 the permission of the Aboriginal people, he would
15:12:16 15 have asked them, Do you agree if we come here, if
15:12:19 16 we take the posts, if we let there some British
15:12:23 17 soldiers?

15:12:23 18 It was not the case. In Detroit the
15:12:25 19 soldiers were already there. Others were coming to
15:12:27 20 occupy the other posts, and he was just telling to
15:12:31 21 them this is what happened, this is what will
15:12:34 22 happen. And the Aboriginal people agreed.

15:12:36 23 But there was no formal -- again, it is
15:12:42 24 a colonial strategy not to ask but to place the
15:12:48 25 Aboriginal people in front of a reality, and they

15:12:50 1 had the choice between saying no and to fight or
15:12:54 2 saying what can we get from that.

15:12:57 3 But for me, a formal -- to ask a formal
15:13:02 4 authorization, it would not have been like that.

15:13:05 5 Q. But --

15:13:06 6 A. When they agreed meeting, Johnson
15:13:10 7 would have presented his proposition asking the
15:13:11 8 authorization, and to be sure -- and it would have
15:13:15 9 implied that if the Aboriginal people would have
15:13:18 10 refused, he would have to accept this refusal.

15:13:23 11 But in that context, it was not a real
15:13:27 12 choice. The British were there and they were there
15:13:30 13 for a long time and William Johnson was trying to
15:13:38 14 manage the situation to be sure that everything
15:13:40 15 will go well.

15:13:41 16 Q. But, Professor Beaulieu, you would
15:13:44 17 agree that, and this wasn't a situation of Johnson
15:13:46 18 coming in and saying what was going to happen. He
15:13:49 19 made a proposal. Then the First Nations took time
15:13:53 20 to discuss amongst themselves, and then they came
15:13:55 21 back and they responded?

15:13:58 22 A. I cannot see that as a formal
15:14:01 23 request from Johnson. I understand that it was the
15:14:06 24 Aboriginal people said we are happy with that. It
15:14:08 25 is written. It is probably what they said. I have

15:14:11 1 no problem with that.

15:14:12 2 But I try to understand the global
15:14:15 3 context, and it was not -- for me, it is still a
15:14:20 4 colonial strategy used by Johnson.

15:14:24 5 Q. To your point that they didn't
15:14:26 6 have an option but to say yes, if they had said no,
15:14:30 7 it would have meant going to war, we know that to
15:14:33 8 be true from the First Nations side as well.

15:14:35 9 Wouldn't you agree that is what happened with
15:14:36 10 Pontiac's War? They didn't -- the British didn't
15:14:39 11 live up to these terms that had been agreed upon at
15:14:41 12 Detroit and that was one of the causes of the war.

15:14:44 13 So it could be said for both sides?

15:14:48 14 A. Yes, it could be said for both
15:14:50 15 sides, but Johnson was -- the British and William
15:14:57 16 Johnson were making the first movement. We are
15:15:02 17 there. Do you agree; do you refuse? Are you ready
15:15:06 18 to fight? We are ready to occupy those posts
15:15:08 19 anyway. And the option was pretty clear.

15:15:16 20 I don't know what I could add on this.
15:15:20 21 For me a formal -- to ask a formal permission, if
15:15:23 22 the British would have liked -- would have wanted,
15:15:27 23 would have considered that they had to ask
15:15:28 24 something formally, it would not have followed this
15:15:33 25 mode of negotiation.

15:15:36 1 Q. This concluded in a Treaty;
15:15:38 2 correct?

15:15:39 3 A. Yes, that's correct.

15:15:43 4 MS. PELLETIER: Okay. So, Your Honour,
15:15:45 5 that is the end of this section. Perhaps --

15:15:48 6 THE COURT: So this is a logical spot
15:15:51 7 from your cross-examination?

15:15:52 8 MS. PELLETIER: This is a logical spot,
15:15:54 9 yes, thank you.

15:15:55 10 THE COURT: So as previously discussed,
15:15:56 11 we'll adjourn until tomorrow morning at 10 o'clock.
15:15:59 12 All right. And you, sir, are aware of your limits
15:16:01 13 on your activities in the meantime.

15:16:03 14 THE WITNESS: Yes.

15:16:03 15 THE COURT: All right.

15:16:04 16 Now, just before we all leave, I had
15:16:08 17 asked my assistant to send an email out about
15:16:11 18 timing of updating of the marked-up documents, and
15:16:16 19 I don't think I have heard back about that. Have I
15:16:19 20 heard back about that?

15:16:20 21 MS. PELLETIER: I think we may have
15:16:21 22 just done it. I think from our end they have been
15:16:24 23 uploaded.

15:16:25 24 THE COURT: Yes. Well, I don't need an
15:16:28 25 answer right now, but what I would like to get from

1 counsel is some sort of a guideline that I can
2 count on to know, without being too fussy, that
3 within, say, two weeks after a marked-up exhibit is
4 used, that I can confidently know it will be there,
5 which I don't think is what is happening right now.

6 It may have nothing to do with the
7 Plaintiffs, I don't know, but if you could all just
8 come up with a reasonable number and email it back
9 to me, it makes it easier than searching around and
10 wondering when that is going to happen. All right?

11 MS. PELLETIER: Will do.

12
13 -- Adjourned at 3:17 p.m.
14
15
16
17
18
19
20
21
22
23
24
25

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

REPORTER'S CERTIFICATE.

I, DEANA SANTEDICOLA, RPR, CRR,
CSR, Certified Shorthand Reporter, certify;

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

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

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

Dated this 25th day of November, 2019



NEESON COURT REPORTING INC.

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

1	<p>1760 7854:18 7866:7 7902:2,5</p> <p>1761 7849:20 7854:6,18,23 7859:11 7870:3 7873:3 7887:5, 22 7928:22</p> <p>1763 7852:22 7859:18,19 7864:17 7866:7 7867:14 7884:7</p> <p>1764 7849:2, 11,23 7851:23 7852:1,5,9,25 7853:24 7864:18 7870:11 7872:12,16 7875:21 7876:15 7878:24 7881:17 7882:1, 12 7883:4,22 7884:6 7893:12 7894:14</p> <p>1765 7887:11</p> <p>17th 7823:20 7835:23 7879:12 7901:19 7902:17</p> <p>18 7874:4</p> <p>18th 7824:2 7825:3,5,18 7826:10,13 7852:14 7859:24 7860:9 7901:22</p> <p>19 7921:9 7923:19</p> <p>1993 7904:23</p> <p>1999 7904:23 7905:9</p> <p>19th 7852:17 7881:18 7882:4 7883:5</p>	2	<p>2 7897:16</p> <p>2,000 7874:18, 21 7875:1</p> <p>2016 7849:16, 18</p> <p>22 7913:11 7924:21</p> <p>225 7840:25</p> <p>23 7873:24</p> <p>26 7921:20,22</p> <p>26th 7867:13</p> <p>2:15 7896:10 7898:23 7900:14</p> <p>2:18 7900:16</p>	3	<p>3 7881:4 7886:7</p> <p>30th 7914:10</p> <p>35 7912:1</p> <p>37 7867:4</p> <p>370 7873:23</p> <p>3:17 7943:13</p>	4	<p>4 7888:7</p> <p>4.4.2 7903:24 7907:23</p> <p>4020 7885:10, 16,20</p> <p>4380 7918:21</p> <p>4381 7921:8</p> <p>4383 7901:13</p> <p>4384 7906:2,3</p> <p>45 7850:23</p> <p>46 7872:2</p>	<p>478 7925:11 7931:14</p> <p>483 7937:25</p> <p>49 7822:15</p> <p>491 7925:11 7931:14</p> <p>498 7926:15 7928:21</p>	5	<p>50 7822:22</p> <p>52 7826:22</p> <p>54 7835:1 7837:4</p> <p>542 7906:14</p> <p>548 7865:3</p> <p>55 7834:25 7836:18</p> <p>565 7866:20 7867:1</p> <p>568 7866:23</p> <p>58 7873:14</p> <p>5th 7914:13</p>	6	<p>6 7889:12</p>	7	<p>70 7876:12 7878:20</p> <p>71 7878:20</p> <p>77 7840:10,18</p> <p>78 7840:17,19 7842:14</p>	8	<p>8 7912:13 7913:9</p>	<p>81 7844:20</p> <p>82 7881:5 7918:22</p> <p>83 7918:24</p>	9	<p>9 7890:7,16</p> <p>9th 7914:10,13</p>	A	<p>a.m. 7822:1 7850:20,21 7875:7 7900:15</p> <p>abandon 7861:4 7920:14</p> <p>abandoned 7838:15</p> <p>Abenakis 7823:15 7824:2, 15 7825:7,20 7826:1,5,17,21 7839:7 7908:18, 24 7909:2,10</p> <p>Aboriginal 7824:19 7825:23 7827:2, 14,22 7828:1,3, 6,9 7829:16,19 7830:16,22,24, 25 7831:3,6,8,9 7835:17 7836:4, 7,9,15 7838:16 7841:25 7843:3 7845:20 7847:19 7848:1, 9 7849:9,14 7852:13,18 7853:5,18 7854:13,20,25 7855:3,11,18,23 7856:3,7,16,19 7858:20,25 7859:4,9,20,25 7860:5,9,13 7861:4,8,12,15, 25 7862:6,14 7863:4,7,12 7864:11,14,21</p>
----------	---	----------	--	----------	---	----------	---	--	----------	--	----------	-------------------------	----------	---	----------	------------------------------------	---	----------	--	----------	--

7865:10,13,20, 24 7866:8 7867:18,20 7870:18,24 7871:3,6,7 7872:19,24 7873:2,12,14,24 7874:5,9,24 7876:10 7877:11,25 7878:4 7880:5 7881:1,15,19,22 7882:3,10,17,23 7883:7,19,21 7884:20 7887:3, 8,12 7889:6 7891:15 7892:3, 16 7893:25 7903:4,12,13 7904:21 7905:2, 10 7906:11 7907:6,13 7913:20,25 7916:13 7920:9 7922:5,11,25 7923:3,13 7924:11,16 7925:3,21 7926:3,10,21,25 7927:7,11,14 7928:3,6 7929:8 7930:17 7931:1, 8 7933:5,13,23 7934:23 7935:20 7937:15 7938:7, 12,16,22 7939:11,14,22, 25 7940:9,24	accessing 7827:1 accommodate 7896:1 accompanied 7873:3 accorded 7825:2 achieving 7864:20 acknowledge 7913:24 7918:4 acknowledged 7842:5 7923:22 7924:23 acknowledgment 7825:22 7830:15 7835:16 7924:7 act 7935:22,23 acting 7906:10 action 7828:3 7838:7 7862:1 7876:5 7938:13 actions 7834:12 7851:17 active 7892:19 activities 7910:15 7942:13 actors 7851:15 7853:3 7872:12 add 7875:15 7941:20 addition 7881:10 7923:8 7936:3 address 7925:14 addressing 7926:16 7931:18 adjourn 7900:13	7942:11 Adjourned 7943:13 adjust 7917:20 administrative 7879:11,20 adopt 7864:20 adopted 7833:7 7861:12 7866:7 advantageous 7923:23 7924:7 advantages 7869:23 adventurous 7833:4,9 Affairs 7908:25 affected 7860:22 7861:18 affirmation 7822:8 7891:1 affirmed 7890:22 afraid 7841:23 aftermath 7864:5 afternoon 7896:3,11 7897:1 agree 7847:23, 24 7848:6 7854:14 7914:18 7919:21 7923:7 7924:18 7925:23 7926:12 7927:18 7931:25 7933:4 7935:1 7938:9, 17 7939:15 7940:17 7941:9, 17	agreed 7827:14 7829:2 7869:20 7935:9 7939:22 7940:6 7941:11 agreeing 7939:11 agreement 7909:1 7910:8 agrees 7848:7 ahead 7822:6 7851:1 7875:9 7885:22 7900:17 Alain 7822:7 7885:5 7906:4 Albanes 7827:9 Algonquin 7828:8 Algonquins 7828:21 alliance 7830:22 7834:2, 8,15,16,22 7836:6 7847:17 7854:11,15 7855:12,17,19, 22 7856:10,13, 17 7857:25 7858:13,18,19 7860:1,4 7863:10 7871:3, 19 7877:22 7890:22 7903:3 7922:5 alliances 7869:4,9 7922:25 allied 7844:1 allies 7835:7 7839:6,13 7850:4 7854:10 7855:4,6,25 7856:13 7877:19 7893:19 7937:10 allowed	7835:7 ally 7856:4 ambiguous 7909:12 America 7827:13 Amherst 7858:25 7866:5 7928:21 7929:6, 11,23 7930:6, 13,15,25 7931:5 7933:22 7934:9, 25 7936:13,14 ammunition 7859:2 analysis 7875:23 7909:7 ancestral 7845:13 Anishinaabe 7904:18 annual 7835:22 7859:1 7878:5 anticipate 7897:20 apologies 7901:14,16 7924:5 appears 7888:22 7926:20 7929:24 7930:6 applied 7828:6 apply 7930:23 apprehend 7869:20 approach 7846:10 7847:4 7897:1 appropriation 7937:8 approximate y 7874:4 April 7841:3
--	--	--	--	---

