

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

VOL 63 DAY 63
November 21, 2019



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

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

4 B E T W E E N:

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

8 - and -

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

18 Court File No. 03-CV-261134CM1

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

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

22 Plaintiffs

23 - and -

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

Defendants

26 --- This is VOLUME 63/DAY 63 of the trial
27 proceedings in the above-noted matter, being held
28 at the Superior Court of Justice, Courtroom 5-1,
29 330 University Avenue, Toronto, Ontario, on the
30 21st day of November, 2019.

31 B E F O R E: The Honourable Justice Wendy M.
32 Matheson

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

WITNESS: PROFESSOR ALAIN BEAULIEU
Cross-Examination by Ms. Pelletier
(Cont'd)..... 8101 - 8150
Cross-Examination by Mr. Evans..... 8150 - 8247

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.
4388:	Chapter 3 of the book entitled "Compact, Contract, Covenant, Aboriginal Treaty-Making in Canada" authored by J.R. Miller.	8118:25
4389:	Article entitled "An History, Reflections on the Usage of the Past in Aboriginal Claims", authored by Professor Alain Beaulieu.	8152:5
4390:	Article entitled "An Equitable Right to be Compensated: The Dispossession of the Aboriginal Peoples of Quebec and the Emergence of a New Legal Rationale (1760-1860)" authored by Professor Alain Beaulieu.	8166:2
4391:	Book entitled "Des Sauvages" co-edited by Réal Oullett and Professor Alain Beaulieu.	8190:9
4392:	Book entitled "The Great Peace, Chronicle of a Diplomatic Saga", authored by Roland Viau and Professor Alain Beaulieu.	8195:1

		Page 8100
1	4393: Lahontan's complete works edited by	8200:19
2	Alain Beaulieu and Réal Oullett.	
3	4394: Chapter 3 of the book entitled book	8210:1
4	by Gilles Havard entitled "Empire et	
5	Métissages"	
6	4395: Chapter 7 of the book by Gilles	8219:22
7	Havard entitled "Empire et Métissages".	
8	4396: Chapter from book "The Culture of	8228:9
9	the Seven Years' War" entitled "Under His	
10	Majesty's protection: The meaning of the	
11	Conquest for the Aboriginal peoples of	
12	Canada".	
13	4397: Chapter 1 of the book authored by	8240:23
14	Gilles Havard entitled "Empire et	
15	Métissages".	
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

09:52:38 1 -- Upon commencing at 10:04 a.m.

09:09:55 2

10:04:36 3 THE COURT: Please go ahead.

10:04:40 4 PROFESSOR ALAIN BEAULIEU; Under Prior
10:04:40 5 Affirmation.

10:04:40 6 CROSS-EXAMINATION BY MS. PELLETIER

10:04:40 7 (CONT'D):

10:04:41 8 Q. Thank you, Your Honour.

10:04:42 9 Good morning, Professor Beaulieu.

10:04:43 10 A. Good morning.

10:04:43 11 Q. Yesterday when we were talking
10:04:44 12 about the Treaty of Niagara, you made the point
10:04:47 13 that, from your perspective, it is not the Treaty
10:04:49 14 of Niagara that is the important moment. It is the
10:04:52 15 Treaty of Detroit; do you remember saying that?

10:04:55 16 A. I said that it is not the Congress
10:04:56 17 at Niagara, not the Treaty itself.

10:04:59 18 Q. Sorry, that's right.

10:05:01 19 A. And in my mind, for the beginning
10:05:05 20 of the new alliances between British and the
10:05:09 21 Aboriginal people, I think that the meeting in
10:05:11 22 the Congress at Detroit is one very important
10:05:13 23 moment.

10:05:13 24 Q. Okay. So I want to pick up on
10:05:16 25 that point. I would like to bring up Exhibit 1128,

10:05:21 1 and it is not something that you have, Professor
10:05:24 2 Beaulieu, but we'll put it up on the screen. This
10:05:26 3 is a copy of Treaties 45 and 45 1/2, which were
10:05:31 4 concluded at Manitoulin Island in 1836, and I take
10:05:36 5 it you are familiar with these?

10:05:40 6 If you would like to scroll up to the
10:05:42 7 top, if we could, just so that Professor Beaulieu
10:05:44 8 can see the beginning of the document.

10:05:50 9 THE COURT: I'm going to let you ask
10:05:52 10 questions about this because there is no objection,
10:05:53 11 but I note that this gentleman has not been
10:05:55 12 qualified for that century.

10:06:00 13 MS. PELLETIER: True, he does --

10:06:01 14 THE COURT: You don't have to explain
10:06:03 15 your rationale. You can proceed, and if there is
10:06:06 16 an issue, I am sure counsel will stand up, because
10:06:10 17 I can imagine cross-examination that would be
10:06:13 18 appropriate. I just wanted to flag that for you.

10:06:15 19 BY MS. PELLETIER:

10:06:15 20 Q. Sure.

10:06:16 21 Professor Beaulieu, will you confirm --
10:06:19 22 I believe you cite this meeting in your report?

10:06:21 23 A. That's correct.

10:06:23 24 THE COURT: Which meeting are you
10:06:24 25 talking about?

1 BY MS. PELLETIER:

2 Q. This is 1836, the negotiations for
3 Treaty 45 and Treaty 45 1/2, and I believe it comes
4 up in the context, Professor Beaulieu, where you
5 mention in your report where -- in talking about
6 Professor Borrows' argument about the Proclamation
7 being read at Niagara. Am I correct that that is
8 where you discuss this Treaty?

9 A. We need to go back to my report,
10 but I remember that I used this document as one of
11 the elements of the oral testimony and traditions
12 about the Congress at Niagara in 1764.

13 Q. Okay. So you can confirm you are
14 familiar with it?

15 A. I am familiar with it.

16 Q. Excellent. Okay. So I don't want
17 to talk about it in depth. I just want to talk
18 about the first paragraph. Now, we are looking at
19 Treaty 45. Now, again, this is a Treaty between
20 the Crown, represented at the time by Lieutenant
21 Governor Bond Head, and the Ottawa and the Ojibwe
22 at Manitoulin Island.

23 I would like to give you a moment to
24 read that first paragraph. Actually, it is short,
25 so I will read it now:

1 "My Children, 70 snow seasons

2 have now passed away since we met at

3 the Crooked Place (Niagara) at which

4 time and place your Great Father the

5 King and the Indians of North

6 America tied their hands together by

7 the Wampum of Friendship."

8 So I'm wondering if you would agree

9 with me here, given that you are familiar with this

10 document, that I believe what Bond Head is doing is

11 he is trying to --

12 MR. McCULLOCH: Objection, Your Honour.

13 Professor Beaulieu is not qualified to express an

14 opinion on the intentions of Sir Francis Bond Head

15 in 1836.

16 THE COURT: Well, leaving that aside,

17 the question hasn't been completed. So I am going

18 to ask Counsel to complete her question and then

19 pause, sir, before you answer it, and we'll see if

20 Mr. McCulloch has an objection -- or the same

21 objection or no objection.

22 BY MS. PELLETIER:

23 Q. So what appears to be happening

24 here is this is the beginning of his address, and

25 he is situating their relationship. He is about to

1 negotiate this Treaty and situating their
2 relationship. First of all, I'll stop there.
3 Would you agree that that's what this passage is
4 saying? He is reminding them of where the
5 relationship began from, from his perspective.

6 MR. McCULLOCH: Your Honour, my
7 objection still stands. My friend is attempting to
8 extract an expert opinion about what Bond Head is
9 doing in this particular passage, and that lies
10 outside the expertise for which he was qualified.

11 THE COURT: Ms. Pelletier?

12 MS. PELLETIER: Professor Beaulieu has
13 testified that it is the Treaty of Detroit and not
14 Niagara that, from the British perspective, was the
15 important Treaty, and so I'm putting to him a
16 document that he has referenced in his report where
17 I would like to ask him questions about whether he
18 agrees that what is actually being referenced as
19 the sort of foundational point in the relationship
20 between the British and the First Nations is
21 actually Niagara and not Detroit.

22 He has talked about this.

23 THE COURT: Any reply?

24 MR. McCULLOCH: No, Your Honour. I
25 rely upon the tender of qualification.

1 THE COURT: Ms. Pelletier, I am not
2 sure that I -- I don't think it necessarily
3 matters. I am not sure I would agree with your
4 characterization of this gentleman's testimony.
5 You have said that he testified that Detroit, not
6 Niagara, was the important Treaty. I am not sure
7 that I would have characterized the evidence of
8 this gentleman that way.

9 However, you went on to say that
10 Detroit -- that this witness testified to the
11 effect that Detroit was sort of a foundational
12 point in the relationship, and I think that is
13 closer to what this gentleman has been saying.

14 And I am going to permit you to ask
15 about this preamble, but not -- I mean, it says
16 what it says, so I am not sure how much further you
17 would plan to go.

18 But as a historian and being that this
19 is cross-examination, I am going to permit some
20 questioning, and that does not mean you have a free
21 pass to go into a lot of the detail of what was
22 intended or, you know, things like that.

23 MS. PELLETIER: That wasn't my
24 intention.

25 THE COURT: But I think if you are just

1 looking at what it states on the face of the
2 document, then I'll permit you to ask about that.

3 MS. PELLETIER: Thank you, and that is
4 essentially my only question, Your Honour.

5 BY MS. PELLETIER:

6 Q. And, Professor Beaulieu, just to
7 clarify, I'm not asking you to get into the mind of
8 Bond Head, simply that you will confirm that, in
9 fact, here, in Treaty 45, Britain is, in fact,
10 referring to Niagara as the place where their
11 hands -- the King and the Indians of North America
12 tied their hands together by the wampum of
13 friendship, and it is Niagara, not Detroit, that is
14 being referred to?

15 A. 70 years after the event, the
16 British remembered this moment. So if we want to
17 understand what was important in the year following
18 the conquest of New France, we have to look, again,
19 as much as possible to the documents connected with
20 those events.

21 Of course, 70 years after, every people
22 could have a different -- or a personal
23 understanding of what happened there and place more
24 emphasis on this moment, because Johnson at that
25 time gave a wampum belt with the date 1764. So it

10:12:30 1 was easier to remember, I would say, this moment
10:12:34 2 because you have this symbol with a date, and it
10:12:37 3 was possible to associate this wampum with the
10:12:40 4 specific moment.

10:12:40 5 And we know that for the -- maybe for
10:12:48 6 the Aboriginal people, for some British who had not
10:12:51 7 necessarily a good knowledge of what happened at
10:12:53 8 the conquest of new France, it could be seen as a
10:12:56 9 starting point. But we know -- when we look at the
10:12:58 10 documents following the conquest of New France and
10:13:01 11 negotiations between the Aboriginal people and the
10:13:02 12 British, we know that for William Johnson in 1764
10:13:06 13 the Congress at Detroit was for him a really
10:13:09 14 important point.

10:13:10 15 If this was lost in memory after that,
10:13:14 16 it is one thing, but the fact that one of the
10:13:18 17 foundational moments was 1761 was not contradicted
10:13:23 18 by this kind of remembering many decades after the
10:13:28 19 event.

10:13:28 20 Q. And that was your opinion, that
10:13:31 21 for Johnson 1761 was the more important date, but I
10:13:34 22 think we covered that topic in quite a bit of
10:13:37 23 detail yesterday, so I don't propose to revisit
10:13:40 24 that.

10:13:40 25 But you would agree that, in 1761,

10:13:43 1 there were also wampums that were given to the
10:13:47 2 nations there at Detroit?

10:13:48 3 A. Wampums, but with no, I would say,
10:13:51 4 clear signs that could be identified and keep in
10:13:54 5 memory with the specific event. We have many
10:13:58 6 wampums that we are unable to connect it with
10:14:01 7 specific events, so we know that they were probably
10:14:04 8 given in meetings between French and Aboriginal
10:14:08 9 people, between British and Aboriginal people, but
10:14:11 10 we are unable because there is no specific sign to
10:14:16 11 associate some specific wampum with one event.

10:14:21 12 So I mentioned the case of William
10:14:26 13 Johnson, but I would say that for the British in
10:14:29 14 general and from a strictly historical perspective,
10:14:33 15 1761 is really an important moment. It is my
10:14:37 16 opinion as an historian, and it was -- I think it
10:14:41 17 was also the opinion of the British.

10:14:44 18 Johnson went to Detroit to integrate
10:14:47 19 the old allies of the French. It was not an
10:14:52 20 insignificant event. At that moment, it was really
10:14:54 21 important to go there and to integrate those
10:14:56 22 Aboriginal people.

10:14:57 23 Q. Okay. Sorry, I don't want you to
10:14:58 24 hear me say that I think that 1761 in Detroit was
10:15:02 25 insignificant. I fully agree with you that it was

1 a very important event. I am merely pointing out
2 that you are right, 70 years later, that it is
3 Niagara that stands out as the moment and not 1761?

4 A. And it is one of the
5 characteristics, I would say, that the oral
6 testimony to forget something, to put the emphasis
7 on some event. It doesn't mean that the previous
8 events were not important.

9 In the oral traditions, there were very
10 few indications of the great war of Pontiac, and we
11 know that it was really an important event.

12 Sometimes they are just trying to -- not to put the
13 emphasis on this moment of violence between the
14 British and the Aboriginal people.

15 So it is characteristic of the oral
16 traditions to select some moments and to place
17 those events as, I would say, a symbol of
18 something.

19 Q. But Bond Head is the
20 representative of the Crown. He is not Indigenous.

21 A. I am qualified to answer this
22 question. I can't -- my objective was not to study
23 this treaty. It was just to discuss about some
24 pieces of information that we can find about the
25 oral traditions. I don't think that Bond Head was

10:16:19 1 totally aware of the details of the history
10:16:23 2 following the conquest of New France.

10:16:25 3 And we have also indications of
10:16:28 4 other -- I would say other documents when the
10:16:32 5 British, when they tried to summarize, I would say,
10:16:36 6 their meeting with the Aboriginal people, could
10:16:41 7 forget something.

10:16:42 8 So the same phenomenon to -- when the
10:16:48 9 British or the Aboriginal people tried to remember
10:16:51 10 some aspect of their relationship, they could
10:16:53 11 select something, they could forget something. It
10:16:55 12 doesn't mean that the event themselves were not
10:16:57 13 important at that moment.

10:17:04 14 Q. But Bond Head would have had
10:17:06 15 access to documents?

10:17:09 16 MR. McCULLOCH: Your Honour, my friend
10:17:10 17 is asking about what Bond Head would have had
10:17:12 18 access to. That is clearly, in our view, outside
10:17:14 19 of his tender.

10:17:22 20 THE COURT: Ms. Pelletier?

10:17:23 21 MS. PELLETIER: Professor Beaulieu is
10:17:24 22 making the argument, as he had in his report, that
10:17:26 23 the oral traditions sometimes can change, and I am
10:17:28 24 merely pointing out that this isn't an Indigenous
10:17:30 25 person standing up and, you know, misremembering

10:17:31 1 things. This is a Crown official who would have
10:17:34 2 had access to Johnson's papers, all of the
10:17:36 3 documents. He was a representative of the Crown.
10:17:38 4 I don't think that that's an improper question.

10:17:42 5 THE COURT: Response or reply,
10:17:44 6 Mr. McCulloch?

10:17:45 7 MR. McCULLOCH: What an early 19th
10:17:49 8 century Crown official would have had access to in
10:17:53 9 the way of records implies the understanding of the
10:17:57 10 state of organization of the Colonial office, the
10:18:02 11 level of instructions given to Colonial officials.

10:18:07 12 It takes us well beyond the tender in
10:18:12 13 that it assumes that Professor Beaulieu can talk
10:18:15 14 about what a Lieutenant Governor appointed to Upper
10:18:22 15 Canada would have known.

10:18:31 16 THE COURT: Ms. Pelletier, the witness
10:18:33 17 began his answer by fairly stating that it was not
10:18:39 18 his objective to study that area. He was focussed
10:18:44 19 on some aspects of oral traditions.

10:18:48 20 Now, since you opened the door, he did
10:18:50 21 go on and make some comments, and I'm sure that is
10:18:55 22 why you have asked follow-up questions.

10:18:58 23 But in the circumstances of the tender
10:19:03 24 and his own qualification about what he was asked
10:19:05 25 to look at, I am not sure what value it would be to

1 me to have an answer to the question of what he had
2 available to him.

3 MS. PELLETIER: Sure. I am not -- and
4 just to clarify, Your Honour, I'm not asking
5 Professor Beaulieu to offer a list of all of the
6 documents that Bond Head would have reviewed.

7 THE COURT: Well, it doesn't matter if
8 it is a list or -- I am just trying to find your
9 question. Just give me a moment here.

10 You began to say Bond Head would have
11 had access to documents. So, you know, general or
12 specific, that is where you are headed. This
13 gentleman has already said that that was not
14 something he was charged with looking into. So --

15 MS. PELLETIER: Perhaps maybe I can
16 rephrase, and you can let me if know if you think
17 it is a proper question.

18 BY MS. PELLETIER:

19 Q. The point that I was more trying
20 to make and to see if you would agree with me,
21 Professor Beaulieu, is that Bond Head would not
22 have been basing his knowledge on oral tradition.
23 He is not Indigenous. And you have talked in your
24 report about the oral tradition from the Indigenous
25 people that sometimes changes over time, but Bond

1 Head would not have been a part of those oral
2 tradition stories, not part of that culture. He is
3 on the other side of things.

4 THE COURT: So, Mr. McCulloch, what do
5 you have to say about that?

6 MR. McCULLOCH: Your Honour, I'm having
7 some difficulty in understanding the question. If
8 the assertion -- the assumption is that, in 1836,
9 there was an Indigenous oral tradition but only a
10 documentary tradition on the British side --
11 seemed, I think, to be the implication -- again,
12 that is asking Professor Beaulieu to opine on the
13 existence or non-existence of institutional memory,
14 non-documentary institutional memory, on the part
15 of the Colonial office and whether or not Bond Head
16 was part of that.

17 And again, we are well beyond the
18 tender, if I understand the question correctly.

19 THE COURT: Ms. Pelletier, the
20 difficulty I have is that we have seen repeatedly
21 in this trial that at any occasion -- and this is
22 certainly an occasion now with respect to Treaty
23 45 -- that there is a wide variety of information,
24 some documentary, some through oral speeches made
25 on the occasion by the Indigenous peoples present,

1 and some recorded in conversations, if you will,
2 that are recorded in documents that is
3 sophisticated in the historical analysis.

4 And we have had a number of qualified
5 experts talking about it, and I am just not sure
6 that your general question is going to be that
7 helpful, bearing in mind the witness's fair
8 observation at the beginning of this. You know, he
9 is not sitting here purporting to have done what I
10 suspect he would wish to do, to comprehensively
11 understand what Bond Head might have known walking
12 in the door or at this occasion.

13 So I am not sure that -- beyond the
14 argument that you can make about what weight I
15 should put on this, I'm not sure that that question
16 is going to be helpful for me.

17 MS. PELLETIER: Okay. I'm fine to move
18 on, Your Honour. As I mentioned, I wasn't
19 intending to engage much further than to ask
20 Professor Beaulieu to acknowledge that it was, in
21 fact, Niagara that is being referenced here and not
22 Detroit.

23 Having, I think, acknowledged that --
24 it says -- the document says what it says -- I'm
25 happy to move on.

10:22:38 1 THE COURT: Please go ahead.

10:22:47 2 BY MS. PELLETIER:

10:22:47 3 Q. Thank you.

10:22:48 4 Now, I would like to bring up,
10:22:49 5 Professor Beaulieu, something that you said on
10:22:55 6 Monday. So I'll bring up the transcript starting
10:22:58 7 at 13:01:21 when you were discussing the Royal
10:23:06 8 Proclamation and the Quebec Act.

10:23:07 9 THE COURT: Now, Professor Beaulieu, as
10:23:10 10 I have mentioned to other witnesses, we have very
10:23:13 11 capable court reporters, but it remains the case
10:23:16 12 that this is something called a "rough transcript".

10:23:19 13 Without commenting on any particular
10:23:21 14 passage, I have certainly observed that, in the
10:23:24 15 careful work that the court reporters do afterward
10:23:28 16 to correct it, there are sometimes substantial
10:23:31 17 changes that get made.

10:23:32 18 So please bear in mind that this is a
10:23:34 19 rough transcript.

10:23:36 20 THE WITNESS: Okay.

10:23:37 21 THE COURT: All right. Please go
10:23:40 22 ahead.

10:23:41 23 BY MS. PELLETIER:

10:23:41 24 Q. Thank you. So beginning with this
10:23:43 25 paragraph here at line 19, if I could ask you to

1 read that, Professor Beaulieu, and then we'll
2 scroll down to the next paragraph, beginning with
3 "So the Quebec Act [...]"

4 A. [Witness reviews document.]

5 THE COURT: Is this page 106?

6 BY MS. PELLETIER:

7 Q. That's correct.

8 A. [Witness reviews document.]

9 That is okay.

10 Q. So here you have made the argument
11 that --

12 A. Should I read --

13 Q. Oh, yes. Sorry. That's right.

14 Continue.

15 A. [Witness reviews document.]

16 THE COURT: Do you mean to go down a
17 bit further, because I can't see the bounds of the
18 answer.

19 MS. PELLETIER: Just "to this region".

20 THE COURT: But the answer continues at
21 that point. There we go. Thank you.

22 THE WITNESS: I'm ready.

23 BY MS. PELLETIER:

24 Q. So I want to talk to you about
25 this idea, and I think you have acknowledged that,

10:24:45 1 when you make the argument that the Royal
10:24:47 2 Proclamation was abolished, officially abolished,
10:24:53 3 you say:

13:01:49 4 "[...] maybe not the direct
13:01:51 5 word in the document, but this idea
13:01:53 6 that it was no more, it would be no
13:01:57 7 more applied in this region."

10:24:58 8 So I want to explore that a bit further
10:25:04 9 with you. So I would like to bring up a document.
10:25:05 10 It is Chapter 3 of a book. It is document SC1425,
10:25:14 11 and I am going to ask, first, if you are familiar
10:25:15 12 with this book, Professor Beaulieu. This is by
10:25:18 13 J.R. Miller "Compact, Contract, Covenant".

10:25:22 14 A. Yes, I am familiar with it.

10:25:23 15 Q. And is it J.R. Miller an
10:25:26 16 authoritative historical resource about
10:25:29 17 treaty-making in Canada?

10:25:30 18 A. I think so.

10:25:31 19 Q. Okay. So, Your Honour, I would
10:25:33 20 ask that this be made an exhibit. It is Chapter 3
10:25:35 21 of "Compact, Contract, Covenant, Aboriginal
10:25:40 22 Treaty-Making in Canada" by J.R. Miller.

10:25:43 23 THE COURT: Mr. Registrar?

10:25:44 24 THE REGISTRAR: Exhibit No. 4388.

10:25:46 25 EXHIBIT NO. 4388: Chapter 3 of the

10:25:36 1 book entitled "Compact, Contract,
10:25:38 2 Covenant, Aboriginal Treaty-Making in
10:25:40 3 Canada" authored by J.R. Miller.

10:25:49 4 BY MS. PELLETIER:

10:25:49 5 Q. Okay. So I'll bring up pages 84
10:25:51 6 and 85. This appears to be more than just Chapter
10:26:12 7 3. I apologize.

10:26:31 8 Sorry, Your Honour, I'm just wanting to
10:26:33 9 confirm that this appears to be more than Chapter
10:26:36 10 3.

10:26:36 11 THE COURT: Your colleague can look
10:26:37 12 that up while you are doing your cross-examination.

10:26:39 13 MS. PELLETIER: Sure. Okay. If we can
10:26:40 14 go back to the...

10:26:42 15 THE COURT: We have lost the document.

10:26:47 16 BY MS. PELLETIER:

10:26:48 17 Q. Okay. So beginning at the bottom
10:26:49 18 of page -- and perhaps we can blow that up, please,
10:26:54 19 and then we'll move over to page 85 where the
10:27:00 20 passage continues.

10:27:00 21 There we go. Is that big enough,
10:27:08 22 Professor Beaulieu?

10:27:08 23 A. Yes.

10:27:08 24 Q. Okay. Let me know when you are
10:27:10 25 ready to switch.

10:27:11 1 A. [Witness reviews document.]

10:27:14 2 I am ready.

10:27:31 3 Q. Okay.

10:27:44 4 A. [Witness reviews document.]

10:27:45 5 I'm ready.

10:28:00 6 Q. Okay. So are you familiar, first
10:28:01 7 of all, with Dorchester's instructions?

10:28:03 8 A. Yes.

10:28:04 9 Q. Okay. So before we go to those
10:28:06 10 instructions, here I just point out that Miller
10:28:09 11 suggests that Dorchester's instructions were issued
10:28:12 12 in 1794 with the intention of trying to ensure
10:28:16 13 treaty-making was done in compliance with the Royal
10:28:18 14 Proclamation. So --

10:28:20 15 MR. McCULLOCH: Your Honour, again, my
10:28:23 16 friend is asking Professor Beaulieu to interpret
10:28:29 17 and express an opinion on Lord Dorchester's
10:28:33 18 intentions in 1794, which is clearly outside of his
10:28:37 19 tender.

10:28:39 20 THE COURT: Well, Mr. McCulloch, you
10:28:41 21 haven't heard the question yet, and again, we have
10:28:44 22 opened the possibility that later events may inform
10:28:49 23 the evidence I have heard about the Royal
10:28:53 24 Proclamation in connection with Niagara.

10:28:55 25 So again, I'll ask counsel to make her

10:28:59 1 question and give you another opportunity to stand
10:29:01 2 up.

10:29:02 3 MS. PELLETIER: I do not intend to ask
10:29:05 4 Professor Beaulieu what was in Dorchester's mind.
10:29:07 5 I can assure you.

10:29:08 6 THE COURT: Well, let's just see what
10:29:10 7 you are intending, and we'll go from there.

10:29:12 8 BY MS. PELLETIER:

10:29:12 9 Q. So I will bring up a copy of those
10:29:13 10 instructions, Professor Beaulieu, and they are at
10:29:15 11 Exhibit 741.

10:29:22 12 I'll give you a moment to read.
10:29:30 13 Perhaps we can blow that up just slightly.

10:29:35 14 Thank you. I'll give you a moment,
10:29:36 15 Professor Beaulieu.

10:29:37 16 A. [Witness reviews document.]

10:29:47 17 I'm okay.

10:29:49 18 Q. So Lord Dorchester was Governor
10:29:52 19 General at the time; correct?

10:29:53 20 A. That's right.

10:29:53 21 Q. And the instructions were issued
10:29:55 22 to Sir John Johnson, who was Superintendent General
10:29:58 23 and Inspector General of Indian Affairs?

10:30:00 24 A. That's correct.

10:30:01 25 Q. Okay. But they were intended for

10:30:02 1 the Indian Department as a whole?

10:30:04 2 A. I think so.

10:30:05 3 Q. So what I would suggest to you
10:30:13 4 here, Professor Beaulieu, is if you look at these
10:30:16 5 instructions, they are, in fact, very consistent
10:30:18 6 with the principles of the Royal Proclamation. So,
10:30:22 7 for example, the first article of the instructions
10:30:25 8 provides that surrenders of Indian lands can only
10:30:27 9 be made to certain Crown officials, and would you
10:30:29 10 not agree that that is very consistent with what is
10:30:32 11 found in the Royal Proclamation?

10:30:33 12 A. It is consistent, and it is --
10:30:40 13 when I said that the Royal Proclamation was
10:30:42 14 abolished, I tried to be specific on the point that
10:30:46 15 it doesn't mean that the British did change their
10:30:49 16 policy. The treaty-making process by which the
10:30:54 17 British bought the land of the Aboriginal people
10:30:57 18 was in existence before the Royal Proclamation. It
10:30:59 19 exists. It was not created by the Royal
10:31:02 20 Proclamation, and it was also followed after the
10:31:06 21 abolition of the Royal Proclamation.

10:31:07 22 I have never tried to say that, because
10:31:10 23 in the Quebec Act the Royal Proclamation was
10:31:12 24 abolished, it signified that the British could do
10:31:17 25 what they want. The policy was -- I think I

10:31:19 1 specified that point at the origins. Before the
10:31:23 2 decision was taken to adopt the Royal Proclamation,
10:31:26 3 the British had already decided to put those rules
10:31:32 4 within the instructions to different Governors, and
10:31:35 5 it is when they learned that a war was declared by
10:31:40 6 Aboriginal people in the Great Lakes that the
10:31:43 7 British authorities decided to put those
10:31:45 8 instructions, those specifications in the Royal
10:31:48 9 Proclamation.

10:31:49 10 So, for me, there is no change. I know
10:31:52 11 that it could be a debate when you say that the
10:31:54 12 Royal Proclamation was abolished, but as from a
10:31:58 13 strictly historical perspective, it is not a
10:32:02 14 problem because we know that the British did not
10:32:04 15 want to change their policy. And I specified that
10:32:09 16 by creating this new -- by enlarging the frontiers
10:32:15 17 of the Province of Quebec, it was within the
10:32:18 18 context of a new strategy by the British to control
10:32:20 19 the expansion of the colonization on the lands of
10:32:25 20 the Aboriginal people.

10:32:25 21 And maybe that we could argue that if
10:32:27 22 the Royal Proclamation was still effective in 1794,
10:32:32 23 why the Governor should decide to prepare new
10:32:35 24 instructions? He should just -- in that context,
10:32:40 25 he could just have said, Look, the Royal

1 Proclamation is very specific. Just apply the
2 Royal Proclamation.

3 So it was important, and we have
4 indications that at that moment, after the American
5 War of Independence, that the first treaties
6 concluded with the Aboriginal people were not done
7 in a very fair way, and it was -- and there was no
8 real archives, no real strategy, no real, I would
9 say, structure in the first process by which the
10 British bought the land of the Aboriginal people.

11 And these instructions are an answer to
12 this problem, and the Governor decided just to
13 remember what are the basic principles which need
14 to be followed before trying to -- not trying, but
15 before buying the land of the Aboriginal people.

16 So it is not contradictory to say that
17 you will find exactly the same spirit, the same
18 formula, the same intention, but it doesn't mean
19 that the Royal Proclamation itself is still in
20 existence. For me, maybe it is a problem from a
21 legal perspective, but from, I would say, a
22 strictly historical perspective, it is not -- for
23 me, it is not a problem. We have clear guidelines
24 about what should be done, what rules should be
25 followed to conclude treaties with the Aboriginal

10:34:04 1 people.

10:34:04 2 Q. So to your point just now,
10:34:06 3 Professor Beaulieu, that why make new instructions
10:34:08 4 if the Royal Proclamation was still being followed,
10:34:10 5 why not just say just look at the Royal
10:34:14 6 Proclamation, I would like to bring up an exhibit
10:34:16 7 where exactly just that happens, which is Exhibit
10:34:18 8 1134.

10:34:19 9 So this is a letter from Colonel James
10:34:29 10 Givins to Lieutenant Colonel Napier dated August
10:34:34 11 20th, 1836, and Colonel James Givins was the Chief
10:34:42 12 Superintendent of the Indian Department,
10:34:43 13 essentially the head of the Indian Department; is
10:34:45 14 that correct?

10:34:45 15 A. I think so, but I have not done a
10:34:51 16 specific research on this aspect.

10:34:56 17 Q. Well, I can tell you that
10:34:59 18 Lieutenant Colonel Napier was the Superintendent of
10:35:03 19 Indian Affairs in Quebec at the time. I'm not sure
10:35:05 20 if you are familiar with that.

10:35:06 21 A. Colonel Napier?

10:35:08 22 Q. Yes.

10:35:09 23 A. Yes.

10:35:09 24 Q. Okay. So the letter is a little
10:35:10 25 hard to read, so I am going to try to read it out,

1 and then we can talk about it:

2 "Sir, I am commanded by H.E.
3 the L.G. to request you forthwith to
4 transmit to me a copy of the
5 Proclamation of James of 1763
6 respecting the mode of acquiring the
7 land for government from the Indian
8 tribes referred to in your letter of
9 28th January last and which appears
10 you can furnish. J.G."

11 [As read.]

12 So firstly, "H.E. the L.G.", would you
13 agree that is His Excellency, the Lieutenant
14 Governor of Upper Canada?

15 A. I think so.

16 Q. And who at this time would have
17 been Francis Bond Head?

18 A. Oh, I --

19 Q. This is --

20 A. This is --

21 Q. This is 1836.

22 A. I would say probably.

23 Q. Okay. That is fine. Okay. So
24 here we have a direct request for a copy of the
25 Proclamation. So as you have said, why make new

10:36:12 1 instructions if the Proclamation was just being
10:36:14 2 followed. You could just say look at the
10:36:17 3 Proclamation. So here I'm suggesting this is an
10:36:19 4 example of precisely that happening.

10:36:25 5 A. If we want to understand this
10:36:26 6 request, we have to go back to the numerous
10:36:28 7 petitions presented by Aboriginal people. I know
10:36:31 8 very well this aspect of history because those
10:36:34 9 requests is connected to a series of petitions from
10:36:38 10 Aboriginal people living in the Province of Quebec,
10:36:42 11 from the Algonquin, from the Nipissing, and they
10:36:44 12 were protesting because they were dispossessed of
10:36:47 13 their land without being -- without receiving any
10:36:52 14 compensation by the British.

10:36:53 15 And what is really important to
10:36:57 16 remember is that at the moment when the Royal
10:36:59 17 Proclamation was published, copies of this
10:37:02 18 Proclamation was given to Aboriginal people, and we
10:37:05 19 know that the Algonquins received one copy from
10:37:10 20 William Johnson and that they kept this copy of the
10:37:13 21 Royal Proclamation.

10:37:14 22 And in their numerous petitions,
10:37:16 23 starting in the 1820s up to the middle of the 19th
10:37:22 24 century, that he was always arguing, Look, we
10:37:27 25 received this document by which the King promised

10:37:29 1 that we will be compensated for our land, that our
10:37:35 2 land will be kept to -- we'll be able to keep our
10:37:38 3 hunting ground unless otherwise we will receive
10:37:41 4 something. And they were always comparing their
10:37:45 5 situations with that of the other Aboriginal people
10:37:47 6 at the west of the Ottawa River and asking to
10:37:51 7 receive the same kind of treatment.

10:37:53 8 And it was the Aboriginal people
10:37:56 9 presenting this Royal Proclamation and not the
10:38:03 10 authorities looking we have to follow these rules.
10:38:05 11 It was at the request of the Aboriginal people that
10:38:08 12 the Royal Proclamation was presented.

