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## Disrupting Colonial Narratives: (Re)claiming Autonomy and (Re)affirming Traditional Family Structures through Story in the *Teme-augaming*

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## Abstract

Land displacement, theft, and erasure have been key drivers in undermining the political, economic, cultural, linguistic, ancestral, and family formations of First Nations people in Canada. Nation rebuilding is the cornerstone of all sovereignty efforts and is a necessary component of improving the social and political conditions that impact health and wellness. Exercising sovereignty is tightly linked to the autonomous assertion of land and resource rights. Discrimination through the Crown's self-imposed position as the natural owner of all land and resources across the country is evidenced by a continued failure to recognize the many ways that First Nations self-identify. This inadequacy overlooks First Nations' inherent rights to self-determination while advancing colonial ideologies. This paper presents a thread of qualitative research findings from a project that included an Indigenous storywork method with one First Nations' Elder and grandmother, *kookum*. Within the context of her-story and traditional knowledge mobilization, this work challenges the colonially defined territorial boundaries of the hereditary family clan structures across the Temagami region in Northeastern Ontario, Canada. *Kookum's* story demonstrates how colonial policies and practices undermine hereditary conceptions of traditional family identity and led to the misguided and unauthorized theft of the Friday family territories. The reconstruction of identity damages hereditary forms of governance and impairs traditional and familial connection to land, culture, language, and traditions, and is 1) incompatible with self-determination; 2) maintains and perpetuates colonialism; 3) hinders genuine reconciliation; and 4) furthers health and socio-economic inequities for First Nations people.

*Le déplacement, le vol et l'effacement des terres ont été les principaux facteurs qui ont miné les formations politiques, économiques, culturelles, linguistiques, ancestrales et familiales des peuples des Premières nations du Canada. La reconstruction de la nation est la pierre angulaire de tous les efforts de souveraineté et constitue un élément nécessaire à l'amélioration des conditions sociales et politiques qui ont un impact sur la santé et le bien-être. L'exercice de la souveraineté est étroitement lié à l'affirmation autonome des droits à la terre et aux ressources. La discrimination qui découle de la position que la Couronne s'est imposée en tant que propriétaire naturel de toutes les terres et ressources du pays est attestée par l'incapacité persistante de reconnaître les nombreuses façons dont les Premières nations s'identifient. Cette inadéquation néglige les droits inhérents des Premières nations à l'autodétermination tout en faisant progresser les idéologies coloniales. Cet article présente les résultats d'une recherche qualitative menée dans le cadre d'un projet incluant une méthode de travail narrative indigène avec une aînée et grand-mère des Premières Nations, kookum. Dans le contexte de la mobilisation de son histoire et de son savoir traditionnel, ce travail remet en question les frontières territoriales définies par la colonisation des structures claniques familiales héréditaires dans la région de Temagami,*

*dans le nord-est de l'Ontario, au Canada. L'histoire de kookum montre comment les politiques et les pratiques coloniales ont sapé les conceptions héréditaires de l'identité familiale traditionnelle et conduit au vol malavisé et non autorisé des territoires de la famille Friday. La reconstruction de l'identité porte atteinte aux formes héréditaires de gouvernance et compromet les liens traditionnels et familiaux avec la terre, la culture, la langue et les traditions, ce qui est 1) incompatible avec l'autodétermination ; 2) maintient et perpétue le colonialisme ; 3) fait obstacle à une véritable réconciliation ; et 4) aggrave les inégalités sanitaires et socio-économiques pour les peuples des Premières nations.*

### Key Messages

- Through oral his/her-stories with First Nations' Elders, a deeper understanding of the impacts of settler-colonial expansion can be uncovered.
- The intergenerational consequences of land displacement and dispossession can significantly impact culture, language, values, and traditions.
- Genuine reconciliation and Nation (re)building in Canada requires a meaningful recognition of First Nations' self-determining and traditional forms of governance and hereditary family and territorial formations.
- State recognition and restitution of hereditary land title would ensure the strengthening and revitalization of First Nations' worldviews and knowledge systems.

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### Messages-clés

- *Les récits oraux des aînés des Premières nations permettent de mieux comprendre les conséquences de l'expansion coloniale.*
- *Les conséquences intergénérationnelles du déplacement et de la dépossession des terres peuvent avoir un impact significatif sur la culture, la langue, les valeurs et les traditions.*
- *Une véritable réconciliation et la (re)construction d'une nation au Canada nécessitent une reconnaissance significative de l'autodétermination des Premières nations et de leurs formes traditionnelles de gouvernance, ainsi que de leurs formations familiales et territoriales héréditaires.*
- *La reconnaissance par l'État et la restitution des titres fonciers héréditaires permettraient de renforcer et de revitaliser les visions du monde et les systèmes de connaissances des Premières nations.*

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Lake Temagami. This paper is written from my perspective and braids my *kookum's* story throughout. This paper is born of a portion of my PhD work and received vetting and support by *kookum* and several members of my maternal family, with whom these stories also impact. Thank you to everyone who shared their time and offered thoughts to improve and strengthen the story herein. Finally, *chi-miigwetch* to my grandmother, Margaret Verna Friday, who lit the spark in me to move her story forward. My name may be the only one on the author line, but this story belongs to my maternal grandmother and our family.