archival 7851:18	7890:24 7931:19 7937:1	authorization 7837:7 7940:4,8	basic 7846:9 7920:3	believers 7920:19
archives 7846:14 7909:13	Assemblys 7868:7,13	authorization s 7843:9 7846:3 7848:8	basically 7899:7	believing 7862:9 7915:11
area 7823:16 7824:21 7825:23 7835:6 7837:16,25 7838:10,15 7841:25 7843:11 7857:11,20 7873:22	assist 7898:7	autochtone 7905:16 7906:6	basis 7831:1 7875:14 7878:20 7879:22 7884:4 7889:4 7924:24	belts 7871:1
argue 7844:5 7887:24 7888:18	assistant 7942:17	average 7874:25	battle 7914:22 7915:2,5 7917:8	benevolence 7926:10
argument 7834:7 7835:14, 19 7842:25 7843:13,25 7844:4,11,17 7870:4 7887:17 7888:12,15,16 7890:6 7921:3 7933:24	assume 7858:5	avoid 7867:21 7900:6	Bay 7833:16	big 7831:23 7834:15 7843:24 7864:8 7871:17
arguments 7852:7	assuming 7896:4	awful 7923:2	bearing 7895:25	bit 7834:16 7837:23 7851:4 7863:16 7866:20 7873:13 7890:9 7895:20 7904:20 7921:1
arise 7868:23	assure 7932:13		Beaulieu 7822:7,11 7851:3 7855:13 7864:23 7867:1 7875:11 7885:5, 24 7888:7,10 7893:3 7896:15 7900:21 7902:20 7906:4 7918:25 7921:9, 16,21 7923:2,21 7925:23 7931:16 7932:1 7940:16	blocked 7921:14
Army 7866:4	attack 7854:17 7859:15,22 7861:25 7864:1	<hr/> B <hr/>	Beaulieu's 7848:18	Board 7869:14 7879:9,10
arrived 7843:4,19	attacked 7832:8 7876:1,2 7918:9	back 7831:10 7833:17 7837:3 7847:3 7849:23 7851:4 7861:6 7862:10,21 7863:3,8 7866:25 7868:9 7890:12 7891:19 7907:21 7908:24 7909:13 7915:12 7916:7, 18 7918:17 7921:17 7925:7 7931:13 7935:12 7937:24 7940:21 7942:19,20 7943:8	beaver 7830:1	book 7912:25
article 7902:14 7905:21 7906:3, 9 7907:15	attacks 7877:11		begin 7850:14	books 7899:16
articles 7853:13,17	attempt 7913:25 7914:6, 19		beginning 7913:18	borrow 7890:11
aspect 7834:9 7845:22 7853:14 7882:22 7920:21 7925:5	attended 7856:23 7857:5 7869:23	bad 7866:10 7923:13	beaver 7830:1	Borrows 7853:13
aspects 7851:14 7852:12 7853:2 7876:9 7882:6 7883:3,12 7909:8	attention 7868:4	Band 7911:10	begin 7901:11 7913:18	boss 7937:17
assembled	attitude 7859:4 7935:18	base 7874:14	beginning 7824:2 7825:2, 18 7826:10,13 7850:6 7852:14 7856:17 7860:11 7862:9 7868:6 7869:10 7884:15 7888:7 7902:17 7903:23 7915:10 7925:15	bottom 7833:22 7840:10,18 7878:19 7924:1 7931:15
	attributed 7839:22	based 7847:8, 15 7875:23 7880:23 7888:4 7913:16 7920:3	begins 7883:24 7938:2	box 7919:5
	August 7878:23 7914:13		behalf 7913:10	break 7850:13, 17,23 7865:12 7875:4,6 7898:24
	Augusta 7868:17			breaks 7896:19
	authored 7906:3			briefly 7899:20
	authorities 7826:11,18 7838:6			bring 7830:12 7868:3 7905:13, 20 7918:20 7928:20

Britain 7863:2 Britain's 7856:22 7929:7 British 7833:19 7843:24 7844:2, 3,7,10,11,14 7849:8,14 7850:1,6 7853:5,24 7854:11,12,15, 17,25 7855:2,5, 18,22 7856:1,5, 9,12,15,18 7858:21,23,24 7859:15,22 7860:1,7 7861:10,16,20, 21,23 7862:12, 15,17 7863:6, 13,15,18,22 7864:1,3,11,22 7865:8 7866:4 7867:12 7870:18,21,23 7871:18 7872:16 7873:3, 8,9,15 7874:3 7876:2,3,5,14 7877:8,9,19,25 7878:4,10 7880:1,7,8,11, 12,18,19,20 7881:24 7882:24 7883:1, 8,9 7884:15 7886:23 7887:2, 4 7890:22 7892:13,14,17 7893:13,19 7894:1,11,20 7895:10 7897:14 7901:2 7902:1 7914:7, 23 7915:3,14, 17,18 7916:1,2, 17,20,24,25 7917:8,14,17,20 7918:1,9,10,14 7919:5 7920:11 7921:2 7923:6, 14 7924:9,15,19 7925:4,8 7926:1,8 7928:1,5,7	7930:18 7932:9 7933:14 7934:6, 10,19,21 7935:24 7936:9, 21 7937:10 7938:13 7939:16 7940:12 7941:10,15,22 broke 7886:25 broken 7889:6 brought 7868:9 7908:16 build 7836:10 7837:11 7848:13 7928:8 7929:7 building 7843:10 7848:9 built 7837:5 Bécancour 7909:11 <hr/> C <hr/> calculations 7874:14 call 7907:18 called 7829:10 7877:2 7904:13 7907:2 Canada 7908:12,15,21 7911:16,17 7932:8 7933:2 capacity 7896:1 capitulation 7853:17 7858:15 7930:15 7932:8 7933:2 capture 7860:15 7913:20 7914:1, 17,21 captured 7833:6	care 7888:13 7890:17 carefully 7891:3 case 7826:13 7828:7 7831:7 7840:2 7843:19 7863:19,24 7878:11 7887:9, 10,11 7898:10 7908:19,23 7909:19,21 7910:2,7,13,19 7911:5,14,19,20 7914:3,5 7923:12 7927:5 7939:18 cases 7870:21 7903:12,13,15 7906:11 7908:6 7912:3 category 7898:4 centre 7855:19 7860:3 centres 7928:19 century 7823:20 7824:3 7825:3,5,18 7826:10,13 7835:24 7852:14,17 7859:24 7860:10 7879:12 7881:18 7882:4 7883:5 7901:19, 22 7902:17 ceremonies 7830:23 ceremony 7832:11 certitude 7913:5 cetera 7905:8, 12 Chain 7854:22 7855:10,15,16 7876:4,7,24	7877:4,14,16 7878:8,13 7879:7 7886:25 7889:24 7891:15 7894:14,24 7895:4,8,12 challenging 7910:8 7911:6 Champlain 7829:2,10,14,18 7830:8,16 7831:8,10 7832:25 7833:1 7837:10,20 chance 7833:5 7836:20 7886:2 change 7912:22 7917:25 7927:2 Chao8anons 7841:23 characteristic 7855:2 characterize 7846:9 characterized 7921:12 7922:1 characterizes 7892:23 charge 7891:11 charged 7910:3 charges 7910:18 chart 7872:6, 10 Chartes 7862:24 check 7898:15 Chiefs 7830:2, 5,7,14 7831:11 7836:20 7880:5 Chipeweighs 7857:14 7858:2	choice 7877:13 7890:20 7891:1, 10,13 7923:1 7940:1,12 choose 7920:19 chose 7877:6 Christian 7824:19 Christopher 7900:23 circulating 7917:4 circumstance s 7890:19 cited 7867:3 7874:16 7929:2, 4 7936:9 claim 7932:19 7934:1,3 claimed 7837:10 7845:18 7846:2 claiming 7838:22 claims 7837:6 7903:18 7908:9 7937:4 clarification 7826:3 clarify 7903:7 7904:16 7922:15 classes 7853:14 clause 7887:7 clear 7824:25 7825:14 7841:10 7847:9 7851:19 7854:1, 5 7858:12 7863:2 7869:15 7874:12 7875:23 7876:22 7878:9 7880:18
---	--	---	--	---

7881:19 7887:6 7889:5 7895:1, 11 7913:2 7915:1 7923:15 7929:6 7932:9 7934:11 7941:19	colonizers 7837:16	complaining 7938:13	concluding 7893:8	connect 7847:10
clemency 7925:20 7926:13	colony 7833:4 7840:15 7878:25 7879:21	complaints 7923:12	conclusion 7841:18	connected 7843:21 7881:23 7904:9 7908:7 7934:7
clients 7911:16 7913:6	commander 7862:23 7866:11	complete 7849:16	conclusions 7878:2	connecting 7933:21
close 7823:12 7829:12,25 7831:5,24 7837:19 7838:12 7857:13 7897:20 7914:3, 22,24	Commander- in-chief 7866:4,14	completed 7849:15	concrete 7863:7	connection 7843:6 7880:19 7936:1
closer 7874:20 7930:11	commencing 7822:1	complex 7837:23 7839:25 7892:15	condition 7834:1,8,14,22 7907:18	connections 7824:1
coalition 7865:12,21,23 7892:17	comment 7831:21 7835:13 7836:23 7881:10 7886:9, 12 7888:13 7890:18 7892:1, 24 7934:9	complexity 7892:9	conditions 7856:22 7927:6, 7,25 7928:2 7938:19	conquer 7844:6
Colden 7878:24	comments 7823:4,21 7827:16 7831:18 7834:6 7835:11 7842:17 7857:8 7891:22	comply 7828:23	conduct 7890:20	conquest 7849:23 7850:1 7853:15 7855:9 7856:2,6 7857:24 7860:2 7902:2,18 7903:5 7927:23
collaborating 7907:16	commerce 7932:23 7933:6, 24 7936:13 7937:5	comprehend 7868:12	Confederacy 7868:8	conscious 7831:15
collaboration 7908:23	commercial 7833:15	conception 7887:2	confederatio n 7869:12	consent 7845:14
colleague 7846:13 7895:23 7897:17 7900:23	commitment 7849:8	concertation 7859:20	conference 7882:7	consent' 7842:8
collected 7852:17 7881:18	committed 7930:1	concession 7909:12	confidence 7931:21 7932:13	considered 7823:16 7827:21 7835:15 7839:20 7842:22 7844:7 7856:18 7878:7, 15 7884:14 7892:11 7893:18 7894:10 7917:18 7941:23
colonial 7838:14 7839:19 7847:9, 16,21 7879:13 7902:24 7926:1, 13 7933:12 7939:24 7941:4	common 7859:21	concessions 7824:13	confidently 7943:4	consistent 7868:14
colonies 7879:3,15	communities 7890:2 7892:11	conclude 7845:22 7864:9, 21 7865:9 7871:3 7874:2 7876:23 7877:20,23 7880:16 7887:11 7889:7 7891:8,14 7893:13 7894:22	confirm 7858:1 7880:6	constant 7925:2
	community 7907:4 7911:4	concluded 7849:5,7,13 7852:24 7853:17,24 7854:2,24 7858:18 7875:20,24 7878:10 7880:1 7886:19,20 7887:8,18,23 7888:2 7893:10 7942:1	confirmation 7830:18 7832:20	constitutes 7886:9
	compile 7872:5 7873:10		confronted 7862:14 7883:9 7915:13	consultant 7904:21 7905:1
			Congress 7848:19 7852:21 7854:6 7856:10 7858:16 7859:10,11 7868:22 7871:13,18 7875:13 7876:9 7879:5,24 7887:21 7895:16	