10:38:11 13 And in the 19th century, we know that
10:38:18 14 if we look at the, I would say, the report on
10:38:20 15 Indian Affairs at that time, in 19th century, the
10:38:26 16 Royal Proclamation had become a really symbolic,
10:38:28 17 important document. But to my knowledge, it was a
10:38:34 18 symbol of the will, of the desire of the King to
10:38:40 19 establish some rules to protect the land of the
10:38:43 20 Aboriginal people and to bought those lands within
10:38:47 21 a specific context. It doesn't mean that that
10:38:49 22 request that for them they considered that the
10:38:52 23 Royal Proclamation was still, I would say, a legal
10:38:57 24 document because it is not different from what we
10:38:59 25 have said in the previous documents where the

1 general guidelines are the same.

2 But for the Aboriginal people, they
3 don't have a copy of the special instructions.
4 What they had in their mind was a copy of the Royal
5 Proclamation, and it is on this document that they
6 based their argumentation.

7 Q. But this is -- again, this is
8 not -- the request here is not coming from the
9 Indigenous people. It is coming from Givins
10 himself, and he is dealing with issues of land,
11 acquiring land, and wanting a copy of the Royal
12 Proclamation before doing that. Are you suggesting
13 that he is asking for this document at the request
14 of the Indigenous people?

15 A. It is following many requests by
16 the Algonquin and by the Nipissing who was upset
17 because their hunting ground to the west of the
18 Ottawa River in what was Upper Canada had been
19 taken without consultation with them, and they make
20 a lot of pressure to be here, to be consulted, and
21 they do many petitions -- they addressed many
22 petitions in Quebec, but also, they tried to get
23 something from the Governor of Upper Canada.

24 And what surprised me when I started to
25 work on those claims is that -- I have one example

1 in mind, but I cannot give you the specific date,
2 but in which it was the British authorities who
3 asked to the Aboriginal people to give their copy
4 of the Royal Proclamation so that they could be
5 able to make a transcript of this Royal
6 Proclamation.

7 It could be just a sign that the
8 archives were not in good order, but those who kept
9 a clear memory of this Royal Proclamation in 19th
10 century were the Algonquin, and because they
11 mentioned it very, very often because they used it
12 in their argumentation, it became in 19th century a
13 very important document.

14 Q. Okay. Well, then let's take a
15 look at the response that Napier gives to Givins.
16 So I would like to pull up Exhibit 1141, please.

17 Okay. So this is the response from
18 Napier to Givins dated September 6th, 1836. Again,
19 difficult to read. If I could go to the second
20 page of the PDF, please. Okay. So I will read
21 this out:

22 "Sir,

23 I have the honour to transmit for
24 the perusal of His Excellency, the
25 Lieutenant Governor of Upper Canada,

10:41:53 1 the copy of the Proclamation of 1763
10:41:57 2 required by your communication of
10:41:59 3 the 20th ultimo, and as it may be
10:42:04 4 necessary to refer to this document
10:42:05 5 at an earlier point in consequence
10:42:07 6 of the claims of Indian tribes upon
10:42:11 7 the government of this province, I
10:42:13 8 request that you will be pleased to
10:42:14 9 return it to me when no longer
10:42:16 10 required by His Excellency."

10:42:18 11 [As read.]

10:42:18 12 So, Professor Beaulieu, I point out two
10:42:21 13 things with this passage --

10:42:22 14 THE COURT: But just before you go on,
10:42:24 15 I think you inadvertently omitted a word, because
10:42:26 16 it says:

10:42:29 17 "[...] in consequence of the
10:42:32 18 claims of certain Indian tribes
10:42:34 19 [...]", as I see it on the screen.

10:42:36 20 MS. PELLETIER: Yes, I apologize.

10:42:37 21 THE COURT: No, that is okay. Go
10:42:39 22 ahead.

10:42:40 23 BY MS. PELLETIER:

10:42:40 24 Q. So yes, that is right:

10:42:41 25 "[...] in the consequence of

10:42:42 1 the claims of certain Indian tribes
10:42:45 2 upon the government of this
10:42:46 3 province, I request that you will be
10:42:50 4 pleased to return it to me when no
10:42:53 5 longer required [...]"

10:42:53 6 [As read.]

10:42:53 7 So I point out two things about this
10:42:55 8 passage, Professor Beaulieu.

10:42:56 9 The first is that Napier needs it back
10:42:59 10 because he is using it, is the first thing.

10:43:01 11 And the second thing is nowhere in this
10:43:03 12 letter, when he is providing the Proclamation to
10:43:06 13 Givins, does he say, FYI, this is no longer in
10:43:10 14 force. He is providing it and then he requires --
10:43:13 15 he needs it back because he himself is using the
10:43:15 16 Proclamation.

10:43:16 17 A. If I have to testify on this very
10:43:21 18 specific period, I am not here for that. I am not
10:43:25 19 prepared for that. I can give you some
10:43:27 20 information, but I am not here to testify on the
10:43:29 21 context of this specific document that I did not
10:43:32 22 mention in my report.

10:43:34 23 I know the context because I know that
10:43:37 24 those requests were related to claims by other
10:43:42 25 Aboriginal people, and we could argue, if you want,

10:43:44 1 why is it necessary to send a copy of the Royal
10:43:48 2 Proclamation to the Lieutenant Governor of Upper
10:43:51 3 Canada if it was still a so important document at
10:43:56 4 that time? Why a Governor, the Governor of Upper
10:43:59 5 Canada, did not have in his office a copy of a
10:44:02 6 Royal Proclamation if this document was still a
10:44:08 7 legal obligation?

10:44:10 8 I would think that if it was the case,
10:44:12 9 every Governor, Quebec, Upper Canada, and other
10:44:16 10 colonies, would have an official copy of this
10:44:19 11 document, and it would not be necessary to ask one
10:44:22 12 to Napier.

10:44:25 13 We could also ask ourselves why is it
10:44:27 14 Napier who kept the copy of the Royal Proclamation?
10:44:31 15 He is in Indian Affairs. The Royal Proclamation is
10:44:34 16 not only a document for the Indian Affairs. It was
10:44:37 17 a document adopted to create a new colony,
10:44:44 18 precising some specific rules for the
10:44:45 19 administration of the Province of Quebec.

10:44:47 20 So I don't know, if you want to confirm
10:44:49 21 that this letter confirms that the Royal
10:44:53 22 Proclamation was still considered as a legal
10:44:56 23 document with specific obligations? I would say
10:44:59 24 no.

10:45:00 25 Q. Well, Professor Beaulieu, to your

10:45:02 1 point that if it was so important, why didn't they
10:45:05 2 have their own copy, I would suggest to you this
10:45:06 3 passage suggests that there weren't that many
10:45:09 4 copies floating around. I mean, Napier needs his
10:45:13 5 copy back. He is not sending the spare copy that
10:45:17 6 he has. He is, like, This is my one copy, please
10:45:19 7 send it back to me, you know.

10:45:23 8 A. It is why it is so strange. If it
10:45:24 9 was so important, you could be sure that every
10:45:29 10 people in charge at the administrations, like a
10:45:31 11 Lieutenant Governor, that the Governor would have a
10:45:33 12 copy of the document.

10:45:35 13 I know, to my knowledge, nobody is
10:45:37 14 asking a copy of the Quebec Act, because at that
10:45:40 15 time, it was the document or another document --
10:45:44 16 the other document adopted in 1791. Those are
10:45:49 17 legal documents and, to my knowledge -- but again,
10:45:54 18 I am not prepared to, I would say, answer a very
10:45:59 19 specific question on this aspect, but to my
10:46:01 20 knowledge, I have never seen someone, like a
10:46:04 21 Governor of Upper Canada, asking for a copy of the
10:46:08 22 constitutional act. These are officials documents
10:46:12 23 that created new colonies, that gave some very
10:46:18 24 specific guidelines, and for me, it is strange that
10:46:22 25 someone needs to receive a copy of a Royal

1 Proclamation if that document was still, I would
2 say, active on a legal -- strictly legal
3 perspective.

4 Q. Well, and to me, Professor
5 Beaulieu, I mean, I would suggest to you that it
6 shows that it was important if a copy was -- if a
7 copy of it was required.

8 But the point -- I think going back to
9 sort of how we got on this topic to begin with was
10 because Monday you said that:

11 "The Royal Proclamation was
12 officially abolished, maybe not the
13 direct word in the document, but
14 this idea that it was no more, it
15 would be no more applied in this
16 region."

17 I am suggesting to you, given the
18 correspondence we have just looked at, that the
19 idea that it was no more applied in the region is
20 not an opinion that I think you can continue to
21 sustain.

22 A. No, I continue to sustain it. It
23 is not -- the document itself is no more
24 applicable. The general principle at the basis of
25 the British policy for buying the Aboriginal land

10:47:18 1 were still, I would say, guiding the British
10:47:24 2 authorities, and we have, as we have seen, specific
10:47:28 3 instructions from 1794.

10:47:30 4 I have never tried to argue that
10:47:33 5 suddenly because the Royal Proclamation is no more
10:47:38 6 officially effective in this region that all the
10:47:43 7 rules were abolished. I know -- for me, it is
10:47:50 8 not -- for me, the policy stayed the same; the
10:47:53 9 general principle were the same. Those principles
10:47:58 10 existed before the Royal Proclamation, and they
10:47:59 11 were still in existence after that.

10:48:02 12 I know that today we put a lot of
10:48:04 13 emphasis on the Royal Proclamation, and I can
10:48:08 14 understand that it is -- for some people it is hard
10:48:10 15 to believe that this document suddenly disappeared.
10:48:14 16 But it did not change nothing in the British policy
10:48:18 17 toward the Aboriginal people.

10:48:20 18 Q. Okay. Thank you. We'll move on
10:48:23 19 now to your third report, the translation report.

10:48:27 20 Did you want a break?

10:48:30 21 A. Yes.

10:48:31 22 MS. PELLETIER: Could I request a
10:48:32 23 break, Your Honour.

10:48:32 24 THE COURT: Well, I guess it depends
10:48:34 25 how much time you are planning on spending on -- I

1 have read the third report. I assume you are
2 not going to -- what is your plan, Counsel?

3 MS. PELLETIER: I don't imagine I would
4 be more than half an hour, Your Honour, and then I
5 would pass it off to Mr. Evans.

6 THE COURT: All right. Before you do
7 that, I should observe that, having read the
8 report, it didn't seem that there was much of a
9 significant disagreement between the parties.

10 MS. PELLETIER: There is one point.

11 THE COURT: All right. Well --

12 MS. PELLETIER: One of the excerpts,
13 and a half hour may be pushing it. It may not be
14 that long at all.

15 THE COURT: We'll take a 15-minute
16 break.

17 -- RECESSED AT 10:49 A.M.

18 -- RESUMED AT 11:06 A.M.

19 THE COURT: Please go ahead.

20 MS. PELLETIER: Great. Before I begin,
21 Your Honour, I just wanted to clarify one point for
22 the record about the Exhibit 4388 that we had
23 pulled up. I said it was Chapter 3 of J.R.
24 Miller's "Compact, Contract, Covenant" book, but
25 the document that we pulled up appeared to be much

11:06:50 1 more than Chapter 3.

11:06:51 2 We have confirmed that the document in
11:06:53 3 REDI is indeed just Chapter 3. We had a
11:06:57 4 different -- we had a longer extract on our USB,
11:06:58 5 but what is in the database is just Chapter 3.

11:06:59 6 THE COURT: I saw that it was about 200
11:07:01 7 pages long, so I suspect the book might be
11:07:04 8 extremely long in that case.

11:07:06 9 MS. PELLETIER: So if you only have --
11:07:07 10 what you have now given document -- Exhibit 4388 is
11:07:13 11 solely Chapter 3.

11:07:15 12 THE COURT: Okay. Please go ahead.

11:07:16 13 BY MS. PELLETIER:

11:07:16 14 Q. Thank you.

11:07:16 15 Okay, Professor Beaulieu, I would like
11:07:24 16 to end off by discussing briefly one point that you
11:07:28 17 make in your translation report, which is Exhibit
11:07:32 18 4382.

11:07:35 19 So I'm going to bring up page 6. Now,
11:07:41 20 I know my friend didn't take you through your
11:07:43 21 translation report in your examination in-chief, so
11:07:47 22 I'm going to spend a little bit of time with you
11:07:49 23 trying to make sure that I understand your
11:07:51 24 argument.

11:07:51 25 The only passage that I want to talk to

11:07:54 1 you about in your translation report is the one
11:07:56 2 from the Baron de Lahontan, from the book "Memoires
11:08:06 3 of North America" which was published in 1703;
11:08:11 4 correct?

11:08:11 5 A. That's correct.

11:08:11 6 Q. So, Your Honour, I am going to be
11:08:13 7 mindful of the French. Perhaps what we can do is
11:08:15 8 begin with the English translation just, I believe,
11:08:21 9 at the next page.

11:08:28 10 So here the English translation that
11:08:29 11 appears in the text is -- now, this is -- of course
11:08:31 12 the original was in French, and the translation in
11:08:34 13 English is:

11:08:38 14 "[...] and about thirty Leagues
11:08:42 15 to the Southward of that, you find
11:08:43 16 the County of the Theonontate, which
11:08:46 17 being formerly inhabited by the
11:08:48 18 Hurons, was entirely depopulated by
11:08:50 19 the Iroquese."

11:08:53 20 You have acknowledged that the more
11:08:55 21 literal translation is:

11:08:57 22 "Thirty leagues from there, you
11:08:59 23 find the Country of the Theonontate,
11:09:01 24 which the Iroquois have entirely
11:09:03 25 depopulated of Hurons."

11:09:05 1 So the difference is in the French
11:09:07 2 original, the people who are depopulated in that
11:09:10 3 area, the French specifies it is the Hurons that
11:09:14 4 are gone.

11:09:14 5 In the English translation, the English
11:09:19 6 translation, you would agree, makes it sound like
11:09:21 7 the entire territory is depopulated.

11:09:23 8 THE COURT: So I am going to interrupt
11:09:24 9 you before the witness answers, because this report
11:09:26 10 is in evidence, but I find your question confusing
11:09:29 11 because this reference includes two English
11:09:35 12 translations, and you are referring to English
11:09:37 13 translation in the singular.

11:09:39 14 MS. PELLETIER: I apologize.

11:09:40 15 THE COURT: There was an English
11:09:41 16 translation done in 1703, and then there was, as
11:09:46 17 you have quoted, the witness putting forward a more
11:09:51 18 literal translation.

11:09:51 19 So I don't know which of those two
11:09:53 20 English translations your question refers to.

11:09:56 21 MS. PELLETIER: Sorry. So I was trying
11:09:58 22 to compare the two. I'm trying to avoid having to
11:10:00 23 reading the French.

11:10:01 24 THE COURT: Well, you don't have to.
11:10:02 25 All you need to do is, when you use the phrase

1 "English translation", specify which English
2 translation you are referring to.

3 BY MS. PELLETIER:

4 Q. Perfect.

5 So the 1703 translation makes it sound,
6 I am wondering -- I believe you would agree,
7 Professor Beaulieu, this is what you have
8 acknowledged in your report, that the 1703
9 translation makes it sound as though the entire
10 territory was depopulated. The original French,
11 you have provided your translation, which more
12 closely aligns with the original French, clarifies
13 that it was depopulated of Hurons.

14 So I'll stop there, and I'll talk to
15 you about why I believe you think that the spirit
16 of the translation hasn't been lost, and so that is
17 what I want to talk to you about, but we'll stop
18 there, and you can let me know whether I have
19 accurately reflected what you have said so far in
20 your report on this topic.

21 A. On this topic, yes.

22 Q. Great. So then you proceed to
23 say -- so you have acknowledged that yes, the
24 1703 -- and we'll call it the 1703 translation.
25 You have acknowledged that the 1703 translation

11:11:08 1 makes it sound like the entire territory was
11:11:12 2 depopulated.

11:11:13 3 A. Can I have a few minutes to read
11:11:15 4 the --

11:11:16 5 Q. Oh, yes. Absolutely.

11:11:17 6 A. -- original French?

11:11:19 7 Q. Yes. The other page, please.

11:11:26 8 There we go.

11:11:26 9 A. [Witness reviews document.]

11:11:28 10 That's correct.

11:11:38 11 Q. Okay. So perhaps we can go back
11:11:41 12 to the -- so then having acknowledged that, though,
11:11:50 13 I think you make the point that you still don't
11:11:53 14 have any trouble with the 1703 translation even
11:11:59 15 though it states that it wasn't just the Huron that
11:12:03 16 were depopulated; it was the entire territory that
11:12:06 17 was entirely depopulated, because Lahontan had
11:12:12 18 confused the Theonontate with the Huron, and that
11:12:14 19 this was a common mistake made at the time, at the
11:12:20 20 time that Lahontan half a century later was writing
11:12:24 21 this, people were confusing the Huron and the
11:12:27 22 Theonontate.

11:12:27 23 So when the French original says the
11:12:29 24 territory was depopulated of Huron, for Lahontan,
11:12:33 25 it meant the same thing as saying it was entirely

11:12:36 1 depopulated because he thought that they were the
11:12:38 2 same people. Am I explaining that correctly?

11:12:41 3 A. I am not sure to understand
11:12:43 4 correctly the question. What I tried to do when I
11:12:46 5 looked at the translation, and I tried to
11:12:49 6 understand if it could be a real -- it is clear
11:12:52 7 that, as I wrote, there is something which is add
11:12:58 8 in the English translations done in 1705 in
11:13:07 9 England. Sorry, I don't remember exactly the date,
11:13:09 10 but we know that Lahontan was in London at that
11:13:11 11 time.

11:13:11 12 So I was curious to know why this
11:13:15 13 change was made. Was it a clear transformation of
11:13:21 14 his style or just something that maybe he had
11:13:24 15 occasions to read?

11:13:24 16 And I go back to other sections of his
11:13:28 17 book to understand if we can find the same similar
11:13:33 18 descriptions, to know if there is a problem with
11:13:35 19 this addition.

11:13:36 20 So I have no problems to admit that it
11:13:38 21 is an addition, but does it change exactly the
11:13:41 22 meaning that Baron de Lahontan wanted to convey by
11:13:48 23 reading this?

11:13:49 24 That is why I go back to his -- to
11:13:51 25 other texts and to his map also to understand what

11:13:54 1 could have been his understanding by writing what
11:13:58 2 he wrote in his memoir.

11:14:00 3 Q. So if I understand correctly, the
11:14:03 4 reason that you thought that the deviation from the
11:14:07 5 French original was not problematic was because,
11:14:11 6 having gone back and looked at other writings from
11:14:13 7 Lahontan, you realized that what he was doing was
11:14:16 8 he was confusing the Theonontate and the Huron.

11:14:18 9 A. It is one part, but it is not the
11:14:22 10 only problem, only -- how can I say that? When I
11:14:30 11 try to understand the thinking of an author, I want
11:14:35 12 to have the global perspective, not just to focus
11:14:40 13 on one aspect and to be sure if he is talking about
11:14:44 14 the same thing or similar things two times. It
11:14:48 15 could be -- we need to look and to compare those
11:14:51 16 versions to understand what was his real -- I would
11:14:53 17 say his real intention or real understanding.

11:14:56 18 And in the other extract, we can see
11:15:04 19 that for him it is not only the Hurons who were
11:15:08 20 pushed, expelled from this country, but resulting
11:15:10 21 from the war with the Iroquois, this region was
11:15:15 22 depopulated by the Iroquois.

11:15:19 23 And I explained in my report also that
11:15:24 24 Baron de Lahontan was not necessarily the best
11:15:27 25 person to talk about it. He was not there at that

11:15:30 1 time. He arrived as a young soldier in the 1680,
11:15:35 2 so 30 years, I would say, after the events. So he
11:15:45 3 was writing about something that he was not part
11:15:46 4 of, or he was not -- that he has not seen himself.
11:15:50 5 So it is an interesting, I would say, document
11:15:55 6 maybe to understand how the French at that time
11:15:57 7 could have tried to summarize what happened
11:16:00 8 following the wars of the Iroquois, but it is
11:16:04 9 not -- you cannot say this is a document that could
11:16:07 10 be considered as a proof for something from what
11:16:11 11 happened in 1650.

11:16:13 12 It is just an extrapolation based on
11:16:18 13 what he probably have learned from other Frenchmen
11:16:21 14 or from maybe soldiers or interpreters, maybe from
11:16:25 15 some Aboriginal people. We don't know exactly
11:16:27 16 where he got this information.

11:16:30 17 Q. Okay. And yes, you are right, not
11:16:33 18 only was he not there, I believe these events would
11:16:35 19 have happened before he was even born.

11:16:37 20 A. Yes, yes.

11:16:39 21 Q. Okay. So just on the point of his
11:16:43 22 confusing the Theonontate and the Huron, I want to
11:16:47 23 take you to page 20 of your report, and I
11:16:54 24 apologize, I don't have this marked off. It is not
11:17:00 25 highlighted though, but I'll point out where you --

1 oh, it is highlighted. There you go.

2 Okay. So here you have said that
3 Lahontan -- so the point you just made -- was not
4 present in the colony when the wars disrupted the
5 Great Lakes area, and then on the next page, you
6 note that the remarks about the "Country of the
7 Theonontate" reflected a misunderstanding because
8 he confused the Theonontateronons or -- so the
9 Pétuns also are the same thing, right?

10 A. Yes.

11 Q. The Theonontateronons and Pétuns,
12 as the French called them, with the Hurons
13 themselves. So he was using the terms
14 interchangeably.

15 A. Because when he met the Huron --
16 when he was in the colony, it was a mix of Huron
17 and Theonontate, and probably that the Theonontate
18 were more numerous than the Hurons, and there is
19 sometimes at this moment, I would say maybe until
20 the end of the 17th century, this confusion between
21 the two groups.

22 So probably that in his writing he was
23 also confusing that, and the main point that I want
24 to -- the point on which I insist there is that,
25 even if there was problems of translation, it

11:18:23 1 doesn't change the fact that Lahontan was not the
11:18:25 2 best observer to tell us what happened in this
11:18:27 3 region. And I think that we can discuss a lot
11:18:29 4 about the problems of translation, but he gave two
11:18:33 5 passages in his writings where he wrote about this
11:18:37 6 event, but I would not take this as a good source
11:18:41 7 to understand what happened in 1650 during the
11:18:45 8 great wars with the Iroquois. We have other better
11:18:48 9 sources to understand this reality.

11:18:51 10 Q. Okay. So just to clarify, that's
11:18:54 11 right, in 1650 -- 1649, 1650, to acknowledge
11:19:00 12 Lahontan may not have understood that the
11:19:02 13 Theonontate and the Huron were separate people,
11:19:04 14 because as you say later, they were together?

11:19:06 15 A. Yes, and probably that most of the
11:19:09 16 French, they didn't know or had forgotten this
11:19:16 17 difference between the two, because now they were
11:19:19 18 mixed within only one group, and we have other
11:19:24 19 examples of that where some refugees decided to
11:19:28 20 collect together, and progressively they started to
11:19:31 21 be named by one specific name, but we know that at
11:19:37 22 the origin it was a mix of different peoples.

11:19:41 23 Q. So I just want to pull up -- and
11:19:43 24 we don't have to spend too much more time on this
11:19:46 25 topic, but just to close this off, I would like to

1 pull up Samuel de Champlain's map of 1632, which is
2 at Exhibit 73. I am going to try to zoom in.

3 And so the question that I wondered was
4 given that -- and acknowledging that Lahontan, as
5 you said, is not the best person to be talking
6 about this stuff, but given that he had confused --
7 that he thought the Theonontate and the Huron were
8 the same people living in the same place, because
9 at the time he met them -- at the time he was
10 around, they were, not realizing that, at the time
11 of the dispersal, they were separate, when he talks
12 about the country of the Theonontate which the
13 Iroquois have entirely depopulated -- sorry,
14 let's -- I am going to stop and read his
15 translation, the 1703 translation:

16 "[...] and about thirty Leagues
17 to the Southward of that, you find
18 the County of the Theonontate, which
19 being formerly inhabited by the
20 Hurons, was entirely depopulated by
21 the Iroquese."

22 We have acknowledged this is not a
23 direct translation from the French. I am wondering
24 if you have any opinion about what territory he is
25 talking about? He has confused the Huron and the

11:21:45 1 Theonontate. Are we talking about the territory of
11:21:49 2 the Huron, or do you think he is talking about the
11:21:52 3 territory of the Theonontate? And I just want to
11:21:55 4 point out that they are different, right? This is
11:21:58 5 1623. We can assume that by the time of the
11:22:02 6 dispersal that different Aboriginal groups would
11:22:05 7 have been in roughly the same area.

11:22:06 8 So I don't know if you can see on the
11:22:08 9 screen -- do you see, Professor Beaulieu, where the
11:22:10 10 Huron are located?

11:22:11 11 A. Yes, but if your question is about
11:22:13 12 Lahontan, we should look at the map of Lahontan,
11:22:15 13 not at the map of Champlain, because if we want to
11:22:18 14 understand what he understood -- and I said it is
11:22:21 15 not a good source to understand what happened. So
11:22:24 16 we can discuss a lot about what he had in mind, but
11:22:29 17 he is not a good source to cover this aspect. So
11:22:33 18 we can look at the map of Champlain, or the map of
11:22:37 19 Jesuits and to say there is some difference, some
11:22:40 20 connection, some difference in the way that the
11:22:41 21 lands were represented and the nations there.

11:22:43 22 But I have not made a research on that,
11:22:45 23 on that aspect. My only -- the only point of my
11:22:50 24 mandate was to check the translation and to try to
11:22:54 25 put those -- the text of Lahontan in context, and

11:23:00 1 that is all what I did.

11:23:01 2 So I can look at the map of Champlain
11:23:04 3 and discuss with you, but it doesn't help us to
11:23:07 4 understand what Lahontan had in mind at that time.

11:23:09 5 Q. Okay. The reason I brought up --
11:23:10 6 we can bring up the map that Lahontan attaches. It
11:23:15 7 doesn't have the peninsula. I think it really
11:23:18 8 demonstrates your point, that he wasn't really the
11:23:20 9 person that should have been speaking on these
11:23:21 10 things because he wasn't familiar with the area at
11:23:23 11 the time.

11:23:24 12 A. If it is the point, I agree with
11:23:26 13 that.

11:23:26 14 Q. Okay. Okay. You know what,
11:23:28 15 rather than -- I think that we can end that there.
11:23:30 16 I think we are on the same page. Okay. That is
11:23:32 17 great.

11:23:32 18 So those conclude my questions, Your
11:23:37 19 Honour. Thank you very much, Professor Beaulieu.
11:23:39 20 I am going to pass it off now to my colleague,
11:23:41 21 Mr. Evans, to discuss the French period with you.

11:23:45 22 CROSS-EXAMINATION BY MR. EVANS:

11:24:05 23 Q. Good morning, Professor Beaulieu.

11:24:06 24 A. Good morning.

11:24:07 25 Q. Can you hear me?

11:24:08 1 A. Yes.

11:24:08 2 Q. I am Chris Evans. I have some
11:24:11 3 questions for you about the French period, which
11:24:14 4 you cover in your first report.

11:24:16 5 So to start off, I would like to talk a
11:24:18 6 little bit more about the problems about the
11:24:21 7 judicialization of Aboriginal history that you have
11:24:24 8 mentioned in a couple of your publications. Could
11:24:29 9 we bring up -- it has an exhibit number, but I only
11:24:31 10 have the document number, SC1356. This is your
11:24:35 11 paper, and I am going to translate it, "An
11:24:39 12 Instrumentalized History, Reflections on the Usage
11:24:42 13 of the Past in Aboriginal Claims".

11:24:45 14 A. That's correct.

11:24:47 15 THE COURT: Can someone, while you are
11:24:48 16 questioning, please get the exhibit number?

11:24:52 17 THE REGISTRAR: It is not an exhibit,
11:24:53 18 Your Honour.

11:24:54 19 THE COURT: It is not an exhibit?

11:24:56 20 THE REGISTRAR: No.

11:24:56 21 THE COURT: Well, that is fine, one way
11:24:58 22 or the other.

11:25:00 23 BY MR. EVANS:

11:25:00 24 Q. Oh, I'm sorry. It was a different
11:25:02 25 one. So can we have this made an exhibit. This is

1 your publication, right?

2 A. This is the article that I wrote,
3 yes.

4 THE REGISTRAR: Exhibit No. 4389.

5 EXHIBIT NO. 4389: Article entitled "An
6 Instrumentalized History, Reflections
7 on the Usage of the Past in Aboriginal
8 Claims", authored by Professor Alain
9 Beaulieu.

10 BY MR. EVANS:

11 Q. Now, you have mentioned a couple
12 of times in your evidence that historians and
13 jurists look at the past in different ways.

14 A. Generally, yes.

15 Q. So -- and what I understand you to
16 be saying in this article is that historians are
17 primarily concerned with understanding the past,
18 but jurists are concerned primarily with using the
19 past to advance a legal claim.

20 A. It is a kind of generalization. I
21 know that some jurists are able to make a clear
22 distinction between, I would say - how can I say
23 that - strict historical research, and the use of
24 the past in Court, and I think that some historians
25 also make this distinction, but sometimes there is

1 a mix between those two -- I would say those two
2 fields or those two ways to see -- to look about
3 the past.

4 Q. Right, but there is a difference
5 between them?

6 A. I think there is a difference,
7 yes.

8 Q. And you say that this raises
9 ethical issues for historians who act as expert
10 witnesses in Aboriginal rights claims because there
11 is a risk that jurists may use historical evidence
12 out of context to advance their argument in a
13 particular way.

14 A. Not out of context. If we accept
15 to be part of this process, we know that it will
16 not be out of context. It is prepared, used in a
17 specific context, and we -- I understand this. I
18 prepare a report. I am here to testify. But after
19 that, it is not more in the academic field. It
20 is -- and the Court will decide what is relevant,
21 pertinent for the trial, for the case.

22 And in that sense, it is why I used the
23 word "instrumentalized", because there is some
24 aspects of the past which are discussed in court
25 and after that integrated within a juridical

11:27:26 1 decision.

11:27:27 2 Q. Could we bring up page 354, PDF 6.
11:27:36 3 So this is what I tried to get at in what you have
11:27:41 4 written here, is that you say -- I'll paraphrase
11:27:44 5 it, so that the role attributed to historians
11:27:48 6 explains why there is a preoccupation with their
11:27:51 7 integrity. Before the Courts, history plays the
11:27:57 8 role of an instrument that one manipulates to
11:28:01 9 advance a claim for particular rights or to contest
11:28:05 10 their existence. And so jurists use research first
11:28:13 11 and above all as arguments to advance a juridical
11:28:18 12 or a legal argument. That is what you have
11:28:21 13 written?

11:28:21 14 A. Yes.

11:28:22 15 Q. So you distinguished yourself from
11:28:32 16 Professor Morin, who is a legal scholar, and you
11:28:37 17 said that:

11:28:39 18 "I am a historian and for me
11:28:40 19 the context is really I would say
11:28:42 20 one of the most important things."
11:28:45 21 [As read.]

11:28:45 22 A. Yes.

11:28:46 23 Q. So if we could go to page 371. So
11:28:55 24 this I understand to be what you say to be an
11:29:03 25 ethical responsibility of a historian, to make sure

11:29:07 1 that their evidence isn't used inappropriately in a
11:29:11 2 legal setting.

11:29:12 3 So you say:

11:29:14 4 "In the case of work produced
11:29:17 5 for litigation, historians must
11:29:21 6 manifestly reaffirm the base
11:29:23 7 principles of their discipline and
11:29:31 8 even to enlarge the questions
11:29:34 9 submitted to them and to convince
11:29:40 10 jurists who engage with them the
11:29:44 11 importance of keeping in mind
11:29:46 12 historical context."

11:29:47 13 [As read.]

11:29:49 14 Is that right?

11:29:50 15 A. Yes.

11:29:50 16 Q. And so that is the good, but you
11:30:00 17 also mention the bad, where there are historians
11:30:02 18 who can become partisan themselves and take up
11:30:06 19 their client's cause?

11:30:09 20 A. I think it could happen, yes.

11:30:13 21 Q. All right. If we could bring up
11:30:17 22 document SC1364. Now, this is the one that was
11:30:22 23 made an exhibit. At the next break, I'll find the
11:30:29 24 exhibit number.

11:30:30 25 So this one I would translate as "The

1 pitfalls of the judicialization of Aboriginal
2 history"?

3 A. That's correct.

4 Q. Could we go to page 550. And so
5 here you write:

6 "The most perverse pitfall of
7 the judicialization of history
8 insofar as people who fall into it,
9 are aware of or are comfortable
10 with, are those whose works consist
11 of taking up a cause for one side
12 and advocating it. This pitfall,
13 that of militant history, encloses
14 historians in a specific legal logic
15 and drives them not to search for
16 the historical evidence that
17 supports the positions advocated by
18 one or the other parties, to conceal
19 contradictory evidence or even to
20 search at all costs for arguments to
21 narrow the scope."

22 [As read.]

23 Is that a correct translation?

24 A. Yes, I think it is one of the
25 problems of course.

1 Q. I would like to discuss two
2 questions associated with that methodology we use
3 when we look at the past. And we'll go back to
4 Exhibit 4389, which is "An instrumentalized
5 history", and we'll go to page 356. So here you
6 give the example of a debate that occurred in the
7 1990s about the question of whether Aboriginal --
8 or whether First Nations were allies or subjects of
9 the French and the British.

10 A. That's correct.

11 Q. And the difficulty that they faced
12 was that official documents seemed to discuss
13 Aboriginal peoples as being subjects, but the
14 practice on the ground was much -- was very
15 different from that. It seemed more conciliatory
16 and less like the Aboriginal peoples were being
17 subjected.

18 A. One of the problems what I want to
19 explain in that -- I have not read my article
20 recently, but what I remember my point is that, in
21 that specific case, there was one specific
22 question: Are they subject or allies?

23 And the first time that I had to
24 testify in Court as a young scholar, it was the
25 question that I was asked to answer.

11:33:13 1 So of course, as you said, some -- the
11:33:17 2 official documents are presenting them as subjects
11:33:21 3 or subjects for the future. It was the objective
11:33:26 4 to subject them, and we have some -- I know that we
11:33:31 5 have this -- we have some ordinances in which we
11:33:33 6 can say that the French wanted to place them as
11:33:39 7 subjects.