## 1 INTRODUCTION

The activation of First Nations’ traditional forms of governance and the restoration of hereditary land rights are essential to Nation (re)building and genuine reconciliation in Canada. Persistent disparity-driven narratives in the fields of health, mental health, education, social services, environmentalism, and criminal (in)justice have supported the urgent need for policy reforms aimed at advancing First Nations-led self-determination and autonomy (Jubenville et al. 2022; Myette and Riva 2021; Katz, Enns, Kinew 2017; MacDonald and Steenbeek 2015). The consequences of colonial and assimilationist policies, land theft, resource extraction, violence, and genocide necessitate strategies that support First Nations’ cultural and linguistic recovery as an assertion of Nation-led sovereignty (Pieratos, Manning, Tilsen 2021; Truth and Reconciliation Commission of Canada [TRC] 2015; Dussault and Erasmus 1996). Notably, “land is not a separate concept to well-being; it is an integral component and is therefore the key site where resource development and Indigenous well-being collide” (Jones and Bradshaw 2015, 89). Undoing the consequences of systemically embedded colonial policies and laws necessitates critical reflections of deeply held belief systems and assumptions over who has/had authentic authority to make decisions pertaining to the land and waters in the first place. Naturally, state recognition and restitution of hereditary land title would ensure the strengthening and revitalization of First Nations’ worldviews and knowledge systems. This demands changes to inherently racist and outdated colonial policies and structures that resulted in the reconstruction of hereditary and territorial family identity for some First Nations in Canada.

### 1.1 Background

This paper presents a thread of qualitative research findings from an Indigenous storywork method (Archibald 2008) with one First Nations’ Elder and grandmother, my *kookum*.<sup>1</sup> *Kookum*’s story illuminates our family history, her experiences, her worldviews, and her knowledges. Throughout this work, I highlight my *kookum*’s position that the Friday<sup>2</sup> family has hereditary right to land and title of our traditional and spiritual hunting territories in the Teme-augaming along Lake Temagami, in an area known as *Naadgaaming*.<sup>3</sup>

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<sup>1</sup>*Kookum* means “grandmother” in the Cree language and is one of the many ways the people across our territory refer to grandmothers. In this context, *kookum* refers to Margaret Verna Friday throughout who is the author’s maternal grandmother.

<sup>2</sup>June Friday MacInnis-baa explains in her memoir about our family that “[t]here were four brothers whose names were Matthew, Mark, Luke, and John. The Jesuit missionaries gave them these names. John chose the last name to be Friday. The other brothers kept their first names as their last names” (2016, 1). To this day, our family does not know for certain what our traditional family name was before the missionaries arrived, so we continue to use the name Friday.

<sup>3</sup>*Naadgaaming* means “across the lake” and refers to the whole Friday territory, including a smaller area where the main settlement was built called Friday’s Point.

Since time immemorial, the Algonkian<sup>4</sup> people of the *Teme-augaming*<sup>5</sup> have self-identified in connection and relationship with their traditional family hunting grounds on *n'dakimenan*.<sup>6</sup> Family units across *n'dakimenan* hunted, fished, lived, and stewarded separate parcels of hereditary land (Speck 1915a; 1915b). The people of the *Teme-augaming* continue to protect, access, and use their family territories, which are spread out across *n'dakimenan*, but are challenged by ongoing extraction and ecological impacts. Land stewardship is a sacred and ancestral task that members of the Friday family and the other hereditary Algonkian families across *n'dakimenan* continue to uphold in their respective territories to this day. However, inaccurate government recognition of family lineage and a lack of recognition for historic and customary Algonkian land partitioning continues to contradict the inalienable rights of the region's original hereditary Algonkian families to hold title over their respective family territories.

This paper situates itself at the intersections of oral and written her-story,<sup>7</sup> self-determination, autonomy, and traditional family identity and affirms the urgency of *kookum's* lifelong work which is “to be taken seriously” (Archibald 2008, 3). Further, this paper challenges the colonially defined territorial boundaries of the *Teme-augaming*. *Kookum's* story demonstrates how colonial policies and practices undermine hereditary conceptions of territorial family identity as illustrated through the misguided and unauthorized seizure of the Friday family territories. We argue that this reconstruction of identity damages hereditary forms of governance and impairs familial connection to land, culture, language, and traditions, and is 1) incompatible with self-determination; 2) maintains and perpetuates colonialism; 3) hinders genuine reconciliation; and 4) furthers health and socio-economic inequities for First Nations people (Jubinville et al. 2022; Myette and Riva 2021; MacDonald and Steenbeek 2015). Such losses have had intergenerational consequences for the Friday family and our relatives from across *n'dakimenan*.

## 1.2 The context of history: displacement and erasure

The *Doctrine of Discovery* was used by fifteenth-century explorers as a “legal and moral justification for colonial dispossession of sovereign Indigenous nations, including First Nations” (Assembly of First Nations 2018, 2). Settler colonial policies, driven by capitalism, aimed to expedite assimilation to gain greater access to lands and resources (Cavanagh 2013; Bagot et al. 1845; Ryerson 1847; *Gradual Civilization Act* 1857; *British North America Act* [BNA] 1867; *Constitution Acts* 1867; *Gradual Enfranchisement Act* 1869; *Indian Act* 1985; Davin and McColl 1879). The BNA and subsequently the *Constitution Acts* effectively gave the Dominion of Canada self-proclaimed responsibility over the affairs of “Indians,

<sup>4</sup>Also sometimes called ‘Algonquin’ or ‘Algonquian.’