consulting 7908:2	control 7837:17 7850:2 7924:11 7925:9, 24	corresponde nce 7865:15	create 7856:9 7859:25 7861:14 7869:9, 11	D
CONT'D 7822:10	controls 7827:25	Council 7911:10,12	created 7834:24 7855:8 7879:11	Dakota 7831:14
contact 7824:20	convey 7937:17,19	counsel 7822:3 7885:6,7 7900:2,22 7924:3 7943:1	creating 7839:9,12 7840:5 7859:8	Dan 7900:24
contacted 7910:12	conveyed 7936:21	count 7943:2	creation 7865:23	date 7841:3 7914:14
contained 7879:6	conviction 7863:21,23	country 7830:7,9 7832:1	creations 7866:13	dated 7928:22
content 7853:3	convince 7827:10 7831:25 7832:6 7836:4 7854:21 7861:4,14 7867:15 7881:24 7882:24 7921:3 7926:3	couple 7850:10	creation 7865:23	day-by-day 7875:12
contents 7851:9	copies 7867:2	Court 7822:3,6 7842:11,15 7850:12,16,22 7851:1 7855:14 7868:4 7875:5,9 7885:6,11,14,17 7889:14,18 7895:19 7896:18,25 7897:9,22 7898:1,14,19,22 7899:4,7,12,15, 18,22 7900:2,6, 9,13,17 7906:1 7907:10 7908:3 7924:2 7942:6, 10,15,24	criticize 7842:10	days 7897:21
context 7823:24 7824:6 7825:17 7829:23 7833:25 7835:24 7836:2 7844:16,18 7845:24 7846:25 7847:3 7849:4,6,12 7851:15,22 7852:9 7853:3 7854:7 7886:22 7891:18 7894:4 7927:17 7929:15 7930:12 7938:15,25 7940:11 7941:3	convinced 7862:3	Court-related 7907:24	critique 7846:18 7865:17 7888:3	de 7829:9,14 7833:1 7840:21 7862:24 7905:15 7906:5 7912:15
continent 7859:16	copy 7885:8,21 7890:12	Covenant 7854:22 7855:10,15,16 7876:4,7,24 7877:3,14,16 7878:8,13 7879:7 7886:25 7889:24 7891:15 7894:14,24 7895:4,8,12	cross 7830:17 7897:12	deal 7930:7
continental 7922:6	correct 7901:19,20,24 7902:7,8 7903:14 7904:4, 14,19,24,25 7906:12,20,25 7907:20 7908:13,16 7911:22,23 7912:4,5 7913:23 7921:24 7922:17,18 7924:13 7926:19 7928:18 7929:10,12 7930:4 7931:24 7942:2,3	cover 7851:14 7852:12,21 7853:2 7902:16	cross- examination 7895:24 7896:22 7897:8, 10,14 7899:2,17 7900:20 7942:7	dealing 7844:19
continue 7865:4 7918:14	correctly 7841:24 7906:8 7910:6 7926:11 7928:1	covered 7834:9 7853:2 7875:21	cross- examination 7895:24 7896:22 7897:8, 10,14 7899:2,17 7900:20 7942:7	December 7867:13
continuing 7895:20	contradiction 7920:2,4		cross- examination 7895:24 7896:22 7897:8, 10,14 7899:2,17 7900:20 7942:7	decide 7856:8, 9 7859:22 7920:20 7935:24
contradiction 7920:2,4	contrary 7828:19 7829:1 7935:23		Crown 7880:2 7894:20	decided 7824:3 7826:20 7829:20 7833:4, 8 7836:14 7837:11 7838:20 7839:15 7844:10 7845:19,24 7847:19 7848:12 7858:25 7859:1, 3 7861:25 7863:21 7864:4, 7,12 7865:9 7870:25 7871:20 7873:6 7877:5,10,12 7878:12 7886:23 7887:4 7891:8 7892:16 7895:8 7914:3 7920:23
contributes 7858:16			crumbling 7863:10	
			curriculum 7901:1,12 7902:21 7903:22 7905:5 7907:22 7911:25	
			cut 7858:25 7868:25	

decision 7825:24 7928:14	determining 7887:18	directly 7832:2 7863:22	divided 7851:11 7867:8	drawn 7842:18
decisions 7842:24	Detroit 7849:20 7854:6, 9,23 7856:10 7857:11,13 7858:19 7859:11 7860:15 7863:13 7864:6 7865:18,19 7870:2 7887:5, 22,25 7913:21 7914:4,6,9 7921:7,13 7922:2,21 7923:4,9 7925:10,15 7927:17 7928:5 7930:21 7931:11,13 7934:18 7936:21 7937:1, 22,24 7939:18 7941:12	disagree 7827:19 7834:7 7835:20 7836:25 7842:25 7845:15 7846:18 7848:4, 10 7869:2 7890:25 7892:1	document 7823:6,22,23 7836:12 7841:14 7844:24 7847:2, 5,8 7852:23 7864:24 7865:16 7867:5, 11 7869:13 7871:4 7872:22 7880:24 7884:16 7885:25 7889:19 7905:13,21 7906:19 7919:6 7921:15,23 7923:20 7925:17 7926:18 7928:24 7929:16,20 7931:22 7935:13,16 7936:2,9 7938:5	drink 7840:7 Duquesne 7840:12,21 7841:1 7844:20 7845:2,24
decisive 7919:10		disagreed 7931:5		E
declaration 7842:8		discourse 7861:7		earlier 7832:18 7845:17 7851:22 7912:24 7913:19
deduction 7842:18		discover 7844:12		early 7859:13 7862:14 7864:8, 16 7865:14
define 7855:17		discovered 7841:22		easier 7943:9
Delawares 7857:15,20		discuss 7864:25 7897:3 7922:13 7940:20		easy 7860:13
demand 7828:24 7939:12	development 7860:23 7861:2, 18	discussed 7884:8 7905:14 7912:4 7913:13 7942:10	documents 7827:18 7829:22 7846:16 7847:11,13,15 7849:1 7851:19 7852:8 7853:16, 22 7867:2 7870:19,22 7873:20 7877:18 7879:14 7881:13 7882:4 7884:10,15 7892:18 7894:6 7899:17,20 7900:4 7938:12, 21 7942:18	effect 7894:13, 20
dependence 7920:5	development 7860:23 7861:2, 18	discussing 7827:1		effectively 7861:10 7862:17 7875:20
dependent 7834:4 7920:11	development 7860:23 7861:2, 18	discussions 7864:18 7927:18		efficient 7863:25
depends 7908:22	development 7860:23 7861:2, 18	displeasure 7827:7		elaborate 7886:13
deprive 7932:16 7939:6	development 7860:23 7861:2, 18	disrespectful 7859:4		elaborated 7865:8
depth 7823:13	development 7860:23 7861:2, 18	dissatisfactio n 7938:22,24		element 7852:3 7887:17
describe 7846:8 7889:9	development 7860:23 7861:2, 18	distant 7939:8		elements 7852:16 7859:8
description 7875:12	development 7860:23 7861:2, 18	distinction 7889:4		elucidate 7849:4
Desgroseiller s 7831:22	development 7860:23 7861:2, 18	distribution 7859:1	domain 7822:19	email 7942:17 7943:8
designate 7873:21	development 7860:23 7861:2, 18	distributions 7835:22	domination 7839:17 7843:23 7847:22 7928:1	emerged 7865:11
desire 7825:19 7834:12 7835:24 7837:13 7854:16	development 7860:23 7861:2, 18	divide 7865:11 7871:12		encountered 7898:11
detailed 7875:12	development 7860:23 7861:2, 18			encourage 7871:17
details 7881:9	development 7860:23 7861:2, 18			
determine 7886:14,19 7893:10	development 7860:23 7861:2, 18			

encouraged 7865:22	established 7824:4 7835:5 7842:7 7845:9 7858:18 7911:18 7927:19 7933:7	7901:16	explain 7856:23 7872:11 7881:11 7884:20 7891:4 7898:10	7928:11,17 7929:2 7938:24
end 7823:20 7834:4 7835:23 7864:6 7866:9 7879:11 7892:14 7915:8, 17 7916:1 7918:9 7930:13 7942:5,22	establishing 7831:2 7840:4	exception 7913:8 7932:21		factor 7858:15 7865:22
ended 7860:19	establishmen t 7826:12	excerpt 7867:3	exchange 7830:20 7927:2	factors 7860:21,22 7862:7 7915:9 7916:11
enemies 7829:17 7876:5 7877:7 7878:15 7880:7,18 7937:11	ethical 7906:9	exchange 7824:24 7825:8, 12	exclusive 7824:24 7825:8, 12	facts 7847:24
engagements 7849:13 7871:5	Europe 7861:22	exemptions 7903:19	exhibit 7865:3 7866:20 7885:9, 14,16,18,20 7901:12 7905:25 7906:2, 3 7918:21 7921:8 7925:11 7928:20 7931:14 7943:3	fair 7911:13 7916:5 7923:10 7927:20
engaging 7914:23	Europeans 7861:5 7920:14 7925:6	existence 7849:11 7860:25	explorers 7827:6	fairly 7840:8
England 7823:18	Evans 7897:17 7900:23	expand 7833:11	express 7832:14,15	fall 7864:16,17
English 7833:16 7838:2 7843:13 7855:22 7917:14	event 7852:11 7871:21 7876:21 7881:20,22 7892:3,9	expectation 7917:10	expression 7855:16 7889:8, 12 7935:13	familiar 7899:12 7911:10
entire 7884:3	events 7831:19 7848:11	expecting 7897:3	expressly 7842:5	familiarize 7906:16
entitled 7905:15 7906:4 7911:25	evidence 7827:13 7876:13 7879:23 7884:4 7919:22	Expedient 7869:21	exprimer 7832:13	family 7833:8
equitable 7925:22	evolution 7879:16	expeditions 7829:21	extend 7825:5, 7,20	farther 7932:20,21
Eric 7885:4	exact 7910:20, 21 7930:14	expel 7916:25 7917:20	extensive 7932:22	fashion 7884:8
escape 7833:8	EXAMINATIO N 7822:9	experiencing 7901:15	extent 7891:24 7935:5	fast 7901:7
essential 7907:18	examined 7876:13	expert 7903:11 7904:13 7905:3, 9 7906:10,22 7907:25 7909:22 7911:21 7912:3	extracts 7883:18	father 7827:9
essentially 7874:2 7907:15	examples 7827:21,23 7828:13	expertise 7907:24	<hr/> F <hr/>	fault 7887:14
establish 7829:12,24 7831:5,24 7837:15 7838:14 7843:16 7850:3 7854:15 7918:11 7928:1	Excellent		fact 7839:4 7842:22 7844:9 7847:24 7860:18 7862:15 7875:20 7876:11 7888:21 7915:4, 13 7916:10 7918:5 7919:11, 23 7926:21 7927:21	favour 7925:20
				fear 7844:8 7863:5
				fears 7858:20
				federal 7905:7, 11 7906:23 7907:5 7908:18 7909:5
				feed 7830:11
				feel 7881:7
				felt 7877:9 7880:21 7888:17 7936:10,20
				field 7937:18
				fight 7829:16 7836:5 7856:8