11:33:39 8 And I admit that on this first
11:33:43 9 occasion, I was too much guided by this question:
11:33:48 10 Are they allies or are they subjects? And my
11:33:51 11 point, after a few years of working and reflecting
11:33:57 12 on this aspect, I am no more concerned exactly by
11:34:01 13 are they or not allied, but how they become
11:34:04 14 subjected progressively, by what means, what
11:34:07 15 colonial strategies, what were the intentions of
11:34:08 16 the French or the British, what mechanisms they
11:34:11 17 used to place progressively the Aboriginal people
11:34:14 18 in positions to be dominated.

11:34:23 19 So I think that we have to look as
11:34:26 20 historians now more to the process itself than to
11:34:29 21 look at trying to qualify very precisely in 1663
11:34:36 22 the Aboriginal people, were they allies or
11:34:40 23 subjects. They could be in part both. And for me,
11:34:43 24 now as an historian, I am interested by the process
11:34:46 25 which led to this process.

11:34:52 1 So I think that we have to -- when I
11:34:53 2 wrote those articles, it is also a way to think
11:34:58 3 about what I am doing, and how can we be aware of
11:35:02 4 some of the problems. I would never pretend
11:35:06 5 that -- how can I say that? I am sure that in a
11:35:09 6 few years I will think about those cases maybe in a
11:35:12 7 different way because I will have learned
11:35:14 8 something.

11:35:14 9 So it is always a constant process of
11:35:16 10 thinking about what we are doing as historians in
11:35:20 11 Court, and how we can be influenced by the
11:35:24 12 jurisprudence, how we have always to be conscious
11:35:26 13 of that and work on it and be ready to change our
11:35:29 14 mind if it is necessary.

11:35:30 15 Q. Sure. I am actually interested in
11:35:34 16 a different thing that you wrote. Could you take
11:35:36 17 us to the next page. Now I am looking at the
11:35:47 18 bottom paragraph. You said you haven't looked at
11:35:51 19 this article in awhile. Did you want to take a
11:35:53 20 moment to read it?

11:35:54 21 A. The last paragraph?

11:35:55 22 Q. Yes.

11:35:56 23 A. Yes.

11:35:57 24 [Witness reviews document.]

11:36:12 25 That is okay.

11:36:12 1 Q. Oh, I'm sorry, it is the paragraph
11:36:32 2 above that.

11:36:33 3 A. Okay.

11:36:35 4 [Witness reviews document.]

11:36:36 5 That is okay.

11:36:56 6 Q. So you say there are these two
11:36:58 7 camps, one that advocates the idea that the First
11:37:01 8 Nations were subjects, and the other is that they
11:37:04 9 were allies. And they both grapple with looking at
11:37:07 10 two sources of evidence. One is what you call
11:37:10 11 official discourse of the colonial powers, which is
11:37:16 12 what you call great legal texts, like commissions,
11:37:18 13 charters, ordinances, on the one hand, and the
11:37:21 14 other being the reality on the ground, meaning what
11:37:25 15 was actually happening. And you say that the
11:37:29 16 proponents of the subjection thesis put their
11:37:33 17 emphasis on these colonial documents, whereas the
11:37:40 18 proponents of the ally thesis looked at practice on
11:37:45 19 the ground; is that right?

11:37:46 20 A. That's right.

11:37:46 21 Q. And so as you said, this leads to
11:37:53 22 a problem where one camp is putting categorical
11:37:58 23 emphasis on one type of evidence over the other.

11:38:01 24 A. If you -- in that case, I was
11:38:05 25 referring to the process by which the Aboriginal

11:38:10 1 people, we have -- the question was, were they
11:38:13 2 subjects -- or I would say in reality can we
11:38:17 3 consider them as subjects or as allies of the
11:38:20 4 French at that time.

11:38:25 5 So it was questions about, I would say,
11:38:26 6 the reality of the status of the Aboriginal people,
11:38:32 7 and two strategies were used. We can use the
11:38:35 8 official documents, and the reality in the field.
11:38:38 9 But the question was about the reality on the
11:38:41 10 field, and it is why I argue that, in my mind now,
11:38:47 11 there is always an ambiguity about the juridical
11:38:54 12 status of the Aboriginal people, in 17th century,
11:38:57 13 in 18th century, in 19th century, and we have to be
11:39:00 14 conscious of this ambiguity instead of trying to
11:39:02 15 classify very specifically.

11:39:04 16 It doesn't mean that the legal
11:39:05 17 documents are not important. It doesn't mean that
11:39:08 18 the reality on the field should not be considered.
11:39:12 19 But we have to know if we want to consider -- we
11:39:14 20 have to know exactly what we want to study, and
11:39:17 21 what kind of -- what are exactly the questions that
11:39:20 22 we have to answer.

11:39:21 23 Q. Right. So what I am asking is --
11:39:25 24 and you have said this partially, is that it is
11:39:26 25 problematic to put the emphasis on one to the

11:39:29 1 exclusion of the other, but you have to consider
11:39:30 2 both together?

11:39:31 3 A. It depends on the question that
11:39:33 4 you have to cover.

11:39:35 5 Q. Well, if you are trying to
11:39:37 6 understand the past, you want to look at all the
11:39:39 7 evidence and not privilege one type over the other?

11:39:42 8 A. There is different aspects of the
11:39:44 9 past that you will try to understand, and you have
11:39:46 10 to identify exactly what you want to identify.

11:39:50 11 Q. Okay. Well --

11:39:51 12 A. If you want to study, for example,
11:39:53 13 the alliance, how the alliance works, it is one
11:39:56 14 aspect of the reality.

11:39:58 15 Q. Well, but in this case, the
11:40:00 16 question of subjection versus alliance, both camps
11:40:03 17 were problematic in that they gave emphasis to one
11:40:07 18 category of evidence in an attempt to categorize
11:40:09 19 the reality as one or the other?

11:40:12 20 A. In that case, in the case that I
11:40:15 21 mentioned in my article?

11:40:16 22 Q. Yes.

11:40:17 23 A. In that case, the debate was
11:40:19 24 clear, and I said that I followed too strictly, I
11:40:24 25 would say, the question instead of being interested

1 by the process, because at that time, the question
2 was to qualify, to put a real name, I would say, on
3 the reality of the Aboriginal people, were they
4 allies or were they subjects.

5 And it was not to think about the
6 French policy. It was not to think about -- it was
7 to try to qualify the reality of the Aboriginal
8 people under the French regime, and it is why I
9 consider that now it is not, from a strictly -- I
10 am more interested by the process, by the -- it
11 doesn't mean that we don't have to look at the
12 legal documents and the reality on the field if we
13 want to understand the real status of the
14 Aboriginal people, and it was the debate at that
15 time, the real legal status of the Aboriginal
16 people.

17 Q. You say, what I have in the
18 transcript is:

19 "It doesn't mean that we don't
20 have to look at the legal documents
21 and the reality on the field [...]"

22 Do you mean we don't have to only look
23 at one or the other?

24 A. It depends on the question. As I
25 said, in that context, if we are talking about my

1 first engagement in those debates --

2 Q. We are talking about dealing with
3 this question on subjection versus alliance.

4 A. That was the question that was
5 presented in the first time that I have to testify.

6 Q. I am not asking about when you
7 testified on this question. I am talking about
8 this approach to studying this question.

9 A. Could you repeat the question to
10 be sure that I understand exactly?

11 Q. So you say that these other
12 approaches have been problematic because, one, on
13 the other hand, gives emphasis to colonial
14 documents, and the other gives emphasis to the
15 reality on the ground when, in fact, you have to
16 give weight to both sources of evidence to truly
17 understand the past.

18 A. If you want to understand the real
19 juridical status of the Aboriginal people, that was
20 the question at the time. So the question was not
21 to elaborate about the French policy. It was to
22 determine, to establish very precisely what was the
23 status of the Aboriginal people in a very concrete
24 way: Should we consider them as allies or as
25 subjects?

11:42:43 1 So it was the object, and in that case,
11:42:47 2 if you take only the official documents without
11:42:50 3 being conscious enough on the reality on the field,
11:42:53 4 you cannot categorize.

11:42:55 5 And my point now is that this question
11:42:58 6 is not a good question. We have to look at the
11:43:01 7 process and not at trying to qualify, because the
11:43:04 8 status is ambiguous, and it will stay ambiguous
11:43:07 9 until the end of the French regime. It is still
11:43:10 10 ambiguous at the beginning of the British regime.
11:43:13 11 I would say that it is still ambiguous in the 19th
11:43:15 12 century.

11:43:15 13 So it is very complicated to categorize
11:43:18 14 very precisely the real status of the Aboriginal
11:43:23 15 people. That was the question at that time.

11:43:25 16 Q. All right. Can we bring up
11:43:29 17 document S-0186. This is another article that you
11:43:37 18 wrote titled "An Equitable Right to Be Compensated:
11:43:41 19 The Dispossession of the Aboriginal Peoples of
11:43:44 20 Quebec and the Emergence of a New Legal Rationale
11:43:46 21 (1760-1860)".

11:43:49 22 A. That's right.

11:43:50 23 Q. Could we have this marked as the
11:43:51 24 next exhibit?

11:43:52 25 THE COURT: Mr. Registrar.

11:43:58 1 THE REGISTRAR: Exhibit No. 4390.

11:44:02 2 EXHIBIT NO. 4390: Article entitled "An

11:43:39 3 Equitable Right to be Compensated: The

11:43:42 4 Dispossession of the Aboriginal Peoples

11:43:43 5 of Quebec and the Emergence of a New

11:43:45 6 Legal Rationale (1760-1860)" authored

11:44:06 7 by Professor Alain Beaulieu.

11:44:06 8 BY MR. EVANS:

11:44:11 9 Q. Could we go to PDF page 4 -- or

11:44:16 10 sorry, one page back.

11:44:19 11 THE COURT: What page is it in the

11:44:20 12 document?

11:44:22 13 BY MR. EVANS:

11:44:23 14 Q. It is page 2 in the document.

11:44:25 15 All right. So this article is about

11:44:30 16 why Britain didn't negotiate any land surrenders in

11:44:34 17 Quebec, even though this was its policy elsewhere

11:44:36 18 in North America.

11:44:37 19 A. It was the main, I would say,

11:44:40 20 question, the basis of this article.

11:44:42 21 Q. Once again, you identify two

11:44:45 22 opposing schools of thought, and what they

11:44:48 23 disagreed about was the question of whether France

11:44:50 24 recognized Aboriginal land rights.

11:44:53 25 A. I would need a few minutes just to

1 read the right passage.

2 Q. Okay. Well, let's go to the next
3 page. So you will see it in the highlighted
4 portion there.

5 A. [Witness reviews document.]

6 That's correct.

7 Q. And it carries on to the next
8 page.

9 A. [Witness reviews document.]

10 That's correct.

11 Q. All right. So there is two
12 schools of thought, and how they try to answer this
13 question is based on how they understood what
14 French law to be, and how they interpret the Royal
15 Proclamation.

16 A. Yes.

17 Q. All right. And you say that
18 that's problematic because it considers or assumes
19 that law acts in what you call a causal dimension,
20 in that if you can understand what the law is, then
21 it explains how the British acted the way they did.

22 A. The problems that I found when I
23 tried to understand the specificity of the Quebec
24 questions and why the British did not decide to put
25 in place a policy of a treaty to bought the land of

11:47:04 1 the Aboriginal people, at first I was looking, as I
11:47:07 2 think all the other scholars, to the rule. What
11:47:12 3 was the rule? Can we find the rule to explain this
11:47:19 4 specificity of the British policy in this province?
11:47:21 5 And I identified those who tried to argue by the
11:47:25 6 French regime, either by the Royal Proclamation,
11:47:27 7 and I have worked many years, I would say, on this
11:47:30 8 question, always trying to find the rule that will
11:47:36 9 give us the answer to this complex question.

11:47:39 10 And progressively I discovered there is
11:47:40 11 probably no rule. It is just a process by which
11:47:46 12 they are trying -- the British are arguing
11:47:49 13 something. It would change a few years later.

11:47:51 14 So there is no one narrative, not a
11:47:54 15 real simple narrative to understand why the British
11:47:58 16 did not conclude a treaty with the Aboriginal
11:48:01 17 people. I found some examples where they were
11:48:04 18 almost -- they had almost concluded one, and they
11:48:07 19 decided not to finish it.

11:48:09 20 So my objective in that context was to
11:48:12 21 understand how the British progressively built some
11:48:18 22 arguments to justify the fact that they did not
11:48:24 23 need or think to buy the land of the Aboriginal
11:48:28 24 people by concluding treaties with them.

11:48:30 25 Q. Right. So I'll read how you

1 describe your methodology. In your analysis:

2 "[...] the law is not
3 considered in its causal dimension,
4 as a leading factor that would
5 explain (by creating obligations)
6 the past or enable the
7 identifications of how things should
8 have taken place. Instead, it is
9 examined in its instrumental role,
10 as a flexible tool of colonialism,
11 which lends itself to the mutations
12 required to justify the
13 dispossession process."

14 A. Yes, and it is connected with the
15 question that I -- you have also, as I said
16 earlier, what you want to understand and what
17 question is at the basis of your research.

18 In that case, I wanted to understand
19 the rationale, how it evolved, how it was built.
20 And for that, I considered that it was no more
21 possible just to try to find one argument, but to
22 rebuild the different arguments used by the British
23 between the conquest of New France and the middle
24 of the 19th century, to justify the fact that it
25 was not necessary in their mind to bought the land

1 of the Aboriginal people.

2 So it is always important to identify
3 what you have to study and to define what could be
4 the leading -- I would say what would be your
5 approach considering the question that you have to
6 answer.

7 Q. All right. Could we go to page
8 26. So you provide a sort of nutshell explanation,
9 I think, of what you are --

10 THE COURT: We are not on page 26,
11 Counsel, before you get going.

12 BY MR. EVANS:

13 Q. Oh, I'm sorry. Could we go to the
14 next page, and scroll down, please. Here we are.
15 So what I understand you to be saying here is that
16 the practice determined the standard and not the
17 reverse, at least until the standard framework took
18 its final shape.

19 A. The practice of the British, yes,
20 determined the way that they will act. I was
21 interested by the rationale developed by the
22 British in that context, and I tried to understand
23 the practice of the British, different actions
24 taken by the British from 1760 to the middle of the
25 19th century, to understand how they, by their

11:50:58 1 practices, they built a rationale.

11:51:01 2 And it is why I was interested in that
11:51:04 3 aspect by the -- in that article by a legal
11:51:09 4 rationale, but not one that would have existed
11:51:13 5 first and would have been applied on the reality of
11:51:16 6 the Province of Quebec, but a rationale, a legal
11:51:20 7 rationale, or something that was close to a legal
11:51:25 8 rationale which evolved from 1760 to the middle of
11:51:29 9 the 19th century.

11:51:30 10 And what I discovered, that
11:51:33 11 progressively the logic of compensation was a key
11:51:36 12 element which appeared progressively following the
11:51:41 13 petitions of some Aboriginal people, and the
11:51:44 14 British, instead of deciding to conclude a treaty
11:51:48 15 with Aboriginal people, they decided that they just
11:51:50 16 need to be compensated by the creation of some
11:51:54 17 specific space.

11:51:55 18 So it is what I wanted to understand,
11:51:58 19 the British rationale based on their practice.

11:52:04 20 MR. EVANS: All right. I see it is 10
11:52:06 21 to 12:00 -- or is it only 10:00 to 12:00. So we
11:52:10 22 are going for another hour?

11:52:11 23 THE COURT: Yes. I don't suppose we
11:52:13 24 should stop right now --

11:52:13 25 MR. EVANS: Should we take a break at

11:52:15 1
11:52:15 2
11:52:18 3
11:52:18 4
11:52:18 5
11:52:18 6
11:52:22 7
11:52:22 8
11:52:23 9
11:52:24 10
11:52:25 11
11:52:26 12
11:52:28 13
11:52:28 14
11:52:30 15
11:52:31 16
11:52:33 17
11:52:35 18
11:52:37 19
12:10:44 20
12:10:44 21
12:10:50 22
12:10:51 23
12:10:53 24
12:10:58 25

this time?

THE COURT: -- unless you feel it's
necessary.

MR. EVANS: I am fine as long as
Professor Beaulieu is --

THE COURT: The Professor has said he
would speak up.

THE WITNESS: Maybe five minutes and
then a break.

THE COURT: All right.

MR. EVANS: Well, if it is just going
to be five minutes, I think it would be best to
stop now.

THE COURT: Why is that?

MR. EVANS: Well, I am going to go into
a new section that will be longer than five
minutes.

THE COURT: All right. 15 minutes.

-- RECESSED AT 11:53 A.M.

-- RESUMED AT 12:11 P.M.

THE COURT: Please go ahead.

BY MR. EVANS:

Q. All right. Dr. Beaulieu, let's go
to your reports. Could we bring up Exhibit 4380,
page 8. So the second question you were asked is:

1 "Did the French feel themselves

2 legally bound to seek permission

3 from indigenous communities when

4 they used the Great Lakes and built

5 forts and trading posts at certain

6 locations?"

7 A. That's correct.

8 Q. So this is a question about how

9 the French perceived their rights?

10 A. That's correct.

11 Q. It is not a question of what their

12 rights were as a matter of law?

13 A. It is what they considered to

14 be -- I'm sorry, I tried -- the question is, did

15 the French consider that they had a legal bound to

16 seek permission from the Aboriginal people, so it

17 was in their perspective.

18 Q. In their perspective, but not

19 whether they actually had it as a matter of law.

20 A. I am not sure to understand --

21 Q. Whether they actually had those

22 rights, whether they --

23 A. If you can -- if you look at their

24 commissions, if you look at the legal documents in

25 which they expressed their conception about what

12:12:17 1 they should, or they have the right to do, what
12:12:20 2 they should do, I think that from the French
12:12:22 3 perspective, it was what they considered to be
12:12:26 4 their rights. And nobody was able in that context,
12:12:31 5 no Europe -- I would say no supra-national
12:12:35 6 institution is able to say, I'm sorry, French, you
12:12:37 7 are not doing the right things. It was how they
12:12:40 8 defined their rights, how the British defined their
12:12:43 9 rights, how the Dutch defined their rights.

12:12:45 10 So it is -- there were those who
12:12:50 11 defined their own rights. It is a perfect colonial
12:12:56 12 logic, how they considered -- what they considered
12:12:58 13 to be their rights based on their legal conception.

12:13:02 14 Q. Right, but you don't consider
12:13:04 15 questions such as whether the King of France has
12:13:06 16 jurisdiction over North America?

12:13:08 17 A. It was not a question that I have
12:13:09 18 to cover.

12:13:10 19 Q. Yes. All right. And you weren't
12:13:13 20 asked to describe if and when the French actually
12:13:16 21 did seek permission?

12:13:18 22 A. I was asked to look how they feel,
12:13:26 23 and to understand that as -- I took a few examples
12:13:31 24 in the Great Lakes area to understand how it was
12:13:35 25 applied on the field, in the French perspective to

1 understand with these cases can we have a better
2 idea of how they conceived, how they feel about
3 their right to build something on the land or to
4 travel on this land.

5 Q. Yes. So you touch in your report
6 in moments where they did or did not seek
7 permission, but the question you were asked to
8 answer was not whether and when they did, but
9 whether they felt they had a legal duty to seek
10 permission.

11 A. Yes, and to understand that, it
12 was necessary to take a few examples. Otherwise,
13 you have just to look at the -- I would say it is
14 not a question -- if you want to understand what
15 was the feeling, the understanding, the legal
16 comprehension of the French, you have to look at
17 the legal documents and to look on the field how
18 they acted to put those conceptions -- legal
19 conceptions in action.

20 Q. All right. But how they acted,
21 whether they asked for permission or not before
22 they built a fort, that doesn't tell you whether it
23 was a legal view or not?

24 A. If it was a legal?

25 Q. If that was their legal view?

12:15:04 1 A. A legal view?

12:15:05 2 Q. Whether that was what they
12:15:07 3 believed their rights to be?

12:15:09 4 A. I think it gave us information
12:15:11 5 about their conception, I think so.

12:15:12 6 Q. So you weren't asked if and when
12:15:16 7 First Nations expected the French to seek
12:15:18 8 permission?

12:15:18 9 A. No.

12:15:22 10 Q. And you weren't asked whether
12:15:25 11 First Nations had the capacity to prevent the
12:15:27 12 French from using their lands if they didn't want
12:15:30 13 them to?

12:15:30 14 A. I think that this aspect was
12:15:33 15 interesting to understand, to see how the French
12:15:37 16 really conceived their right, if they were -- if
12:15:41 17 they are -- if they met some oppositions, what they
12:15:44 18 will do, just to see -- to ask permissions, or will
12:15:48 19 they continue without preoccupations for this kind
12:15:53 20 of opposition from the Aboriginal people.

12:15:56 21 So I think that to answer correctly, to
12:15:58 22 have some better understanding of how the French
12:16:03 23 felt about their rights, we have to look at the
12:16:06 24 official documents, but also to take some good
12:16:09 25 examples in which they tried, I would say, to try

12:16:19 1 to accomplish what was mentioned in the -- for
12:16:23 2 example, in the commission of the 16th and 17th
12:16:25 3 century.

12:16:25 4 Q. So my question was, you were not
12:16:28 5 asked to determine whether First Nations had the
12:16:31 6 capacity to stop the French from using their lands
12:16:35 7 without permission?

12:16:36 8 A. No.

12:16:36 9 Q. All right. And so your answer to
12:16:45 10 that question is what you describe as variously,
12:16:50 11 but one formulation is a legal logic of unilateral
12:16:55 12 appropriation?

12:16:56 13 A. Yes, on the part of the French.

12:16:58 14 Q. Could we bring up page 31 of your
12:17:03 15 report. So you refer to this logic in different
12:17:17 16 places in slightly different ways, but could you
12:17:22 17 read this and tell me if this is a representative
12:17:25 18 example, if this captures the concept that you were
12:17:29 19 trying to describe?

12:17:31 20 A. [Witness reviews document.]

12:17:38 21 Yes.

12:17:55 22 Q. So I am going to refer to it as
12:17:58 23 the colonial logic, as you sometimes do. So the
12:18:01 24 colonial logic is that the French could use or
12:18:08 25 appropriate First Nations land without seeking

12:18:10 1 prior consent; is that right?

12:18:13 2 A. That's right.

12:18:13 3 Q. And so it is not your opinion that
12:18:20 4 asking permission would have been inconceivable to
12:18:22 5 the French?

12:18:24 6 A. I think that in some
12:18:27 7 circumstances, it was not inconceivable. It was
12:18:29 8 possible. And I gave one example in the report
12:18:33 9 when I discussed the case of Niagara, which is an
12:18:36 10 ambiguous case. We have some occasions where -- in
12:18:39 11 that specific case, I would say the process
12:18:43 12 followed by the French was much more ambiguous, I
12:18:49 13 would say, considering the strategic situations of
12:18:51 14 this post, the political reality, the rivalry with
12:18:55 15 the British.

12:18:56 16 So there is not -- it is not impossible
12:18:59 17 that on some occasions they asked permission to the
12:19:04 18 Aboriginal people.

12:19:04 19 Q. So it is conceivable that they
12:19:07 20 could ask permission?

12:19:07 21 A. It was -- I'm sorry, I understand.
12:19:14 22 Conceivable. It is conceivable.

12:19:14 23 Q. It is conceivable.

12:19:15 24 A. Yes.

12:19:15 25 Q. And even if they didn't think they

12:19:18 1 had a legal duty to ask for permission, they still
12:19:21 2 might have done it?

12:19:22 3 A. They still might have?

12:19:23 4 Q. They still could have done it?

12:19:24 5 A. Yes, I have -- there is an example
12:19:26 6 in my report.

12:19:28 7 Q. All right. And I see the way you
12:19:30 8 have defined it is the logic is concerned with
12:19:33 9 seeking prior consent; is that right?

12:19:36 10 A. Prior?

12:19:41 11 Q. Prior consent --

12:19:42 12 A. Consent before --

12:19:44 13 Q. Seeking consent in advance of
12:19:46 14 using land.

12:19:46 15 A. Yes, if you consider that they had
12:19:50 16 the legal obligations to obtain the permissions or
12:19:53 17 the authorizations of the Aboriginal people, they
12:19:55 18 have to ask prior, not after the fact. They have
12:19:58 19 to ask would you agree; do you agree to something?
12:20:03 20 Not after the fact to say that they consent.

12:20:08 21 If they considered that they had a real
12:20:10 22 legal obligation to first obtain the authorization
12:20:14 23 or the permission of the Aboriginal people, they
12:20:17 24 would have followed a very -- as in other occasions
12:20:21 25 when they considered that they had to obtain first

12:20:24 1 the authorization of the Aboriginal people, they
12:20:26 2 met them; they discussed with them; and they asked
12:20:31 3 a real question, not to try to -- when they tried
12:20:33 4 to place them in a reality when, I would say, it
12:20:41 5 was done. It was not as if they considered that
12:20:46 6 they had a legal obligation to ask permission to
12:20:48 7 the Aboriginal people.

12:20:49 8 Q. So there would have had to be a
12:20:52 9 request for permission in advance?

12:20:53 10 A. I'm sorry, I have some problems to
12:20:55 11 understand you.

12:20:55 12 Q. They would have asked for
12:20:56 13 permission in advance?

12:20:58 14 A. They would have permission in
12:20:59 15 advance if they had considered that they had a
12:21:04 16 legal obligation to ask the permission of the
12:21:06 17 Aboriginal people.

12:21:06 18 Q. Okay. And this would be an
12:21:09 19 explicit request?

12:21:09 20 A. I think it should be an explicit
12:21:12 21 request, and clearly a request, do you agree, do
12:21:19 22 you want, do you accept? And to accept also the
12:21:23 23 fact that they would have to accept a no, not just
12:21:28 24 accept a yes. And I gave the example in my report
12:21:31 25 of the fort of Niagara where there was this remark

1 of the French authorities, we asked them their
2 consent, but if they would have said no, we would
3 have done it anyway.

4 So you have to -- for me, this kind of
5 reaction, it is a clear indication that in some
6 contexts, specific contexts, they knew that it
7 could be useful to ask the permission but without
8 being ready to accept a no.

9 And my view, my understanding, in the
10 case of Niagara, it is a good indication of this
11 strategy where they tried to maneuver to get the
12 consent, but they were ready to do the same thing
13 without the consent of the Aboriginal people.

14 Q. Okay, but in certain cases,
15 permission could have been already given on an
16 ongoing basis?

17 A. I'm sorry, I don't understand
18 exactly.

19 Q. So, for example, if France entered
20 into an alliance with a First Nation and, in doing
21 so, France obtained permission to access that First
22 Nation's land, then it wouldn't need to seek
23 permission every time?

24 A. I think that they did not consider
25 that they have to ask permission for -- I am not

12:22:57 1 sure that I understand your question. I'm sorry.

12:22:59 2 Q. So the French entered into
12:23:01 3 alliances with First Nations.

12:23:03 4 A. Yes.

12:23:03 5 Q. Did those alliances enable them --
12:23:07 6 or in those alliances, did the First Nations give
12:23:10 7 them permission to use their lands?

12:23:11 8 A. It could have happened, but in the
12:23:18 9 alliances, and the questions of the legal
12:23:22 10 obligations, for me, it is two different things.
12:23:25 11 They are in -- my mandate was to answer questions
12:23:31 12 about the legal obligations of the French to do
12:23:35 13 something, and in that context, this aspect of the
12:23:40 14 French objective is not in contradictions with the
12:23:45 15 negotiations of alliances or treaties with
12:23:49 16 Aboriginal people.

12:23:50 17 For me, it is not two contradictory
12:23:54 18 elements. I had to answer very specific questions
12:23:59 19 about the legal obligation, did the French consider
12:24:01 20 that they had the legal obligations to ask
12:24:03 21 permission, and they could conclude alliances with
12:24:06 22 the Aboriginal people. It is not necessarily
12:24:09 23 connected.

12:24:09 24 Q. So you have said that it was
12:24:11 25 possible if France could make an alliance with a

1 First Nation. Yes?

2 A. It was possible --

3 Q. France could make an alliance with
4 a First Nation?

5 A. The French made alliance with
6 Aboriginal people.

7 Q. Yes. And it is possible that --
8 so one of the -- as part of the alliance, the First
9 Nation would give permission to the French to use
10 its land?

11 A. But is it -- my question, my
12 mandate was about the legal obligation --

13 Q. But I am asking you did that
14 happen?

15 THE COURT: Can you start again, sir?
16 Because your questions are not necessarily full
17 sentences. You can read it off the screen if you
18 want, but you might want to think about restating
19 your question.

20 BY MR. EVANS:

21 Q. So could or did it happen that
22 France would enter into an alliance with a First
23 Nation where one aspect of that alliance was that
24 the First Nation gave permission to the French to
25 use its land?

1 A. I think it is possible, but it is
2 not the question that I had to answer in my report.

3 Q. Okay.

4 A. So it would be another aspect of
5 the problem. It is not -- my mandate was about the
6 very specific aspect and not what the Aboriginal
7 people understood. It was about, is it -- is there
8 a legal obligation from the French and the French
9 perspective to ask the permission to establish
10 themselves, to build some forts on their lands.

11 So it was always this question that I
12 had in mind when I covered this aspect. Even if
13 you can find in some occasion a case where you can
14 see that there is a permission or something which
15 looks like a permission which is asked, it doesn't
16 mean that in the French perspective it was a legal
17 obligation.

18 I gave -- only for the Great Lakes
19 region, the case of Niagara is for me a good
20 example of this difference between what sometimes
21 they would do on the field, and what they
22 considered that they had the obligation to do. And
23 they are a pragmatical people able to adjust
24 themselves to a new reality and in some
25 circumstances decided to act in a certain way

12:26:38 1 without considering that they are doing this within
12:26:42 2 the frame of a legal obligation that the King of
12:26:48 3 France would have.

12:26:49 4 The French knew that they were not so
12:26:51 5 numerous. They knew that they need to conclude
12:26:53 6 alliances with Aboriginal people. But it does not
12:26:58 7 erase the fact that they considered that this land
12:27:00 8 was the land of the King, and the King did not have
12:27:04 9 a legal obligation to ask the permission before
12:27:09 10 circulating there and building something.

12:27:12 11 For me, it is really important to
12:27:18 12 dissociate what is the legal obligations that the
12:27:20 13 French considered that they have. It was my
12:27:23 14 mandate, and what we can find on the field. And I
12:27:25 15 looked on the field because I wanted to understand
12:27:28 16 if we can find some indication of this logic of
12:27:32 17 appropriations, and how it was put in place. The
12:27:36 18 case of Fort Frontenac, for me, is interesting. Of
12:27:41 19 course Frontenac could have asked the Iroquois, can
12:27:43 20 you give us the permission, please, to build a fort
12:27:45 21 on your land, and the answer would have probably
12:27:48 22 been no.

12:27:50 23 So he maneuvered just not -- to be sure
12:27:54 24 that he won't have to ask these questions. He
12:27:56 25 arrived. He started his building, and he placed

12:27:58 1 the Iroquois in the position to say no, but he
12:28:01 2 never asked formally because he knew the answer,
12:28:05 3 and he knew that the answer would be no. And it
12:28:09 4 was only -- he didn't want to accept this answer,
12:28:13 5 so he placed the Iroquois in the position to oppose
12:28:16 6 themselves.

12:28:18 7 And for me, it is a good reflection of
12:28:20 8 the legal frame that a Governor like Frontenac had
12:28:26 9 in mind when he decided to make this move. And we
12:28:30 10 have the same example with Detroit. He could have
12:28:35 11 wait at Montreal in 1701, and before sending
12:28:40 12 Lamothe Cadillac, just wait and ask to all the
12:28:43 13 Aboriginal people, I have a project, I would like
12:28:45 14 to build something at Detroit, do you agree? And
12:28:47 15 the Aboriginal people would have had the occasions
12:28:49 16 to say yes or no.

12:28:52 17 But he decided to send someone to build
12:28:54 18 the post before the beginning of the negotiations,
12:28:56 19 and he informed them of what he was doing. And
12:29:00 20 there is a real difference between inform someone
12:29:02 21 of something and asking permission to somebody.

12:29:06 22 Q. So let's discuss part 1.4 of your
12:29:12 23 report, which is a chapter titled "French legal
12:29:16 24 views", and this is the part where you review the
12:29:21 25 commissions and charters that were given to traders

1 in the 16th and 17th centuries.

12:29:23 1
12:29:25 2 A. Traders, explorers, Governors,
12:29:30 3 Lieutenant Governors, those people who were in
12:29:31 4 charge to put in place, I would say, the French
12:29:35 5 policy.

12:29:35 6 Q. Right. Okay. And these were
12:29:37 7 documents drafted by court officials in France?

12:29:43 8 A. I suppose, yes.

12:29:44 9 Q. Officially they came from the
12:29:46 10 King?

12:29:46 11 A. Yes.

12:29:47 12 Q. Okay. So these are examples of
12:29:49 13 what you would call official discourse or legal
12:29:54 14 documents?

12:29:55 15 A. Official positions of the --
12:29:58 16 official legal positions of the French about -- on
12:30:02 17 their colonial enterprise.

12:30:05 18 Q. And the first commission was from
12:30:07 19 1541?

12:30:08 20 A. Yes.

12:30:09 21 Q. And the last was from 1684?

12:30:11 22 A. Yes. The charter for the West
12:30:22 23 Indies company.

12:30:22 24 Q. Okay. And it was from these
12:30:24 25 documents that you derived the colonial logic?

12:30:27 1 A. I used those documents to
12:30:28 2 understand exactly the French legal logic.

12:30:31 3 Q. All right. And it was from the
12:30:34 4 text of those documents?

12:30:38 5 A. I don't understand the question.
12:30:39 6 It is clear from the --

12:30:40 7 Q. You derived the lodge from the
12:30:42 8 text of those documents?

12:30:44 9 A. I used those documents -- I used
12:30:47 10 the text, of course.

12:30:48 11 Q. So you don't look -- you didn't
12:30:57 12 look at whether the commission-holders actually
12:31:03 13 carried out the commissions, or you didn't look at
12:31:07 14 how they carried out those commissions?

12:31:09 15 A. I -- again, the question of my
12:31:13 16 mandate was not -- was about the legal obligation,
12:31:17 17 and the legal obligations were defined in legal
12:31:20 18 documents.