<sup>5</sup>*Teme-augaming* means “deep water” and refers to the Temagami Region.

<sup>6</sup>*N'dakimenan* means “our homeland” and refers to the unified homelands of the people of *Teme-augaming*.

<sup>7</sup>“Her-story” is used here to highlight that this is *kookum's* story and we share it as a piece of one First Nations woman's ‘history’.

and lands reserved for Indians” (BNA 1867, 91(24); *Constitution Acts* 1867, 35(1)). Nearly a decade later, in 1876, the still-in-effect and hugely controversial *Indian Act* (1985) placed responsibility over the affairs of Indians into a federal government institution and created an elected chief and council system, effectively dismissing traditional forms of Indigenous governance (Dussault and Erasmus 1996). However, many First Nations uphold their assertion of rights in relation to the protocols set forth in the *Royal Proclamation* of 1763. In it, King George III established appropriate procedures for treaty negotiations between First Nations and the Crown (Government of Canada 2013; George 1763). The *Royal Proclamation* was foundational to the “constitutional recognition and protection of First Nations rights in Canada” (Government of Canada 2013, 3). *Kookum* interprets the *Royal Proclamation* as “instructions to live by” (V. Friday, personal communication, 23 February 2021).

Several colonial processes were designed to ease the process of land removal and to address the “Indian problem” (Campbell Scott 1918 cited in Salem-Wiseman 1996), including oppression, land theft, displacement, dispossession, legislative and religious manipulation and cultural erasure, and overall colonial violence. Colonial policies embedded within these priorities led to the creation of the reserve system and the forced and coerced removal of First Nations children from the influences of their families and traditions through residential and day schools (TRC 2015). Land displacement has had devastating impacts on the overall health and well-being of First Nations people (Dussault and Erasmus 1996; TRC 2015; MacDonald and Steenbeek 2015). Since settler arrival, many treaties and agreements between First Nations and the Crown were created and constitute both an admission of First Nations’ inherent land title and an attempt to remove it.

### 1.3 The context of her-story: situating *kookum*

My *kookum*, Margaret Verna Friday (Figure 1) is the oldest living matriarch of the Friday family. She is named after my 3x great grandmother, Margaret (Maggie, who was called *koomis* by her grandchildren) Saunders-Friday, who was the original matriarchal head of the Friday family on *Naadgaaming*. Having been born and raised on *n’dakimenan*, *kookum* remembers the strength and power of being raised on the land, “*living and working together and being independent.*” She shares: “*We had a garden, we hunted, we fished, we trapped, and we even had a family business together. . . It includes everything – not only our independence, our food, but it includes the medicines as well*” (V. Friday, personal communication, 23 February 2021).

*Kookum* grew up in the 1940s and 1950s “*not on an Indian Act reserve, I grew up out on our tribal lands*” (V. Friday, personal communication, 23 February 2021). Bruce Clark, an Indigenous rights lawyer who “argued – and lost – the original Temagami land claim case” (228) writes about my *kookum*: “Verna Friday is a Temagami elder, strong, and brave and doubly resilient for carrying the same burden as any other warrior while harbouring, as native women must and do, the native culture. Because of them, this culture still lives,

despite the adversity of 500 years of genocide designed to eradicate it” (1999, 257).



Figure 1: Margaret Verna Friday (*kookum*) on Friday’s Point. Image from *Path Without End* (2018), a film by Christine Friday. Photo courtesy of the film creator.

## 2 METHODS

### 2.1 Indigenous storywork

This qualitative study is grounded in the five Rs of relationships, respect, relevance, responsibility, and reciprocity (Johnston, McGregor, and Restoule 2018) while adapting them to include components of Archibald’s (2008) Indigenous storywork methodology. Oral teachings “are about cultural respect, responsibility, and reciprocity” because “important knowledge and wisdom contain power” (Archibald 2008, 3). The use of storywork articulates and acknowledges the ongoing survivance of our cultures and traditions (King 2003; Vizenor 1994; 2008). As Anishinaabe theorist Gerald Vizenor (1994) explained, “survivance is an active sense of presence, the continuance of native stories, not a mere reaction, or a survivable name. Native survivance stories are renunciations of dominance, tragedy, and victimry” (1). The ‘work’ in what Archibald (2008) coins ‘storywork’ is about more than a retelling; it is a critical process of educating the heart, mind, body, and spirit of people who read the outputs.

Through story, I am guided towards a deeper more meaningful understanding of the lands that my maternal ancestors and family are born from. In listening, learning, and re-storying this piece of my family history through my *kookum*’s story, I actively work to “make visible what has been erased and rendered invisible,” where “[c]ombating the colonial

erasure and colonial amnesia is conscious work” (Absolon 2022, 4). Much of the ‘work’ of this project is asserted through my efforts to reflect and observe *kookum’s* teachings and to offer my support in ‘validating’ her story in line with both traditional and western pedagogies. In writing this paper, I remained conscious of the complexities of my roles as both a First Nation and an academic, and I make efforts to ensure that *kookum’s* story is not washed away through settler narratives. I reference the extractive work of scholars such as Speck, not out of preference but out of necessity. For me, my *kookum’s* words stand on their own, but to create systemic change within colonial structures, I work to match her words with those recorded in history. At the same time, I am limited in length and have taken great care and effort into ensuring that key pieces of her story remained intact despite this limitation.