7861:10 7862:11,17 7863:3,22 7880:9 7887:4 7892:17 7894:10 7915:15 7918:15 7935:24 7940:1 7941:18	footnote 7840:25	forward 7840:9	7850:3,4 7854:10 7855:4 7856:5,14 7857:24 7859:6 7860:3,4 7861:17,20,21, 23 7862:2,3,5, 10,20,25 7863:8 7868:11 7897:18 7902:5, 24 7903:3,4,7 7904:17 7915:12 7916:7, 18,23 7917:1,3, 7,10,11,13,19, 22,23 7918:2,11 7921:2 7925:4 7926:2,9 7933:14,17	G
fighting 7862:11	forceful 7936:18	fourth 7852:20 7883:24	Gage 7864:19, 24 7865:15,18 7866:2,3,11,18 7867:13 7870:5 7878:23 7879:1	gain 7923:3
figure 7842:4	foresee 7868:23	fragile 7858:19	game 7831:5	gained 7923:5
file 7908:15,16	forgot 7909:25	France 7841:6 7849:24 7853:15 7855:9 7856:3,6 7857:24 7860:2 7863:2,3 7902:2,18 7903:5 7927:24	Gaspésie 7912:16,17	gather 7845:4, 6 7924:14
final 7846:5	form 7823:12	Francis 7823:11 7824:8 7826:4	gave 7826:11, 19 7829:23,25 7830:1,2,3,24, 25 7831:8,9 7832:11,16,23 7835:17 7837:1 7840:4 7870:5	general 7831:20 7848:20 7851:5, 21,25 7864:5 7866:12 7868:7, 13 7873:21 7892:24 7902:16 7903:3 7930:10,16,22
find 7853:21 7860:6 7867:5 7873:19 7877:17 7878:4 7883:12 7884:12,22 7920:6	formalize 7864:13	Francois 7824:8	French- aboriginal 7901:18 7902:15	generally 7824:22 7846:7 7902:24 7903:2
fine 7898:12,20 7899:25 7900:11	formally 7941:24	frankly 7866:25	Frenchman 7833:3	gentleman 7899:23
finish 7878:1	formed 7858:14 7873:12	free 7831:16 7832:19	friend 7905:14	gentleman's 7896:2
finished 7849:18	forming 7869:4	freely 7835:25 7836:10	Friends 7868:25	geopolitical 7855:8
finishes 7848:16	formula 7873:19 7877:17,18 7889:8 7890:4	French 7824:17,20 7825:13,18 7826:11,18 7827:1,11,21,24 7828:4,12,13,20 7829:11,13,15 7830:22,24 7831:4,24 7832:2,5 7833:10,17,18, 20,21 7834:2,9, 10,12,18,20,23 7835:8,15,17,25 7836:5,6,8,14 7837:8,15,16 7838:1,2,6,8,13, 17,20,23 7839:13,20 7841:22 7842:9, 23,24 7843:1,6, 16,18,22 7844:9,13,16 7845:12,16,19, 23 7846:3 7847:14,19,21, 25 7848:12	friendship 7925:20	gift-giving 7830:23
firearms 7919:19,23	formulation 7870:16 7888:11	front 7872:19 7939:25	fundamental 7882:22	gifts 7835:9
fish 7824:23,24 7825:8,12,21	formulations 7870:16	Frontenac 7842:6	funding 7882:14	give 7830:13, 19 7832:11,21 7836:15 7848:11 7867:16
fishing 7910:15 7913:12	fort 7837:4,5,7 7838:12 7842:6 7845:17 7848:9 7860:16 7862:24 7913:21 7914:3, 12 7915:1,3	frustrations 7859:17	fussy 7943:2	
fix 7927:3	forts 7836:10 7837:11 7843:10 7845:8, 25 7848:13 7858:14 7859:7 7860:13,15,18 7862:1 7913:21 7914:8,20 7916:12 7928:8, 17 7929:7 7933:23 7936:10	future 7845:25		
focus 7902:25				
focussed 7901:18 7904:17				
follow 7829:20 7861:15 7869:8 7870:6 7871:14, 22 7873:6 7920:17 7921:4 7931:3,6				

7896:21 7919:3 7921:13 7925:12 7926:17 7927:6 7928:22 7929:14 7938:18,23	7826:6 granted 7824:22 7825:1 7826:4,11,16 7827:11 7837:18	guaranteed 7832:6	hesitant 7892:10	7900:1,19 7905:24 7942:4
giving 7830:6 7832:4 7840:22 7841:4 7919:14, 19 7926:21 7930:6,9	granting 7848:1	guess 7841:8	higher 7923:14	hope 7822:13 7863:6
global 7844:15 7941:2	grants 7826:8	guideline 7867:16 7931:2 7943:1	highlight 7865:7	hoped 7918:10 7923:11
globally 7831:20 7859:22	gratitude 7832:15	guidelines 7931:7	highlighted 7906:18 7925:12	hopes 7917:6
good 7822:3,4, 11,12 7824:18 7829:19 7838:23 7850:19 7857:22 7878:6 7880:9 7893:24 7894:2,5 7897:22 7923:10 7924:24 7927:6, 20,25 7928:2 7933:17 7938:18	great 7833:10 7835:5 7837:8 7851:23 7854:8, 20 7857:20 7859:19 7860:8 7862:4 7863:2 7868:18 7873:22 7881:25 7892:5, 6 7901:22 7902:9,11,12 7903:1,8 7904:17 7917:4 7926:7 7927:24 7931:1 7938:3 7939:4	guilty 7887:3	highlighting 7924:22	hoping 7916:23 7917:3
goods 7919:14,15,18	green 7921:14	guys 7825:13	Hinderaker 7885:4 7886:7, 12,17 7888:19 7889:11 7890:3, 8 7892:22	hostility 7834:19 7919:5
Google 7899:9	Gros-louis 7909:25 7910:1, 16	<hr/> H <hr/>	Hinderaker's 7891:23	hosts 7827:8
government 7841:8 7842:9 7906:23 7907:6, 12 7908:18 7909:5	ground 7823:13 7838:19 7840:6	Halifax 7879:2	hire 7908:14, 17,20,25 7913:4	hour 7896:11
Governor 7823:25 7825:10,20,25 7838:18,20,25 7840:3,4,14 7841:11 7844:19 7845:21 7866:12 7878:25	grounds 7823:17 7825:6 7838:21	happen 7852:1 7869:19 7916:19 7939:22 7940:18 7943:10	Histoire 7912:15	Hudson 7833:16
grant 7824:1,6, 14 7825:11,17	group 7831:17 7855:25 7871:25 7873:11,17 7874:1 7879:13 7907:11	happened 7849:20,22 7879:20,24 7883:13 7884:5 7915:2 7927:16 7935:10 7939:21 7941:9	historian 7846:24 7900:24 7906:10 7908:2 7909:4,13	huge 7839:12 7865:20 7914:22 7938:22
	groups 7872:15 7873:1 7874:9 7905:7, 8,11,12	happening 7943:5	historians 7847:4	hunt 7824:23, 24 7825:8,12,21 7839:2
	guarantee 7870:5	happy 7935:18,19 7938:17 7940:24	historical 7848:25 7883:2 7909:6	hunting 7823:16 7825:6, 23 7838:19,21 7840:5 7910:4, 15,20 7913:12
		hard 7883:11 7892:12	history 7833:20 7834:10 7846:20 7853:14 7904:22 7905:2, 10,18 7912:16	Huron 7829:11,12,23
		hath 7932:15	hitting 7897:21	Huron- wendat 7907:4 7909:23
		Haudenosau nee 7842:2,23	homeland 7842:3,23	Hurons 7874:3
		Head 7868:22	Honestly 7889:3	hypocrite 7926:24
		health 7896:2	Honour 7822:5 7850:15, 25 7866:24 7875:2 7895:18 7897:6 7898:13	<hr/> I <hr/>
		hear 7935:8 7939:5		idea 7836:13 7839:10 7843:1, 14 7850:19 7853:21 7865:14 7876:16 7933:13 7937:17
		heard 7942:19, 20		
		hesitancy 7915:25		

ideas 7853:9	IN-CHIEF 7822:9	initial 7916:16	interested 7869:11	Jesuit 7824:5, 16,18 7826:6
identified 7872:25	incapacity 7860:17	initially 7829:1	interesting 7882:2	Jibbeways 7874:12
identify 7851:15 7875:24	include 7898:3 7903:25 7912:3 7919:19	Innu 7833:25 7834:1,9,11,18, 20,24	interests 7918:5	job 7865:17
identifying 7857:8	included 7855:11	inquiry 7899:9 7900:7	Interfere 7936:5	John 7853:13
identity 7872:14,23	independenc e 7907:19	insist 7845:22	interior 7859:16 7922:6	Johnson 7854:19 7864:10,19,24 7865:16,18,19 7866:15,16 7867:14,17 7869:9,13 7870:10,15 7871:12,13,23 7872:18,20 7873:7,18 7874:20 7876:19 7878:12,23,24 7880:17,22 7881:2 7882:11, 12 7883:17 7884:18 7887:11 7889:6 7890:20 7891:1, 18 7894:9 7895:7,11,14 7922:4,10,20 7925:14 7926:16,21 7927:21 7928:21 7929:12,23,24 7930:20,23 7931:10,18 7933:24 7934:2, 14,18,20,22 7936:25 7937:9, 14,22 7938:1 7939:1,13 7940:6,13,17,23 7941:4,15,16
illustration 7838:23	independent 7844:1 7900:7	insistence 7843:18 7924:23	interpretation 7823:5,22 7827:20 7831:19 7835:21 7844:23	
Imperial 7841:7	Indian 7858:24 7868:14 7908:25 7930:1	insisting 7926:9	interpretation s 7837:1 7848:11	
implied 7940:9	Indians 7932:17	instruction 7842:19	interrupt 7901:8	
importance 7874:24 7892:2	indication 7839:19 7874:23 7880:21 7890:5 7896:21	instructions 7840:20,22 7841:1,4,5,11, 13,19 7930:7	inventing 7886:8	
important 7831:4 7839:3 7847:1,7,24 7849:24 7850:5 7851:20 7855:20 7856:11 7860:15 7865:7, 10 7867:11 7870:14 7871:9 7872:13 7873:1 7874:7 7876:9 7877:6 7881:14, 20 7882:5 7883:3 7884:15, 16 7887:13 7907:12 7913:21 7920:24 7925:5 7927:6 7933:25	indications 7859:11 7872:23 7880:25 7882:15 7884:9, 23	instrument 7924:10 7925:9	invitation 7832:22	
impose 7834:12 7839:16,21 7847:22 7886:24	Indigenous 7856:22 7874:15 7894:21 7902:6 7903:15,19 7905:18 7906:24	integrate 7854:9,22 7856:1	involve 7922:16	
imposed 7834:23	individuals 7910:3,7 7911:3,19	integrated 7852:23 7855:3 7912:25	involved 7905:2 7919:14	
imposing 7922:20	information 7851:21,25 7873:10 7879:2, 6 7930:10	integrity 7907:11	involving 7903:15	
impression 7865:19	infraction 7910:21,22,23	intellectual 7907:19	Iroquois 7829:17 7830:11 7833:7 7843:20,23 7844:1,4,6,9,17	
	inhabitants 7843:7	intention 7858:21 7880:16 7884:21 7886:13 7895:5 7926:5	issue 7897:3	
		intentions 7824:14 7845:10 7851:16 7926:7 7932:16 7939:6	J	
		interest 7868:9 7917:20	Jeffrey 7858:25 7866:5 7929:5 7930:12, 24 7931:5 7933:22 7934:25	joint 7908:10, 21 7909:2 7911:15,22
				jointly 7908:11
				joke 7907:4,7
				Jonquiere