12:31:21 19 Of course, we can have another mandate
12:31:24 20 with other questions, and the question could have
12:31:27 21 been make a large -- a complete report on every
12:31:30 22 means used by the French to put in place this
12:31:34 23 strategy, and it would have been another report.
12:31:37 24 But the question here was, what was the legal, I
12:31:40 25 would say, obligation. Were they put in place,

1 were they put in action? Does it lead to the
2 establishment of colonies?

3 We say, for example, in the case of
4 Roberval, it was a very short-lived colony. He
5 tried. It failed. But it was only the first step,
6 and after that, you have other commissions.

7 But when I looked at those documents,
8 it was strictly in the context of my mandate. My
9 mandate was to understand if there was a legal
10 obligation, and if it failed, it is one thing, but
11 the fact that it failed, or it was not so
12 successful as the French would have thought, it is
13 still the legal framework that I've tried to
14 understand.

15 Q. So let's talk about that first
16 commission of Roberval. That was from 1541?

17 A. Yes.

18 Q. And so he was instructed to found
19 a colony in the St. Lawrence Valley?

20 A. Yes. Can I have the text of
21 the --

22 Q. Sure. That is page 31.

23 A. [Witness reviews document.]

24 It is okay.

25 Q. Could we bring up document SC1374.

1 So this is a book "Des Sauvages", and you mentioned
2 this before. This was the book that you co-edited
3 with Réal Oullett?

4 A. Yes.

5 Q. Could this be made the next
6 exhibit?

7 THE COURT: Mr. Registrar.

8 THE REGISTRAR: Exhibit No. 4391.

9 EXHIBIT NO. 4391: Book entitled "Des
10 Sauvages" co-edited by Réal Oullett and
11 Professor Alain Beaulieu.

12 BY MR. EVANS:

13 Q. If we could go to page 11. So
14 here you describe Roberval's commission. Do you
15 need a minute to read that?

16 A. Yes.

17 [Witness reviews document.]

18 That is good.

19 Q. So he brought several hundred
20 colonists to the St. Lawrence?

21 A. Yes, many ex-prisoners.

22 Q. Many didn't survive the winter?

23 A. That's correct.

24 Q. And others didn't survive the
25 hostility of the Aboriginal peoples?

12:34:33 1 A. We have indications that there
12:34:35 2 were some hostilities, but we don't have a lot of
12:34:38 3 information of this very short-lived colony. It
12:34:41 4 last from 1541 to 1543. It was a short-lived
12:34:51 5 colony.

12:34:52 6 But at that time -- if I may add a very
12:34:56 7 important information, at that time, the St.
12:34:58 8 Lawrence Valley was inhabited by Iroquoian people
12:35:02 9 living in a sedentary village, very numerous, so
12:35:06 10 they were not, as in 17th century, arriving in the
12:35:10 11 land with hunting -- people living from hunting and
12:35:14 12 fishing.

12:35:14 13 So in Montreal area, along the St.
12:35:18 14 Lawrence River, in the Quebec area, there were some
12:35:22 15 Aboriginal people in positions to manifest their
12:35:27 16 opposition, and what is -- if you want to
12:35:31 17 extrapolate about how the French considered their
12:35:36 18 rights, there is no indications, even if you --
12:35:39 19 even if in this region you can find a very strong
12:35:42 20 population that the French considered that they had
12:35:46 21 first to ask them before establishing -- before
12:35:49 22 establishing a fort and trying to colonize this
12:35:52 23 region.

12:35:52 24 Q. So in 1543, Roberval gave up and
12:35:58 25 took the remaining people back to France?

12:36:00 1 A. That's correct.

12:36:01 2 Q. Okay. Could we now go to page 20.

12:36:10 3 And so the next commission was given to La Roche --
12:36:17 4 or there were two commissions, in 1577 and 1578.

12:36:24 5 A. Can I have a minute to read.

12:36:26 6 Q. Oh, yes.

12:36:27 7 A. [Witness reviews document.]

12:36:39 8 I am ready for the first part.

12:36:44 9 Q. Okay. So La Roche never made it
12:36:51 10 to North America?

12:36:52 11 A. No. Again, I have no problems to
12:36:55 12 admit that the first commissions from the 16th
12:36:58 13 century is not necessarily proof that the French
12:37:01 14 went there. I used only those documents to
12:37:02 15 understand the evolution of the French legal
12:37:05 16 conception. When the King or when those who wrote
12:37:10 17 those letters, those documents for him, were trying
12:37:13 18 to put in place some legal framework, they thought
12:37:18 19 that it would be successful.

12:37:20 20 The fact that it would not -- that it
12:37:22 21 was not successful is not an indication that we
12:37:27 22 cannot find in those documents indications of what
12:37:30 23 was the legal conception of the French in 16th and
12:37:35 24 17th century.

12:37:36 25 There is no connection between the

12:37:39 1 intentions, the objectives, the legal framework and
12:37:42 2 necessarily what would be -- what the French would
12:37:44 3 be able to realize on the field.

12:37:47 4 And in my report, I was very, I think,
12:37:51 5 cautious to explain that there is some different
12:37:56 6 phases in the colonial enterprise in New France,
12:37:58 7 and there is a clear difference between the
12:38:01 8 beginning of the 17th century, and the end of the
12:38:03 9 French regime and that we can see evolutions also
12:38:06 10 in the relationship between the French and the
12:38:10 11 Aboriginal people.

12:38:11 12 So I don't take those documents to say,
12:38:17 13 Look, it will be -- give certainly something
12:38:18 14 concrete. I have no problem to admit that until
12:38:21 15 the 17th century there was no real colonial
12:38:23 16 enterprise within the St. Lawrence Valley.

12:38:26 17 Q. Okay. Thank you for that, but
12:38:29 18 here I would like to go with -- I understand that
12:38:34 19 you were concerned with the French perception of
12:38:36 20 their legal rights, but here I am looking at what
12:38:38 21 the French actually did acting under those
12:38:41 22 commissions.

12:38:41 23 A. I'm sorry, but it was not part of
12:38:43 24 my mandate.

12:38:43 25 Q. Yes. I understand that.

12:38:44 1 A. Okay.

12:38:45 2 Q. So La Roche's boat ran aground as
12:38:55 3 it was leaving France?

12:38:55 4 THE COURT: I'm a little puzzled,
12:38:55 5 Counsel. I mean, you can ask that question if you
12:38:56 6 want to.

12:38:57 7 MR. EVANS: All right. Let's move on,
12:38:59 8 then.

12:39:02 9 THE COURT: The witness already agreed
12:39:04 10 as to what happened.

12:39:05 11 BY MR. EVANS:

12:39:08 12 Q. Can we bring up document SC1387.
12:39:15 13 So this is a book that you co-wrote called "The
12:39:19 14 Great Peace, Chronicle of a Diplomatic Saga"?

12:39:23 15 A. Yes, I wrote some text which are
12:39:29 16 identified in the book, and Roland Viau, the other
12:39:33 17 author, wrote some specific book. So I have not
12:39:37 18 had the occasion to go back to this book, so I will
12:39:40 19 need time to look the text to be sure that I am the
12:39:43 20 author, and it is not Roland Viau the author of the
12:39:49 21 text.

12:39:50 22 MR. EVANS: Could we have this made the
12:39:52 23 next exhibit.

12:39:53 24 THE COURT: Mr. Registrar.

12:39:54 25 THE REGISTRAR: Exhibit number 4392.

12:39:57 1 EXHIBIT NO. 4392: Book entitled "The
12:39:19 2 Great Peace, Chronicle of a Diplomatic
12:39:22 3 Saga", authored by Roland Viau and
12:40:08 4 Professor Alain Beaulieu.

12:40:08 5 BY MR. EVANS:

12:40:08 6 Q. If we could go to page 26. Sorry,
12:40:17 7 it is PDF page 15.

12:40:19 8 A. I'm sorry, I wrote this book
12:40:22 9 probably 20 years ago, so I would need to have the
12:40:26 10 table with a list of the text, because those
12:40:30 11 aspects I would have been able to write a text on
12:40:35 12 wampum, but we have to distinguish the text that I
12:40:40 13 will write for this book, and the text that my
12:40:43 14 colleague will write.

12:40:44 15 So I am unable now to say, Oh, this is
12:40:47 16 my text, especially in the English translation. So
12:40:52 17 if you have the table with the list of the name of
12:40:55 18 the author with the pages, we can be sure that we
12:40:59 19 won't lost -- I won't lost my time to read a text
12:41:03 20 written by my colleague and just to try to explain
12:41:06 21 what he want to say.

12:41:10 22 Q. Okay. Well, why don't we deal
12:41:12 23 with it passage by passage. So is this a passage
12:41:15 24 that you wrote?

12:41:15 25 A. As I said, I wrote almost 20 years

12:41:21 1 ago. It would --

12:41:23 2 THE COURT: He was just asked to be
12:41:24 3 shown the table of contents. Is there some problem
12:41:26 4 with doing that?

12:41:27 5 MR. EVANS: Okay. We'll have to see if
12:41:30 6 it is in this, if we could go to the front.

12:41:59 7 THE WITNESS: No, this is the table of
12:42:00 8 consents, but there is a list of the text written
12:42:03 9 by me and by my colleague.

12:42:14 10 Okay.

12:42:15 11 [Witness reviews document.]

12:42:20 12 BY MR. EVANS:

12:42:20 13 Q. So I was going to ask you about
12:42:22 14 the text on page 26.

12:42:24 15 A. It is not my text, I think. It is
12:42:25 16 the text of Roland Viau.

12:42:28 17 THE COURT: No, 26 is on the list. I
12:42:30 18 see that.

12:42:31 19 THE WITNESS: 26? Oh, I'm sorry.

12:42:32 20 THE COURT: There was 36 earlier, but I
12:42:36 21 think that Mr. Evans --

12:42:38 22 THE WITNESS: It is 26. Okay.

12:42:41 23 BY MR. EVANS:

12:42:42 24 Q. Yes.

12:42:43 25 A. Okay.

1 Q. So now we are into the 17th
2 century. Do you need a minute to read this?

3 A. [Witness reviews document.]

4 That is correct.

5 Q. So before Louis XIV took charge of
6 New France in 1663, it was private companies
7 holding the fur trade monopolies that provided
8 their defence forces, and in 1652, the garrison was
9 barely 30 soldiers.

10 A. Yes, and this changed after the
11 arrival of Louis XIV, who decided to send a number
12 of soldiers to impose his rule and to attack the
13 Iroquois, to be sure that the colony will be able
14 to grow.

15 It is clear that in the first decades
16 of the 17th century -- and I explained it in my
17 report -- the French were not in a strong position.
18 They were more on a defensive position than in a
19 position to impose themselves as a strong military
20 force.

21 And I think that I explained that we
22 have to follow the different steps and not to
23 consider that New France was only one, I would say,
24 uniform period. There is phases, and there is a
25 constant, I would say, increase of power from the

12:44:12 1 French and to the south from the British.

12:44:13 2 I have no doubt, no problems to say
12:44:15 3 that before 16 -- before the arrival of the
12:44:21 4 Regiment de Carignan-Salières, the French were not
12:44:24 5 necessarily in a strong position, but they were in
12:44:26 6 a strong enough positions to resist the attack of
12:44:28 7 the Iroquois.

12:44:29 8 Those who suffered much more from the
12:44:35 9 attacks of the Iroquois were other Aboriginal
12:44:39 10 people, and the French were clearly in a position
12:44:41 11 to say we have our forts. It is not strong
12:44:44 12 military structures, but it was enough in that
12:44:46 13 context to stop the attacks of the Iroquois.

12:44:50 14 So even if they were not numerous, even
12:44:55 15 if it was not strong, I would say, military force,
12:44:58 16 they were even then in a position to stay in this
12:45:02 17 place.

12:45:03 18 Q. Yes. So we'll get to later in
12:45:06 19 time. Right now I'm just asking you at this moment
12:45:08 20 in 1652. Now if we scroll down, you go on to
12:45:14 21 describe the arrival of the Carignan-Salières
12:45:18 22 Regiment, and here you take us to the late 17th
12:45:22 23 century where there were about 1,700 marine troops
12:45:25 24 in New France led by some 100 officers.

12:45:28 25 A. Yes.

12:45:31 1

Q. Okay.

12:45:32 2

A. It is a strong force. If you put

12:45:33 3

it in a colonial context, it is not nothing, 1,700

12:45:40 4

soldiers in a colonial context. We have also to

12:45:45 5

consider the impact of the diseases introduced by

12:45:47 6

the Europeans in this region. So the Europeans

12:45:50 7

were increasing in number, and the Aboriginal

12:45:53 8

people were decreasing.

12:45:54 9

So 1,700 soldiers, it was a very

12:45:58 10

important force at that time.

12:46:00 11

Q. Okay. So let's go to document

12:46:06 12

SC1359. So this is Lahontan's complete works,

12:46:15 13

which -- this is the edition that you edited -- or

12:46:19 14

co-edited with Réal Oullett?

12:46:26 15

A. That's correct.

12:46:26 16

Q. And Lahontan was a soldier in the

12:46:28 17

French army?

12:46:29 18

A. Yes.

12:46:29 19

Q. And he was sent to New France in

12:46:33 20

1683?

12:46:34 21

A. Yes.

12:46:34 22

Q. So that was after the arrival of

12:46:36 23

the Carignan-Salières Regiment?

12:46:38 24

A. It was a new arrival of French

12:46:42 25

troops in the 1680s, and this led to two military

12:46:47 1 expeditions against the Iroquois, one which would
12:46:50 2 not be successful and another one will be much more
12:46:54 3 successful.

12:46:54 4 Q. Okay. So let's go to page 16.

12:47:01 5 A. May I precise that those who came
12:47:04 6 as officers and as soldiers, many of them decided
12:47:07 7 to stay in the colony, and they increased the
12:47:09 8 number of men able to be -- to defend to the
12:47:14 9 colony. The defence of the colony at that time did
12:47:16 10 not rely only on professional soldiers, but also on
12:47:21 11 men, on some "milices". So the men, the able men
12:47:29 12 were engaged in the military operations against
12:47:32 13 Aboriginal people and also in military operations
12:47:34 14 against some enemies.

12:47:37 15 Q. All right. I forgot to ask that
12:47:42 16 this be made an exhibit.

12:47:44 17 THE COURT: Mr. Registrar.

12:47:45 18 THE REGISTRAR: Exhibit No. 4393.

12:47:48 19 EXHIBIT NO. 4393: Lahontan's
12:46:14 20 complete works edited by Alain
12:46:21 21 Beaulieu and Réal Oullett.

12:47:58 22 BY MR. EVANS:

12:47:58 23 Q. So there is a section here -- this
12:48:00 24 is before Lahontan's work itself, a section titled
12:48:04 25 "New France at the end of the 17th century", and I

1 believe you wrote this section?

2 A. I wrote that section 30 years ago
3 when I was a young scholar, so I hope I will have
4 the chance to say that maybe I would not write it
5 exactly the same way now. I was just -- I just
6 finished my masters thesis. I was beginning my
7 Ph.D.

8 So I wrote this section based on
9 information that I could collect on studies at that
10 time. I have not at that time studied in detail
11 the expansion of the French into the interior of
12 the continent. I was not in a position to have a
13 very specific -- I would say my view, my own views
14 about those realities will evolve in the time.

15 I was a young scholar writing, having
16 the chance to write a small introduction in a book
17 produced by Réal Oullett. So I just want to
18 precise that this is an important context to
19 consider. And I would feel free to say that I
20 would not write it again like that.

21 Q. Okay. So you were working in
22 partnership with Professor Oullett?

23 A. As a young scholar, and I am
24 always grateful to him to have given me this chance
25 and to have given me the chance to put my name on

12:49:32 1 this book, but he was a scholar, and I was just at
12:49:38 2 the really, really beginning of my career.

12:49:42 3 So I am sure that I agree again with
12:49:46 4 most of the stuff in this introduction, but for
12:49:50 5 some specific points, I would feel free to say that
12:49:55 6 I would -- I disagree with myself 30 years later.

12:49:58 7 So I just want to be clear on that
12:50:00 8 point.

12:50:00 9 Q. Okay. Could we scroll down.

12:50:11 10 If you could take a moment to read this
12:50:18 11 passage.

12:50:18 12 A. [Witness reviews document.]

12:50:35 13 This is typically the kind of passage
12:50:39 14 that I would not write in the same way now. I have
12:50:43 15 no at that time made research on the -- I would say
12:50:47 16 on the legal conception of the French. I was
12:50:52 17 not -- I had probably too simplistic view of the
12:50:56 18 relationship between the French and the Aboriginal
12:50:58 19 people.

12:50:58 20 I cannot say this is what I now, after
12:51:02 21 30 years of research, of reflection, I would not
12:51:06 22 re-write this passage in the same way. I would not
12:51:11 23 say that the taking of possession are only useful
12:51:17 24 in a symbolic way. After having worked on the
12:51:19 25 history of the affirmations of the British and the

12:51:24 1 French sovereignty, I am conscious that those
12:51:28 2 actions had a real significance for the French, for
12:51:29 3 the British, for the Dutch.

12:51:30 4 So I can just say that I would not
12:51:35 5 write this text now in the same way based off what
12:51:42 6 I have learned over the last 30 years.

12:51:43 7 Q. Okay. Well, you said a couple of
12:51:50 8 things, so let me put each of them to you.

12:51:52 9 A. Yes.

12:51:52 10 Q. So you say that Quebec had become
12:51:57 11 the administrative centre of a colonial empire
12:52:01 12 stretching from Newfoundland to the Mississippi and
12:52:04 13 Hudson's Bay to the Gulf of Mexico?

12:52:06 14 A. That's correct.

12:52:10 15 Q. But you qualify that by saying
12:52:11 16 that the population of French origin was small and
12:52:14 17 clustered in a few islands and occupied only a tiny
12:52:19 18 part of the immense territory claimed by France.

12:52:21 19 A. That's correct.

12:52:21 20 Q. And is that still your view?

12:52:23 21 A. Yes.

12:52:24 22 Q. And so the next proposition -- or
12:52:28 23 the next thing you say is:

12:52:29 24 "Symbolic acts taking
12:52:31 25 possession of land, useful in the

12:52:33 1 European legal and diplomatic
12:52:35 2 perspective, could not conceal two
12:52:37 3 fundamental realities. First, the
12:52:40 4 First Nations remained the
12:52:42 5 uncontested master of the vast
12:52:44 6 majority of the territory
12:52:47 7 quote/unquote under French
12:52:48 8 jurisdiction. Second, the extent of
12:52:50 9 French claims made the borders of
12:52:52 10 its colony practically
12:52:55 11 indefensible."

12:52:56 12 [As read.]

12:52:56 13 So you have just said that you do think
12:52:57 14 that acts of taking possession had more meaning
12:53:01 15 than just symbolic. Was that --

12:53:04 16 A. Yes, I would re-write this entire
12:53:07 17 part with much more nuance in taking care -- in
12:53:16 18 being very conscious of the evolutions of the
12:53:20 19 balance of power of the fact that even if the
12:53:23 20 French were only a few ones within the interior of
12:53:27 21 the continent, they were able to impose sometimes
12:53:30 22 their decisions. The forts, the small posts, the
12:53:35 23 forts were not only placed without any utility. It
12:53:40 24 was -- they became centres for trade. They also
12:53:43 25 became centres for Aboriginal people.

12:53:46 1 So I would be much more cautious before
12:53:49 2 trying to qualify the French and Aboriginal
12:53:56 3 people's relationship within the interior of the
12:53:58 4 continent because I know more things than I knew at
12:54:02 5 that time.

12:54:02 6 And this is -- I would say this is the
12:54:06 7 typical kind of thing that a young scholar could
12:54:10 8 write because it is not based on long research in
12:54:18 9 the archives. It is not based on long reflections
12:54:21 10 of the complexity of the relationship between the
12:54:25 11 French and the Aboriginal people.

12:54:27 12 And I think that we have to consider
12:54:30 13 the Empire logic behind the installations of the
12:54:39 14 French in this region, and of course, they were not
12:54:41 15 numerous. Of course we can say that their forts
12:54:44 16 were not well fortified. Of course we can insist
12:54:46 17 on the weakness. But this weakness is not the only
12:54:49 18 point because they were able to organize a network
12:54:54 19 of alliance around them, and those posts, those
12:54:57 20 forts became centres for the alliance with the
12:55:01 21 French.

12:55:01 22 So I disagree with what I wrote, and I
12:55:08 23 can give you, if you want, a more complex
12:55:10 24 explanation about what I would wrote -- what I
12:55:15 25 will -- what I would write now.

1 I think I am a little bit tired.

2 Q. Okay. Let me just finish off this
3 question and then that would be a logical time to
4 take a break.

5 So what I was going to ask you is did
6 symbolic acts of taking possession, did they take
7 possession of land with respect to other European
8 powers only, or did they also take possession of
9 land from the Indigenous peoples?

10 A. They took possession of land.
11 They took possession of land. They integrated
12 those land within the kingdom and within this
13 domain Aboriginal people were living.

14 And of course, the only one -- and I
15 think it is important if you want, again, to
16 understand the colonial logic, the only one who
17 could contest those appropriations of land by
18 France were the British or the Dutch or the
19 Spanish. The only ones who could contest this
20 appropriation of land in the mind and in the
21 conception of the French, it was not the Aboriginal
22 people. It was their enemies, their European
23 enemies.

24 And again, we can say it is just
25 symbolic appropriations, but they knew perfectly

12:56:29 1 that the only one who could contest those
12:56:31 2 appropriations were European powers.

12:56:34 3 So I am not unable -- I am unable to
12:56:38 4 say that it was not against the rights of the
12:56:40 5 Aboriginal people. It was they took possession of
12:56:46 6 the land, and they integrated this land within the
12:56:50 7 kingdom.

12:56:51 8 I have more and more difficulty to --
12:56:54 9 THE COURT: We are going to stop now,
12:56:55 10 sir.

12:56:56 11 For planning purposes, sir, about how
12:56:59 12 much longer are you going to be?

12:57:00 13 MR. EVANS: I am not optimistic that we
12:57:08 14 are going to finish today at this rate.

12:57:12 15 THE COURT: I am only pausing because I
12:57:17 16 asked for a firm message about that yesterday, and
12:57:19 17 I was told the opposite.

12:57:23 18 MR. EVANS: Yes. We underestimated.

12:57:25 19 THE COURT: By how much, sir?

12:57:27 20 MR. EVANS: It could go for perhaps up
12:57:41 21 to another extra half day beyond today.

12:57:45 22 THE COURT: Okay. Well, we'll take it
12:57:50 23 one step at a time, and we'll return at 2:15.

12:57:53 24 -- RECESSED AT 1:00 P.M.

12:59:53 25 -- RESUMED AT 2:19 P.M.

14:19:43 1 THE COURT: Please go ahead.

14:19:55 2 MR. EVANS: Your Honour, we have looked
14:19:56 3 for some ways to slim down the remainder of the
14:20:00 4 cross-examination, and we have found a few, but it
14:20:04 5 still looks unlikely we'll be able to finish today.

14:20:09 6 So we have canvassed with
14:20:11 7 Mr. McCulloch, and what we propose is that
14:20:14 8 Professor Beaulieu's examination carry on tomorrow,
14:20:17 9 and after that we proceed immediately with
14:20:22 10 Mr. Wentzell.

14:20:27 11 THE COURT: Professor Beaulieu, is that
14:20:27 12 a satisfactory situation as compared to coming back
14:20:31 13 next week?

14:20:31 14 THE WITNESS: Yes, I think I would
14:20:34 15 prefer to stay tomorrow morning.

14:20:37 16 THE COURT: Avoid the trip.

14:20:38 17 THE WITNESS: Yes, but I have to be at
14:20:40 18 home, I would say, Friday early in the evening, if
14:20:46 19 possible. I have some -- so is it clear -- sure
14:20:49 20 that I will finish tomorrow morning or --

14:20:51 21 THE COURT: Well, it needs to be, if we
14:20:54 22 are going to change things again.

14:20:56 23 Mr. Evans has said that he has trimmed
14:21:00 24 his cross-examination down. We'll have an hour
14:21:05 25 this afternoon, and two more hours tomorrow

14:21:08 1 morning. That is about half a day.

14:21:10 2 Does that sound like enough, Mr. Evans?

14:21:13 3 MR. EVANS: Yes.

14:21:15 4 THE COURT: So that we can have our
14:21:16 5 witness make his trip, because on Friday, travel
14:21:19 6 plans are more complicated.

14:21:21 7 MR. EVANS: I understand.

14:21:22 8 THE COURT: Okay. And I am interested
14:21:24 9 in your view, sir, because a second trip is also a
14:21:28 10 very tiring experience.

14:21:32 11 THE WITNESS: Yes. No, I prefer to
14:21:33 12 finish this week, if it is possible.

14:21:35 13 THE COURT: Okay. All right. Well,
14:21:36 14 let's go ahead, and we'll see how long it takes
14:21:39 15 for -- it sounds like the Plaintiffs' counsel are
14:21:42 16 now confident that an hour this afternoon and two
14:21:44 17 hours tomorrow morning would be adequate.

14:21:46 18 Please go ahead, sir.

14:21:48 19 BY MR. EVANS:

14:21:48 20 Q. Yes. Could we bring up document
14:21:50 21 SC1324, and if we could go to PDF page 3. This is
14:22:01 22 Chapter 3 of "Empire et Métissages". Could we have
14:22:07 23 this made an exhibit?

14:22:09 24 THE COURT: Mr. Registrar.

14:22:11 25 THE REGISTRAR: Exhibit No. 4394.

1 EXHIBIT NO. 4394: Chapter 3 of the
2 book entitled book by Gilles Havard
3 entitled "Empire et Métissages".

4 BY MR. EVANS:

5 Q. Could we go to page 209, please.

6 THE COURT: You said it is Chapter 3?

7 BY MR. EVANS:

8 Q. Chapter 3. And if you could just
9 scroll up a little bit, we have here the section
10 titled "The General Alliance of 1671".

11 Dr. Beaulieu, would you please read this passage.

12 A. [Witness reviews document.]

13 I need to go down.

14 Q. Scroll down, please.

15 A. [Witness reviews document.]

16 Okay.

17 Q. And on to the next page.

18 A. [Witness reviews document.]

19 I am ready.

20 Q. Okay. Can we go back to the
21 previous page. All right. And so this is
22 Professor Havard. He starts off by saying that it
23 was several traders, Jesuits and Chiefs, that were
24 responsible for establishing bilateral and
25 multilateral alliances starting in the 1660s, and

14:24:35 1 those are alliances between France and the First
14:24:39 2 Nations of the Pays d'en Haut?

14:24:42 3 A. Yes, that's correct.

14:24:43 4 Q. And the Pays d'en Haut roughly
14:24:45 5 includes the Great Lakes?

14:24:46 6 A. Yes.

14:24:47 7 Q. And so in 1670 and 1671, Intendant
14:24:54 8 Talon decided to make these alliances official?

14:24:58 9 A. Yes.

14:24:58 10 Q. So he sent Dumont de Saint-Lusson
14:25:03 11 to the Pays d'en Haut, quote:

14:25:06 12 "To take possession of the land
14:25:07 13 and to put the First Nations under
14:25:08 14 the King's protection"?

14:25:11 15 [As read.]

14:25:12 16 Q. Okay. And Saint-Lusson went to
14:25:14 17 Sault Ste. Marie?

14:25:15 18 A. Yes, that's correct.

14:25:16 19 Q. And he performed an act taking
14:25:21 20 symbolic possession of the area?

14:25:23 21 A. That is correct.

14:25:23 22 Q. I think -- was it the entire Great
14:25:26 23 Lakes?

14:25:26 24 A. It was a huge region.

14:25:30 25 Q. Right. Okay. And you comment on

14:25:32 1 this in your report?

14:25:33 2 A. Yes.

14:25:33 3 Q. You describe this episode?

14:25:35 4 A. Yes.

14:25:35 5 Q. Okay. And if we could go to the
14:25:37 6 next page, Professor Havard makes the point that,
14:25:42 7 quote:

14:25:42 8 "More fundamentally,
14:25:46 9 Saint-Lusson made an alliance with
14:25:48 10 the First Nations."

14:25:49 11 [As read.]

14:25:50 12 A. It is his opinion.

14:25:51 13 Q. That is what he says?

14:25:53 14 A. Yes.

14:25:54 15 Q. And he quotes a passage from La
14:25:58 16 Potherie, who was a historian?

14:26:00 17 A. Yes. La Potherie wrote his book
14:26:03 18 in 1722, so maybe 50 years after the event.

14:26:09 19 Q. Okay. And what La Potherie says
14:26:12 20 is that when Saint-Lusson had finished the
14:26:17 21 ceremony, all the Chiefs reciprocated with presents
14:26:21 22 and said that they would have nothing closer to
14:26:23 23 heart than the alliance with the French?

14:26:25 24 A. Yes, but I don't know from memory
14:26:27 25 on what sources -- La Potherie was a historian, not

14:26:33 1 an actor at that time, what were the sources used
14:26:36 2 by La Potherie. We know that we have contemporary
14:26:39 3 documents telling some information about this
14:26:41 4 event.

14:26:41 5 So it is written there, but I can -- I
14:26:45 6 suppose that some presents were given, but I would
14:26:49 7 like -- if you want a real -- my real opinion as an
14:26:53 8 historian, I would need to go to the documents, the
14:26:56 9 original documents, to see what was the basis I
14:26:59 10 would say of the information of La Potherie.

14:27:02 11 Q. Well, but you did write on this in
14:27:04 12 your report?

14:27:05 13 A. I quoted, if my memory is good,
14:27:12 14 the original document of taking possession.

14:27:14 15 Q. But you said you had to look at
14:27:16 16 the documents. You did look at the documents when
14:27:18 17 you wrote that section of your report?

14:27:19 18 A. Yes, but you want my comment about
14:27:21 19 the passage written by La Potherie, it is another
14:27:29 20 thing.

14:27:29 21 Q. Well, Professor Havard seems to
14:27:29 22 think that what La Potherie is saying is reliable.

14:27:29 23 A. He seems to.

14:27:30 24 Q. Okay. And he also -- and he goes
14:27:32 25 on to paraphrase an oral tradition collected by

1 William Warren, and he describes it as follows:

2 "The French, far from being in
3 a position to subjugate the
4 Aborigines, requested their
5 hospitality, namely the opportunity
6 to travel around and trade, while
7 offering in return their
8 protection."

9 [As read.]

10 A. To say if I agree or if I disagree
11 with my colleague, I would need to read the book of
12 Warren to see what he said exactly, in what
13 context, and if -- maybe we can -- it is oral
14 traditions. Warren wrote, if my memory is good, in
15 the middle of the 19th century, maybe a little bit
16 later, so it is many decades after the events. It
17 is what the Aboriginal people kept in their memory.

18 So I am pretty cautious when I use the
19 pieces of oral tradition. So maybe that I would
20 arrive to similar positions than Professor Havard,
21 but for the moment, I can't say to you if it will
22 be the case or not.

23 Q. So you didn't review this document
24 when you wrote the section for the report?

25 A. I have to -- again, I just repeat

14:28:48 1 my mandate was to look at the French conception,
14:28:51 2 their legal obligations. I was not mandate to look
14:28:58 3 at how the Aboriginal people could have understood
14:29:01 4 those actions. So it could be a really relevant
14:29:03 5 document if my mandate would have been to look at
14:29:09 6 the Aboriginal perspective, how they saw the
14:29:12 7 things, how they considered the actions of the
14:29:14 8 French, what were their reactions, and I would have
14:29:18 9 used other types of source. I would have used some
14:29:22 10 pieces -- I hope I would have looked to find if
14:29:25 11 there is some element in the French archives giving
14:29:28 12 us some precise information about how the
14:29:31 13 Aboriginal people at this moment could have
14:29:34 14 understood the actions.

14:29:35 15 I would have followed with oral
14:29:37 16 tradition collected after the French regime to see
14:29:43 17 as much -- to understand how the Aboriginal people,
14:29:46 18 after the conquest of New France, would have
14:29:49 19 interpreted those events, and I would have looked
14:29:51 20 at documents of the 19th century. And I would have
14:29:53 21 tried to understand if there is some specific
14:29:54 22 changes in the way that the Aboriginal people could
14:29:57 23 have looked at their relationship with the French.

14:30:00 24 I know, because I did this job for the
14:30:04 25 Niagara Congress, when you follow the oral

14:30:07 1 traditions, you can see very significant change in
14:30:11 2 the way that they interpreted their history.

14:30:13 3 One very important element, for
14:30:15 4 example, is the question of the forts. We know
14:30:18 5 that in 1763, the Aboriginal people attacked the
14:30:21 6 forts. They did not at that moment consider that
14:30:24 7 the British forts were good for them. In 19th
14:30:28 8 century, they used the event of the Congress at
14:30:30 9 Niagara in 1764 to say that they received there a
14:30:34 10 promise that the British will keep the forts in
14:30:37 11 their territory.

14:30:38 12 So there is a change in the way that
14:30:40 13 the Aboriginal people could understand their past,
14:30:44 14 explain their past, and use also their past to find
14:30:47 15 a meaning to their life and also to use the past to
14:30:50 16 convince the British to do something.

14:30:52 17 So maybe that it is the case that
14:30:58 18 Warren gave this kind of information. It may be
14:31:01 19 that my colleague considered that he could use it
14:31:03 20 as a good illustration of the way that the
14:31:05 21 Aboriginal people in 17th century did consider this
14:31:10 22 event, but if I have not go through all those
14:31:14 23 documents, I cannot give you my opinion as a
14:31:18 24 historian because it was not my mandate to do that.

14:31:20 25 Q. But Professor Havard isn't just

14:31:23 1 saying this was only the First Nation's
14:31:26 2 perspective. He said that they did make an
14:31:29 3 alliance.

14:31:29 4 A. I should go to the document to
14:31:33 5 say -- Professor Havard say that, he wrote that. I
14:31:39 6 can just say he wrote that. I am totally -- do I
14:31:43 7 totally agree with him? For the moment, I just say
14:31:46 8 that I don't know.

14:31:46 9 Before going -- if I had to do this
14:31:48 10 research, I will start with this kind of comment,
14:31:54 11 and I will -- in an academic paper, I will discuss
14:31:54 12 the historiography, the different positions of the
14:32:00 13 historians, I will consider the position of my
14:32:00 14 colleagues, of other colleagues, I will go back to
14:32:03 15 the sources, and I will give this article my own
14:32:06 16 opinion based on the review of all the necessary
14:32:10 17 documents.

14:32:10 18 I cannot give you my opinion about the
14:32:12 19 interpretation of my colleague without having seen
14:32:15 20 his source and how he considered his source and
14:32:19 21 treated his source.