## 2.2 Ethics and recruitment

In the summer of 2020, I asked my *kookum* if she would like to be part of my research project on Indigenous governance and sovereignty, and she generously agreed. As part of cultural and traditional customs, I formalized the request to my *kookum* by gathering a series of gifts that included filling a handmade (by me) moose hide medicine bag with tobacco grown and harvested by my oldest daughter and I, sourcing maple syrup straight from the maple bushes in *n’dakimenan*, and wild rice grown along the shores of Lake Temagami, and other tokens of my love and appreciation. I mailed these gifts to my *kookum* along with a copy of the letter of information and consent form for her to review and consider. My *kookum* provided verbal consent during our session and subsequently mailed me back her written consent. *Kookum* was also given ample opportunity to decline and abstain from participation. She agreed to be audio-recorded, share her name, and be a co-author on the original output (in my PhD dissertation, Rowe 2021). She reviewed and vetted this output, offered feedback, edits, and recommendations. Institutional ethics approval for the original project was received through the Laurentian University Research Ethics Board (6020903).

## 2.3 Data collection

The overall study was conducted between February and June 2021. As is customary in Indigenous story-type methodologies, a storytelling guide was available if needed, but ended up not being used. My *kookum* shared with me what needed to be shared during our time together. Due to public health considerations limiting in-person gathering during the height of the COVID-19 pandemic, *kookum* (along with her cats) shared her story with during a 1.5-hour audio-recorded Zoom session on February 23, 2021; additional discussions were had, as needed. The audio was later transcribed. To gain a deeper understanding of the complexities of the history (her-story) of the *Teme-augaming*, I conducted a review of legal documents, websites, archives, books, and included an analysis of historical records from anthropologists, ethnographers, and words written by my great-aunt, June Friday-

MacInnis-baa.<sup>8</sup>

## 2.4 Analysis and writing

Not wanting to reduce my *kookum's* story to the “sum of its parts” (Kovach 2010, 130), I chose an analytic approach that included iterative and critical reflections of the overall story. The original findings were shared for vetting with members of my maternal family in the form of a final paper in my PhD dissertation. In the current paper, I sought to further disrupt current forms of qualitative analysis by expanding on and amplifying key threads of the original story, while avoiding fragmentation (Kovach 2010; Atleo 2009; 2004). This manuscript received further vetting from my *kookum* and several members of my maternal family. I wove key threads through the historical, political, and legal circumstances with which *kookum's* experiences were born.

## 3 RESULTS

### 3.1 Traditional, spiritual, and cultural land use and occupancy

Our ancestors travelled seasonally for hunting, trapping, and visiting across the *Teme-augaming*. At the turn of the twentieth century,<sup>9</sup> our relatives packed everything they owned, their dogs, and their kids into a 20-foot birch bark canoe and made their way down the Montreal River towards *Teme-augaming* (Friday MacInnis 2016). Along the way, the canoe capsized, and my 3x great grandfather, John Friday, passed away leaving my 3x great-grandmother, Margaret (Maggie), a widow with seven children (Friday MacInnis 2016). When they arrived to *Teme-augaming*, the hereditary Algonkian *Ogima*,<sup>10</sup> Frank Whitebear,<sup>11</sup> who was married to Maggie's niece, adopted Maggie as hereditary kin. Since time immemorial, the Algonkian people of the *Teme-augaming* practiced traditional territorial division that was determined by hereditary transfers of land to kin. As such, *Ogima* Whitebear who “*was well respected by the people in the region,*” parcelled off about half of his traditional territory and gave it to Maggie and her children (V. Friday, personal communication, 23 February 2021).

This long-established and customary Algonkian transfer of traditional land title provided the Friday family a permanent settlement to steward – with plenty of space to build, grow, and hunt: “*Our family territory is about 150 square miles<sup>12</sup>... it's not just Friday's*

<sup>8</sup>The -baa indicates that she has passed on to the Spirit World. As Dr. Amy Shawanda explains “If you had spoken to someone who has walked the Earth and you had known them, then you would refer to the person “‘their name’ -ba or -baa” (the hyphenated [sic] indicates they have walked on to reside in the Spiritual Realm and acknowledge that they have passed on)” (2020, 38).

<sup>9</sup>Oral tradition says this occurred around 1890.

<sup>10</sup>*Ogima* means “Chief.”

<sup>11</sup>Whitebear is also known as Wabimakwa.

<sup>12</sup>150 square miles is approximately 388 square kilometres.

*Point, it's the whole territory, which includes about a dozen lakes*" (V. Friday, personal communication, 23 February 2021). Over the next several decades, the Fridays built a family lodge and tourist camp (Figure 2), on what would become known as *Naadgaaming*. The Friday family business included overnight lodging, guided trapping, and hunting tours.