7823:25 7825:4 7842:3	7844:10,14 7884:21 7939:5	7847:18 7848:9 7928:6 7932:18 7933:5 7934:4 7936:5 7939:7	lengthy 7898:3	logical 7884:17 7942:6, 8
judicialization 7905:18	Kirk 7848:17 7866:19	lands' 7823:14	Les 7905:15 7906:4	long 7823:2 7860:19 7896:5 7940:13
judicialisation 7905:15 7906:5	knew 7843:20 7877:8,9 7879:16 7918:8, 13 7920:10 7926:4,24 7927:1,3,8,24 7930:24 7931:4 7933:12 7937:14	language 7922:24 7925:19,21,24 7926:1,12,14 7932:1,4 7933:12 7936:4, 11,19 7937:2,3, 13,16 7938:20	letter 7867:13 7928:21 7929:2, 11,12,22,23	longer 7896:5
judiciary 7910:11			liberate 7920:12	loosely 7905:17
judiciously 7869:24			Lieutenant 7878:25	Lord 7879:2
July 7928:22	knocking 7868:21	languages 7926:9	life 7833:9,17 7861:6	Lords 7879:9, 13
jump 7840:8 7851:4	knowledge 7884:23	lasts 7824:13	light 7870:9	lot 7828:9 7829:24 7832:4, 23 7834:19,24 7837:18 7846:15,19,21 7871:16 7872:19,20 7873:21 7877:24 7878:3 7882:8 7923:2, 12 7938:12
June 7849:16, 18		lawful 7934:1,3 7937:4	limit 7824:5,16 7825:20	lunch 7900:25
jurists 7846:13 7847:5		lawfull 7932:19	limitations 7899:1	l'histoire 7905:16 7906:6
	L	Lawrence 7823:19 7824:4 7826:15 7834:13 7839:7, 13 7853:18 7873:5 7902:7 7903:16 7922:12	limits 7824:7, 25 7825:6,7 7833:11 7942:12	
K		la 7825:4 7842:3 7905:15 7906:5 7912:15	lines 7896:10	M
keeping 7867:8	Lake 7837:10, 19	Lake 7837:10, 19	link 7829:25 7842:21 7843:16 7918:11	Machinations 7868:11
Kickapous 7857:15	lakes 7833:11 7835:5 7836:1 7837:8 7854:21 7857:20 7873:22 7892:6 7902:9,11,13 7903:1,8 7904:17 7917:5	lakes 7833:11 7835:5 7836:1 7837:8 7854:21 7857:20 7873:22 7892:6 7902:9,11,13 7903:1,8 7904:17 7917:5	linked 7928:9	made 7825:17, 24 7826:6,8 7828:9 7832:22 7849:8 7853:23 7861:3 7862:19 7863:17 7864:14 7865:2 7870:4 7871:8 7881:2 7882:11, 16,19 7891:13 7914:2 7928:4 7930:14 7934:10 7940:19
kicked 7936:15			links 7869:9	
kicking 7916:20 7917:13	land 7824:1,9, 15 7825:1,11 7826:17,19 7834:23 7836:16 7837:6, 10 7838:3,22 7839:1,5,10,11, 12,17 7843:2,9, 15,20 7844:5,7, 13 7845:18 7848:2 7850:2 7934:2,3 7937:4	land 7824:1,9, 15 7825:1,11 7826:17,19 7834:23 7836:16 7837:6, 10 7838:3,22 7839:1,5,10,11, 12,17 7843:2,9, 15,20 7844:5,7, 13 7845:18 7848:2 7850:2 7934:2,3 7937:4	list 7856:22 7857:4,8 7903:22,24,25	
kind 7824:12 7827:25 7828:10,14 7834:22 7835:15 7836:8 7838:7 7840:5 7843:16 7852:7 7856:16 7865:12,17 7879:19 7882:16,19 7887:15 7893:17 7920:5 7921:2 7926:8, 23 7927:9,11,12	lands 7824:6 7826:3,12,14,20 7838:21,24 7839:6,22 7841:21 7845:13 7846:1	land 7824:1,9, 15 7825:1,11 7826:17,19 7834:23 7836:16 7837:6, 10 7838:3,22 7839:1,5,10,11, 12,17 7843:2,9, 15,20 7844:5,7, 13 7845:18 7848:2 7850:2 7934:2,3 7937:4	listed 7908:9 7912:2,7,11	
King 7822:19 7826:18 7833:12			litigation 7904:4,5,8,9,10, 12 7905:3 7908:7 7912:19	
			litigations 7913:3	
			live 7941:11	
			lived 7823:18 7857:11,13	
			living 7839:13 7843:4 7853:19 7873:21	
		lead 7882:18		
		leaning 7895:22		
		learned 7837:24 7864:11		
		leave 7833:4 7916:25 7942:16		
		led 7859:17 7866:9 7916:13 7936:16		
		left 7822:15		
		legal 7848:7,14		

maintain 7878:6 7880:9 7907:11 7918:5	masters 7901:17	7938:14 7939:1 7940:6	message 7920:13,23 7922:11 7930:20 7934:14,15,24 7935:3,6,7 7936:20 7937:20	7909:23
Majestys 7932:15	materials 7851:19 7899:23	meetings 7829:9 7875:16 7877:24 7878:3, 6,7 7894:13,21 7927:24		missions 7824:5,11 7826:12
majority 7873:12	matter 7846:7 7898:6 7899:10			mistake 7865:21
make 7831:18 7836:23 7837:25 7838:5 7842:21 7846:15 7857:8 7863:12,14 7864:12 7866:23 7868:18 7871:19 7876:6 7878:14,17 7881:10 7882:13 7886:25 7890:18 7891:13 7892:24 7914:24 7936:12	matters 7879:13 7898:7 7899:8	member 7833:7 7855:10	messages 7871:16 7929:8	mode 7941:25
makes 7893:4 7943:9	Mcculloch 7822:4,9 7842:13,16 7850:14,18,22, 25 7851:2 7875:2,10 7885:9,13,16,23 7889:19,21 7895:17 7896:7, 14,15 7900:10	members 7856:19 7857:24 7873:18 7909:22,24 7911:4,6	Messianic 7860:25 7920:3	modifier 7888:21
making 7879:15 7897:2 7937:3 7941:16	means 7861:8 7871:2	memory 7881:19	met 7830:2 7879:14 7889:6 7910:16	Mohawk 7836:19 7837:6, 13,21,24 7838:19,22 7839:5,6,7,11, 12,23 7840:2 7845:18 7846:2 7873:6
manage 7909:5 7940:14	meant 7914:16 7916:20 7917:14 7927:12 7941:7	men 7825:18 7829:15 7832:5	methodology 7846:24	Mohawks 7833:8 7837:11
mandate 7848:24 7849:5, 12 7851:6,15 7912:23	meantime 7942:13	mention 7852:15 7871:10 7875:18 7882:8 7884:13 7909:11 7932:3, 9	Mi'kmaq 7912:25	Mohicons 7857:16
mandated 7912:21	meet 7830:14 7854:20 7871:18 7910:17	mentioned 7827:19 7832:18 7845:16 7848:2 7849:21 7859:5 7860:24 7865:14 7875:4 7898:16 7900:25 7911:15 7914:17 7919:18	Michel 7909:24 7910:1, 16	Mohocks 7857:16
maneuver 7866:16 7867:17	meeting 7829:11 7831:21,23 7832:3 7834:17 7851:23 7852:13,15 7854:9 7864:5,9 7870:10 7871:1 7872:16,25 7873:13,25 7874:6,10 7876:15,20 7877:19,20 7878:1 7879:5 7880:4 7881:25 7884:14,19,25 7886:23 7922:16 7926:8 7929:24	mercenary 7907:2,8	middle 7825:5	moment 7829:6 7854:12, 18 7856:11 7859:23 7860:10 7874:22 7877:12 7885:6, 7,12 7895:7 7919:3 7921:10, 13,18 7925:12 7926:17 7928:23 7929:14
maneuvered 7839:21	mark 7905:25	merchandise 7861:5 7923:15	midst 7916:6	moment 7829:6 7854:12, 18 7856:11 7859:23 7860:10 7874:22 7877:12 7885:6, 7,12 7895:7 7919:3 7921:10, 13,18 7925:12 7926:17 7928:23 7929:14
marked-up 7942:18 7943:3	marked-up 7942:18 7943:3	merchant 7833:5	military 7829:21 7836:2 7937:16	moments 7859:20 7860:8 7892:5
Marquis 7840:21		merchants 7927:2	mind 7825:15 7833:14 7847:13,15,20 7854:2 7886:16 7894:1 7895:25	money 7911:9
		merci 7832:13	Minister 7879:3	monopolies 7833:24
			ministries 7905:7,11	monopoly 7834:13,22
			minute 7842:5	months 7833:6
			minutes 7840:25 7841:12 7842:19 7850:10,23 7925:10 7931:14 7937:24	Montreal 7858:15
			mission 7823:11 7824:16 7826:6	