14:32:20 22 Q. So it was within your opinion to
14:32:23 23 describe the ceremony as an act of taking symbolic
14:32:28 24 possession?

14:32:28 25 A. It is clearly an act of taking

1 possession, and if we -- it is clearly in the logic
2 enunciated in the commissions of the 17th century.
3 It is also in direct connections with the charter
4 of the West Indies company of 1664. They could --
5 the company had the right -- the King gave the
6 company the right to extend their land and to expel
7 the Aboriginal people or to achieve their
8 submission.

9 And if my memory is good, in that
10 moment in 1761, when the French took possession of
11 the land, they also considered that they received
12 the submissions of the Aboriginal people.

13 I don't want to say that it was for the
14 Aboriginal people this logic, but for the French,
15 in the context of my mandate, this taking of
16 possession and the receiving the submission, even
17 symbolic receiving the submission of the Aboriginal
18 people, it fit pretty well within the context of
19 the commission that they received.

20 Q. So it wasn't within your mandate
21 to determine whether Saint-Lusson entered into an
22 alliance?

23 A. Whether?

24 Q. Saint-Lusson entered into an
25 alliance?

14:33:41 1 A. No, it was not within my mandate.

14:33:42 2 Q. Okay. Can we bring up document
14:34:01 3 SC1385, and go to PDF 3, please. So this is
14:34:10 4 Chapter 7 of "Empire et Métissages". Could we have
14:34:14 5 this made the next exhibit.

14:34:15 6 THE COURT: Mr. Registrar.

14:34:18 7 THE REGISTRAR: Exhibit No. 4394.

14:34:21 8 BY MR. EVANS:

14:34:26 9 Q. Could we go to page 486. So here
14:34:35 10 is a passage where Havard discusses further
14:34:42 11 Saint-Lusson's ceremony, and here he discusses the
14:34:44 12 French perspective on it. So could you please read
14:34:47 13 this passage.

14:34:48 14 A. Yes.

14:34:48 15 Q. So perhaps could we zoom out a
14:34:51 16 little so the entire passage is in view. Thank
14:34:53 17 you.

14:34:53 18 A. Is it possible to --

14:34:56 19 [Witness reviews document.]

14:35:14 20 THE REGISTRAR: The Court's indulgence,
14:35:14 21 this chapter is Exhibit 4395.

14:35:14 22 EXHIBIT NO. 4395: Chapter 7 of the
14:47:11 23 book by Gilles Havard entitled "Empire
14:47:17 24 et Métissages".

14:35:17 25 THE COURT: All right. Thank you.

14:35:17 1 THE WITNESS: Is it possible to go
14:35:42 2 down?
14:35:45 3 Thank you.
14:35:45 4 [Witness reviews document.]
14:36:08 5 I'm ready.
14:36:09 6 BY MR. EVANS:
14:36:09 7 Q. Could we go back to the top,
14:36:11 8 please. So Professor Havard writes:
14:36:15 9 "Takings of possession in the
14:36:17 10 context of relations with the First
14:36:21 11 Nations were legal fictions. They
14:36:24 12 were in reality treaties of
14:36:27 13 alliance."
14:36:31 14 [As read.]
14:36:31 15 And then he goes to give the example of
14:36:33 16 Saint-Lusson's ceremony at Sault Ste. Marie.
14:36:36 17 Going to the next paragraph, he says:
14:36:39 18 "Saint-Lusson, long from
14:36:42 19 imposing the King's sovereignty, had
14:36:44 20 to request from the First Nations
14:36:48 21 their hospitality and the
14:36:50 22 possibility for the French to make
14:36:52 23 trade freely."
14:36:56 24 [As read.]
14:36:57 25 And then in the last sentence, he says:

14:37:02 1 "The act of taking possession
14:37:04 2 in this respect had the goal of
14:37:09 3 indulging Colbert and Louis XIV.
14:37:15 4 The French in the Pays d'en Haut
14:37:22 5 were guests and they had to conclude
14:37:23 6 with the First Nations alliances to
14:37:25 7 merit their hospitality."

14:37:28 8 [As read.]

14:37:28 9 That is what Professor Havard says?

14:37:30 10 A. Yes.

14:37:30 11 Q. And he is not just describing the
14:37:33 12 First Nation's perspective there; he is describing
14:37:36 13 it from the perspective of the French?

14:37:38 14 A. This is his point of view. I am
14:37:40 15 not here to testify in his place. If you want my
14:37:42 16 point of view, it is written in my report, and you
14:37:44 17 have to go back to my mandate. It is discussing
14:37:50 18 the reality on the field, how the two parties could
14:37:52 19 have understood this action, and it is not -- it
14:37:54 20 was not in my mandate to cover this aspect. I was
14:37:58 21 just asked to cover the aspect of the legal
14:38:01 22 obligations of the French, and in that context, the
14:38:05 23 taking possessions, to receive the symbolic
14:38:11 24 submissions of the Aboriginal people. It was -- as
14:38:13 25 I said, it fit pretty well in the colonial French

14:38:16 1 logic to appropriate the land.

14:38:18 2 It doesn't mean that on the field --
14:38:23 3 and if I had to do this research or to prepare a
14:38:24 4 report on this aspect, I would cover those
14:38:27 5 questions, and I will discuss the interpretations
14:38:30 6 of my colleague. I will go back to the oral
14:38:32 7 traditions of the Aboriginal people. But it was
14:38:33 8 not part of my mandate.

14:38:35 9 And this interpretation -- and I don't
14:38:38 10 want to say that I agree with all which is written
14:38:40 11 there. This interpretation is not -- the context
14:38:45 12 is not the same questions than the one that I had
14:38:48 13 to answer.

14:38:49 14 There is, although -- it is a book of
14:38:51 15 more than 700 pages, and in other sections of his
14:38:55 16 book, Gilles Havard had another view also. He
14:39:00 17 considered the French perspective in his real sense
14:39:03 18 in the European context. So we can also look at
14:39:07 19 other aspects of his interpretation.

14:39:09 20 I know that for him -- the title of his
14:39:12 21 book is "Empire et Métissages", the notion of
14:39:21 22 empire, the notion -- the idea that the French went
14:39:22 23 there to build an empire. For him, the forts were
14:39:25 24 not insignificant. They were really a sign,
14:39:28 25 indications of the French to take control of the

14:39:33 1 land.

14:39:33 2 So if we look just to one aspect, we
14:39:35 3 don't have a good idea of, I would say, the
14:39:39 4 complexity of this book. It is a fascinating book,
14:39:41 5 but a balanced book on considering not only the
14:39:46 6 Aboriginal, but also the French on the land and
14:39:48 7 also the French, I would say, political authority
14:39:52 8 perspective.

14:39:53 9 So it is in that context, it is his
14:39:58 10 interpretation, and I have some doubts about the
14:40:01 11 knowledge of Warren. I would be interested to know
14:40:11 12 more -- to have more information about this guy
14:40:11 13 because his information presentation is very
14:40:13 14 precise for being part of the oral traditions. His
14:40:17 15 remembering of this specific event is probably
14:40:21 16 someone who has received some education, probably
14:40:23 17 that it is a mix between oral tradition and
14:40:26 18 something that you can find at that time in history
14:40:29 19 book.

14:40:29 20 So I cannot say that this is exactly a
14:40:33 21 good representation of what happened at this place
14:40:37 22 in 1671.

14:40:39 23 Q. All right. Let's discuss the
14:40:45 24 Great Peace of Montreal. You discuss this in your
14:40:47 25 report?

14:40:50 1 A. Yes. Very briefly.

14:40:52 2 Q. Yes. And you discuss it in terms

14:40:55 3 of what you call the three stages of France's

14:40:58 4 Aboriginal alliance, which you describe as a matter

14:41:01 5 of France raising -- increasing in dominance with

14:41:06 6 respect to the First Nations.

14:41:07 7 A. Can you give me the page?

14:41:11 8 Q. It is page 47 of your report. At

14:41:30 9 the top, the highlighted paragraph, please.

14:41:34 10 A. [Witness reviews document.]

14:41:35 11 The two or just the first?

14:41:54 12 Q. Just the first.

14:41:56 13 A. I can continue to read the whole

14:41:57 14 paragraph?

14:41:57 15 Q. If you would like.

14:41:58 16 A. [Witness reviews document.]

14:42:05 17 I am ready.

14:42:06 18 Q. Okay. Could we bring up Exhibit

14:42:09 19 4392, and that is document SC1387. Now, could we

14:42:19 20 scroll down a few pages to go to the table that

14:42:23 21 shows which parts Professor Beaulieu authored.

14:42:29 22 Okay. This appears to be a part that

14:42:40 23 your colleague authored, but let's go to it, and

14:42:44 24 I'll ask you whether you agree that it is accurate.

14:42:47 25 A. Okay.

14:42:48 1 Q. Could we go to page 112, please.
14:42:52 2 So this is his summary of the terms of
14:42:55 3 the Treaty, and the third is that:

14:42:57 4 "The signatory nations agreed
14:42:59 5 that they would all have free access
14:43:01 6 to the hunting grounds north of Lake
14:43:04 7 Ontario and west of Detroit."

14:43:05 8 Is that correct?

14:43:06 9 A. It is what he has written there.

14:43:09 10 Q. But is what he has written
14:43:11 11 correct?

14:43:11 12 A. I am not sure. There is a lot of
14:43:13 13 debate about these clauses of the Treaty. It is
14:43:15 14 not clear what was exactly negotiated at that time.
14:43:19 15 I think that my colleague, Gilles Havard, covered
14:43:24 16 this aspect in his book on the Great Peace of
14:43:27 17 Montreal, and I know that some scholars argued,
14:43:30 18 like, that it was a clause of the Treaty.

14:43:32 19 But the formulations in the proceedings
14:43:34 20 of the peace of Montreal is not so precise as this.
14:43:37 21 So we know that there is some other letters, some
14:43:44 22 letters in the British regime and the French regime
14:43:48 23 mention of this idea that some lands were -- that
14:43:54 24 they agreed to share some hunting grounds. It was
14:44:00 25 also mentioned in 19th century. But in my opinion,

14:44:02 1 it is not so clear that it was a clear -- it was a
14:44:08 2 clause of the Treaty negotiated in 1701.

14:44:12 3 And I think that in the book Gilles
14:44:15 4 Havard, "The Great Peace of Montreal", he discussed
14:44:19 5 in a critical way the interpretation of two
14:44:22 6 scholars, one is named Starna [ph], and the other
14:44:26 7 one, I don't remember his name, but they argued
14:44:27 8 that at the Great Peace of Montreal, the nations
14:44:30 9 agreed to share their hunting grounds, but they
14:44:33 10 have some reserves on that aspect.

14:44:37 11 So I am not sure that it was exactly
14:44:39 12 this kind of clause that you can find in the Treaty
14:44:42 13 of 1701.

14:44:43 14 Q. All right. So I would like to
14:44:50 15 carry on to discuss the portion of your report on
14:44:52 16 the forts. I am taking you to page 59 of your
14:44:58 17 report, which is Exhibit 4380.

14:45:15 18 Page 59, please, PDF 60.

14:45:42 19 Could you scroll down, please.

14:45:48 20 THE COURT: It is up to you, Counsel,
14:45:50 21 but if you collapsed the tool bar, we would be able
14:45:53 22 to see more of these documents.

14:45:55 23 Thank you.

14:45:58 24 BY MR. EVANS:

14:46:22 25 Q. Sorry, just give me a moment.

14:46:23 1 Sorry, I have the wrong page number.

14:46:54 2 Are you sure you have the first report

14:47:08 3 up?

14:47:09 4 Okay. I think -- all right. So that

14:47:15 5 is it. Okay. No, that is fine.

14:47:17 6 Okay. Would you please read the bottom

14:47:25 7 highlighted paragraph.

14:47:26 8 A. Yes.

14:47:27 9 [Witness reviews document.]

14:47:27 10 I'm ready.

14:48:07 11 Q. So in the second sentence, you

14:48:12 12 say:

14:48:12 13 "The process leading to the

14:48:13 14 building of these forts highlights a

14:48:15 15 colonial logic in which the French

14:48:17 16 saw no obligation to negotiate with

14:48:20 17 the Aboriginals peoples for

14:48:22 18 agreement before erecting forts in

14:48:24 19 the continental interior."

14:48:27 20 So they saw no obligation to negotiate

14:48:31 21 before erecting forts?

14:48:32 22 A. Yes, that's correct.

14:48:33 23 Q. Okay. Could we bring up document

14:48:40 24 SC1357, please, PDF page 3, please. So this is a

14:48:52 25 chapter in the book "The Culture of the Seven

1 Years' War" entitled "Under His Majesty's
2 protection: The meaning of the conquest for the
3 Aboriginal peoples of Canada"; this is your work?

4 A. That's correct.

5 Q. Could we have this made the next
6 exhibit, please?

7 THE COURT: Mr. Registrar.

8 THE REGISTRAR: Exhibit No. 4396.

9 EXHIBIT NO. 4396: Chapter from

10 book "The Culture of the Seven Years'

11 War" entitled "Under His Majesty's

12 Protection: The meaning of the

13 Conquest for the Aboriginal peoples of
14 Canada".

15 BY MR. EVANS:

16 Q. And you published this chapter in
17 2014?

18 A. It was written in 2009. The first
19 version of it was published in French in 2013. And
20 unfortunately, the English version was published in
21 2014. I think that I submitted my article for
22 publication probably in 2010 -- maybe 2011, but I
23 would say 2010 because it was a conference that I
24 gave in 2009 at the invitation of the association
25 for scholars interested in the 19th century.

14:50:02 1 So I have to present a general
14:50:05 2 overview, I would say, of the impact of the
14:50:10 3 conquest of New France on the Aboriginal people.
14:50:13 4 So after that, the organizers of the event decided
14:50:19 5 to prepare a book on this question.

14:50:22 6 Q. And when the English version was
14:50:25 7 published in 2014, it still reflected your view on
14:50:31 8 the subject matter?

14:50:32 9 A. I have to see what you want to
14:50:36 10 show to me, but globally, yes. It doesn't mean
14:50:40 11 that I agree with all the sentences, but globally,
14:50:43 12 I think that it was done before I started this
14:50:46 13 mandate, so I will see what you want me to -- what
14:50:49 14 you want to show to me on this text, and I will
14:50:51 15 answer your question.

14:50:52 16 Q. Okay. Could we go to page 99. So
14:51:05 17 the reason I ask is because it looks like you
14:51:11 18 adapted this piece to several sections of your
14:51:14 19 report. So you have a copy of your report with
14:51:17 20 you?

14:51:17 21 A. Yes.

14:51:18 22 Q. Okay. Could you flip to page 80,
14:51:21 23 please.

14:51:29 24 A. Yes.

14:51:29 25 Q. So could you scroll to show the

14:51:32 1 text at the bottom. Great. Thanks.

14:51:34 2 So the first paragraph in your
14:51:39 3 publication starts:

14:51:41 4 "While the transition to a
14:51:42 5 British regime took place [...]"

14:51:43 6 And on page 80 of your report, it says
14:51:46 7 the same. It looks like --

14:51:49 8 A. Yes.

14:51:50 9 Q. -- the paragraph is the same.

14:51:51 10 A. Yes, it is the same.

14:51:52 11 Q. And if you look at the second
14:51:53 12 paragraph, it is the same.

14:51:54 13 A. Exactly.

14:51:55 14 Q. And I have looked through, and I
14:51:57 15 have carried through this entire section, and it
14:52:00 16 appears that it was entirely adapted wholesale into
14:52:05 17 your report; is that correct?

14:52:06 18 A. Yes, that's correct. I think that
14:52:08 19 is correct.

14:52:08 20 Q. Okay. And was there anything you
14:52:11 21 left out?

14:52:12 22 A. To?

14:52:13 23 Q. Was there anything you left out of
14:52:15 24 this article?

14:52:16 25 A. I don't know. If you show me the

14:52:20 1 passage, and I will see. I suppose that there is
14:52:22 2 something that you want to show me.

14:52:23 3 Q. Nothing you can think of?

14:52:25 4 A. I wrote, as I said, this article
14:52:27 5 in 2009, before starting this research about, I
14:52:33 6 would say, the legal obligations of the French to
14:52:40 7 negotiate with the Aboriginal people before -- to
14:52:43 8 get their permission before establishing some
14:52:45 9 forts.

14:52:46 10 I don't remember that in this article I
14:52:48 11 covered this question of the legal obligation of
14:52:52 12 the French to negotiate with the Aboriginal people.

14:52:56 13 Q. Okay. Could we go to page 100,
14:52:59 14 please. So at the top paragraph, the final
14:53:05 15 sentence is:

14:53:07 16 "In fact, the French claim to
14:53:09 17 this immense territory rested on
14:53:11 18 fragile foundations, namely, a few
14:53:13 19 forts and trading posts whose
14:53:15 20 construction had, in most cases,
14:53:18 21 likely been preceded by negotiations
14:53:21 22 with the Aboriginal nations."

14:53:25 23 A. And the question is?

14:53:26 24 Q. So this sentence did not make it
14:53:30 25 into your report?

14:53:31 1 A. No, because as I said, I wrote
14:53:34 2 this text before having done the research for this
14:53:39 3 report. So it was -- this is the starting point, I
14:53:50 4 would say, that the idea that I had in mind when I
14:53:54 5 started the research for this report.

14:54:00 6 So this idea that the French probably,
14:54:05 7 likely been preceded by negotiations with the
14:54:09 8 Aboriginal people, it is a general idea that you
14:54:11 9 will find in many books. You will find it in the
14:54:13 10 book of Gilles Havard. It is a general idea that I
14:54:18 11 have probably said many times in my classes.

14:54:22 12 So before starting the research to
14:54:24 13 understand exactly in what context the French
14:54:27 14 decided to build some forts in the interior of the
14:54:31 15 continent, this was this idea that I had in mind.
14:54:34 16 I think that I have said earlier in my testimony
14:54:38 17 that, as an historian, you have to accept that if
14:54:42 18 you do some new research, you will have probably to
14:54:45 19 adjust some of your thinking, because if you have
14:54:50 20 not done the research on this specific aspect, you
14:54:54 21 are relying constantly on what is done, what has
14:54:57 22 been done by other scholars.

14:54:59 23 When you engage yourself in a research,
14:55:02 24 when you do it, you have to modify, if necessary,
14:55:04 25 your view of the events.

14:55:07 1 So this kind of sentence, now when I
14:55:11 2 teach, when I give a course, I mention this aspect
14:55:14 3 of what could be said in the case of the French
14:55:20 4 presence, and what now I know about this.

14:55:22 5 And I insist on the importance to keep
14:55:25 6 a balanced perspective when we have the occasions
14:55:29 7 to do research, to be able to change your mind.

14:55:33 8 And it has happened a few times in my
14:55:37 9 career, sometimes on very important aspects, when I
14:55:41 10 started the research on the Treaty of Oswegatchie
14:55:43 11 and Kahnawake, I was convinced that no treaty
14:55:48 12 existed. I done the research. I discovered
14:55:51 13 treaties, and I wrote an article on this.

14:55:53 14 So at the Congress of Niagara, I was
14:55:55 15 convinced that one treaty was concluded. I started
14:55:57 16 the research. I modified my perspective.

14:55:59 17 And I hope that I will be able to do
14:56:02 18 this again in the future years. Each time that I
14:56:05 19 have to work on a new subject, I start with
14:56:09 20 specific ideas. I read something about those
14:56:14 21 subjects. I start with that, and I do the
14:56:17 22 research. And I am authorized -- it is not a good
14:56:20 23 word, but I feel free to change my mind if I find
14:56:24 24 some documents which could contradict my previous
14:56:28 25 interpretations, my hypothesis as a starting point

14:56:34 1 and to adjust it considering what I have discovered
14:56:37 2 in the documents.

14:56:37 3 Q. So when you wrote your report, you
14:56:41 4 were able to take this section from the publication
14:56:47 5 published one year earlier wholesale except for
14:56:50 6 that one sentence?

14:56:51 7 A. I'm sorry, but it is not one year
14:56:53 8 earlier. I said that I wrote this article in 2009,
14:56:57 9 so -- and the process for publication is very long.
14:57:01 10 And you have to -- you can finish your article.
14:57:05 11 You submit it, and you wait. And sometimes you
14:57:08 12 receive a new -- not a new version, but one last
14:57:14 13 version, and you have the occasion to make some
14:57:16 14 modifications.

14:57:16 15 I have submitted an article in 2014
14:57:18 16 about the Quebec Act, and it will be published in
14:57:22 17 2020, so six years after. I will try to make some
14:57:26 18 adjustments to avoid maybe this kind of question,
14:57:28 19 but I am sure that we have to consider that when
14:57:33 20 you finish an article, it will not be published the
14:57:35 21 following weeks.

14:57:35 22 So when this article was published, it
14:57:41 23 was published in 2014, I have started the research
14:57:43 24 about those questions, but I was not in a position
14:57:49 25 at that -- I would say even I finished the report

14:57:52 1 many months later.

14:57:53 2 So it is clear that what I wrote there
14:57:58 3 was based on, I would say, general knowledge about
14:58:01 4 the project of the French, the way that they were
14:58:03 5 acting on the land, and when I said that they
14:58:07 6 likely -- those installations had likely -- not
14:58:12 7 surely, likely had been preceded by negotiations
14:58:15 8 with the Aboriginal Nations, it is based on what I
14:58:18 9 knew at that time. And if you go back in my
14:58:20 10 report, you will see that there is an example of
14:58:22 11 this in the case of Niagara.

14:58:24 12 So in some cases, I don't try to say
14:58:31 13 that there was no negotiations, and I never covered
14:58:36 14 in this article the case of the legal obligations
14:58:38 15 of the French. It is not -- when I wrote that
14:58:45 16 thing, I am writing something that will say that I
14:58:47 17 consider that the French had a legal obligation to
14:58:50 18 build some forts -- to ask the authorizations of
14:58:53 19 Aboriginal people before building some forts.

14:58:59 20 Q. So if your views had changed, then
14:59:01 21 why did you allow this book chapter to be published
14:59:05 22 when it had something that was the complete
14:59:08 23 opposite of what --

14:59:09 24 A. I could repeat my explanation. I
14:59:11 25 finished to write this article in 2009. I probably

1 submit the last versions in 2010. The article was
2 ready for publication probably in 2013. It was
3 published in French in 2013. I wait one year more
4 to see the publication in English.

5 So -- and probably that the book was
6 published before I really started to wrote on this
7 research, and I would -- it is not logical -- when
8 I started the research -- how can I say that? When
9 I started the research, it was this idea, so the
10 book published in 2014. When I started the
11 research in 2014, it was always this idea that I
12 had in mind. It was only by doing the research, by
13 looking at the documents, by documenting some
14 specific case that I progressively changed my mind
15 about this aspect.

16 But now, if I have to look at how it
17 was really implemented on the field, maybe that we
18 could find some more complex and ambiguous examples
19 as the one at Niagara, but we have still a good
20 example that the French decided to move without
21 asking any questions.

22 So it is not that I decided to let this
23 because even if I know that I would not have write
24 this in 2004, it was published before I have done
25 this research.

15:00:41 1 Q. If we could bring up Exhibit 4207.

15:00:57 2 So this is "Beyond Pontiac's Shadow" by Keith

15:01:03 3 Widder. You said you knew this source?

15:01:05 4 A. I knew this source, yes.

15:01:06 5 Q. If we go to Roman numeral page

15:01:11 6 xxii, and further down, please. Oh, I'm sorry, it

15:01:32 7 is not highlighted. I'm looking at the last

15:01:34 8 paragraph in the right column beginning with

15:01:38 9 "Throughout the seventeenth and eighteenth

15:01:41 10 centuries [...]". Would you read that, please.

15:01:43 11 A. Yes.

15:01:48 12 [Witness reviews document.]

15:02:10 13 I am ready.

15:02:37 14 Q. Could we carry on to the next

15:02:40 15 page, please.

15:02:42 16 A. [Witness reviews document.]

15:02:43 17 I am ready.

15:02:56 18 Q. Okay. Can we go back up.

15:02:58 19 All right. So Dr. Widder says that:

15:03:05 20 "While the French claimed the

15:03:15 21 Pays d'en Haut to be part of their

15:03:15 22 North American empire, their

15:03:15 23 physical presence in it was limited

15:03:15 24 to the fort and settlement at the

15:03:16 25 Straits of Mackinac, other outposts

1 and missions, and the people who
2 worked at these places and
3 throughout the Western Great Lakes
4 region. In order for the French to
5 come and stay at Michilimackinac and
6 other locations, they had to
7 negotiate with the Native people,
8 and give them gifts in a manner that
9 respected Indian ways, for the
10 privilege" - if we could carry on to
11 the next page, please - "for the
12 privilege of using their land for
13 carrying on the fur trade."

14 That is what he says?

15 A. Yes.

16 Q. Okay. And could we carry on. I
17 think it looks like this passage isn't highlighted
18 either.

19 A. If you have one question on two or
20 more passages, I will probably need to go back from
21 one to the other, and maybe to look at the sources
22 also, if it is very specific questions about that.

23 Q. Oh, there it is. It is the final
24 paragraph on the page starting with "For the fur
25 trade to function effectively [...]"

15:04:41
15:04:43
15:04:45
15:04:45
15:04:46
15:04:47
15:04:47
15:05:06
15:05:09
15:05:12
15:05:14
15:05:16
15:05:18
15:05:19
15:05:20
15:05:22
15:05:25
15:05:26
15:05:28
15:05:29
15:05:32
15:05:33
15:05:50
15:06:17
15:06:17

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. [Witness reviews document.]
The first sentence of the last
paragraph?
Q. Yes.
A. Okay.
[Witness reviews document.]
Okay. I am ready.
Q. So Widder says:
"For the fur trade to function
effectively, peace, or at least the
absence of war, and mutual trust
among Indians and Europeans were
required. Several factors
contributed to peace or violence in
the Michilimackinac borderland.
French commandants [...]"
A. Oh, I'm sorry, I thought that I
had to read only the first sentence of the last
paragraph. Is it --
Q. Okay. Carry on, then.
THE COURT: You have not put the entire
paragraph on the screen, Counsel.
THE WITNESS: [Witness reviews
document.]
BY MR. EVANS:

1 Q. I'm only interested in the first
2 five lines of this paragraph.

3 A. You are interested by?

4 Q. In the first five lines of the
5 paragraph on this page.

6 A. Okay.

7 Q. Could we scroll back up.

8 So Widder continues on to say that:

9 "French commandants at
10 Michilimackinac and other posts gave
11 presents to tribal leaders at annual
12 councils to renew the Indians'
13 permission given to the French to
14 occupy their posts."

15 A. It is written.

16 Q. All right. Could we bring up
17 document SC1345, and could we go to PDF page 3.
18 This is the first chapter of "Empire et
19 Métissages". Could we have this marked as the next
20 exhibit, please?

21 THE COURT: Mr. Registrar.

22 THE REGISTRAR: Exhibit number 4397.

23 EXHIBIT NO. 4397: Chapter 1 of the
24 book authored by Gilles Havard entitled
25 "Empire et Métissages".

1 BY MR. EVANS:

2 Q. Could we go to page 94, please.

3 So please take a minute to read the highlighted
4 paragraphs.

5 A. [Witness reviews document.]

6 I'm ready.

7 Q. And so generally speaking,

8 Professor Havard uses a turn of phrase to describe
9 the French empire in the Pays d'en Haut as
10 colonization "sans peuplement", which means
11 "without settlement".

12 A. Without colonizer, without too
13 much French people, so --

14 Q. Yes. So without --

15 A. They are settlements, French
16 settlements in the Great Lakes area, so it is not
17 without settlements. It is without, I would say,
18 huge settlement, huge concentrations of populations
19 as in the St. Lawrence Valley, if you want.

20 Q. Right. When you say there were
21 settlements, you mean the posts, and the areas
22 around the posts?

23 A. The posts, the forts in some
24 regions to the south, a few hundred, and again, it
25 depends on the period. In the Detroit area, there

1 is an increase in population. In the Illinois
2 country, there was also an increase of population.
3 Some posts as Michilimackinac, it is clear it was
4 not a region where you could find a very strong
5 colonization, and anyway, the French authorities
6 were not in favour of this kind of colonization.

7 Again, in the book of Gilles Havard,
8 you have long sections about the policy of the
9 French. It is not only to respect the requests of
10 the Aboriginal people. It was also a part of the
11 French policy not to establish too much people into
12 the interior of the continent.

13 Q. Professor Havard carries on to
14 say:

15 "The Indians weren't hostile to
16 the settlement of French people on
17 the condition that they respected
18 the rules of good neighbourliness".

19 [As read.]

20 Is that a fair translation?

21 A. It true for the French, it is true
22 for the British, it is true for every region where
23 the Aboriginal people saw colonizers coming. If
24 they were not too much, if they respect them, if
25 they treat them as they should, it is true.

15:10:44 1 Q. And Havard in the second excerpt
15:10:48 2 says:

15:10:48 3 "What is certain is that the
15:10:50 4 French, in all circumstances, strove
15:10:55 5 to satisfy their allies to deserve
15:10:58 6 their hospitality."

15:10:59 7 [As read.]

15:11:00 8 A. It is his interpretation.

15:11:01 9 Q. Yes.

15:11:10 10 A. But it is clear that the French
15:11:11 11 have a strategy to be sure that the Aboriginal
15:11:17 12 people will always want to stay in their alliance,
15:11:23 13 so they were ready to make concessions. They were
15:11:25 14 ready to do something. They were pragmatical.
15:11:28 15 There was a lot of pragmatism in the French policy
15:11:32 16 in the interior of the continent.

15:11:34 17 Q. Could we bring up document SC1385,
15:11:43 18 please. Now, this is also Exhibit 4395, Chapter 7
14:47:16 19 of "Empire et Métissages". Could we go to page
15:11:52 20 487, please. Would you read that passage, please.

15:12:03 21 A. [Witness reviews document.]

15:12:49 22 I am reading. The rest of the
15:12:51 23 paragraph is also interesting because this -- it
15:12:56 24 seems here very specific moments. So I can answer
15:13:00 25 your questions, but to have a good opinion, I would

1 at least need to read maybe sometimes the chapter
2 to understand what this example -- how this example
3 fit in his argumentation. There is always small
4 selections of, but I know that the argumentations
5 of Gilles Havard cannot be resumed in a simple way.
6 I'm sorry.

7 Q. All right. Well, why don't you
8 read this paragraph and the next one, because I'm
9 going to ask you about that as well, and if you
10 need to read further, then perhaps we'll leave that
11 for you to do this evening.

12 A. [Witness reviews document.]

13 THE COURT: Are you suggesting this
14 gentleman should read an entire book this evening?

15 MR. EVANS: If that is what he feels
16 necessary, but I don't think it is.

17 THE COURT: Well, I mean, that is
18 inconsistent with our commitment to this
19 gentleman's health. So you, as cross-examining
20 counsel, have to make a decision about that.

21 MR. EVANS: It is not necessary.

22 THE COURT: And whether you are
23 requesting it or not.

24 MR. EVANS: I am not requesting it.

25 THE WITNESS: [Witness reviews

1 document.]

2 And there is another paragraph?

3 BY MR. EVANS:

4 Q. Next page, please.

5 A. [Witness reviews document.]

6 THE COURT: Mr. Evans, once you have
7 completed this question, it is about the time we
8 said we would wrap up, and numerous of your
9 colleagues are coming in the back door for that
10 very reason.

11 MR. EVANS: Yes. Once I get through
12 these passages, this is convenient for me as well
13 as for the break.

14 THE WITNESS: Okay. I'm ready.

15 BY MR. EVANS:

16 Q. Can we go to the previous page.
17 So Havard writes:

18 "When the French asserted their
19 claims with respect to property in
20 land, their allies did not hesitate
21 to react vigorously. At Detroit,
22 for example, Cadillac indicated to
23 the Indians in a council held in
24 1704, 'This land belongs to me
25 because I was the first to light a

15:15:57 1 fire there and you have for
15:16:04 2 yourselves where you have lit your
15:16:08 3 own.' And the Chief 40 sons
15:16:11 4 affirmed in response, this land is
15:16:15 5 not yours; it is ours and we will
15:16:19 6 leave it to -- or we will leave or
15:16:23 7 stay when it seems to us like a good
15:16:29 8 idea."

15:16:31 9 [As read.]

15:16:33 10 Is that a fair translation?

15:16:34 11 A. "We will quit this land for going
15:16:38 12 where we want", yes.

15:16:39 13 Q. Okay. All right. And then after
15:16:46 14 this, the reference to la Gascon is a grant of land
15:16:54 15 that Cadillac made to him around Detroit; is that
15:16:59 16 right?

15:16:59 17 A. Le Gascon is the name for Cadillac
15:17:05 18 who wanted to act as seignior.

15:17:11 19 Q. Okay. And could we go to the next
15:17:12 20 page, and Havard says:

15:17:14 21 "It is not sure if the Hurons
15:17:16 22 had the same understanding as
15:17:19 23 Cadillac. They had never hesitated
15:17:27 24 in 1703 to" is that "go past the
15:17:31 25 boundaries" or "to extend to the

15:17:35 1 side of the fort of the French. In
15:17:38 2 practice, they conserved the
15:17:44 3 property in their land to authorize
15:17:47 4 the French to establish themselves
15:17:49 5 in the west was not equivalent in
15:17:53 6 effect to granting a right in
15:17:57 7 property and even less so did they
15:18:00 8 have the concept of selling land."

15:18:04 9 [As read.]

15:18:07 10 Is that a fair translation?

15:18:08 11 A. Yes.

15:18:08 12 Q. Okay. All right, those are my
15:18:13 13 questions for today. I think it is looking very
15:18:15 14 good that we will finish tomorrow morning.

15:18:17 15 THE COURT: Well, you have committed to
15:18:18 16 doing that, notwithstanding that you also did that
15:18:22 17 yesterday. I am expecting this time you'll come
15:18:25 18 through.

15:18:25 19 MR. EVANS: Understood.

15:18:26 20 THE COURT: So we'll adjourn until 10
15:18:28 21 o'clock tomorrow morning.

15:18:29 22
23 -- Adjourned at 3:18 p.m.
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 28th day of November, 2019.