Figure 2: Friday Family Camp on *Naadgaaming*. “Where many visited and stayed; whether planned, or not” (V. Friday, personal communication, 23 February 2021).

### 3.2 Colonialism and assimilation at work

Prosperity and cultural preservation amidst colonial expansion became increasingly challenging for the Fridays. European expansion also made way for the spread of “historically devastating infectious diseases and pandemics” (Rowe, Rowat, Walker 2021, 95). When *kookum* was only seven years old, her mother passed away from tuberculosis. Shortly after, *kookum* was sent to Shingwauk Residential School in Sault Ste. Marie, Ontario. In Canada, residential schools formally operated between 1892 and 1996, and at my *kookum*’s time at Shingwauk, school attendance was compulsory for all First Nations children under the age of fifteen (Eshet 2016; Rheault 2011; TRC 2015). As part of the assimilationist and disenfranchisement agendas, one of the goals of the residential school system was to remove First



Nations from their lands and secure it for resource extraction (Cavanagh 2022; Defalco and Dunn 1972).

*Kookum* shares, “they sent me there first, then when my sister and my brother got old enough, they eventually came to the school too” (V. Friday, personal communication, 23 February 2021).

While at school, my *kookum*’s father passed away, making her an orphan before the age of 13. After that, she and her siblings were raised by their grandmother, Sophie: “My mother when I was 7 and my father when I was 13 and then my grandfather he passed away. It ended up my widowed grandmother raising three orphans” (V. Friday, personal communication, 23 February 2021).

Family tragedies exacerbated an already vulnerable period for the Fridays. During our personal communication in February 2021, *kookum* shared, “our family got eroded away.” Having spent much of their youth in residential and eventually public schools and away from *Teme-augaming*, *kookum* and her sister became young adults, and their presence on the Family territory lessened: “The whole family was being eroded. . . And eventually my sister got married, and I got married, and we ended up not being there [on *Naadgaaming*] all the time. We would go back to see and visit grandma [Sophie]” (V. Friday, personal communication, 23 February 2021).

Following their time in residential school, my *kookum* and her sister married non-First Nations men which terminated their status as Indians under the *Constitution Acts* (1867 to 1982) and the *Indian Act* (1985). The removal of Indian Status eliminated their treaty rights for decades before changes were made to the *Indian Act* (1985) that began to address longstanding gender-discrimination embedded within it. Their status was returned to them in the early 1980s, but by that time, the damage had been done. The elimination of her treaty rights for over twenty years left my *kookum* unable to live in *n’dakimenan*, which was challenging and has had multi-generational impacts for our family.

Sophie, who was the hereditary matriarch of the Friday family territories at the time was also growing older, and in the 1960s, she had to be moved from *Naadgaaming* and into a nursing home to be closer to ongoing care. Around that time, *kookum* learned that years prior, the government had a deed to a portion of the Family’s territory. *Kookum* explains: “And then the government started coming, going after my grandmother. They wanted her to pay taxes. Apparently in 1952 she received a land deed to a portion of our family territories. . . But she received a deed to 26 acres of land, which we call Friday’s Point, where the house was, and the garden, and the cabins where the tourists were. . . then they proceeded to charge her taxes. Meanwhile, the land up there is un-surrendered; there’s never been any treaty up there. So, they had no justification for charging her taxes” (V. Friday, personal communication, 23 February 2021).

Although a full understanding of this piece of the story requires deeper consideration, my *kookum*’s youngest daughter, my Auntie Jamie, explains that when the Friday Family Camp (Figure 2) was being built, a ‘gentleman’s loan’ was made between William Friday (Sophie’s husband and son of my 3x great grandparents, John and Maggie) and James Aitchison who

had the resources to support the build. When William passed away, the Friday family agreed that the non-legally binding gentleman's loan had been repaid. However, the estate of the late Aitchison's wife, Clara Louise Aitchison, believed otherwise, and Aitchison, her estate, and its executors took illegal claim over Friday's Point (J. Friday, personal communication, 19 June 2023).

The deed that was provided to Sophie for a portion of the Friday territory was in the form of a Quit Claims Letter Patent. In other words, Sophie received a letter acknowledging that the site has been occupied for 60 or more years, and under the *Real Property Limitation Act* in Ontario, the Crown's right to bring an action for the recovery of the land was barred. The Crown's initial relinquishment of their claim to Friday's Point meant that Sophie, on unceded hereditary tribal lands, was requested to pay land taxes to the province. Sophie knew the territory had never been ceded, so she disregarded the document. *Kookum* explains: "*They had no authority to give her a patent in 1952 and they had no authority to charge her taxes and take the land away*" (V. Friday, personal communication, 23 February 2021).

Years later, with the alleged back taxes owing, compounded by the late Mrs. Aitchison's estate working to remove the lands from the Fridays, a perfect storm was created, and Aitchison laid claim to Friday's Point. Friday's Point was then surrendered to the Crown by Aitchison and her executors. With less and less family on the territory, the Friday family's house and the hunting and fishing lodge was burned down by the Ontario Department of Lands and Forests (which became the Ministry of Natural Resources in 1972): "*In 1968 when the camp was burned down, grandma was in the nursing home*" (V. Friday, personal communication, 23 February 2021).