7866:12 7930:16 Morin 7823:9 7827:1,3,19 7828:17 7831:13 7833:23 7835:1, 20 7836:19 7837:1,4,23 7838:10 7841:18 7842:18,21 7845:1 7846:6, 10 7848:3,7,17 Morin's 7822:16 7823:4 7844:23 7846:8 morning 7822:3,4,11,12 7896:12,18 7905:14 7913:17 7915:7 7919:1,18 7942:11 move 7824:3 7836:17 7889:18 moved 7823:19 7889:20 movement 7861:1,3,11,14 7919:9,14 7920:3,5,11,12 7941:16 moving 7833:18 murder 7930:1 museums 7904:1,6 7905:7,11 <hr/> N <hr/> named 7861:1 nation 7834:5 7839:23 7869:22 7905:8, 12 7908:11 7910:8 7911:2,	7,17,22 7932:16 7938:1 nations 7845:4,7 7846:2 7854:17,25 7855:19,24 7856:1 7857:4, 18,19,23 7859:13,22 7863:16 7864:2, 3,5 7865:10 7867:21,23 7868:14,20 7869:5,10 7870:7 7871:23, 25 7872:1 7873:5,19,21 7874:1 7875:17, 19 7876:1,17 7877:2,7,10 7878:12,18 7879:25 7880:6 7882:23 7887:14 7889:25 7890:1, 23 7891:9,25 7892:10,16,18 7893:5,12 7894:10,25 7895:2,5,6,10 7902:1 7903:1,8 7912:7,11 7913:10,25 7915:25 7917:6 7919:22 7922:5, 17,25 7923:3 7924:16 7925:15,21 7926:16,21 7927:19 7929:8, 25 7930:4,20 7931:11,19 7935:10 7936:16,25 7937:1,22 7938:8 7939:2 7940:19 7941:8 Nations' 7925:1 7928:6 nature 7849:7 necessarily 7869:11 7878:1 7881:15 7908:6 7937:16	necessity 7850:1 7859:14 7860:5 7865:11 7867:19 7876:10 needed 7862:16 7876:6 7882:25 7889:7 7915:15 7917:1 7920:9 negate 7839:9 negotiate 7865:19 7867:17,19 7871:18 7873:16 7880:21 7893:15,16 7934:22 7937:14 negotiated 7852:6 7871:23 7884:25 7891:6 7894:5 negotiating 7837:20 7870:6, 23 7871:24 negotiation 7849:9 7872:21 7882:7 7895:3 7941:25 negotiations 7837:12 7845:20 7852:5, 9 7853:4,6 7867:22 7869:8 7870:7 7877:1 7883:3,12,21 7891:11 7930:25 7931:7 Neolin 7861:1, 7 7919:9 7920:13 Neolin's 7920:23 network 7855:17 7856:13,19 7857:25 news 7862:22,	23 7916:7 Niagara 7842:6 7848:19 7849:2,11,23 7851:23 7852:5, 21,25 7853:9, 12,19,25 7854:23 7858:16 7860:16 7869:8 7870:10,25 7871:13,21 7872:12 7873:3, 7,13 7875:13, 21,24 7876:15, 20 7877:3 7879:5,24 7880:15 7881:16,25 7882:7,11,24 7883:3,13 7884:5,25 7886:23 7890:24 7893:6, 12 7894:5,13,21 7895:3,13 7913:21 7914:1, 16,18,20,23 7915:4,22 7918:7 Nicolas 7827:8 non- negotiable 7928:12 North 7827:12 note 7834:4 7902:23 notified 7845:3 notwithstandi ng 7827:7 number 7872:23 7874:15 7885:14,18 7904:1 7909:16 7912:13 7913:8, 9,11 7943:8 numbers 7874:16,17,19	<hr/> O <hr/> object 7899:22 7900:3 objective 7833:15 7838:3 7853:22 7854:8, 19 7914:7 7916:17,24 7931:4 7937:17 objectives 7854:7 7916:9 obligation 7848:8 obligations 7843:8 7848:14 7899:13 7913:4 7920:13 obliged 7866:5 7880:21 7893:15,16,20 7894:6 observed 7870:1 obtain 7831:16 7832:21 7835:25 obtaining 7828:11 occasion 7881:1 7884:18 occasions 7899:19 occupants 7843:15 occupations 7859:6 7933:15 occupied 7934:21 occupy 7899:8 7928:8 7929:7 7932:9 7933:8, 14,23 7934:6 7936:10 7939:1, 20 7941:18 occupying 7931:11 7932:7,
---	--	--	--	--

25 7937:23	order 7867:16 7869:5	7844:20	7871:20 7874:2	7882:10,17,23
occurred	orderly 7898:8	7856:21 7888:7	7876:6 7878:14, 17 7887:1	7883:7,19
7928:18 7933:8	ordinance 7823:25 7825:4, 9,16	7889:23	7889:5 7901:23	7884:20 7887:4, 8,12 7889:7
October	organizations 7905:6,10	7890:18		7891:16 7892:4
7914:10	organize 7851:18 7860:6	7892:22 7893:8	peaceful	7894:1 7903:4, 16 7906:24
offensive	7864:8,12	7906:16	7845:11	7907:1,3,7,10, 13 7913:20
7859:14	7870:10	7922:13 7924:6	7854:14	7916:13 7918:7
7860:11	7871:13,20	7925:12	Pelletier	7920:9 7921:4
7880:11	organized 7851:13	7927:21 7938:2	7895:23	7923:13 7925:3
offer 7831:15	origin 7824:14	pardon	7896:21,24	7926:11,25
7933:18	7849:5 7862:3	7837:14	7897:5,6,11,25	7927:7,12,14
offered 7835:6	7920:2	7850:14	7899:24,25	7928:3 7930:17
7838:4,5	original 7825:17 7843:7, 15	7854:23 7857:2	7900:18,19,20, 22 7905:24	7931:1,8
office 7885:12	originally 7823:17	7871:9 7902:10	7906:7 7924:4	7933:13,23
official	7908:14,20	7912:9 7932:3	7942:4,8,21	7934:23
7876:21 7879:4	Ottawa 7828:8,22	part 7851:21,24	7943:11	7935:20
7882:18 7891:4	Ottawas 7857:12 7858:8, 9	7852:4,20	pelt 7830:1	7937:15
7909:3	owned 7826:20	7858:17 7868:2	people	7938:12,16,22
officially	P	7880:11	7824:17,20	7939:11,14,22, 25 7940:9,24
7823:14 7876:3		7891:25 7892:4, 20 7897:15	7825:13,22	peoples
7888:2 7938:10		partial 7889:23	7827:22 7828:3, 6,9 7829:16,19	7827:14 7828:1
Ohio 7854:21		participants 7916:8	7830:17,22,24, 25 7831:6,9	7856:23
7857:21		participate	7835:17 7836:4, 7,9,15 7837:24	7894:21 7902:6
7887:13 7892:6		7862:25	7838:14,16	7922:11
7917:5		7863:20	7841:25 7843:3, 4 7845:20	7924:12 7926:3
Ojibwe 7858:3		party 7908:15	7847:20 7848:1, 10 7849:9,14	peoples'
7874:12		7938:14	7852:19 7853:6, 18 7854:13,20	7933:5
Oneida		passage	7855:11,18,23	perceived
7929:25		7831:16	7856:3,7,16,19	7866:9
Oneidas		7832:19	7858:20,25	percent
7857:17		7921:14	7859:5,9,12,21, 25 7860:5,9,13	7873:14,24
opinion		7925:24	7861:4,8,12,15, 25 7862:6,14	7874:5
7874:19		7928:23	7863:4,7,12,21	perception
7878:21 7884:6		past 7847:12	7864:11,14,21	7892:25
7893:11		pay 7828:20	7865:13,20,24	perfect
7894:12		7830:16 7838:4, 5	7866:8 7867:18, 20 7870:24	7898:18
opportunity		payment	7871:4,6,7,17	7899:11 7900:8
7885:20		7828:15 7836:8	7872:19,24	perfectly
opposed		payments	7873:2,5,13,14, 23 7874:5,15,21	7896:17
7838:7		7828:11	7875:1 7876:10	period
opposing		PDF 7918:24	7877:11,25	7897:15,18
7907:17		peace 7835:3	7878:4 7881:1, 15,20,22	7901:2 7902:4, 16
option 7941:6, 19		7863:1,12,14,17		periods
oral 7852:11,17		7864:9,12,20,22		7879:17
7881:17 7882:9, 21 7883:6		7865:9 7868:18		permission
		7869:20		7843:10 7846:4

7848:1 7897:12 7939:14 7941:21 permissions 7848:8 permit 7897:23 permitted 7897:23 7898:4 Perrot 7827:8 personal 7846:18 persons 7903:19 perspective 7836:4 7847:6 7852:13,18 7876:14 7878:10 7881:14,16 7882:3 7883:2, 15,21 7891:18 7902:16 7925:1 7927:14 Ph.d. 7901:18 7904:23 phase 7830:21 7832:3 7834:17, 18 phases 7834:10 picture 7874:9 pieces 7881:17 Pierre-esprit 7831:13 7833:2 Pierreville 7824:9 7826:5 pitfalls 7906:9 Pitt 7860:16 7913:22 7914:12 pièges 7905:15 7906:5 place 7826:9 7835:23 7836:14 7844:11,12	7851:21 7852:2 7854:3 7916:25 7934:22 7939:24 Plaintiffs 7900:22 7943:7 Plaintiffs' 7900:2 plan 7850:22 7868:17 planning 7896:4 play 7831:5 played 7855:19 7861:2 7919:9 pleased 7938:8 7939:9 podium 7896:8 point 7830:18 7840:1 7848:2, 4,15 7849:10,25 7850:5 7858:12 7865:7,10 7867:18 7870:13 7875:18 7888:18 7902:20 7907:16 7925:8 7941:5 pointed 7869:24 points 7843:17 7871:10 7916:12 7931:6 poisoned 7868:10 policy 7835:23 7836:14 7843:7 7845:23 7858:24 7867:12 7868:15 7870:6, 9 7902:24 7903:3 7930:12, 16,22,23,24 7936:15,22	political 7831:2 7850:3 7855:8 7879:19 7891:12 politics 7842:23 Pontiac 7859:18 7861:13 7862:4, 9,20,25 7863:23 7915:11 7916:5 7920:22,25 7927:10 Pontiac's 7860:23 7863:10 7891:25 7913:17 7914:19 7915:8, 9 7916:6 7918:18,19 7936:17 7941:10 position 7892:23 7893:14,20 7934:10 positions 7916:14 possess[ion] 7932:18 possession 7839:11 7860:14 possessions 7833:12 possibility 7923:5,8 post 7862:24 posts 7835:4 7931:12 7932:2, 5,7,10,25 7933:7,9,10,14 7934:6,11,16,21 7935:8 7936:6 7937:5,24 7938:9 7939:1, 8,16,20 7941:18 potential 7904:9	Pottawatomis 7858:6 power 7879:17,18 Powtewatami s 7857:14 7858:6 precise 7867:16 premise 7936:9 preoccupied 7843:14 preparation 7898:7 prepare 7848:23,24 7910:14 7912:23 7913:4 prepared 7872:10 7876:19,21 7880:24 7883:17 7904:4 7912:25 preparing 7905:2 present 7830:5 7831:16 7872:12,24 7874:5 7880:17 7881:16,23 7883:16 7884:19 7895:13 7918:3 7932:14 7933:15 present-day 7823:18 presented 7826:1 7844:17 7852:23 7884:11,24 7890:6 7940:7 presents 7829:24 7830:3, 4,6,12,13,19,20, 24,25 7831:8, 10,11,22	7832:5,12,17, 21,23 7835:6, 14,18,21,22 7836:3,13 7859:1 7882:9 pressure 7828:9 7864:2 pretend 7845:11 pretext 7933:16 pretty 7838:12 7877:8 7918:13 7926:4,24 7927:1,3,8 7930:24 7931:4 7933:12 7937:14 7938:21 7941:19 prevent 7868:21 previous 7860:25 7909:6 7929:8 7935:12 previously 7942:10 price 7927:3 prices 7923:10,14 7927:20 Principles 7868:15 prior 7822:7 7837:7 7845:19 7905:9 7934:9 private 7826:16 problem 7834:15 7898:20 7941:1 problems 7834:24 7878:5 7910:11,12 proceed 7895:19 proceeding 7869:25 7896:5
--	---	---	--	---