NEESONS, A VERITEXT COMPANY

PER: DEANA SANTEDICOLA, RPR, CRR, CSR

1	1632 8148:1	1791 8134:16	2011 8228:22	4380 8172:24 8226:17
	1649 8147:11	1794 8120:12, 18 8123:22 8136:3	2013 8228:19 8236:2,3	4382 8138:18
1 8240:23	1650 8145:11 8147:7,11	17th 8146:20 8161:12 8177:2 8187:1 8191:10 8192:24 8193:8, 15 8197:1,16 8198:22 8200:25 8216:21 8218:2	2014 8228:17, 21 8229:7 8234:15,23 8236:10,11	4388 8118:24, 25 8137:22 8138:10
1,700 8198:23 8199:3,9	1652 8197:8 8198:20	1820s 8127:23	2020 8234:17	4389 8152:4,5 8157:4
1.4 8186:22	1660s 8210:25	1836 8102:4 8103:2 8104:15 8114:8 8125:11 8126:21 8130:18	209 8210:5	4390 8166:1,2
1/2 8102:3 8103:3	1663 8158:21 8197:6	19 8116:25	20th 8125:11 8131:3	4391 8190:8,9
10 8171:20 8247:20	1664 8218:4	1900s 8157:7	26 8170:8,10 8195:6 8196:14, 17,19,22	4392 8194:25 8195:1 8224:19
100 8198:24 8231:13	1670 8211:7	19th 8112:7 8127:23 8128:13,15 8130:9,12 8161:13 8165:11 8169:24 8170:25 8171:9 8214:15 8215:20 8216:7 8225:25 8228:25	28th 8126:9	4393 8200:18, 19
106 8117:5	1671 8210:10 8211:7 8223:22	1:00 8207:24	2:15 8207:23	4394 8209:25 8210:1 8219:7
10:00 8171:21	1680 8145:1	2	2:19 8207:25	4395 8219:21, 22 8243:18
10:04 8101:1	1680s 8199:25	2 8166:14	3	4396 8228:8,9
10:49 8137:17	1683 8199:20	20 8145:23 8192:2 8195:9, 25	3 8118:10,20,25 8119:7,10 8137:23 8138:1, 3,5,11 8209:21, 22 8210:1,6,8 8219:3 8227:24 8240:17	4397 8240:22, 23
11 8190:13	1684 8187:21	200 8138:6	30 8145:2 8197:9 8201:2 8202:6,21 8203:6	45 8102:3 8103:3,19 8107:9 8114:23
112 8225:1	16th 8177:2 8187:1 8192:12, 23	2004 8236:24	31 8177:14 8189:22	47 8224:8
1128 8101:25	1701 8186:11 8226:2,13	2009 8228:18, 24 8231:5 8234:8 8235:25	354 8154:2	486 8219:9
1134 8125:8	1703 8139:3 8140:16 8141:5, 8,24,25 8142:14 8148:15 8246:24	2010 8228:22, 23 8236:1	356 8157:5	487 8243:20
1141 8130:16	1704 8245:24		36 8196:20	5
11:06 8137:18	1705 8143:8		371 8154:23	50 8212:18
11:53 8172:19	1722 8212:18		3:18 8247:23	550 8156:4
12:00 8171:21	1760 8170:24 8171:8		4	59 8226:16,18
12:00 8171:21	1760-1860 8165:21 8166:6		4 8166:9	6
12:11 8172:20	1761 8108:17, 21,25 8109:15, 24 8110:3 8218:10		40 8246:3	6 8138:19 8154:2
13:01:21 8116:7	1763 8126:5 8131:1 8216:5		4207 8237:1	60 8226:18
15 8172:18 8195:7	1764 8103:12 8107:25 8108:12 8216:9			6th 8130:18
15-minute 8137:15				
1541 8187:19 8189:16 8191:4				
1543 8191:4,24				
1577 8192:4				
1578 8192:4				
16 8198:3 8200:4				
1623 8149:5				

7	8132:25 8135:25 8136:17 8145:15 8149:6 8151:7,13 8152:7 8153:10 8156:1 8157:7, 13,16 8158:17, 22 8160:25 8161:6,12 8163:3,7,14,15 8164:19,23 8165:14,19 8166:4,24 8168:1,16,23 8170:1 8171:13, 15 8173:16 8176:20 8178:18 8179:17,23 8180:1,7,17 8181:13 8182:16,22 8183:6 8184:6 8185:6 8186:13, 15 8190:25 8191:15 8193:11 8198:9 8199:7 8200:13 8202:18 8204:25 8205:2, 11 8206:13,21 8207:5 8214:17 8215:3,6,13,17, 22 8216:5,13,21 8218:7,12,14,17 8221:24 8222:7 8223:6 8224:4 8228:3,13 8229:3 8231:7, 12,22 8232:8 8235:8,19 8242:10,23 8243:11	accept 8153:14 8180:22,23,24 8181:8 8186:4 8232:17 access 8111:15,18 8112:2,8 8113:11 8181:21 8225:5 accomplish 8177:1 accurate 8224:24 accurately 8141:19 achieve 8218:7 acknowledge 8115:20 8147:11 acknowledge d 8115:23 8117:25 8139:20 8141:8, 23,25 8142:12 8148:22 acknowledgi ng 8148:4 acquiring 8126:6 8129:11 act 8116:8 8117:3 8122:23 8134:14,22 8153:9 8170:20 8184:25 8211:19 8217:23,25 8221:1 8234:16 8246:18 acted 8167:21 8175:18,20 acting 8193:21 8235:5 action 8175:19 8189:1 8221:19 actions 8170:23 8203:2	8215:4,7,14 active 8135:2 actor 8213:1 acts 8167:19 8203:24 8204:14 8206:6 adapted 8229:18 8230:16 add 8143:7 8191:6 addition 8143:19,21 address 8104:24 addressed 8129:21 adequate 8209:17 adjourn 8247:20 Adjourned 8247:23 adjust 8184:23 8232:19 8234:1 adjustments 8234:18 administratio n 8133:19 administratio ns 8134:10 administrativ e 8203:11 admit 8143:20 8158:8 8192:12 8193:14 adopt 8123:2 adopted 8133:17 8134:16 advance 8152:19 8153:12 8154:9, 11 8179:13 8180:9,13,15	advocated 8156:17 advocates 8160:7 advocating 8156:12 Affairs 8121:23 8125:19 8128:15 8133:15,16 Affirmation 8101:5 affirmations 8202:25 affirmed 8246:4 afternoon 8208:25 8209:16 afterward 8116:15 agree 8104:8 8105:3 8106:3 8108:25 8109:25 8113:20 8122:10 8126:13 8140:6 8141:6 8150:12 8179:19 8180:21 8186:14 8202:3 8214:10 8217:7 8222:10 8224:24 8229:11 agreed 8194:9 8225:4,24 8226:9 agreement 8227:18 agrees 8105:18 aground 8194:2 ahead 8101:3 8116:1,22 8131:22
8				
8 8172:25 80 8229:22 8230:6 84 8119:5 85 8119:6,19				
9				
94 8241:2 99 8229:16				
A				
a.m. 8101:1 8137:17,18 8172:19 abolished 8118:2 8122:14, 24 8123:12 8135:12 8136:7 abolition 8122:21 Aboriginal 8101:21 8108:6, 11 8109:8,9,22 8110:14 8111:6, 9 8118:21 8119:2 8122:17 8123:6,20 8124:6,10,15,25 8127:7,10,18 8128:5,8,11,20 8129:2 8130:3	Aboriginals 8214:4 8227:17 absence 8239:11 Absolutely 8142:5 academic 8153:19 8217:11			

8137:19 8138:12 8172:21 8208:1 8209:14,18 Alain 8101:4 8152:8 8166:7 8190:11 8195:4 8200:20 Algonquin 8127:11 8129:16 8130:10 Algonquins 8127:19 aligns 8141:12 alliance 8162:13,16 8164:3 8181:20 8182:25 8183:3, 5,8,22,23 8205:19,20 8210:10 8212:9, 23 8217:3 8218:22,25 8220:13 8224:4 8243:12 alliances 8101:20 8182:3, 5,6,9,15,21 8185:6 8210:25 8211:1,8 8221:6 allied 8158:13 allies 8109:19 8157:8,22 8158:10,22 8160:9 8161:3 8163:4 8164:24 8243:5 8245:20 ally 8160:18 ambiguity 8161:11,14 ambiguous 8165:8,10,11 8178:10,12 8236:18 America 8104:6 8107:11 8139:3 8166:18 8174:16 8192:10	American 8124:4 8237:22 analysis 8115:3 8169:1 annual 8240:11 answers 8140:9 apologize 8119:7 8131:20 8140:14 8145:24 appeared 8137:25 8171:12 appears 8104:23 8119:6, 9 8126:9 8139:11 8224:22 8230:16 applicable 8135:24 applied 8118:7 8135:15,19 8171:5 8174:25 apply 8124:1 appointed 8112:14 approach 8164:8 8170:5 approaches 8164:12 appropriation 8177:12 8206:20 appropriation s 8185:17 8206:17,25 8207:2 archives 8124:8 8130:8 8205:9 8215:11 area 8112:18 8140:3 8146:5 8149:7 8150:10 8174:24	8191:13,14 8211:20 8241:16,25 areas 8241:21 argue 8123:21 8132:25 8136:4 8161:10 8168:5 argued 8225:17 8226:7 arguing 8127:24 8168:12 argument 8103:6 8111:22 8115:14 8117:10 8118:1 8138:24 8153:12 8154:12 8169:21 argumentatio n 8129:6 8130:12 8244:3 argumentatio ns 8244:4 arguments 8154:11 8156:20 8168:22 8169:22 army 8199:17 arrival 8197:11 8198:3,21 8199:22,24 arrive 8214:20 arrived 8145:1 8185:25 arriving 8191:10 article 8122:7 8152:2,5,16 8157:19 8159:19 8162:21 8165:17 8166:2, 15,20 8171:3 8217:15 8228:21	8230:24 8231:4, 10 8233:13 8234:8,10,15, 20,22 8235:14, 25 8236:1 articles 8159:2 aspect 8111:10 8125:16 8127:8 8134:19 8144:13 8149:17,23 8158:12 8162:14 8171:3 8176:14 8182:13 8183:23 8184:4, 6,12 8221:20,21 8222:4 8223:2 8225:16 8226:10 8232:20 8233:2 8236:15 aspects 8112:19 8153:24 8162:8 8195:11 8222:19 8233:9 asserted 8245:18 assertion 8114:8 associate 8108:3 8109:11 association 8228:24 assume 8137:1 8149:5 assumes 8112:13 8167:18 assumption 8114:8 assure 8121:5 attaches 8150:6 attack 8197:12 8198:6	attacked 8216:5 attacks 8198:9,13 attempt 8162:18 attempting 8105:7 attributed 8154:5 August 8125:10 author 8144:11 8194:17,20 8195:18 authored 8119:3 8152:8 8166:6 8195:3 8224:21,23 8240:24 authoritative 8118:16 authorities 8123:7 8128:10 8130:2 8136:2 8181:1 8242:5 authority 8223:7 authorization 8179:22 8180:1 authorization s 8179:17 8235:18 authorize 8247:3 authorized 8233:22 avoid 8140:22 8208:16 8234:18 aware 8111:1 8156:9 8159:3 awhile 8159:19
--	--	--	--	---

B	bearing 8115:7	bilateral 8210:24	8230:1	8158:16
back 8103:9 8119:14 8127:6 8132:9,15 8134:5,7 8135:8 8142:11 8143:16,24 8144:6 8157:3 8166:10 8191:25 8194:18 8208:12 8210:20 8217:14 8220:7 8221:17 8222:6 8235:9 8237:18 8238:20 8240:7 8245:9	Beaulieu 8101:4,9 8102:2,7,21 8103:4 8104:13 8105:12 8107:6 8111:21 8112:13 8113:5, 21 8114:12 8115:20 8116:5, 9 8117:1 8118:12 8119:22 8120:16 8121:4, 10,15 8122:4 8125:3 8131:12 8132:8 8133:25 8135:5 8138:15 8141:7 8149:9 8150:19,23 8152:9 8166:7 8172:5,23 8190:11 8195:4 8200:21 8208:11 8210:11 8224:21	bit 8108:22 8117:17 8118:8 8138:22 8151:6 8206:1 8210:9 8214:15	bought 8122:17 8124:10 8128:20 8167:25 8169:25	8165:10 8167:21,24 8168:4,12,15,21 8169:22 8170:19,22,23, 24 8171:14,19 8174:8 8178:15 8198:1 8202:25 8203:3 8206:18 8216:7,10,16 8225:22 8230:5 8242:22
bad 8155:17	Beaulieu's 8208:8	blow 8119:18 8121:13	bound 8173:2, 15	brought 8150:5 8190:19
balance 8204:19	begin 8135:9 8137:20 8139:8	boat 8194:2	boundaries 8246:25	build 8175:3 8184:10 8185:20 8186:14,17 8222:23 8232:14 8235:18
balanced 8223:5 8233:6	beginning 8101:19 8102:8 8104:24 8115:8 8116:24 8117:2 8119:17 8165:10 8186:18 8193:8 8201:6 8202:2 8237:8	Bond 8103:21 8104:10,14 8105:8 8107:8 8110:19,25 8111:14,17 8113:6,10,21,25 8114:15 8115:11 8126:17	bounds 8117:17	brought 8150:5 8190:19
bar 8226:21	begun 8105:5 8112:17 8113:10	book 8118:10, 12 8119:1 8137:24 8138:7 8139:2 8143:17 8190:1,2,9 8194:13,16,17, 18 8195:1,8,13 8201:16 8202:1 8210:2 8212:17 8214:11 8219:23 8222:14,16,21 8223:4,5,19 8225:16 8226:3 8227:25 8228:10 8229:5 8232:10 8235:21 8236:5, 10 8240:24 8242:7 8244:14	break 8136:20, 23 8137:16 8155:23 8171:25 8172:9 8206:4 8245:13	building 8185:10,25 8227:14 8235:19
barely 8197:9	believed 8176:3	books 8232:9	briefly 8138:16 8224:1	built 8168:21 8169:19 8171:1 8173:4 8175:22
Baron 8139:2 8143:22 8144:24	belongs 8245:24	borderland 8239:15	bring 8101:25 8116:4,6 8118:9 8119:5 8121:9 8125:6 8138:19 8150:6 8151:9 8154:2 8155:21 8165:16 8172:24 8177:14 8189:25 8194:12 8209:20 8219:2 8224:18 8227:23 8237:1 8240:16 8243:17	buy 8168:23
base 8155:6	belt 8107:25	borders 8204:9	Britain 8107:9 8166:16	buying 8124:15 8135:25
based 8129:6 8145:12 8167:13 8171:19 8174:13 8201:8 8203:5 8205:8,9 8217:16 8235:3, 8	big 8119:21	born 8145:19	British 8101:20 8105:14,20 8107:16 8108:6, 12 8109:9,13,17 8110:14 8111:5, 9 8114:10 8122:15,17,24 8123:3,7,14,18 8124:10 8127:14 8130:2 8135:25 8136:1, 16 8157:9	buying 8124:15 8135:25
basic 8124:13		Borrows' 8103:6	briefly 8138:16 8224:1	buying 8124:15 8135:25
basing 8113:22		bottom 8119:17 8159:18 8227:6	bring 8101:25 8116:4,6 8118:9 8119:5 8121:9 8125:6 8138:19 8150:6 8151:9 8154:2 8155:21 8165:16 8172:24 8177:14 8189:25 8194:12 8209:20 8219:2 8224:18 8227:23 8237:1 8240:16 8243:17	buying 8124:15 8135:25
basis 8135:24 8166:20 8169:17 8181:16 8213:9			bring 8101:25 8116:4,6 8118:9 8119:5 8121:9 8125:6 8138:19 8150:6 8151:9 8154:2 8155:21 8165:16 8172:24 8177:14 8189:25 8194:12 8209:20 8219:2 8224:18 8227:23 8237:1 8240:16 8243:17	buying 8124:15 8135:25
Bay 8203:13			bring 8101:25 8116:4,6 8118:9 8119:5 8121:9 8125:6 8138:19 8150:6 8151:9 8154:2 8155:21 8165:16 8172:24 8177:14 8189:25 8194:12 8209:20 8219:2 8224:18 8227:23 8237:1 8240:16 8243:17	buying 8124:15 8135:25
bear 8116:18			bring 8101:25 8116:4,6 8118:9 8119:5 8121:9 8125:6 8138:19 8150:6 8151:9 8154:2 8155:21 8165:16 8172:24 8177:14 8189:25 8194:12 8209:20 8219:2 8224:18 8227:23 8237:1 8240:16 8243:17	buying 8124:15 8135:25

C

Cadillac

8186:12
8245:22
8246:15,17,23

call 8141:24

8160:10,12
8167:19
8187:13 8224:3

called 8116:12

8146:12
8194:13

camp 8160:22

camps 8160:7
8162:16

Canada 8112:15 8118:17,22 8119:3 8126:14 8129:18,23 8130:25 8133:3, 5,9 8134:21 8228:3,14	8216:17 8233:3 8235:11,14 8236:14	8219:11 8220:16	charter 8187:22 8218:3	clauses 8225:13
canvassed 8208:6	cases 8159:6 8175:1 8181:14 8231:20 8235:12	Champlain 8149:13,18 8150:2	charters 8160:13 8186:25	clear 8109:4 8124:23 8130:9 8143:6,13 8152:21 8162:24 8181:5 8188:6 8193:7 8197:15 8202:7 8208:19 8225:14 8226:1 8235:2 8242:3 8243:10
capable 8116:11	category 8162:18	Champlain's 8148:1	check 8149:24	client's 8155:19
capacity 8176:11 8177:6	categorical 8160:22	chance 8201:4,16,24,25	Chief 8125:11 8246:3	close 8147:25 8171:7
captures 8177:18	categorize 8162:18 8165:4, 13	change 8111:23 8122:15 8123:10,15 8136:16 8143:13,21 8147:1 8159:13 8168:13 8208:22 8216:1, 12 8233:7,23	Chiefs 8210:23 8212:21	closely 8141:12
care 8204:17	category 8162:18	changed 8197:10 8235:20 8236:14	Children 8104:1	closer 8106:13 8212:22
career 8202:2 8233:9	causal 8167:19 8169:3	chapter 8118:10,20,25 8119:6,9 8137:23 8138:1, 3,5,11 8186:23 8209:22 8210:1, 6,8 8219:4,21, 22 8227:25 8228:9,16 8235:21 8240:18,23 8243:18 8244:1	Chris 8151:2	clustered 8203:17
careful 8116:15	cautious 8193:5 8205:1 8214:18	characteristic 8110:15	Chronicle 8194:14 8195:2	co-edited 8190:2,10 8199:14
Carignan-salières 8198:4,21 8199:23	centre 8203:11	characteristic 8110:15	circulating 8185:10	co-wrote 8194:13
carried 8188:13,14 8230:15	centres 8204:24,25 8205:20	characterized 8106:7	circumstance s 8112:23 8178:7 8184:25 8243:4	Colbert 8221:3
carries 8167:7 8242:13	centuries 8187:1 8237:10	characterizati on 8106:4	claim 8152:19 8154:9 8231:16	collapsed 8226:21
carry 8208:8 8226:15 8237:14 8238:10,16 8239:20	century 8102:12 8112:8 8127:24 8128:13,15 8130:10,12 8142:20 8146:20 8161:12,13 8165:12 8169:24 8170:25 8171:9 8177:3 8191:10 8192:13,24 8193:8,15 8197:2,16 8198:23 8200:25 8214:15 8215:20 8216:8, 21 8218:2 8225:25 8228:25	characterized 8106:7	claimed 8203:18 8237:20	colleague 8119:11 8150:20 8195:14,20 8196:9 8214:11 8216:19 8217:19 8222:6 8224:23 8225:15
carrying 8238:13	ceremony 8212:21 8217:23	charge 8134:10 8187:4 8197:5	circumstance s 8112:23 8178:7 8184:25 8243:4	colleagues 8217:14 8245:9
case 8109:12 8116:11 8133:8 8138:8 8153:21 8155:4 8157:21 8160:24 8162:15,20,23 8165:1 8169:18 8178:9,10,11 8181:10 8184:13,19 8185:18 8189:3 8214:22		charged 8113:14	classes 8232:11	collect 8147:20 8201:9
			clarifies 8141:12	collected 8213:25 8215:16
			clarify 8107:7 8113:4 8137:21 8147:10	
			clause 8225:18 8226:2, 12	

Colonel 8125:9,10,11, 18,21	commanded 8126:2	8140:22 8144:15	8192:16,23 8202:16 8206:21 8215:1	8142:21 8144:8 8145:22 8146:23
colonial 8112:10,11 8114:15 8158:15 8160:11,17 8164:13 8174:11 8177:23,24 8187:17,25 8193:6,15 8199:3,4 8203:11 8206:16 8221:25 8227:15	commencing 8101:1	compared 8208:12	conceptions 8175:18,19	confusion 8146:20
colonialism 8169:10	comment 8211:25 8213:18 8217:10	comparing 8128:4	concerned 8152:17,18 8158:12 8179:8 8193:19	Congress 8101:16,22 8103:12 8108:13 8215:25 8216:8 8233:14
colonies 8133:10 8134:23 8189:2	commenting 8116:13	compensated 8128:1 8165:18 8166:3 8171:16	concessions 8243:13	connect 8109:6
colonists 8190:20	comments 8112:21	compensatio n 8127:14 8171:11	conciliatory 8157:15	connected 8107:19 8127:9 8169:14 8182:23
colonization 8123:19 8241:10 8242:5, 6	commission 8177:2 8187:18 8189:16 8190:14 8192:3 8218:19	complete 8104:18 8188:21 8199:12 8200:20 8235:22	conclude 8124:25 8150:18 8168:16 8171:14 8182:21 8185:5 8221:5	connection 8120:24 8149:20 8192:25
colonize 8191:22	commission- holders 8188:12	completed 8104:17 8245:7	concluded 8102:4 8124:6 8168:18 8233:15	connections 8218:3
colonizer 8241:12	commissions 8160:12 8173:24 8186:25 8188:13,14 8189:6 8192:4, 12 8193:22 8218:2	complex 8168:9 8205:23 8236:18	concluding 8168:24	conquest 8107:18 8108:8, 10 8111:2 8169:23 8215:18 8228:2, 13 8229:3
colonizers 8242:23	commitment 8244:18	compliance 8120:13	concrete 8164:23 8193:14	conscious 8159:12 8161:14 8165:3 8203:1 8204:18
colony 8133:17 8146:4, 16 8189:4,19 8191:3,5 8197:13 8200:7, 9 8204:10	committed 8247:15	complicated 8165:13 8209:6	condition 8242:17	consent 8178:1 8179:9, 11,12,13,20 8181:2,12,13
column 8237:8	common 8142:19	comprehension 8175:16	conference 8228:23	consents 8196:8
comfortable 8156:9	communicati on 8131:2	comprehensi vely 8115:10	confident 8209:16	consequence 8131:5,17,25
commandant s 8239:16 8240:9	communities 8173:3	conceal 8156:18 8204:2	confirm 8102:21 8103:13 8107:8 8119:9 8133:20	conserved 8247:2
	Compact 8118:13,21 8119:1 8137:24	conceivable 8178:19,22,23	confirmed 8138:2	considered 8128:22 8133:22 8145:10 8161:18 8169:3, 20 8173:13
	companies 8197:6	conceived 8175:2 8176:16	confirms 8133:21	
	company 8187:23 8218:4, 5,6	concentratio ns 8241:18	confused 8142:18 8146:8 8148:6,25	
	compare	concept 8177:18 8247:8	confusing 8140:10	
		conception 8173:25 8174:13 8176:5		

8174:3,12 8179:21,25 8180:5,15 8184:22 8185:7, 13 8191:17,20 8215:7 8216:19 8217:20 8218:11 8222:17	8198:13 8199:3, 4 8201:18 8214:13 8218:15,18 8220:10 8221:22 8222:11,18 8223:9 8232:13	convey 8143:22 convince 8155:9 8216:16 convinced 8233:11,15 copies 8127:17 8134:4 copy 8102:3 8121:9 8126:4, 24 8127:19,20 8129:3,4,11 8130:3 8131:1 8133:1,5,10,14 8134:2,5,6,12, 14,21,25 8135:6,7 8229:19 correct 8102:23 8103:7 8116:16 8117:7 8121:19,24 8125:14 8139:4, 5 8142:10 8151:14 8156:3, 23 8157:10 8167:6,10 8173:7,10 8190:23 8192:1 8197:4 8199:15 8203:14,19 8211:3,18,21 8225:8,11 8227:22 8228:4 8230:17,18,19 correctly 8114:18 8143:2, 4 8144:3 8176:21 corresponde nce 8135:18 costs 8156:20 council 8245:23 councils 8240:12 counsel 8102:16 8104:18 8120:25 8137:2	8170:11 8194:5 8209:15 8226:20 8239:22 8244:20 country 8139:23 8144:20 8146:6 8148:12 8242:2 County 8139:16 8148:18 couple 8151:8 8152:11 8203:7 court 8101:3 8102:9,14,24 8104:16 8105:11,23 8106:1,25 8111:20 8112:5, 16 8113:7 8114:4,19 8116:1,9,11,15, 21 8117:5,16,20 8118:23 8119:11,15 8120:20 8121:6 8131:14,21 8136:24 8137:6, 11,15,19 8138:6,12 8140:8,15,24 8151:15,19,21 8152:24 8153:20,24 8157:24 8159:11 8165:25 8166:11 8170:10 8171:23 8172:2, 6,10,14,18,21 8183:15 8187:7 8190:7 8194:4, 9,24 8196:2,17, 20 8200:17 8207:9,15,19,22 8208:1,11,16,21 8209:4,8,13,24 8210:6 8219:6, 25 8226:20 8228:7 8239:21 8240:21 8244:13,17,22	8245:6 8247:15, 20 Court's 8219:20 Courts 8154:7 Covenant 8118:13,21 8119:2 8137:24 cover 8149:17 8151:4 8162:4 8174:18 8221:20,21 8222:4 covered 8108:22 8184:12 8225:15 8231:11 8235:13 create 8133:17 created 8122:19 8134:23 creating 8123:16 8169:5 creation 8171:16 critical 8226:5 Crooked 8104:3 cross- examination 8101:6 8102:17 8106:19 8119:12 8150:22 8208:4, 24 cross- examining 8244:19 Crown 8103:20 8110:20 8112:1, 3,8 8122:9 culture 8114:2 8227:25 8228:10
considers 8167:18 consist 8156:10 consistent 8122:5,10,12 constant 8159:9 8197:25 constantly 8232:21 constitutiona l 8134:22 construction 8231:20 consultation 8129:19 consulted 8129:20 CONT'D 8101:7 contemporar y 8213:2 contents 8196:3 contest 8154:9 8206:17, 19 8207:1 context 8103:4 8123:18, 24 8128:21 8132:21,23 8149:25 8153:12,14,16, 17 8154:19 8155:12 8163:25 8168:20 8170:22 8174:4 8182:13 8189:8	contexts 8181:6 continent 8201:12 8204:21 8205:4 8232:15 8242:12 8243:16 continental 8227:19 continue 8117:14 8135:20,22 8176:19 8224:13 continues 8117:20 8119:20 8240:8 Contract 8118:13,21 8119:1 8137:24 contradict 8233:24 contradicted 8108:17 contradiction 8182:14 contradictory 8124:16 8156:19 8182:17 contributed 8239:14 control 8123:18 8222:25 convenient 8245:12 conversation s 8115:1	convey 8143:22 convince 8155:9 8216:16 convinced 8233:11,15 copies 8127:17 8134:4 copy 8102:3 8121:9 8126:4, 24 8127:19,20 8129:3,4,11 8130:3 8131:1 8133:1,5,10,14 8134:2,5,6,12, 14,21,25 8135:6,7 8229:19 correct 8102:23 8103:7 8116:16 8117:7 8121:19,24 8125:14 8139:4, 5 8142:10 8151:14 8156:3, 23 8157:10 8167:6,10 8173:7,10 8190:23 8192:1 8197:4 8199:15 8203:14,19 8211:3,18,21 8225:8,11 8227:22 8228:4 8230:17,18,19 correctly 8114:18 8143:2, 4 8144:3 8176:21 corresponde nce 8135:18 costs 8156:20 council 8245:23 councils 8240:12 counsel 8102:16 8104:18 8120:25 8137:2	8170:11 8194:5 8209:15 8226:20 8239:22 8244:20 country 8139:23 8144:20 8146:6 8148:12 8242:2 County 8139:16 8148:18 couple 8151:8 8152:11 8203:7 court 8101:3 8102:9,14,24 8104:16 8105:11,23 8106:1,25 8111:20 8112:5, 16 8113:7 8114:4,19 8116:1,9,11,15, 21 8117:5,16,20 8118:23 8119:11,15 8120:20 8121:6 8131:14,21 8136:24 8137:6, 11,15,19 8138:6,12 8140:8,15,24 8151:15,19,21 8152:24 8153:20,24 8157:24 8159:11 8165:25 8166:11 8170:10 8171:23 8172:2, 6,10,14,18,21 8183:15 8187:7 8190:7 8194:4, 9,24 8196:2,17, 20 8200:17 8207:9,15,19,22 8208:1,11,16,21 8209:4,8,13,24 8210:6 8219:6, 25 8226:20 8228:7 8239:21 8240:21 8244:13,17,22	8245:6 8247:15, 20 Court's 8219:20 Courts 8154:7 Covenant 8118:13,21 8119:2 8137:24 cover 8149:17 8151:4 8162:4 8174:18 8221:20,21 8222:4 covered 8108:22 8184:12 8225:15 8231:11 8235:13 create 8133:17 created 8122:19 8134:23 creating 8123:16 8169:5 creation 8171:16 critical 8226:5 Crooked 8104:3 cross- examination 8101:6 8102:17 8106:19 8119:12 8150:22 8208:4, 24 cross- examining 8244:19 Crown 8103:20 8110:20 8112:1, 3,8 8122:9 culture 8114:2 8227:25 8228:10

curious 8143:12	8236:20,22	8217:23 8224:4 8241:8	diplomatic 8194:14 8195:2 8204:1	dispossesse d 8127:12
<hr/> D <hr/>	deciding 8171:14	describes 8214:1	direct 8118:4 8126:24 8135:13 8148:23 8218:3	dispossession n 8165:19 8166:4 8169:13
d'en 8211:2,4, 11 8221:4 8237:21 8241:9	decision 8123:2 8154:1 8244:20	describing 8221:11,12	disagree 8202:6 8205:22 8214:10	disrupted 8146:4
database 8138:5	decisions 8204:22	descriptions 8143:18	disagreed 8166:23	dissociate 8185:12
date 8107:25 8108:2,21 8130:1 8143:9	declared 8123:5	deserve 8243:5	disagreement 8137:9	distinction 8152:22,25
dated 8125:10 8130:18	decreasing 8199:8	desire 8128:18	disappeared 8136:15	distinguish 8195:12
day 8207:21 8209:1	defence 8197:8 8200:9	detail 8106:21 8108:23 8201:10	discipline 8155:7	distinguished 8154:15
de 8139:2 8143:22 8144:24 8148:1 8198:4 8211:10	defend 8200:8	details 8111:1	discourse 8160:11 8187:13	document 8102:8 8103:10 8104:10 8105:16 8107:2 8115:24 8117:4, 8,15 8118:5,9, 10 8119:15 8120:1,4 8121:16 8127:25 8128:17,24 8129:5,13 8130:13 8131:4 8132:21 8133:3, 6,11,16,17,23 8134:12,15,16 8135:1,13,23 8136:15 8137:25 8138:2, 10 8142:9 8145:5,9 8151:10 8155:22 8159:24 8160:4 8165:17 8166:12,14 8167:5,9 8177:20 8189:23,25 8190:17 8192:7 8194:12 8196:11 8197:3 8199:11 8202:12 8209:20 8210:12,15,18 8213:14
deal 8195:22	defensive 8197:18	determine 8164:22 8177:5 8218:21	discovers 8168:10 8171:10 8233:12 8234:1	
dealing 8129:10 8164:2	define 8170:3	determined 8170:16,20	discuss 8103:8 8110:23 8147:3 8149:16 8150:3,21 8157:1,12 8186:22 8217:11 8222:5 8223:23,24 8224:2 8226:15	
debate 8123:11 8157:6 8162:23 8163:14 8225:13	defined 8174:8,9,11 8179:8 8188:17	Detroit 8101:15,22 8105:13,21 8106:5,10,11 8107:13 8108:13 8109:2, 18,24 8115:22 8186:10,14 8225:7 8241:25 8245:21 8246:15	discusses 8219:10,11	
debates 8164:1	demonstrate s 8150:8	developed 8170:21	discussing 8116:7 8138:16 8221:17	
decades 8108:18 8197:15 8214:16	Department 8122:1 8125:12, 13	deviation 8144:4	diseases 8199:5	
decide 8123:23 8153:20 8167:24	depends 8136:24 8162:3 8163:24 8241:25	difference 8140:1 8147:17 8149:19,20 8153:4,6 8184:20 8186:20 8193:7	dispersal 8148:11 8149:6	
decided 8123:3,7 8124:12 8147:19 8168:19 8171:15 8184:25 8186:9, 17 8197:11 8200:6 8211:8 8229:4 8232:14	depopulated 8139:18,25 8140:2,7 8141:10,13 8142:2,16,17,24 8143:1 8144:22 8148:13,20	difficult 8130:19		
	depth 8103:17	difficulty 8114:7,20 8157:11 8207:8		
	derived 8187:25 8188:7	dimension 8167:19 8169:3		
	Des 8190:1,9			
	describe 8169:1 8174:20 8177:10,19 8190:14 8198:21 8212:3			