Not wanting to give up that easy, years later, *kookum's* brother began to rebuild on Friday's Point. He was issued a letter from the Ministry of Natural Resources in 1994 for what was deemed unauthorized improvements on Crown land (J. Friday, personal communication, 2 November 2023). Despite this, members of the Friday family continue to be present on, in relationship with, and in connection to our family territories and the waters across *n'dakimenan*. *Kookum*, like many in the family, has been advocating for the return of our tribal lands for over fifty years. The harm caused by the loss of our territories has had profound impacts across generations in our family among which, *kookum* explains "*it's our food and our medicines and our health that are greatly affected by it*" (V. Friday, personal communication, 23 February 2021).

### 3.3 The Bear Island case

Land displacement, assimilation, dwindling resources, forest fires, along with the strategic placement of a Hudson Bay Company (HBC) post, a church, and a school on Bear Island – an island on Lake Temagami approximately 4.66 square kilometres – led many of the Algonkian hereditary families from across *n'dakimenan* to temporarily migrate to be closer to these resources. Keep in mind that community, connection, and relationships are integral

to the families and school attendance had become compulsory (TRC 2015). At the same time, a dozen or so Ojibwe families also migrated to the area and began to build permanent residences on Bear Island. The Algonkian families continued their care and stewardship of their territories while simplifying access to trade and extended kin – particularly in the winter months. *Kookum* is fierce in her conviction that the Fridays “never signed onto any Indian Act treaty” (V. Friday, personal communication, 23 February 2021). In fact, evidence supports that the Algonkian *Teme-augaming* were missed during the signing of the Robinson Huron Treaty of 1850 (for which Temagami First Nation are now adhered) despite asking for a treaty of their own since 1877 (Temagami First Nation 2022).

Nevertheless, in 1971, the federal government unilaterally decided that the people of the *Teme-augaming*, regardless of their Algonkian or Ojibwe ancestry, had extinguished their rights. The Province of Ontario sold Bear Island to the federal Ministry of Indian Affairs, establishing Bear Island Indian Reserve (Clark 1999). Without a treaty, *kookum* posits, Ontario had no jurisdiction to sell Bear Island or any of the territories because “the real basic tribal ownership of that whole area has never been fully realized” (V. Friday, personal communication, 23 February 2021).

*Kookum* explains how in 1973, the “Temagami Indian Band<sup>13</sup> registered a land caution against 110 townships in the province of Ontario” who were surveying and beginning development on un-surrendered hereditary family lands. She explains: “A [land] caution is when you have a clear examination of title. That’s what was supposed to ensue but never did. And the clear examination of title would have to look at every document that ever applied to that whole area. And that’s what never happened up there” (V. Friday, personal communication, 23 February 2021).

A rather complicated array of legal and territorial disputes has been ongoing since. *Kookum* explains that to register the land cautions under the *Land Titles Act*, they needed to formalize themselves in the eyes of the government. They registered as a non-profit corporation, the Bear Island Foundation, which “became the vehicle to register the [land] cautions. And the Bear Island Foundation was a non-profit under the laws of Ontario, but it stated in there that... only members of the Temagami Indian Band can belong to the corporation.” Once the paperwork was submitted, “the court wanted more information, wanted more of a mandate from the people, I guess” (V. Friday, personal communication, 23 February 2021).

As a formality and to strengthen the position put forth by the land caution, some of the hereditary families sold their interest in their family territories to the Bear Island Foundation. *Kookum* explains that “About four or five people that I know of, there could have been more – sold their interests in their land for \$1 to the foundation. In other words, they sold their tribal rights, their interest in the land, to the corporation – I guess you’d say that they were validating the corporation and empowering it” (V. Friday, personal communication, 23 February 2021).

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<sup>13</sup>Known today as Temagami First Nation (TFN).

Again, *kookum* stressed that the Fridays did not sell their land rights, “No. No we didn’t. No. Not everyone did.” She reasoned to me that “if we don’t have our family tribal system and customary form of governance in our land, then we are not the sovereign nation here” (V. Friday, personal communication, 23 February 2021). In fact, there were several hereditary families who did not agree with the creation of the Temagami Indian Band (now TFN) – a federally recognized *Indian Act* reserve – or the land cautions case being pursued through the Bear Island Foundation. Their position was that since there was no treaty, the *Indian Act*’s self-imposed chief and council system or permission from some of the hereditary heads (but not all), does not align with the inherent governance of the people of *n’dakimenan* or the protections laid out in the *Royal Proclamation*. Customary governance would require hereditary family heads to make decisions pertaining to their family territories: “the *Indian Act* system has usurped the hereditary customary form of governance” (V. Friday, personal communication, 23 February 2021). *Kookum* was not alone in her position, and in 1975, in an attempt to rematriate their hereditary rights, the *Teme-Augama Anishnabai*<sup>14</sup> (TAA) tribe was formally organized as a separate non-Indian Act entity from TFN. However, TAA was formed by TFN (or the Temagami Indian Band at that time) and does not pre-date the *Royal Proclamation* of 1763. Further, my Auntie Jamie explains, neither TAA nor TFN are representative of the original Algonkian family line. As such, under customary and traditional law; the rights to land and title of each of the hereditary family territories across *n’dakimenan* remains the responsibility of each family matriarch (J. Friday, personal communication, 19 June 2023).