proceedings 7876:19 7880:4, 14,24 7882:16 7883:17 7893:5	prolonged 7914:10,12	provided 7904:1	7873:18	re-
proceeds 7829:3	promise 7870:5 7882:11, 13,16 7923:22 7927:9 7928:4 7935:21 7938:17	province 7866:13 7910:9	quarter 7875:3	establishe
process 7848:12 7871:22 7898:8	promised 7831:10	provincial 7905:7,11	Quebec 7866:14 7906:22 7907:6	t 7924:24
Proclamation 7852:22 7884:7, 10,13,19,24	promises 7853:23 7871:5, 8 7882:19 7927:12 7930:14,18	publications 7903:7	question 7841:15,16 7842:12 7846:5, 12 7848:13 7854:5 7857:3 7876:12 7894:7, 16 7899:14 7910:24 7937:23	re-evaluate 7916:8
Proclamation s 7853:16	promising 7832:19	published 7901:22,25 7902:5,12,23	questions 7848:16,21 7851:5 7852:21 7872:9 7874:11 7885:1 7886:6 7895:18 7898:5 7900:10 7901:1, 4 7909:10 7913:16 7921:12 7922:1	re-explain 7875:22
professional 7846:18,21	promoting 7932:22	pull 7842:12 7925:10	quickly 7860:20 7865:11 7901:7	re-integrate 7876:10
Professor 7822:7,11,16 7823:4,9 7826:25 7827:19 7828:17 7831:12 7833:23 7835:1, 19 7836:19 7837:1,4,22 7838:10 7841:17 7842:18,21 7844:23 7845:1 7846:8,10 7848:3,6,17,18 7851:3 7855:13 7864:23 7867:1 7875:11 7885:4, 24 7886:7,12,17 7888:19 7889:11 7890:3 7891:23 7892:22 7896:15 7900:21 7902:20 7904:24 7906:4 7918:25 7921:9, 16,21 7923:2,21 7925:23 7931:15,25 7940:16	pronounce 7841:24	pulling 7901:12	re-integrated 7876:4	re-introduced 7876:7
	proof 7887:20	punish 7935:19,21	reach 7852:17	re-open 7880:12 7882:25 7883:8
	property 7844:13 7932:17	punished 7887:6 7935:25 7937:12	reached 7908:21 7910:9	re-read 7906:15
	proposal 7863:11,17 7864:15 7940:19	punishment 7932:2,5 7934:16 7935:6, 14 7936:4 7937:3	reacted 7828:3	reaction 7927:11
	propose 7897:13	purpose 7849:3 7933:9	reaction 7927:11	reactions 7844:17
	proposing 7922:4	purposes 7826:2,5 7925:16	read 7823:2 7829:7,22 7836:20,22 7841:12 7844:22 7846:16 7853:13 7865:16 7884:7, 11 7888:19 7891:2 7909:6 7925:12 7928:25 7931:23 7932:12	ready 7823:7 7829:15 7864:10,12,21 7910:13 7918:1 7920:17
	proposition 7863:15 7929:5 7940:7	push 7916:23, 24 7917:17	quit 7866:6	
	protect 7937:4	pushed 7827:6	quotation 7823:3 7840:16 7844:21,22 7867:6,8,25 7868:3 7869:18 7878:19	
	protected 7832:7	put 7834:4 7835:23 7836:14 7843:13 7848:17 7866:19 7887:16	quote 7867:10	
	protection 7932:24	put 7834:4 7835:23 7836:14 7843:13 7848:17 7866:19 7887:16	quotes 7828:18	
	provide 7933:6	qualified	quotes 7828:18	
		qualifications 7897:14	radicalization 7858:23	
		qualified	Radisson 7831:14,15,21 7832:5,11,25 7833:2,3	
			raise 7897:7	
			ratify 7864:13 7874:2	
			R	

7927:22 7931:16 7938:6 7941:17,18	7850:20 7875:7 7900:15	Registrar 7906:1,2	7936:14	replying 7929:12,23
reaffirm 7880:19	recognize 7827:24 7876:2 7885:25 7893:21	regular 7824:20 7878:5	remembering 7881:22 7936:8	report 7822:16 7826:23 7840:9 7846:6,8,16 7848:3,18,21, 23,25 7849:3, 15,17,21 7850:8 7851:6,12,13 7852:20 7856:21 7858:18 7860:24 7865:6 7867:4,6 7872:3,11,25 7875:11,21 7876:13 7879:4 7881:4 7882:18 7883:24 7885:2, 4,17 7887:21 7888:4,5,23 7889:12,15 7890:6,8 7893:12 7897:15,16,17 7901:3,5 7910:14 7912:21,23 7913:4,6,12 7918:21 7919:4 7921:8 7922:20 7924:22 7928:7, 12 7929:2
real 7839:11 7842:22 7843:3, 15 7855:21 7858:21 7859:25 7863:20 7910:11 7926:5 7927:13 7940:11	recognized 7843:22 7846:1 7887:14	regularly 7835:7	remind 7871:7 7929:14	
reality 7855:8 7862:13 7874:20 7881:23 7889:9 7891:12 7892:15 7918:3 7939:25	recommendations 7869:16 7879:15	reinforcement 7865:23	reminding 7883:7	
realize 7862:20	reconsider 7916:14	reiterated 7879:1	remove 7916:17	
realized 7916:18 7917:12 7927:10	record 7876:15	reject 7839:10	Renee 7900:22	
reason 7879:25 7891:21 7898:9	reduce 7892:2	related 7910:19	renew 7871:19 7877:3,15 7878:7,13 7891:14 7894:23 7895:8, 11	
reasonable 7943:8	reference 7923:18	relation 7880:20	renewal 7879:6 7895:3	
reasons 7896:2 7918:7	referred 7840:12 7848:25 7849:1	relations 7831:13 7901:19 7902:1, 6 7903:7 7904:17	renewed 7876:23 7877:21 7895:15	
reassure 7880:8	refers 7828:17 7831:13,14	relationship 7829:13,25 7831:6,24 7834:5 7850:4 7878:6 7893:25 7894:20 7911:11	renounce 7920:17,24	
rebellion 7891:25	refusal 7883:9 7940:10	relationships 7831:3 7880:10 7902:15	reorganize 7850:2 7856:12	
receive 7824:2 7930:18	refuse 7922:7 7941:17	relationships 7831:3 7880:10 7902:15	reorganized 7921:1	
received 7824:6 7831:22 7832:18 7835:18 7849:1 7862:22 7899:16 7904:23 7916:6 7923:14	refused 7827:24 7828:5, 14,23 7940:10	relayed 7922:11 7930:20 7934:14	reparation 7886:21 7894:8, 9	reports 7876:21 7891:4 7897:13 7898:3 7903:23 7904:1, 4,12,16 7905:3 7912:1,3,7,11 7913:9
RECESSED	regain 7861:9	relevant 7851:25	reparations 7886:18,24 7887:15,24,25 7893:4,18	representatio n 7857:22 7874:10,24
	regime 7850:6 7884:16 7925:4	religion 7861:2	repartition 7872:14 7874:8	representatio ns 7838:6
	regimes 7847:14 7925:4	religions 7920:18	repeat 7846:20 7853:7 7901:9	representativ es 7895:14
	region 7839:20 7843:5,8 7845:18 7847:22 7863:14 7891:12 7892:7 7902:11,13 7928:2	reluctant 7892:19	rephrase 7894:18	represented 7854:25 7873:24 7874:4
	regions 7845:25 7857:13	remark 7842:20	replaced 7823:24 7866:6	reputation 7829:19
		remember 7898:25 7899:3 7914:14		

request 7838:15 7925:3, 5 7927:19 7940:23	rested 7822:13	Richelieu 7837:9,19	Savard 7909:19,25 7910:16 7911:19	security 7932:23
requests 7825:25 7882:22	restrict 7859:2	rights 7825:23 7828:11 7839:20 7903:13 7906:11 7909:10	SC 7885:18	seignior 7826:9,16,19
requirement 7924:25	restriction 7834:1	ritual 7831:3	SC-1364 7905:21	seigniories 7824:7,22 7826:4 7837:18
requiring 7835:9	result 7849:25 7852:2 7859:21 7862:1 7866:10 7877:1 7894:22 7927:9	River 7824:4 7826:15 7828:8, 22 7834:13 7837:9,19 7922:12	schedule 7895:21 7896:1, 3 7898:15	seigniori 7824:8,9 7825:11 7826:7, 21
research 7846:15 7848:22 7853:10,11,20 7900:7 7903:22 7909:3 7912:1	results 7853:4	role 7855:20 7861:2 7919:10	scholar 7846:22	send 7895:14 7942:17
researchers 7909:2	resume 7896:11 7898:23	rivers 7823:10 7836:1	scholars 7909:1	Seneca 7878:11
reserve 7826:20 7838:18,21 7839:1,4,5 7840:5 7847:19	RESUMED 7850:21 7875:8 7900:16	Royal 7852:22 7853:16 7884:7, 10,13,19,23	screen 7822:25 7842:12 7848:19 7885:17 7921:10	Senecas 7857:17 7859:12 7863:17,24 7874:4 7876:1 7887:9 7891:7 7914:23 7915:3, 4
reserved 7823:14 7824:10	retained 7908:11 7911:2	rule 7871:12,24	scroll 7866:20 7909:17 7912:14 7923:25 7929:13 7931:17	sense 7866:6 7884:25
resistance 7860:6,9 7892:6	retainer 7908:10,21 7911:15,22	rules 7828:5	searching 7943:9	sentence 7827:3 7840:13 7868:6 7888:9
respect 7843:2,8 7846:21 7920:20 7936:16	return 7854:5	rumours 7854:16 7917:4	season 7910:4	separate 7870:7
responded 7937:22 7940:21	returning 7917:13	safe 7832:8	section 7826:21,25 7850:7 7852:10 7872:11 7881:4 7883:24 7884:3 7887:20 7901:2 7903:24 7907:23 7911:25 7921:17 7931:15 7942:5	separately 7869:22
responding 7930:10 7938:1	review 7886:3 7921:13 7928:23	Saguenays 7857:12	sections 7851:12 7853:1 7912:24	series 7916:12 7917:4
Response 7885:5	reviewed 7879:23 7884:4	Saint 7823:19	sector 7837:17 7838:13,17 7866:13	settle 7824:16 7826:17 7839:16 7844:10 7845:19
responsible 7879:3 7893:21	reviews 7823:6 7841:14 7844:24 7906:19 7919:6 7921:15,23 7923:20 7925:17 7926:18 7928:24 7929:16,20 7931:22 7935:16 7938:5	Saint-frédéric 7837:5 7838:13 7845:17	securing 7933:10	share 7848:5
rest 7829:3,7 7888:24	reward 7935:17,21	sale 7859:2		Shaule 7900:24
restart 7883:10	revised 7908:5	salient 7888:25		Shawanese 7857:16,21
	rewarded 7935:22,25	Samuel 7829:9,14 7833:1		shies 7888:11
		satisfaction 7938:3 7939:4		Shore 7824:4
		satisfied 7926:25 7928:3 7938:16		
		S		