8214:23 8215:5 8217:4 8219:2, 19 8220:4 8224:10,16,19 8227:9,23 8237:12,16 8239:1,6,24 8240:17 8241:5 8243:17,21 8244:12 8245:1, 5	8121:4 doubt 8198:2 doubts 8223:10 drafted 8187:7 drives 8156:15 Dumont 8211:10 Dutch 8174:9 8203:3 8206:18 duty 8175:9 8179:1	8182:18 Emergence 8165:20 8166:5 emphasis 8107:24 8110:6, 13 8136:13 8160:17,23 8161:25 8162:17 8164:13,14 empire 8203:11 8205:13 8209:22 8210:3 8219:4,23 8222:21,22,23 8237:22 8240:18,25 8241:9 8243:19 enable 8169:6 8182:5 encloses 8156:13 end 8138:16 8146:20 8150:15 8165:9 8193:8 8200:25 enemies 8200:14 8206:22,23 engage 8115:19 8155:10 8232:23 engaged 8200:12 engagement 8164:1 England 8143:9 English 8139:8,10,13 8140:5,11,12, 15,20 8141:1 8143:8 8195:16 8228:20 8229:6 8236:4 enlarge 8155:8	enlarging 8123:16 ensure 8120:12 enter 8183:22 entered 8181:19 8182:2 8218:21,24 enterprise 8187:17 8193:6, 16 entire 8140:7 8141:9 8142:1, 16 8204:16 8211:22 8219:16 8230:15 8239:21 8244:14 entitled 8119:1 8152:5 8166:2 8190:9 8195:1 8210:2,3 8219:23 8228:1, 11 8240:24 enunciated 8218:2 episode 8212:3 Equitable 8165:18 8166:3 equivalent 8247:5 erase 8185:7 erecting 8227:18,21 essentially 8107:4 8125:13 establish 8128:19 8164:22 8184:9 8242:11 8247:4 establishing 8191:21,22 8210:24 8231:8 establishmen t 8189:2	ethical 8153:9 8154:25 Europe 8174:5 European 8204:1 8206:7, 22 8207:2 8222:18 Europeans 8199:6 8239:12 Evans 8137:5 8150:21,22 8151:2,23 8152:10 8166:8, 13 8170:12 8171:20,25 8172:4,11,15,22 8183:20 8190:12 8194:7, 11,22 8195:5 8196:5,12,21,23 8200:22 8207:13,18,20 8208:2,23 8209:2,3,7,19 8210:4,7 8219:8 8220:6 8226:24 8228:15 8239:25 8241:1 8244:15,21,24 8245:3,6,11,15 8247:19 evening 8208:18 8244:11,14 event 8107:15 8108:19 8109:5, 11,20 8110:1,7, 11 8111:12 8147:6 8212:18 8213:4 8216:8, 22 8223:15 8229:4 events 8107:20 8109:7 8110:8,17 8120:22 8145:2, 18 8214:16 8215:19 8232:25 evidence 8106:7 8120:23 8140:10
--	--	--	---	--

8152:12	8152:4,5	8195:20	8179:18,20	fields 8153:2
8153:11 8155:1	8155:23,24	8216:14	8180:23 8185:7	final 8170:18
8156:16,19	8157:4 8165:24	explained	8189:11	8231:14
8160:10,23	8166:1,2	8144:23	8192:20	8238:23
8162:7,18	8172:24 8190:6,	8197:16,21	8204:19	
8164:16	8,9 8194:23,25		8231:16	find 8110:24
evolution	8195:1 8200:16,	explaining	factor 8169:4	8113:8 8124:17
8192:15	18,19 8209:23,	8143:2		8139:15,23
evolutions	25 8210:1	explains	factors	8140:10
8193:9 8204:18	8219:5,7,21,22	8154:6 8167:21	8239:13	8143:17
evolve	8224:18	explanation	failed 8189:5,	8148:17
8201:14	8226:17 8228:6,	8170:8 8205:24	10,11	8155:23 8168:3,
evolved	8,9 8237:1	8235:24	fair 8115:7	8 8169:21
8169:19 8171:8	8240:20,22,23	explicit	8124:7 8242:20	8184:13
ex-prisoners	8243:18	8180:19,20	8246:10	8185:14,16
8190:21	existed	explore	8247:10	8191:19
examination	8136:10 8171:4	8118:8	fairly 8112:17	8192:22
8138:21 8208:8	8233:12	explorers	fall 8156:8	8215:10
examined	existence	8187:2	familiar	8216:14
8169:9	8114:13	express	8102:5 8103:14,	8223:18
examples	8122:18	8104:13	15 8104:9	8226:12 8232:9
8147:19	8124:20	8120:17	8118:11,14	8233:23
8168:17	8136:11	expressed	8120:6 8125:20	8236:18 8242:4
8174:23	8154:10	8173:25	8150:10	fine 8115:17
8175:12	exists 8122:19	extend 8218:6	fascinating	8126:23
8176:25	expansion	8246:25	8223:4	8151:21 8172:4
8187:12	8123:19	extent 8204:8	Father 8104:4	8227:5
8236:18	8201:11	extra 8207:21	favour 8242:6	finish 8168:19
Excellency	expected	extract 8105:8	feel 8172:2	8206:2 8207:14
8126:13	8176:7	8138:4 8144:18	8173:1 8174:22	8208:5,20
8130:24	expecting	extrapolate	8175:2 8201:19	8209:12
8131:10	8247:17	8191:17	8202:5 8233:23	8234:10,20
Excellent	expeditions	extrapolation	feeling	8247:14
8103:16	8200:1	8145:12	8175:15	finished
excerpt	expel 8218:6	extremely	feels 8244:15	8201:6 8212:20
8243:1	expelled	8138:8	felt 8175:9	8234:25
excerpts	8144:20	F	8176:23	8235:25
8137:12	experience		fictions	fire 8246:1
exclusion	8209:10		8220:11	firm 8207:16
8162:1	expert 8105:8		field 8153:19	firstly 8126:12
exhibit	8153:9		8161:8,10,18	fishing
8101:25	expertise	face 8107:1	8163:12,21	8191:12
8118:20,24,25	8105:10	faced 8157:11	8165:3 8174:25	fit 8218:18
8121:11 8125:6,	experts	fact 8107:9	8175:17	8221:25 8244:3
7 8130:16	8115:5	8108:16	8184:21	flag 8102:18
8137:22	explain	8115:21 8122:5	8185:14,15	flexible
8138:10,17	8102:14	8147:1 8164:15	8193:3 8221:18	8169:10
8148:2 8151:9,	8157:19 8168:3	8168:22	8222:2 8236:17	flip 8229:22
16,17,19,25	8169:5 8193:5	8169:24		floating
				8134:4

focus 8144:12	forward 8140:17	8140:1,3,23 8141:10,12 8142:6,23 8144:5 8145:6 8146:12 8147:16 8148:23 8150:21 8151:3 8157:9 8158:6, 16 8161:4 8163:6,8 8164:21 8165:9 8167:14 8168:6 8173:1,9,15 8174:2,6,20,25 8175:16 8176:7, 12,15,22 8177:6,13,24 8178:5,12 8181:1 8182:2, 12,14,19 8183:5,9,24 8184:8,16 8185:4,13 8186:23 8187:4, 16 8188:2,22 8189:12 8191:17,20 8192:13,15,23 8193:2,9,10,19, 21 8197:17 8198:1,4,10 8199:17,24 8201:11 8202:16,18 8203:1,2,16 8204:7,9,20 8205:2,11,14,21 8206:21 8212:23 8214:2 8215:1,8,11,16, 23 8218:10,14 8219:12 8220:22 8221:4, 13,22,25 8222:17,22,25 8223:6,7 8225:22 8227:15 8228:19 8231:6, 12,16 8232:6,13 8233:3 8235:4, 15,17 8236:3,20 8237:20 8238:4 8239:16 8240:9, 13 8241:9,13,15	8242:5,9,11,16, 21 8243:4,10,15 8245:18 8247:1, 4	Frenchmen 8145:13	Friday 8208:18 8209:5	friend 8105:7 8111:16 8120:16 8138:20	friendship 8104:7 8107:13	front 8196:6	Frontenac 8185:18,19 8186:8	frontiers 8123:16	full 8183:16	fully 8109:25	function 8238:25 8239:9	fundamental 8204:3	fundamentall y 8212:8	fur 8197:7 8238:13,24 8239:9	furnish 8126:10	future 8158:3 8233:18	FYI 8132:13		G		garrison 8197:8	Gascon 8246:14,17	gave 8107:25 8134:23 8147:4	8162:17 8176:4 8178:8 8180:24 8183:24 8184:18 8191:24 8216:18 8218:5 8228:24 8240:10	general 8109:14 8113:11 8115:6 8121:19,22,23 8129:1 8135:24 8136:9 8210:10 8229:1 8232:8, 10 8235:3	generalizatio n 8152:20	generally 8152:14 8241:7	gentleman 8102:11 8106:8, 13 8113:13 8244:14	gentleman's 8106:4 8244:19	gifts 8238:8	Gilles 8210:2 8219:23 8222:16 8225:15 8226:3 8232:10 8240:24 8242:7 8244:5	give 8103:23 8113:9 8121:1, 12,14 8130:1,3 8132:19 8157:6 8164:16 8168:9 8182:6 8183:9 8185:20 8193:13 8205:23 8216:23 8217:15,18 8220:15 8224:7 8226:25 8233:2 8238:8	giving 8215:11	Givins 8125:10,11
focussed 8112:18	found 8122:11 8167:22 8168:17 8189:18 8208:4	foundational 8105:19 8106:11 8108:17	foundations 8231:18	fragile 8231:18	frame 8185:2 8186:8	framework 8170:17 8189:13 8192:18 8193:1	France 8107:18 8108:8, 10 8111:2 8166:23 8169:23 8174:15 8181:19,21 8182:25 8183:3, 22 8185:3 8187:7 8191:25 8193:6 8194:3 8197:6,23 8198:24 8199:19 8200:25 8203:18 8206:18 8211:1 8215:18 8224:5 8229:3	France's 8224:3	Francis 8104:14 8126:17	free 8106:20 8201:19 8202:5 8225:5 8233:23	freely 8220:23	French 8109:8,19 8139:7,12	follow 8128:10 8197:22 8215:25	follow-up 8112:22	force 8132:14 8197:20 8198:15 8199:2, 10	forces 8197:8	forget 8110:6 8111:7,11	forgot 8200:15	forgotten 8147:16	formally 8186:2	formula 8124:18	formulation 8177:11	formulations 8225:19	fort 8175:22 8180:25 8185:18,20 8191:22 8237:24 8247:1	forthwith 8126:3	fortified 8205:16	forts 8173:5 8184:10 8198:11 8204:22,23 8205:15,20 8216:4,6,7,10 8222:23 8226:16 8227:14,18,21 8231:9,19 8232:14 8235:18,19 8241:23									

8129:9 8130:15, 18 8132:13	8137:20 8141:22 8146:5 8147:8 8150:17 8160:12 8173:4 8174:24 8184:18 8194:14 8195:2 8211:5,22 8223:24 8225:16 8226:4, 8 8230:1 8238:3 8241:16	8183:14,21	heart 8212:23	holding 8197:7
global 8144:12	ground 8128:3 8129:17 8157:14 8160:14,19 8164:15	happened 8107:23 8108:7 8145:7,11,19 8147:2,7 8149:15 8182:8 8194:10 8223:21 8233:8	held 8245:23	home 8208:18
globally 8229:10,11	groups 8225:6,24 8226:9	happy 8115:25	helpful 8115:7, 16	honour 8101:8 8104:12 8105:6, 24 8107:4 8111:16 8113:4 8114:6 8115:18 8118:19 8119:8 8120:15 8130:23 8136:23 8137:4, 21 8139:6 8150:19 8151:18 8208:2
goal 8221:2	grow 8197:14	hard 8125:25 8136:14	hesitate 8245:20	hope 8201:3 8215:10 8233:17
good 8101:9, 10 8108:7 8130:8 8147:6 8149:15,17 8150:23,24 8155:16 8165:6 8176:24 8181:10 8184:19 8186:7 8190:18 8213:13 8214:14 8216:7, 20 8218:9 8223:3,21 8233:22 8236:19 8242:18 8243:25 8246:7 8247:14	guess 8136:24	Haut 8211:2,4, 11 8221:4 8237:21 8241:9	hesitated 8246:23	hospit
government 8126:7 8131:7 8132:2	guests 8221:5	Havard 8210:2,22 8212:6 8213:21 8214:20 8216:25 8217:5 8219:10,23 8220:8 8221:9 8222:16 8225:15 8226:4 8232:10 8240:24 8241:8 8242:7,13 8243:1 8244:5 8245:17 8246:20	highlighted 8145:25 8146:1 8167:3 8224:9 8227:7 8237:7 8238:17 8241:3	hospitality 8214:5 8220:21 8221:7 8243:6
Governor 8103:21 8112:14 8121:18 8123:23 8124:12 8126:14 8129:23 8130:25 8133:2, 4,9 8134:11,21 8186:8	guided 8158:9	head 8103:21 8104:10,14 8105:8 8107:8 8110:19,25 8111:14,17 8113:6,10,21 8114:1,15 8115:11 8125:13 8126:17	highlights 8227:14	hostile 8242:15
Governors 8123:4 8187:2,3	guidelines 8124:23 8129:1 8134:24	headed 8113:12	historian 8106:18 8109:16 8154:18,25 8158:24 8212:16,25 8213:8 8216:24 8232:17	hostilities 8191:2
grant 8246:14	guiding 8136:1	health 8244:19	historians 8152:12,16,24 8153:9 8154:5 8155:5,17 8156:14 8158:20 8159:10 8217:13	hostility 8190:25
granting 8247:6	Gulf 8203:13	hear 8109:24 8150:25	historical 8109:14 8115:3 8118:16 8123:13 8124:22 8152:23 8153:11 8155:12 8156:16	hour 8137:4,13 8171:22 8208:24 8209:16
grapple 8160:9	guy 8223:12	heard 8120:21, 23	historiograph y 8217:12	hours 8208:25 8209:17
grateful 8201:24	H.E. 8126:2,12		history 8111:1 8127:8 8151:7, 12 8152:6 8154:7 8156:2, 7,13 8157:5 8202:25 8216:2 8223:18	Hudson's 8203:13
great 8104:4 8110:10 8123:6	half 8137:4,13 8142:20 8207:21 8209:1		huge 8211:24 8241:18	hundred 8190:19 8241:24
	hand 8160:13 8164:13		hunting 8128:3 8129:17 8191:11 8225:6, 24 8226:9	Huron 8142:15,18,21, 24 8144:8 8145:22 8146:15,16
	hands 8104:6 8107:11,12			
	happen 8155:20			

8147:13 8148:7, 25 8149:2,10	implies 8112:9	increasing 8199:7 8224:5	8114:23	8206:11 8207:6
Hurons 8139:18,25 8140:3 8141:13 8144:19 8146:12,18 8148:20 8246:21	importance 8155:11 8233:5	indefensible 8204:11	8132:20	integrity 8154:7
hypothesis 8233:25	important 8101:14,22 8105:15 8106:6 8107:17 8108:14,21 8109:15,21 8110:1,8,11 8111:13 8124:3 8127:15 8128:17 8130:13 8133:3 8134:1,9 8135:6 8154:20 8161:17 8170:2 8185:11 8191:7 8199:10 8201:18 8206:15 8216:3 8233:9	Independence 8124:5	8145:16 8176:4 8191:3,7 8201:9 8213:3,10 8215:12 8216:18 8223:12,13	intend 8121:3
I	impose 8197:12,19 8204:21	Indian 8121:23 8122:1,8 8125:12,13,19 8126:7 8128:15 8131:6,18 8132:1 8133:15, 16 8238:9	informed 8186:19	Intendant 8211:7
idea 8117:25 8118:5 8135:14, 19 8160:7 8175:2 8222:22 8223:3 8225:23 8232:4,6,8,10, 15 8236:9,11 8246:8	imposing 8220:19	Indians 8104:5 8107:11 8239:12 8242:15 8245:23	inhabited 8139:17 8148:19 8191:8	intended 8106:22 8121:25
ideas 8233:20	impossible 8178:16	Indians' 8240:12	insignificant 8109:20,25 8222:24	intending 8115:19 8121:7
identification 8169:7	improper 8112:4	indication 8181:5,10 8185:16 8192:21	insist 8146:24 8205:16 8233:5	intention 8106:24 8120:12 8124:18 8144:17
identified 8109:4 8168:5 8194:16	in-chief 8138:21	indications 8110:10 8111:3 8124:4 8191:1, 18 8192:22 8222:25	Inspector 8121:23	intentions 8104:14 8120:18 8158:15 8193:1
identify 8162:10 8166:21 8170:2	inadvertently 8131:15	Indies 8187:23 8218:4	installations 8205:13 8235:6	interchangeably 8146:14
Illinois 8242:1	inappropriate 8155:1	indigenous 8110:20 8111:24 8113:23,24 8114:9,25 8129:9,14 8173:3 8206:9	institution 8174:6	interested 8158:24 8159:15 8162:25 8163:10 8170:21 8171:2 8209:8 8223:11 8228:25 8240:1, 3
illustration 8216:20	includes 8140:11 8211:5	indulgence 8219:20	institutional 8114:13,14	interesting 8145:5 8176:15 8185:18 8243:23
imagine 8102:17 8137:3	inconceivable 8178:4,7	indulging 8221:3	instructed 8189:18	interior 8201:11 8204:20 8205:3 8227:19 8232:14 8242:12 8243:16
immediately 8208:9	inconsistent 8244:18	influenced 8159:11	instructions 8112:11 8120:7, 10,11 8121:10, 21 8122:5,7 8123:4,8,24 8124:11 8125:3 8127:1 8129:3 8136:3	instrument 8201:11 8204:20 8205:3 8227:19 8232:14 8242:12 8243:16
immense 8203:18 8231:17	increase 8197:25 8242:1, 2	inform 8120:22 8186:20	instrument 8154:8	interpret 8120:16 8167:14
impact 8199:5 8229:2	increased 8200:7	information 8110:24	instrumental 8169:9	interpretation 8217:19 8222:9, 11,19 8223:10 8226:5 8243:8
implemented 8236:17			instrumentalized 8151:12 8152:6 8153:23 8157:4	
implication 8114:11			integrate 8109:18,21	
			integrated 8153:25	

interpretation s 8222:5 8233:25 interpreted 8215:19 8216:2 interpreters 8145:14 interrupt 8140:8 introduced 8199:5 introduction 8201:16 8202:4 invitation 8228:24 Iroquese 8139:19 8148:21 Iroquoian 8191:8 Iroquois 8139:24 8144:21,22 8145:8 8147:8 8148:13 8185:19 8186:1, 5 8197:13 8198:7,9,13 8200:1 Island 8102:4 8103:22 islands 8203:17 issue 8102:16 issued 8120:11 8121:21 issues 8129:10 8153:9 <hr/> J <hr/> J.G. 8126:10 J.R. 8118:13, 15,22 8119:3 8137:23	James 8125:9, 11 8126:5 January 8126:9 Jesuits 8149:19 8210:23 job 8215:24 John 8121:22 Johnson 8107:24 8108:12,21 8109:13,18 8121:22 8127:20 Johnson's 8112:2 judicializatio n 8151:7 8156:1,7 juridical 8153:25 8154:11 8161:11 8164:19 jurisdiction 8174:16 8204:8 jurisprudenc e 8159:12 jurists 8152:13,18,21 8153:11 8154:10 8155:10 justify 8168:22 8169:12,24 <hr/> K <hr/> Kahnawake 8233:11 keeping 8155:11 Keith 8237:2 key 8171:11 kind 8108:18	8128:7 8152:20 8161:21 8176:19 8181:4 8202:13 8205:7 8216:18 8217:10 8226:12 8233:1 8234:18 8242:6 King 8104:5 8107:11 8127:25 8128:18 8174:15 8185:2, 8 8187:10 8192:16 8218:5 King's 8211:14 8220:19 kingdom 8206:12 8207:7 knew 8181:6 8185:4,5 8186:2,3 8205:4 8206:25 8235:9 8237:3,4 knowledge 8108:7 8113:22 8128:17 8134:13,17,20 8223:11 8235:3 <hr/> L <hr/> L.G. 8126:3,12 la 8192:3,9 8194:2 8212:15, 17,19,25 8213:2,10,19,22 8246:14 Lahontan 8139:2 8142:17, 20,24 8143:10, 22 8144:7,24 8146:3 8147:1, 12 8148:4 8149:12,25 8150:4,6 8199:16 Lahontan's 8199:12 8200:19,24	Lake 8225:6 Lakes 8123:6 8146:5 8173:4 8174:24 8184:18 8211:5, 23 8238:3 8241:16 Lamothe 8186:12 land 8122:17 8124:10,15 8126:7 8127:13 8128:1,2,19 8129:10,11 8135:25 8166:16,24 8167:25 8168:23 8169:25 8175:3, 4 8177:25 8179:14 8181:22 8183:10,25 8185:7,8,21 8191:11 8203:25 8206:7, 9,10,11,12,17, 20 8207:6 8211:12 8218:6, 11 8222:1 8223:1,6 8235:5 8238:12 8245:20,24 8246:4,11,14 8247:3,8 lands 8122:8 8123:19 8128:20 8149:21 8176:12 8177:6 8182:7 8184:10 8225:23 large 8188:21 late 8198:22 law 8167:14,19, 20 8169:2 8173:12,19 Lawrence 8189:19 8190:20 8191:8, 14 8193:16 8241:19	Le 8246:17 lead 8189:1 leaders 8240:11 leading 8169:4 8170:4 8227:13 leads 8160:21 leagues 8139:14,22 8148:16 learned 8123:5 8145:13 8159:7 8203:6 leave 8244:10 8246:6 leaving 8104:16 8194:3 led 8158:25 8198:24 8199:25 left 8230:21,23 legal 8124:21 8128:23 8133:7, 22 8134:17 8135:2 8152:19 8154:12,16 8155:2 8156:14 8160:12 8161:16 8163:12,15,20 8165:20 8166:6 8171:3,6,7 8173:15,24 8174:13 8175:9, 15,17,18,23,24, 25 8176:1 8177:11 8179:1, 16,22 8180:6,16 8182:9,12,19,20 8183:12 8184:8, 16 8185:2,9,12 8186:8,23 8187:13,16 8188:2,16,17,24 8189:9,13 8192:15,18,23 8193:1,20 8202:16 8204:1 8215:2 8220:11 8221:21 8231:6,
--	--	--	---	--

11 8235:14,17 legally 8173:2 lends 8169:11 letter 8125:9, 24 8126:8 8132:12 8133:21 letters 8192:17 8225:21,22 level 8112:11 lies 8105:9 Lieutenant 8103:20 8112:14 8125:10,18 8126:13 8130:25 8133:2 8134:11 8187:3 life 8216:15 light 8245:25 limited 8237:23 lines 8240:2,4 list 8113:5,8 8195:10,17 8196:8,17 lit 8246:2 literal 8139:21 8140:18 litigation 8155:5 living 8127:10 8148:8 8191:9, 11 8206:13 located 8149:10 locations 8173:6 8238:6 lodge 8188:7 logic 8156:14 8171:11 8174:12 8177:11,15,23, 24 8179:8 8185:16 8187:25 8188:2	8205:13 8206:16 8218:1, 14 8222:1 8227:15 logical 8206:3 8236:7 London 8143:10 long 8137:14 8138:7,8 8172:4 8205:8,9 8209:14 8220:18 8234:9 8242:8 longer 8131:9 8132:5,13 8138:4 8172:16 8207:12 looked 8135:18 8143:5 8144:6 8159:18 8160:18 8185:15 8189:7 8208:2 8215:10, 19,23 8230:14 Lord 8120:17 8121:18 lost 8108:15 8119:15 8141:16 8195:19 lot 8106:21 8129:20 8136:12 8147:3 8149:16 8191:2 8225:12 8243:15 Louis 8197:5, 11 8221:3	8143:13 8146:3 8149:22 8151:25 8155:23 8183:5 8190:5 8192:9 8194:22 8200:16 8202:15 8204:9 8209:23 8212:9 8219:5 8228:5 8246:15 main 8146:23 8166:19 Majesty's 8228:1,11 majority 8204:6 make 8112:21 8113:20 8115:14 8118:1 8120:25 8125:3 8126:25 8129:19 8130:5 8138:17,23 8142:13 8152:21,25 8154:25 8182:25 8183:3 8186:9 8188:21 8209:5 8211:8 8217:2 8220:22 8231:24 8234:13,17 8243:13 8244:20 makes 8140:6 8141:5,9 8142:1 8212:6 making 8111:22 mandate 8149:24 8182:11 8183:12 8184:5 8185:14 8188:16,19 8189:8,9 8193:24 8215:1, 2,5 8216:24 8218:15,20 8219:1 8221:17, 20 8222:8	8229:13 maneuver 8181:11 maneuvered 8185:23 manifest 8191:15 manifestly 8155:6 manipulates 8154:8 Manitoulin 8102:4 8103:22 manner 8238:8 map 8143:25 8148:1 8149:12, 13,18 8150:2,6 Marie 8211:17 8220:16 marine 8198:23 marked 8145:24 8165:23 8240:19 master 8204:5 masters 8201:6 matter 8113:7 8173:12,19 8224:4 8229:8 matters 8106:3 Mcculloch 8104:12,20 8105:6,24 8111:16 8112:6, 7 8114:4,6 8120:15,20 8208:7 meaning 8143:22 8160:14 8204:14 8216:15 8228:2, 12	means 8158:14 8188:22 8241:10 meant 8142:25 mechanisms 8158:16 meeting 8101:21 8102:22,24 8111:6 meetings 8109:8 memoir 8144:2 Memoires 8139:2 memory 8108:15 8109:5 8114:13,14 8130:9 8212:24 8213:13 8214:14,17 8218:9 men 8200:8,11 mention 8103:5 8132:22 8155:17 8225:23 8233:2 mentioned 8109:12 8115:18 8116:10 8130:11 8151:8 8152:11 8162:21 8177:1 8190:1 8225:25 merit 8221:7 message 8207:16 met 8104:2 8146:15 8148:9 8176:17 8180:2 methodology 8157:2 8169:1 Mexico 8203:13
---	--	---	---	--

Michilimackinac 8238:5 8239:15 8240:10 8242:3	Mississippi 8203:12	8225:17,20 8226:4,8	8160:8 8176:7, 11 8177:5,25 8182:3,6 8204:4 8211:2,13 8212:10 8220:11,20 8221:6 8224:6 8225:4 8226:8 8231:22 8235:8	Nipissing 8127:11 8129:16
middle 8127:23 8169:23 8170:24 8171:8 8214:15	mistake 8142:19	Morin 8154:16	Native 8238:7	non-documentary 8114:14
milices 8200:11	misunderstanding 8146:7	morning 8101:9,10 8150:23,24 8208:15,20 8209:1,17 8247:14,21	necessarily 8106:2 8108:7 8144:24 8182:22 8183:16 8192:13 8193:2 8198:5	non-existence 8114:13
militant 8156:13	mix 8146:16 8147:22 8153:1 8223:17	move 8115:17, 25 8119:19 8136:18 8186:9 8194:7 8236:20	negotiate 8105:1 8166:16 8227:16,20 8231:7,12 8238:7	north 8104:5 8107:11 8139:3 8166:18 8174:16 8192:10 8225:6 8237:22
military 8197:19 8198:12,15 8199:25 8200:12,13	modified 8233:16	multilateral 8210:25	negotiated 8225:14 8226:2	note 8102:11 8146:6
Miller 8118:13, 15,22 8119:3 8120:10	modify 8232:24	mutations 8169:11	negotiations 8103:2 8108:11 8182:15 8186:18 8231:21 8232:7 8235:7,13	notion 8222:21,22
Miller's 8137:24	moment 8101:14,23 8103:23 8107:16,24 8108:1,4 8109:15,20 8110:3,13 8111:13 8113:9 8121:12,14 8124:4 8127:16 8146:19 8159:20 8198:19 8202:10 8214:21 8215:13 8216:6 8217:7 8218:10 8226:25	mutual 8239:11	named 8147:21 8226:6	notwithstanding 8247:16
mind 8101:19 8107:7 8115:7 8116:18 8121:4 8129:4 8130:1 8149:16 8150:4 8155:11 8159:14 8161:10 8169:25 8184:12 8186:9 8206:20 8232:4, 15 8233:7,23 8236:12,14	Monday 8116:6 8135:10	Métissages 8209:22 8210:3 8219:4,24 8222:21 8240:19,25 8243:19	N	nuance 8204:17
mindful 8139:7	moments 8108:17 8110:16 8175:6 8243:24	Napier 8125:10,18,21 8130:15,18 8132:9 8133:12, 14 8134:4	neighbourliness 8242:18	number 8115:4 8151:9, 10,16 8155:24 8194:25 8197:11 8199:7 8200:8 8227:1 8240:22
minute 8190:15 8192:5 8197:2 8241:3	monopolies 8197:7	narrative 8168:14,15	network 8205:18	numeral 8237:5
minutes 8142:3 8166:25 8172:8,12,17,18	months 8235:1	narrow 8156:21	Newfoundland 8203:12	numerous 8127:6,22 8146:18 8185:5 8191:9 8198:14 8205:15 8245:8
misremembering 8111:25	Montreal 8186:11 8191:13 8223:24	Nation 8181:20 8183:1, 4,9,23,24	Niagara 8101:12,14,17 8103:7,12 8104:3 8105:14, 21 8106:6 8107:10,13 8110:3 8115:21 8120:24 8178:9 8180:25 8181:10 8184:19 8215:25 8216:9 8233:14 8235:11 8236:19	nutshell 8170:8
missions 8238:1		Nation's 8181:22 8217:1 8221:12		O
		nations 8105:20 8109:2 8149:21 8157:8		object 8165:1
				objection 8102:10 8104:12,20,21 8105:7

objective 8110:22 8112:18 8158:3 8168:20 8182:14	occupied 8203:17	8212:12 8213:7 8216:23 8217:16,18,22 8225:25 8243:25	8144:5 8213:9, 14	part 8114:1,2, 14,16 8144:9 8145:3 8153:15 8158:23 8177:13 8183:8 8186:22,24 8192:8 8193:23 8203:18 8204:17 8222:8 8223:14 8224:22 8237:21 8242:10
objectives 8193:1	occupy 8240:14	opportunity 8121:1 8214:5	origins 8123:1	
obligation 8133:7 8179:22 8180:6,16 8182:19 8183:12 8184:8, 17,22 8185:2,9 8188:16,25 8189:10 8227:16,20 8231:11 8235:17	occurred 8157:6	oppose 8186:5	Oswegatchie 8233:10	
obligations 8133:23 8169:5 8179:16 8182:10,12,20 8185:12 8188:17 8215:2 8221:22 8231:6 8235:14	offer 8113:5	opposing 8166:22	Ottawa 8103:21 8128:6 8129:18	
observation 8115:8	offering 8214:7	opposite 8207:17 8235:23	Oullett 8190:3, 10 8199:14 8200:21 8201:17,22	partially 8161:24
observe 8137:7	office 8112:10 8114:15 8133:5	opposition 8176:20 8191:16	outposts 8237:25	parties 8137:9 8156:18 8221:18
observed 8116:14	officers 8198:24 8200:6	oppositions 8176:17	overview 8229:2	partisan 8155:18
observer 8147:2	official 8112:1, 8 8133:10 8157:12 8158:2 8160:11 8161:8 8165:2 8176:24 8187:13,15,16 8211:8	optimistic 8207:13	own.' 8246:3	partnership 8201:22
obtain 8179:16,22,25	officially 8118:2 8135:12 8136:6 8187:9	oral 8103:11 8110:5,9,15,25 8111:23 8112:19 8113:22,24 8114:1,9,24 8213:25 8214:13,19 8215:15,25 8222:6 8223:14, 17	P	parts 8224:21
obtained 8181:21	officials 8112:11 8122:9 8134:22 8187:7	order 8130:8 8238:4	p.m. 8172:20 8207:24,25 8247:23	pass 8106:21 8137:5 8150:20
occasion 8114:21,22,25 8115:12 8158:9 8184:13 8194:18 8234:13	Ojibwe 8103:21	ordinances 8158:5 8160:13	pages 8119:5 8138:7 8195:18 8222:15 8224:20	passage 8105:3,9 8116:14 8119:20 8131:13 8132:8 8134:3 8138:25 8167:1 8195:23 8202:11,13,22 8210:11 8212:15 8213:19 8219:10,13,16 8231:1 8238:17 8243:20
occasions 8143:15 8178:10,17 8179:24 8186:15 8233:6	omitted 8131:15	organization 8112:10	paper 8151:11 8217:11	passages 8147:5 8238:20 8245:12
	ongoing 8181:16	organize 8205:18	papers 8112:2	passed 8104:2
	Ontario 8225:7	organizers 8229:4	paragraph 8103:18,24 8116:25 8117:2 8159:18,21 8160:1 8220:17 8224:9,14 8227:7 8230:2, 9,12 8231:14 8237:8 8238:24 8239:3,19,22 8240:2,5 8243:23 8244:8 8245:2	past 8151:13 8152:7,13,17, 19,24 8153:3,24 8157:3 8162:6,9 8164:17 8169:6 8216:13,14,15 8246:24
	opened 8112:20 8120:22	origin 8147:22 8203:16	paragraphs 8241:4	
	operations 8200:12,13	original 8139:12 8140:2 8141:10,12 8142:6,23	paraphrase 8154:4 8213:25	
	opine 8114:12			
	opinion 8104:14 8105:8 8108:20 8109:16,17 8120:17 8135:20 8148:24 8178:3			

pause 8104:19	8134:10	perception	8222:17 8223:8	Plaintiffs'
pausing	8136:14,17	8193:19	8233:6,16	8209:15
8207:15	8140:2 8142:21	perfect 8141:4	pertinent	plan 8106:17
Pays 8211:2,4,	8143:2 8145:15	8174:11	8153:21	8137:2
11 8221:4	8147:13 8148:8	perfectly	perusal	planning
8237:21 8241:9	8156:8 8158:17,	8206:25	8130:24	8136:25
PDF 8130:20	22 8161:1,6,12	performed	perverse	8207:11
8154:2 8166:9	8163:3,8,14,16	8211:19	8156:6	plans 8209:6
8195:7 8209:21	8164:19,23	period 8132:18	petitions	plays 8154:7
8219:3 8226:18	8165:15 8168:1,	8150:21 8151:3	8127:7,9,22	pleased
8227:24	17,24 8170:1	8197:24	8129:21,22	8131:8 8132:4
8240:17	8171:13,15	8241:25	8171:13	point 8101:12,
peace 8194:14	8173:16	permission	peuplement	25 8105:19
8195:2 8223:24	8176:20	8173:2,16	8241:10	8106:12 8108:9,
8225:16,20	8178:18	8174:21 8175:7,	ph 8226:6	14 8113:19
8226:4,8	8179:17,23	10,21 8176:8	Ph.d. 8201:7	8117:21
8239:10,14	8180:1,7,17	8177:7 8178:4,	phases 8193:6	8120:10
Pelletier	8181:13	17,20 8179:1,23	8197:24	8122:14 8123:1
8101:6 8102:13,	8182:16,22	8180:6,9,13,14,	phenomenon	8125:2 8131:5,
19 8103:1	8183:6 8184:7,	16 8181:7,15,	8111:8	12 8132:7
8104:22	23 8185:6	21,23,25	phrase	8134:1 8135:8
8105:11,12	8186:13,15	8182:7,21	8140:25 8241:8	8137:10,21
8106:1,23	8187:3 8191:8,	8183:9,24	physical	8138:16
8107:3,5	11,15,25	8184:9,14,15	8237:23	8142:13
8111:20,21	8193:11	8185:9,20	pick 8101:24	8145:21,25
8112:16 8113:3,	8198:10 8199:8	8186:21 8231:8	piece 8229:18	8146:3,23,24
15,18 8114:19	8200:13	8240:13	pieces	8149:4,23
8115:17 8116:2,	8202:19	permissions	8110:24	8150:8,12
23 8117:6,19,23	8204:25	8176:18	8214:19	8157:20
8119:4,13,16	8205:11	8179:16	8215:10	8158:11 8165:5
8121:3,8	8206:13,22	permits	pitfall 8156:6,	8202:8 8205:18
8131:20,23	8207:5 8214:17	8176:18	12	8212:6 8221:14,
8136:22 8137:3,	8215:3,13,17,22	8179:16	pitfalls 8156:1	16 8232:3
10,12,20	8216:5,13,21	permit	place 8104:3,4	8233:25
8138:9,13	8218:7,12,14,18	8106:14,19	8107:10,23	pointing
8140:14,21	8221:24 8222:7	8107:2	8110:16 8148:8	8110:1 8111:24
8141:3	8229:3 8231:7,	person	8158:6,17	points 8202:5
peninsula	12 8232:8	8111:25	8167:25 8169:8	policy
8150:7	8235:19 8238:1,	8144:25 8148:5	8180:4 8185:17	8122:16,25
people	7 8241:13	8150:9	8187:4 8188:22,	8123:15
8101:21	8242:10,11,16,	personal	25 8192:18	8135:25 8136:8,
8107:21 8108:6,	23 8243:12	8107:22	8198:17	16 8163:6
11 8109:9,22	people's	perspective	8221:15	8164:21
8110:14 8111:6,	8205:3	8101:13 8105:5,	8223:21 8230:5	8166:17
9 8113:25	peoples	14 8109:14	places	8167:25 8168:4
8122:17 8123:6,	8114:25	8123:13	8177:16 8238:2	8187:5 8242:8,
20 8124:6,10,15	8147:22	8124:21,22		11 8243:15
8125:1 8127:7,	8157:13,16	8135:3 8144:12		political
10,18 8128:5,8,	8165:19 8166:4	8173:17,18		8178:14 8223:7
11,20 8129:2,9,	8190:25 8206:9	8174:3,25		Pontiac
14 8130:3	8227:17 8228:3,	8184:9,16		
8132:25	13	8204:2 8215:6		
	perceived	8217:2 8219:12		
	8173:9	8221:12,13		