In 1984, the Bear Island case’s decision stated that the oral histories of the people across *n’dakimenan* was “a fraudulent recent invention” (Clark 1999, 70). In 1991, a Supreme Court of Canada judge ruled that TFN no longer had Indigenous land rights binding TFN to the Robinson Huron Treaty of 1850. The land cautions case was subsequently dismissed and efforts to appeal the land-claim decisions were turned down. Advocacy continues, because the land was never legally surrendered by the hereditary Algonkian family lines: “The only people in the way is the families. The fact that we exist, and we have the land there” (V. Friday, personal communication, 23 February 2021). As time moves on, colonialism continues to dismantle hereditary tribal systems that were once held within our territories and formally through TAA: “They’ve melted it all into one, into the TAA where they have elected Chief and they have elections now. Things aren’t done in a customary way where the family head would be hereditary. Like a hereditary person could appoint somebody in their family” (V. Friday, personal communication, 23 February 2021).

*Kookum* explains that because TFN is tied to the *Robinson Treaty* and TAA is not, there is potential to continue advocacy, because the land claims were, in essence, fraud: “I’ve read the Bear Island court case. And there’s definitely many aspects of fraud. And what do they say, ‘fraud vitiates all,’ so everything can be undone” (V. Friday, personal communication, 23 February 2021).

<sup>14</sup> *Teme-Augama Anishnabai* means “deep water by the shore people.”

Legally, if there is proof of fraud, then there is a possibility of unravelling what has been done.

## 4 DISCUSSION

*Kookum's* story positions the Friday family and our ancestors on *our un-surrendered territory*; hunting, trapping, and living – for generations. Her story highlights the impacts of contemporary settler expansion on hereditary First Nations' governance. It serves as a nexus point where colonization past, present, and future come together through oral and written histories and upholds the position that the Fridays' territories were never ceded. At the same time, *kookum's* resistance confronts and opposes the colonial re(construction) of First Nations' identity and governance.

### 4.1 The solution is land back, not Band-Aids

The goals of settler colonialism were not designed to support, amend, change, and/or improve the livelihoods of First Nations. The entire system was built upon racist beliefs of white superiority that are being administered on stolen lands (Manuel and Derrickson 2015; 2017). Land displacement, theft, and erasure have been key drivers in undermining the political, economic, cultural, linguistic, ancestral, and family formations of First Nations people in Canada (McKenzie, Dell, Fornssler 2016; TRC 2015). Woven throughout *kookum's* story are threads of colonialism's direct impacts. Notably, the loss of both of her parents due to the spread of infectious diseases, becoming an orphan at 13, and her years spent in the residential school system – about 330 kilometres from home. *Kookum* also highlights the need to return to independence and away from the system of dependence on western health and social services.

Over the years, several reports have highlighted the need to align policies and support First Nations inherent rights. For instance, the Royal Proclamation on Aboriginal People (RCAP), the TRC, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); the National Report on Missing and Murdered Indigenous Women and Girls (MMIWG) – each reaffirm the innate sovereignty of First Nations people. Yet, government commitments that prioritize reconciliation have felt hollow for many – including *kookum*. Insincere commitments and tokenized acknowledgements do not address the failure to acknowledge customary forms of governance and its relationship to territory and family formation. Research undertaken through each of those reports support that there is a direct link between self-determination and sovereignty – and that connection is directly linked to land, health, and wellness. The evidence for necessary policy reform has been called for, repeatedly, with very little change since the RCAP (1996) released its 444 recommendations, the TRC (2015) released 94 Calls to Action, the UNDRIP outlined 46 Articles (UN General Assembly Resolution 61/295 2007), and the MMIWG (2019). We do not have to look hard to acknowledge that the current system has failed and is taking our

environmental resources with it (Malhi et al. 2020; UN General Assembly Resolution 41/21 2019; UN General Assembly Resolution 61/295 2007; Nelson 2008; Davis 2003).

The Friday family “eroded away,” and as *kookum* grew, her presence on *Naadgaaming* lessened. The goals set out by colonialism were working. Residential school assimilation policies and the removal of First Nations children from the influences of their families and traditions included removing them from their territories. And to really solidify the extent of colonialism’s self-proclaimed power, *kookum*’s family home, hunt camp, and tourist lodge were burned down. All that is left from the ashes are the pieces of memories and the stories shared by the spirit world that colonialism failed to eliminate. Yet, despite our lack of land rights under the colonial government, we are still here.

## 4.2 Hereditary family structures and the Fridays’ claim to land rights

In 1913, anthropologist and ethnographer Frank Speck (1915a; 1915b) visited *n’dakimenan* and defined the regions families based on some oral histories as “a kinship group composed of folks united by blood or marriage, having the right to hunt, trap, and fish in a certain inherited district bounded by some rivers, lakes, or other natural landmarks” (1915b, 290). Speck also published a map (Figure 3) that was shared with him by *Anike Ogima*,<sup>15</sup> Aleck Paul (Ojibwe Chief of the Temagami Indian Band on Bear Island) in 1913. This map outlined what he knew of the hereditary Algonkian family territories. Number 10 on the map represents the 125 square miles of hereditary Friday land, which today are the most developed of the family territories (Kollobok 2005; Speck 1915a). Friday’s territory surrounds the Temagami area in Northeastern Ontario, Canada. *Naadgaaming* goes north towards Latchford, east to the Montreal River, and its western boundary is the east side of Lake Temagami. It also includes within its boundary, the Town of Temagami, Highway 11, and it has a train rail line running through it (Kollobok 2005; Speck, 1915a).