short 7835:13 7850:23 7860:10 7869:3	skip 7890:14	7914:6	status 7843:25 7855:10	7854:4 7879:11, 16,20
show 7864:24 7873:7,15 7938:16	slow 7901:8	speculate 7835:2,20	stay 7854:14 7914:3	stuff 7909:6 7920:14
shows 7851:11	smallest 7860:12	speculation 7835:12	stayed 7917:11	subject 7844:2,4,5,10 7846:7 7898:6 7931:11
shying 7888:14	Socio-economic 7912:16	speeches 7880:5 7883:18 7937:9	stop 7850:9 7863:18 7864:3 7929:13 7935:24	subjection 7843:24
side 7833:20 7898:4 7941:8	socio-économique 7912:15	spirit 7839:19 7847:9 7933:22	strange 7825:9 7833:17 7838:20 7886:20	subjects 7844:12
sides 7907:17 7941:13,15	soldiers 7830:10 7872:17,20 7914:23 7939:17,19	spiritual 7861:3,13 7919:9 7920:12	strategies 7851:16 7937:19	submit 7827:25
siege 7864:6 7914:2,10,12,25	solemnize 7864:13	split 7897:12	strategy 7864:20 7865:8 7866:7 7869:14 7870:13,20 7871:11,14,15 7917:21,25 7939:24 7941:4	submitted 7828:5,14 7887:15 7893:17
sign 7837:8 7863:7,11 7894:6	solution 7878:4 7920:6	spoke 7919:1	spot 7942:6,8	substance 7935:3,5
significant 7852:15	sort 7915:8 7943:1	spoken 7922:19	spring 7859:19 7864:17,18	substantive 7884:8
signified 7892:13 7915:17 7916:1	sound 7868:15 7898:16	St 7823:11 7824:4,8 7826:4,15 7834:13 7839:7, 13 7853:18 7873:5 7902:6 7903:16 7922:12	standing 7896:7	succeed 7917:2,7,24
signs 7863:9	sounds 7923:1 7939:10	start 7848:21 7896:10 7908:22	strength 7861:9	succeeded 7866:5
similar 7855:10	source 7883:20 7934:12	started 7853:10,11 7854:1 7859:18 7919:9	strengthen 7877:3,15 7878:8,13 7891:15 7894:24 7895:8, 12 7924:10 7925:9	successful 7860:11 7862:8 7915:4,6,10 7917:11
simple 7844:9 7889:9	south 7824:3 7825:11 7826:15 7837:9 7862:2	standing 7896:7	strengthened 7876:24 7877:21 7895:15	sufficient 7919:11
simply 7828:22 7844:1 7881:9 7884:3	speak 7901:6,7	start 7848:21 7896:10 7908:22	strong 7855:21 7859:16 7869:11 7888:11	suggest 7840:7
single 7890:21	speaker 7937:25	starting 7841:17 7849:10 7853:20 7859:10 7890:18 7899:5 7902:1	strengthenin g 7879:7 7895:4	suggesting 7923:3 7930:19 7936:19 7939:10
Sioux 7831:14, 22,23 7832:4,9, 23	speaks 7833:24	starts 7881:4	strictly 7883:1	suggestion 7864:8 7886:10 7888:14 7891:23
sir 7889:15 7898:1,15,24 7900:4 7942:12	specific 7837:25 7852:2, 8 7876:16 7878:5 7882:6 7883:12 7907:10 7908:9, 23 7909:8,11 7934:2	statement 7827:17	stronger 7920:15	suggests 7886:8
sit 7898:14	specifically 7903:1,9,10		structure 7851:5,20	suit 7896:13
situate 7919:4 7921:19 7925:13				suitable 7897:5
situation 7842:1 7930:8 7940:14,17				

suited 7896:22	symbolically 7838:25	temporary 7824:12	Thomas 7864:19	title 7929:17
summer 7870:11 7884:5 7894:14	symbols 7836:6 7893:25	tempted 7856:4	7865:15 7866:2, 3,18 7867:13 7879:1	today 7847:10 7893:23 7900:23 7913:19
superior 7864:19 7866:15 7869:16 7930:25	System 7868:24	tempting 7835:2	thought 7871:9 7879:25	told 7828:12 7838:2 7860:12 7862:24 7907:7 7933:22
	<hr/> T <hr/>	tense 7834:19 7854:18	threat 7858:20 7860:7 7937:9	tomorrow 7896:3,12,18,25 7942:11
supervise 7879:12	table 7851:9	tension 7854:12	threatening 7858:24	tool 7921:3
supervision 7866:17	tactics 7864:25	term 7855:15 7873:21 7909:4 7934:2	threats 7859:9,17	tools 7852:7 7870:17,23 7871:2
supplementa ry 7885:4 7890:8	takes 7876:11	terms 7846:7 7847:13 7871:11 7897:8 7901:21 7922:20,25 7925:22 7927:2 7941:11	Throats 7869:1	top 7889:20
support 7873:8,15 7876:16	taking 7932:1, 5,18 7934:16 7935:6 7936:6, 12 7937:2	territories 7827:2	time 7824:10, 18 7825:15 7829:10,14,18 7830:5,12 7833:19 7838:12 7840:9, 15 7854:24 7855:4 7857:11 7859:13,23 7862:18 7863:1 7866:15 7867:10,12 7870:21 7872:17 7873:18,20 7878:24 7879:3 7880:22,24 7883:16 7884:20 7888:2 7891:2 7892:8 7896:7 7908:17, 25 7909:15 7910:10 7911:20 7912:20,22 7920:2,10 7930:11 7938:18 7940:13,19	topic 7918:18
supporters 7862:19 7915:11 7916:6	talk 7838:1 7847:17,18 7875:16 7893:23 7895:20 7899:1 7902:14 7904:20	territory 7835:9 7836:11	totally 7842:25	trade 7832:1 7833:24 7834:13,21 7862:16 7869:14 7879:9, 10 7880:13 7882:21,25 7883:8,10 7892:14 7915:14,18 7916:1,21 7917:15 7918:5, 10,14 7919:14, 15,18,24 7920:10 7923:6, 8,9,23 7924:7, 10,19,24 7925:8 7927:20,25 7933:6,8,9,16 7934:5 7935:10, 11 7938:18 7939:2
supposed 7899:21	talked 7834:16	testified 7898:2,25 7908:2	tradition 7927:7 7928:2,18,19	trading 7927:7 7928:2,18,19
surprised 7853:21 7886:11 7889:10	talking 7822:18 7837:4 7853:15 7875:19 7881:25 7886:17 7889:14 7903:2 7915:8,22 7934:1,8 7938:25	testify 7908:6 7910:13	traditional 7861:6 7870:17 7871:2	
surprises 7884:12	talks 7833:23 7836:19 7892:24	testimony 7852:11 7913:17		
surrender 7858:14	tax 7828:20 7903:19	text 7888:24		
surrendered 7932:7 7933:1	taxes 7828:10	therewith 7939:9		
surrounding 7848:12	teach 7853:14	thesis 7901:17		
surveyor 7838:11	team 7909:3,4	thing 7824:19 7858:5 7894:3,5 7920:24 7932:12 7933:17,20		
surveys 7837:25	technical 7901:15	things 7846:19 7847:1 7919:24 7923:9 7928:9		
suspicious 7926:6	telling 7934:24 7939:20	thinking 7859:13 7896:9		
symbol 7893:25				
symbolic 7884:16				

traditions 7881:17,18 7882:9 7883:6	7887:5,7,18,22 7888:1 7889:1, 4,5,7 7890:1,21 7891:8 7893:7, 10,13,24 7894:2,8 7895:3 7921:7,12 7922:2,13,16 7927:17 7942:1	understand 7825:15 7829:23 7835:14 7844:16 7847:8 7849:6,7,12,22 7851:23 7852:1, 6,7,12 7853:23 7858:2 7861:24 7867:11 7870:14 7872:14 7874:8 7877:6 7881:14 7882:3,6 7883:15,20 7889:3 7891:2, 17,20 7892:9 7893:23 7894:15 7903:12,18 7906:8 7908:10 7909:14,21 7910:2,6 7912:2 7915:19 7933:3 7940:23 7941:2	unite 7869:6	7838:14 7841:10 7858:11 7863:18 7869:7 7870:15,16 7877:15 7880:12 7882:24 7891:20 7912:21 7917:2 7921:25 7922:7 7923:15 7924:16,19 7935:11,22 7937:6 7941:22
Transactions 7870:1		trial 7898:8	updating 7942:18	
translated 7905:17		Tribunal 7908:10	uploaded 7942:23	
translation 7897:16 7901:5		tributes 7828:10	upset 7834:11 7938:11	
transmitting 7934:24		troops 7938:9 7939:7	Utrecht 7843:21	
traps 7905:17		true 7827:5 7907:18 7941:8	<hr/> V <hr/>	
travel 7827:12, 22 7828:11 7830:17 7832:8, 22 7835:8,25 7836:9,16 7838:5		turn 7822:21 7856:20 7872:2 7883:23 7885:3 7921:6	Valley 7823:19 7839:7,14 7853:18 7854:21 7857:21 7873:6 7887:13 7892:6 7902:7 7903:16 7917:5 7922:12	wanting 7935:7
travelling 7828:21 7843:10		Tuscarora 7929:25	Variance 7869:5	war 7830:11 7852:2 7859:18 7860:19,23 7861:15,18 7862:4,8 7863:1,18 7864:3 7868:20 7886:17,21,24 7887:3,23,25 7892:4,12,13,22 7893:4,17,22 7894:8,9 7895:10 7913:17 7914:19 7915:9, 10,17,25 7916:6,15 7918:18,19 7919:11 7921:4 7922:8 7927:10 7930:13,14 7936:17 7941:7, 10,12
travels 7830:14		Twightwees 7857:15	versions 7909:6	
treat 7869:21 7899:4 7926:10		typical 7925:25 7926:13 7933:11	view 7846:20 7848:5,15 7852:18 7907:17 7930:17	
treaties 7835:3 7852:24 7853:17 7864:9, 14 7865:9 7871:20 7874:3 7875:20,24 7876:6 7878:10, 15 7887:7,12 7889:8 7891:6, 14 7893:15,17 7894:4,23		<hr/> U <hr/>	viewed 7929:6	
treatment 7923:13,16		ultimately 7904:13	viewed 7929:6	
treaty 7843:21, 22 7849:1,4,6, 11 7852:24 7853:9,12,19,24 7854:2,24 7855:1 7863:12 7871:3 7876:17, 23 7877:24 7878:2,17 7880:1,16,22 7881:2 7886:9, 14,15,19,22		unable 7860:14 7911:9 7913:20 7914:5, 17 7916:11 7917:17	vitae 7901:1,12 7902:21 7903:22 7905:5 7907:22 7911:25	volumes 7900:3
		uncomfortabl e 7888:17 7890:5 7893:20	<hr/> W <hr/>	
		underlying 7846:9	waiting 7822:24	warriors 7877:10 7880:10
		underplay 7891:24	wampum 7830:1 7871:1	water 7840:8
			wanted 7826:17 7831:23 7837:15	weapons 7859:2
				weeks 7943:3
				Wendats 7828:19
				western 7873:19 7875:16,19

7876:17 7877:2, 7 7878:12 7879:25 7880:6 7882:23 7889:25 7890:23 7891:24 7893:5 7894:24 7895:2, 5,6,9 7915:25 7919:22 7922:17 7936:25	12 7908:18 7909:9 7937:18 worked 7833:15 7905:6 7910:7 working 7833:18,21 7907:5,6 7911:1 works 7846:12 wrap 7892:21 write 7887:22 7912:21 writes 7823:9 written 7870:19,22 7871:4,6 7881:11,12 7888:5 7905:22 7906:14 7912:7, 11 7940:25 wrong 7866:22 wrote 7838:10 7874:21 7888:20 7891:19 7893:11 7895:2 Wyandot 7863:13,19 7875:25 7878:11 7891:6 Wyandots 7874:3 7887:10	York 7878:25 young 7833:3, 6,10	
whichever 7895:24 Wiandots 7857:10 William 7854:19 7865:15,18 7866:15 7872:18,20 7873:7 7874:20 7876:19 7880:16,22 7881:2 7883:17 7884:17 7887:11 7889:6 7891:18 7894:9 7895:11 7937:9, 14 7940:13 7941:15 win 7892:12 with' 7842:7 witnesses 7898:2 won 7915:5 wondering 7916:4 7925:22 7943:10 wording 7876:25 words 7916:16 7926:2,5 7937:19 work 7828:17 7838:11 7846:14 7899:9 7901:21 7904:21,22 7905:1 7907:10,	Y		
	year 7825:10 7929:9 years 7837:5 7908:24 Years' 7930:13 yesterday 7828:13 7834:17 7836:22 7847:7 7858:22 7859:6 7860:12 7899:20		