8110:10	Potherie	8153:18 8222:3	privilege	16 8133:2,6,14,
Pontiac's	8212:16,17,19,	8229:5	8162:7 8238:10,	15,22 8135:1,11
8237:2	25 8213:2,10,	prepared	12	8136:5,10,13
population	19,22	8132:19	problem	8167:15 8168:6
8191:20	power 8197:25	8134:18	8123:14	produced
8203:16 8242:1,	8204:19	8153:16	8124:12,20,23	8155:4 8201:17
2	powers	presence	8143:18	professional
populations	8160:11 8206:8	8233:4 8237:23	8144:10	8200:10
8241:18	8207:2	present	8160:22 8184:5	Professor
portion 8167:4	practically	8114:25 8146:4	8193:14 8196:3	8101:4,9
8226:15	8204:10	8229:1	problematic	8102:1,7,21
position	practice	presentation	8144:5 8161:25	8103:4,6
8186:1,5	8157:14	8223:13	8162:17	8104:13
8197:17,18,19	8160:18	presented	8164:12	8105:12 8107:6
8198:5,10,16	8170:16,19,23	8127:7 8128:12	8167:18	8111:21
8201:12 8214:3	8171:19 8247:2	8164:5	problems	8112:13 8113:5,
8217:13	practices	presenting	8143:20	21 8114:12
8234:24	8171:1	8128:9 8158:2	8146:25 8147:4	8115:20 8116:5,
positions	pragmatical	presents	8151:6 8156:25	9 8117:1
8156:17	8184:23	8212:21 8213:6	8157:18 8159:4	8118:12
8158:18	8243:14	8240:11	8167:22	8119:22
8187:15,16	pragmatism	pressure	8180:10	8120:16 8121:4,
8191:15 8198:6	8243:15	8129:20	8192:11 8198:2	10,15 8122:4
8214:20	preamble	pretend	proceed	8125:3 8131:12
8217:12	8106:15	8159:4	8102:15	8132:8 8133:25
possession	preceded	pretty 8214:18	8141:22 8208:9	8135:4 8138:15
8202:23	8231:21 8232:7	8218:18	proceedings	8141:7 8149:9
8203:25	8235:7	8221:25	8225:19	8150:19,23
8204:14 8206:6,	precise 8200:5	prevent	process	8152:8 8154:16
7,8,10,11	8201:18	8176:11	8122:16 8124:9	8166:7 8172:5,6
8207:5 8211:12,	8215:12	previous	8153:15	8190:11 8195:4
20 8213:14	8223:14	8110:7 8128:25	8158:20,24,25	8201:22 8208:8,
8217:24 8218:1,	8225:20	8210:21	8159:9 8160:25	11 8210:22
10,16 8220:9	precisely	8233:24	8163:1,10	8212:6 8213:21
8221:1	8127:4 8158:21	8245:16	8165:7 8168:11	8214:20
possessions	8164:22	primarily	8169:13	8216:25 8217:5
8221:23	8165:14	8152:17,18	8178:11	8220:8 8221:9
possibility	precising	principle	8227:13 8234:9	8224:21 8241:8
8120:22	8133:18	8135:24 8136:9	Proclamation	8242:13
8220:22	prefer 8208:15	principles	8103:6 8116:8	progressively
post 8178:14	8209:11	8122:6 8124:13	8118:2 8120:14,	8147:20
8186:18	preoccupatio	8136:9 8155:7	24 8122:6,11,	8158:14,17
posts 8173:5	n 8154:6	prior 8101:4	13,18,20,21,23	8168:10,21
8204:22	ns 8176:19	8178:1 8179:9,	8123:2,9,12,22	8171:11,12
8205:19	prepare	10,11,18	8124:1,2,19	8236:14
8231:19	8123:23	private 8197:6	8125:4,6	project
8240:10,14			8126:5,25	8186:13 8235:4
8241:21,22,23			8127:1,3,17,18,	promise
8242:3			21 8128:9,12,	8216:10
			16,23 8129:5,12	promised
			8130:4,6,9	8127:25
			8131:1 8132:12,	

proof 8145:10 8192:13	pulled 8137:23,25	8116:8 8117:3 8122:23 8123:17 8125:19 8127:10 8129:22 8133:9, 19 8134:14 8165:20 8166:5, 17 8167:23 8171:6 8191:14 8203:10 8234:16	8161:5,21 8167:24 8174:15 8182:9, 11,18 8183:16 8185:24 8188:20 8222:5, 12 8234:24 8236:21 8238:22 8243:25 8247:13	8130:19,20 8131:11 8132:6 8137:1,7 8142:3 8143:15 8148:14 8154:21 8155:13 8156:22 8157:19 8159:20 8167:1 8168:25 8177:17 8183:17 8190:15 8192:5 8195:19 8197:2 8202:10 8204:12 8210:11 8211:15 8212:11 8214:9, 11 8219:12 8220:14,24 8221:8 8224:13 8227:6 8233:20 8237:10 8239:18 8241:3 8242:19 8243:7, 20 8244:1,8,10, 14 8246:9 8247:9
proper 8113:17	purporting 8115:9		quit 8246:11	
property 8245:19 8247:3, 7	purposes 8207:11		quote 8211:11 8212:7	
proponents 8160:16,18	pushed 8144:20		quote/ unquote 8204:7	
propose 8108:23 8208:7	pushing 8137:13		quoted 8140:17 8213:13	
proposition 8203:22	put 8102:2 8110:6,12 8115:15 8123:3, 7 8136:12 8149:25 8160:16 8161:25 8163:2 8167:24 8175:18 8185:17 8187:4 8188:22,25 8189:1 8192:18 8199:2 8201:25 8203:8 8211:13 8239:21	question 8104:17,18 8107:4 8110:22 8112:4 8113:1, 9,17 8114:7,18 8115:6,15 8120:21 8121:1 8134:19 8140:10,20 8143:4 8148:3 8149:11 8157:7, 22,25 8158:9 8161:1,9 8162:3,16,25 8163:1,24 8164:3,4,7,8,9, 20 8165:5,6,15 8166:20,23 8167:13 8168:8, 9 8169:15,17 8170:5 8172:25 8173:8,11,14 8174:17 8175:7, 14 8177:4,10 8180:3 8182:1 8183:11,19 8184:2,11 8188:5,15,20,24 8194:5 8206:3 8216:4 8229:5, 15 8231:11,23 8234:18 8238:19 8245:7	quotes 8212:15	
protect 8128:19	putting 8105:15 8140:17 8160:22		quotes 8212:15	
protection 8211:14 8214:8 8228:2,12	puzzled 8194:4		<hr/> R <hr/>	
protesting 8127:12	Pétuns 8146:9,11		raises 8153:8	
provide 8170:8	<hr/> Q <hr/>		raising 8224:5	
provided 8141:11 8197:7	qualification 8105:25 8112:24		ran 8194:2	
providing 8132:12,14	qualified 8102:12 8104:13 8105:10 8110:21 8115:4		rate 8207:14	
province 8123:17 8127:10 8131:7 8132:3 8133:19 8168:4 8171:6	qualify 8158:21 8163:2, 7 8165:7 8203:15 8205:2		rationale 8102:15 8165:20 8166:6 8169:19 8170:21 8171:1, 4,6,7,8,19	
publication 8152:1 8228:22 8230:3 8234:4,9 8236:2,4	Quebec		re-write 8202:22 8204:16	
publications 8151:8			react 8245:21	
published 8127:17 8139:3 8228:16,19,20 8229:7 8234:5, 16,20,22,23 8235:21 8236:3, 6,10,24			reaction 8181:5	
pull 8130:16 8147:23 8148:1			reactions 8215:8	
			read 8103:7,24, 25 8117:1,12 8121:12 8125:25 8126:11	
			reading 8140:23 8143:23 8243:22	
			ready 8117:22 8119:25 8120:2, 5 8159:13 8181:8,12 8192:8 8210:19 8220:5 8224:17 8227:10 8236:2 8237:13,17 8239:7 8241:6 8243:13,14 8245:14	
			reaffirm 8155:6	
			real 8124:8 8143:6 8144:16, 17 8163:2,13,15 8164:18 8165:14 8168:15 8179:21 8180:3	

8186:20	record	8191:19,23	remember	5 8234:3,25
8193:15 8203:2	8137:22	8199:6 8205:14	8101:15	8235:10
8213:7 8222:17	recorded	8211:24 8238:4	8103:10 8108:1	reporters
realities	8115:1,2	8242:4,22	8111:9 8124:13	8116:11,15
8201:14 8204:3	records	regions	8127:16 8143:9	reports
reality 8147:9	8112:9	8241:24	8157:20 8226:7	8172:24
8160:14 8161:2,	REDI 8138:3	Registrar	8231:10	representatio
6,8,9,18	refer 8131:4	8118:23,24	remembered	n 8223:21
8162:14,19	8177:15,22	8151:17,20	8107:16	representativ
8163:3,7,12,21	reference	8152:4 8165:25	remembering	e 8110:20
8164:15 8165:3	8140:11	8166:1 8190:7,8	8108:18	8112:3 8177:17
8171:5 8178:14	8246:14	8194:24,25	8223:15	represented
8180:4 8184:24	referenced	8200:17,18	reminding	8103:20
8220:12	8105:16,18	8209:24,25	8105:4	8149:21
8221:18	8115:21	8219:6,7,20	renew 8240:12	request
realize 8193:3	referred	8228:7,8	repeat 8164:9	8126:3,24
realized	8107:14 8126:8	8240:21,22	8214:25	8127:6 8128:11,
8144:7	referring	related	8235:24	22 8129:8,13
realizing	8107:10	8132:24	repeatedly	8131:8 8132:3
8148:10	8140:12 8141:2	relations	8114:20	8136:22 8180:9,
reason 8144:4	8160:25	8220:10	rephrase	19,21 8220:20
8150:5 8229:17	refers 8140:20	relationship	8113:16	requested
8245:10	reflected	8104:25 8105:2,	reply 8105:23	8214:4
rebuild	8141:19 8146:7	5,19 8106:12	8112:5	requesting
8169:22	8229:7	8111:10	report 8102:22	8244:23,24
receive	reflecting	8193:10	8103:5,9	requests
8128:3,7	8158:11	8202:18 8205:3,	8105:16	8127:9 8129:15
8134:25	reflection	10 8215:23	8111:22	8132:24 8242:9
8221:23	8186:7 8202:21	relevant	8113:24	required
8234:12	reflections	8153:20 8215:4	8128:14	8131:2,10
received	8151:12 8152:6	reliable	8132:22	8132:5 8135:7
8127:19,25	8205:9	8213:22	8136:19 8137:1,	8169:12
8216:9 8218:11,	refugees	rely 8105:25	8 8138:17,21	8239:13
19 8223:16	8147:19	8200:10	8139:1 8140:9	requires
receiving	regime 8163:8	relying	8141:8,20	8132:14
8127:13	8165:9,10	8232:21	8144:23	research
8218:16,17	8168:6 8193:9	remainder	8145:23 8151:4	8125:16
recently	8215:16	8208:3	8153:18 8175:5	8149:22
8157:20	8225:22 8230:5	remained	8177:15 8178:8	8152:23
RECESSED	Regiment	8204:4	8179:6 8180:24	8154:10
8137:17	8198:4,22	remaining	8184:2 8186:23	8169:17
8172:19	8199:23	8191:25	8188:21,23	8202:15,21
8207:24	region 8117:19	remains	8193:4 8197:17	8205:8 8217:10
reciprocated	8118:7 8135:16,	8116:11	8212:1 8213:12,	8222:3 8231:5
8212:21	19 8136:6	remark	17 8214:24	8232:2,5,12,18,
recognized	8144:21 8147:3	8180:25	8221:16 8222:4	20,23 8233:7,
8166:24	8184:19	remarks	8223:25 8224:8	10,12,16,22
		8146:6	8226:15,17	8234:23 8236:7,
			8227:2 8229:19	8,9,11,12,25
			8230:6,17	
			8231:25 8232:3,	

reserves 8226:10	8167:5,9 8177:20 8189:23 8190:17 8192:7 8196:11 8197:3 8202:12 8210:12,15,18 8219:19 8220:4 8224:10,16 8227:9 8237:12, 16 8239:1,6,23 8241:5 8243:21 8244:12,25 8245:5	23 8122:6,11, 13,18,19,21,23 8123:2,8,12,22, 25 8124:2,19 8125:4,5 8127:16,21 8128:9,12,16,23 8129:4,11 8130:4,5,9 8133:1,6,14,15, 21 8134:25 8135:11 8136:5, 10,13 8167:14 8168:6	Sauvages 8190:1,10 SC1324 8209:21 SC1345 8240:17 SC1356 8151:10 SC1357 8227:24 SC1359 8199:12 SC1364 8155:22 SC1374 8189:25 SC1385 8219:3 8243:17 SC1387 8194:12 8224:19 SC1425 8118:10 scholar 8154:16 8157:24 8201:3, 15,23 8202:1 8205:7 scholars 8168:2 8225:17 8226:6 8228:25 8232:22 schools 8166:22 8167:12 scope 8156:21 screen 8102:2 8131:19 8149:9 8183:17 8239:22 scroll 8102:6 8117:2 8170:14 8198:20 8202:9 8210:9,14 8224:20 8226:19 8229:25 8240:7	search 8156:15,20 seasons 8104:1 section 8172:16 8200:23,24 8201:1,2,8 8210:9 8213:17 8214:24 8230:15 8234:4 sections 8143:16 8222:15 8229:18 8242:8 sedentary 8191:9 seek 8173:2,16 8174:21 8175:6, 9 8176:7 8181:22 seeking 8177:25 8179:9, 13 seignior 8246:18 select 8110:16 8111:11 selections 8244:4 selling 8247:8 send 8133:1 8134:7 8186:17 8197:11 sending 8134:5 8186:11 sense 8153:22 8222:17 sentence 8220:25 8227:11 8231:15,24 8233:1 8234:6 8239:2,18 sentences 8183:17 8229:11
resist 8198:6		rule 8168:2,3,8, 11 8197:12		
resource 8118:16		rules 8123:3 8124:24 8128:10,19 8133:18 8136:7 8242:18		
respect 8114:22 8206:7 8221:2 8224:6 8242:9,24 8245:19	revisit 8108:23	Réal 8190:3,10 8199:14 8200:21 8201:17	S	
respected 8238:9 8242:17	rights 8153:10 8154:9 8166:24 8173:9,12,22 8174:4,8,9,11, 13 8176:3,23 8191:18 8193:20 8207:4			
respecting 8126:6	risk 8153:11			
response 8112:5 8130:15, 17 8246:4	rivalry 8178:14			
responsibility 8154:25	River 8128:6 8129:18 8191:14			
responsible 8210:24	Roberval 8189:4,16 8191:24	S-0186 8165:17		
rest 8243:22	Roberval's 8190:14	Saga 8194:14 8195:3		
restating 8183:18	Roche 8192:3, 9	Saint-lusson 8211:10,16 8212:9,20 8218:21,24 8220:18		
rested 8231:17	Roche's 8194:2	Saint-lusson' s 8219:11 8220:16		
resulting 8144:20	Roland 8194:16,20 8195:3 8196:16	Samuel 8148:1		
resumed 8137:18 8172:20 8207:25 8244:5	role 8154:5,8 8169:9	sans 8241:10		
return 8131:9 8132:4 8207:23 8214:7	Roman 8237:5	satisfactory 8208:12		
reverse 8170:17	rough 8116:12, 19	satisfy 8243:5		
review 8186:24 8214:23 8217:16	roughly 8149:7 8211:4	Sault 8211:17 8220:16		
reviewed 8113:6	Royal 8116:7 8118:1 8120:13,			
reviews 8117:4,8,15 8120:1,4 8121:16 8142:9 8159:24 8160:4				

separate 8147:13 8148:11	8143:17 8144:14 8214:20	8209:2	8233:20 8236:14 8238:22 8243:24	starting 8108:9 8116:6 8127:23 8210:25 8231:5 8232:3,12 8233:25 8238:24
September 8130:18	simple 8168:15 8244:5	source 8147:6 8149:15,17 8215:9 8217:20, 21 8237:3,4	specifically 8161:15	starts 8210:22 8230:3
series 8127:9	simplistic 8202:17	sources 8147:9 8160:10 8164:16 8212:25 8213:1 8217:15 8238:21	specification s 8123:8	state 8112:10
setting 8155:2	simply 8107:8	south 8198:1 8241:24	specificity 8167:23 8168:4	states 8107:1 8142:15
settlement 8237:24 8241:11,18 8242:16	singular 8140:13	Southward 8139:15 8148:17	specifies 8140:3	stating 8112:17
settlements 8241:15,16,17, 21	sir 8104:14,19 8121:22 8126:2 8130:22 8183:15 8207:10,11,19 8209:9,18	sovereignty 8203:1 8220:19	speeches 8114:24	status 8161:6, 12 8163:13,15 8164:19,23 8165:8,14
seventeenth 8237:9	sitting 8115:9	space 8171:17	spend 8138:22 8147:24	stay 8165:8 8198:16 8200:7 8208:15 8238:5 8243:12 8246:7
Shadow 8237:2	situating 8104:25 8105:1	Spanish 8206:19	spending 8136:25	stayed 8136:8
shape 8170:18	situation 8208:12	spare 8134:5	spirit 8124:17 8141:15	Ste 8211:17 8220:16
share 8225:24 8226:9	situations 8128:5 8178:13	speak 8172:7	St 8189:19 8190:20 8191:7, 13 8193:16 8241:19	step 8189:5 8207:23
short 8103:24	slightly 8121:13 8177:16	speaking 8150:9 8241:7	stages 8224:3	steps 8197:22
short-lived 8189:4 8191:3,4	slim 8208:3	special 8129:3	stand 8102:16 8121:1	stop 8105:2 8141:14,17 8148:14 8171:24 8172:13 8177:6 8198:13 8207:9
show 8229:10, 14,25 8230:25 8231:2	small 8201:16 8203:16 8204:22 8244:3	specific 8108:4 8109:5, 7,10,11 8113:12 8122:14 8124:1 8125:16 8128:21 8130:1 8132:18,21 8133:18,23 8134:19,24 8136:2 8147:21 8153:17 8156:14 8157:21 8171:17 8178:11 8181:6 8182:18 8184:6 8194:17 8201:13 8202:5 8215:21 8223:15 8232:20	standard 8170:16,17	stood 8111:25
shown 8196:3	snow 8104:1	stands 8105:7 8110:3	standing 8111:25	stories 8114:2
shows 8135:6 8224:21	soldier 8145:1 8199:16	Starna 8226:6	stands 8105:7 8110:3	Straits 8237:25
side 8114:3,10 8156:11 8247:1	soldiers 8145:14 8197:9, 12 8199:4,9 8200:6,10	start 8151:5 8183:15 8217:10 8233:19,21	start 8151:5 8183:15 8217:10 8233:19,21	strange 8134:8,24
sign 8109:10 8130:7 8222:24	solely 8138:11	started 8129:24 8147:20 8185:25 8229:12 8232:5 8233:10,15 8234:23 8236:6, 8,9,10	started 8129:24 8147:20 8185:25 8229:12 8232:5 8233:10,15 8234:23 8236:6, 8,9,10	strategic 8178:13
signatory 8225:4	sons 8246:3			strategies 8158:15 8161:7
significance 8203:2	sophisticated 8115:3			strategy 8123:18 8124:8 8181:11 8188:23
significant 8137:9 8216:1	sort 8105:19 8106:11 8135:9 8170:8			
signified 8122:24	sound 8140:6 8141:5,9 8142:1			
signs 8109:4				
similar				

8243:11	8233:21	8174:5	8138:25	8196:8,14,15,16
stretching	subjugate	surely 8235:7	8141:14,17	8203:5 8229:14
8203:12	8214:3	surprised	8144:25 8151:5	8230:1 8232:2
strict 8152:23	submission	8129:24	8189:15	texts 8143:25
strictly	8218:8,16,17	surrenders	talked 8105:22	8160:12
8109:14	submissions	8122:8 8166:16	8113:23	Theonontate
8123:13	8218:12	survive	talking	8139:16,23
8124:22 8135:2	8221:24	8190:22,24	8101:11	8142:18,22
8162:24 8163:9	submit	suspect	8102:25 8103:5	8144:8 8145:22
8189:8	8234:11 8236:1	8115:10 8138:7	8115:5 8144:13	8146:7,17
strong	submitted	sustain	8148:5,25	8147:13 8148:7,
8191:19	8155:9 8228:21	8135:21,22	8149:1,2	12,18 8149:1,3
8197:17,19	8234:15	switch	8163:25 8164:2,	Theonontater
8198:5,6,11,15	substantial	8119:25	7	onons 8146:8,
8199:2 8242:4	8116:16	symbol 8108:2	talks 8148:11	11
strove 8243:4	successful	8110:17	Talon 8211:8	thesis
structure	8189:12	8128:18	teach 8233:2	8160:16,18
8124:9	8192:19,21	symbolic	telling 8213:3	8201:6
structures	8200:2,3	8128:16	tender 8105:25	thing 8108:16
8198:12	suddenly	8202:24	8111:19	8132:10,11
studied	8136:5,15	8203:24	8112:12,23	8142:25
8201:10	suffered	8204:15 8206:6,	8114:18	8144:14 8146:9
studies 8201:9	8198:8	25 8211:20	8120:19	8159:16
study 8110:22	suggest	8217:23	terms 8146:13	8181:12
8112:18	8122:3 8134:2	8218:17	8224:2 8225:2	8189:10
8161:20	8135:5	8221:23	territory	8203:23 8205:7
8162:12 8170:3	suggesting	<hr/>	8140:7 8141:10	8213:20
studying	8127:3 8129:12	T	8142:1,16,24	8235:16
8164:8	8135:17	table 8195:10,	8148:24 8149:1,	things 8106:22
stuff 8148:6	8244:13	17 8196:3,7	3 8203:18	8112:1 8114:3
8202:4	suggests	8224:20	8204:6 8216:11	8131:13 8132:7
style 8143:14	8120:11 8134:3	takes 8112:12	8231:17	8144:14
subject	summarize	8209:14	testified	8150:10
8157:22 8158:4	8111:5 8145:7	taking 8156:11	8105:13 8106:5,	8154:20 8169:7
8229:8 8233:19	summary	8202:23	10 8164:7	8174:7 8182:10
subjected	8225:2	8203:24	testify	8203:8 8205:4
8157:17	Superintende	8204:14,17	8132:17,20	8208:22 8215:7
8158:14	nt 8121:22	8206:6 8211:19	8153:18	thinking
subjection	8125:12,18	8213:14	8157:24 8164:5	8144:11
8160:16	supports	8217:23,25	8221:15	8159:10
8162:16 8164:3	8156:17	8218:15 8221:1,	testimony	8232:19
subjects	suppose	23 8226:16	8103:11 8106:4	thirty 8139:14,
8157:8,13	8171:23 8187:8	Takings	8110:6 8232:16	22 8148:16
8158:2,3,7,10,	8213:6 8231:1	8220:9	text 8139:11	thought
23 8160:8	supra-	talk 8103:17	8149:25 8188:4,	8143:1 8144:4
8161:2,3 8163:4	national	8112:13	8,10 8189:20	8148:7 8166:22
8164:25		8117:24 8126:1	8194:15,19,21	8167:12
			8195:10,11,12,	8189:12
			13,16,19	8192:18
				8239:17

tied 8104:6 8107:12	8247:14,21	8139:1,8,10,12, 21 8140:5,6,13, 16,18 8141:1,2, 5,9,11,16,24,25 8142:14 8143:5 8146:25 8147:4 8148:15,23 8149:24 8156:23 8195:16 8242:20 8246:10 8247:10	tribal 8240:11	8154:24 8162:6, 9 8163:13 8164:10,17,18 8167:20 8168:15,21 8169:16,18 8170:15,22,25 8171:18 8173:20 8174:23,24 8175:1,11,14 8176:15 8178:21 8180:11 8181:17 8182:1 8185:15 8188:2, 5 8189:9,14 8192:15 8193:18,25 8206:16 8209:7 8215:17,21 8216:13 8232:13 8244:2	
time 8103:20 8104:4 8107:25 8113:25 8121:19 8125:19 8126:16 8128:15 8133:4 8134:15 8136:25 8138:22 8142:19,20 8143:11 8145:1, 6 8147:24 8148:9,10 8149:5 8150:4, 11 8157:23 8161:4 8163:1, 15 8164:5,20 8165:15 8172:1 8181:23 8191:6, 7 8194:19 8195:19 8198:19 8199:10 8200:9 8201:10,14 8202:15 8205:5 8206:3 8207:23 8213:1 8223:18 8225:14 8233:18 8235:9 8245:7 8247:17	tool 8169:10 8226:21	top 8102:7 8220:7 8224:9 8231:14	translations 8140:12,20 8143:8	tribes 8126:8 8131:6,18 8132:1	understandin g 8107:23 8112:9 8114:7 8144:1,17 8152:17 8175:15 8176:22 8181:9 8246:22
time 8103:20 8104:4 8107:25 8113:25 8121:19 8125:19 8126:16 8128:15 8133:4 8134:15 8136:25 8138:22 8142:19,20 8143:11 8145:1, 6 8147:24 8148:9,10 8149:5 8150:4, 11 8157:23 8161:4 8163:1, 15 8164:5,20 8165:15 8172:1 8181:23 8191:6, 7 8194:19 8195:19 8198:19 8199:10 8200:9 8201:10,14 8202:15 8205:5 8206:3 8207:23 8213:1 8223:18 8225:14 8233:18 8235:9 8245:7 8247:17	topic 8108:22 8135:9 8141:20, 21 8147:25	totally 8111:1 8217:6,7	treat 8242:25	trimmed 8208:23	understood 8147:12 8149:14,15 8167:13,23 8184:7 8215:3, 14 8221:19 8247:19
times 8144:14 8152:12 8232:11 8233:8	touch 8175:5	trade 8197:7 8204:24 8214:6 8220:23 8238:13,25 8239:9	treat 8242:25	trouble 8142:14	uniform 8197:24
tiny 8203:17	trading 8173:5 8231:19	traders 8186:25 8187:2 8210:23	treated 8217:21	true 8102:13 8242:21,22,25	unilateral 8177:11
tired 8206:1	tradition 8113:22,24 8114:2,9,10 8213:25 8214:19 8215:16 8223:17	traditions 8103:11 8110:9, 16,25 8111:23 8112:19 8214:14 8216:1 8222:7 8223:14	treaties 8102:3 8124:5, 25 8168:24 8182:15 8220:12 8233:13	trust 8239:11	Upper 8112:14 8126:14 8129:18,23 8130:25 8133:2, 4,9 8134:21
tiring 8209:10	tradition 8113:22,24 8114:2,9,10 8213:25 8214:19 8215:16 8223:17	traditions 8103:11 8110:9, 16,25 8111:23 8112:19 8214:14 8216:1 8222:7 8223:14	treatment 8128:7	turn 8241:8	upset 8129:16
title 8222:20	trading 8173:5 8231:19	traditions 8103:11 8110:9, 16,25 8111:23 8112:19 8214:14 8216:1 8222:7 8223:14	treaty 8101:12, 13,15,17 8103:3,8,19 8105:1,13,15 8106:6 8107:9 8110:23 8114:22 8167:25 8168:16 8171:14 8225:3, 13,18 8226:2,12 8233:10,11,15	type 8160:23 8162:7	Usage 8151:12 8152:7
titled 8165:18 8186:23 8200:24 8210:10	transcript 8116:6,12,19 8130:5 8163:18	transcript 8116:6,12,19 8130:5 8163:18	treaty- making 8118:17,22 8119:2 8120:13 8122:16	typical 8205:7	USB 8138:4
today 8136:12 8207:14,21 8208:5 8247:13	transformatio n 8143:13	transformatio n 8143:13	trial 8114:21 8153:21	typically 8202:13	
told 8207:17	transition 8230:4	transition 8230:4		U	
tomorrow 8208:8,15,20,25 8209:17	translate 8151:11 8155:25	translate 8151:11 8155:25		ultimo 8131:3	
	translation 8136:19 8138:17,21	translation 8136:19 8138:17,21		unable 8109:6, 10 8195:15 8207:3	
				uncontested 8204:5	
				underestimat ed 8207:18	
				understand 8107:17 8114:18 8115:11 8127:5 8136:14 8138:23 8143:3, 6,17,25 8144:3, 11,16 8145:6 8147:7,9 8149:14 8150:4 8152:15 8153:17	

utility 8204:23	walking 8115:11	wholesale 8230:16 8234:5	8236:23	13 8195:9,25 8201:2 8202:6, 21 8203:6 8212:18 8233:18 8234:17
<hr/> V <hr/>	wampum 8104:7 8107:12, 25 8108:3 8109:11 8195:12	Widder 8237:3,19 8239:8 8240:8	writes 8220:8 8245:17	Years' 8228:1, 10
Valley 8189:19 8191:8 8193:16 8241:19	wampums 8109:1,3,6	wide 8114:23	writing 8142:20 8144:1 8145:3 8146:22 8201:15 8235:16	yesterday 8101:11 8108:23 8207:16 8247:17
variety 8114:23	wanted 8102:18 8137:21 8143:22 8158:6 8169:18 8171:18 8185:15 8246:18	William 8108:12 8109:12 8127:20 8214:1	writings 8144:6 8147:5	young 8145:1 8157:24 8201:3, 15,23 8205:7
variously 8177:10	wanting 8119:8 8129:11	winter 8190:22	written 8154:4, 13 8195:20 8196:8 8213:5, 19 8221:16 8222:10 8225:9, 10 8228:18 8240:15	<hr/> Z <hr/>
vast 8204:5	war 8110:10 8123:5 8124:5 8144:21 8228:1, 11 8239:11	witness's 8115:7	wrong 8227:1	zoom 8148:2 8219:15
version 8228:19,20 8229:6 8234:12, 13	Warren 8214:1,12,14 8216:18 8223:11	witnesses 8116:10 8153:10	wrote 8143:7 8144:2 8147:5 8152:2 8159:2, 16 8165:18 8192:16 8194:15,17 8195:8,24,25 8201:1,2,8 8205:22,24 8212:17 8213:17 8214:14,24 8217:5,6 8231:4 8232:1 8233:13 8234:3,8 8235:2,15 8236:6	
versions 8144:16 8236:1	wars 8145:8 8146:4 8147:8	wondered 8148:3	<hr/> X <hr/>	
versus 8162:16 8164:3	ways 8152:13 8153:2 8177:16 8208:3 8238:9	wondering 8104:8 8141:6 8148:23	XIV 8197:5,11 8221:3	
Viau 8194:16, 20 8195:3 8196:16	weakness 8205:17	word 8118:5 8131:15 8135:13 8153:23 8233:23	xxii 8237:6	
view 8111:18 8175:23,25 8176:1 8181:9 8201:13 8202:17 8203:20 8209:9 8219:16 8221:14,16 8222:16 8229:7 8232:25	week 8208:13 8209:12	work 8116:15 8129:25 8155:4 8159:13 8200:24 8228:3 8233:19	<hr/> Y <hr/>	
views 8186:24 8201:13 8235:20	weeks 8234:21	worked 8168:7 8202:24 8238:2	year 8107:17 8234:5,7 8236:3	
vigorously 8245:21	weight 8115:14 8164:16	working 8158:11 8201:21	years 8107:15, 21 8110:2 8145:2 8158:11 8159:6 8168:7,	
village 8191:9	Wentzell 8208:10	works 8156:10 8162:13 8199:12 8200:20		
violence 8110:13 8239:14	west 8128:6 8129:17 8187:22 8218:4 8225:7 8247:5	wrap 8245:8		
<hr/> W <hr/>	Western 8238:3	write 8156:5 8195:11,13,14 8201:4,16,20 8202:14 8203:5 8205:8,25 8213:11 8235:25		
wait 8186:11,12 8234:11 8236:3				