Speck writes, “the whole territory claimed by each tribe was subdivided into tracts owned from time immemorial by the same families and handed down from generation to generation” (1915b, 290). *Anike Ogima* Paul explains to Speck that land had always been divided between kin, and that “this division of the land started in the beginning of time, and always remained unchanged” (1915b, 295). Speck explains “There is, indeed, considerable significance in the fact that these tracts were remotely inherited in the families and that they were well known by definite bounds not only among the owners but among the neighboring groups. In many cases they were also associated with certain social clan groupings within the tribe. . . Regarding the territorial bounds, I indeed found them so well established and definite that it has been possible to show on maps the exact tract of country claimed by each family group” (1915b, 289-290).

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<sup>15</sup> *Anike Ogima* means “Second Chief.”



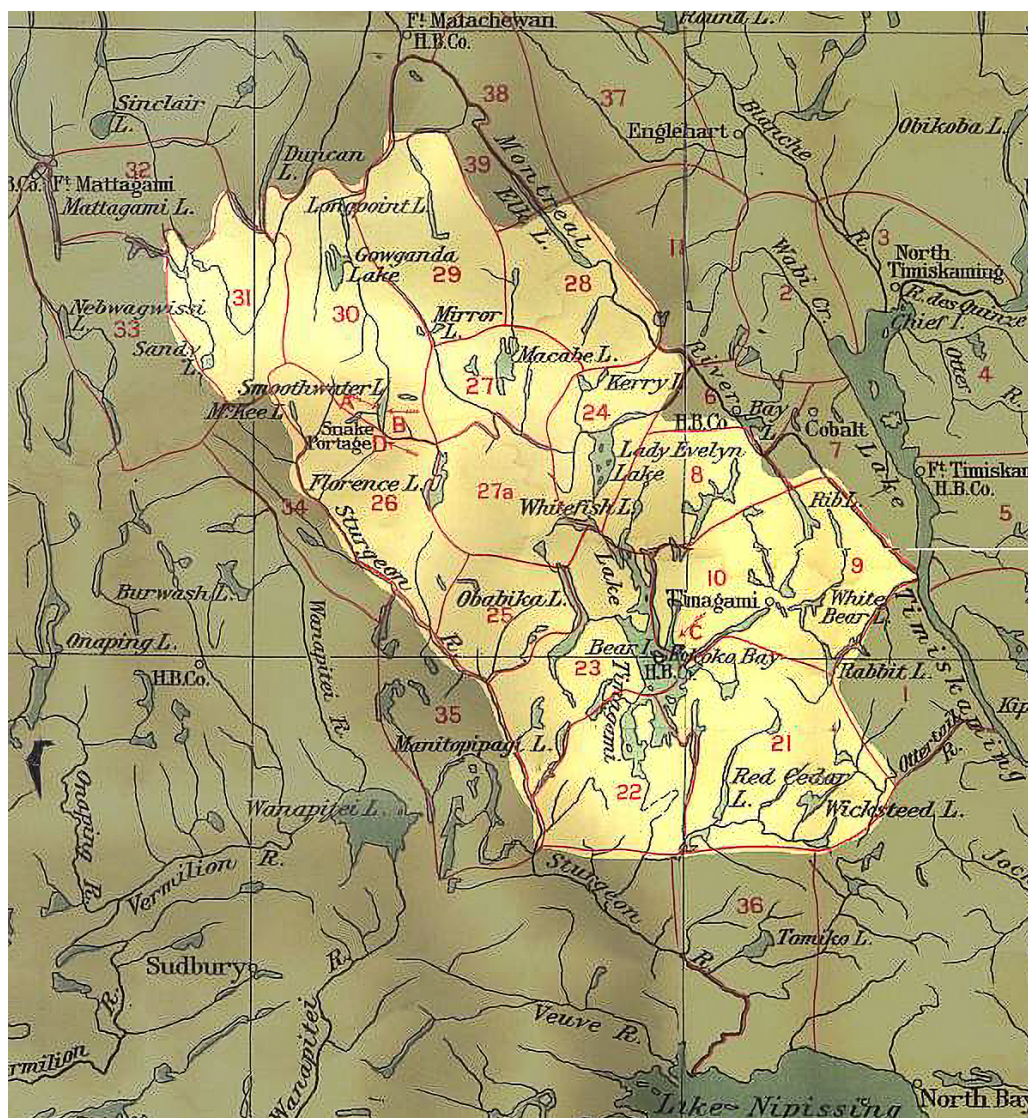


Figure 3: Speck's (1915) published map of the Family hunting territories in *n'dakimenan*. Number 10 is the boundary for the Friday family territory.

Land was not something that could be “owned” in the way that we have come to understand it. It was meant to be cared for and lived on, in balance and in relationship. Speck adds, “these family groups or bands form the social units of most of the tribes, having not only the ties of kinship but a community of land and interests” (1915b, 290). Speck’s work is significant because it acknowledges that a clear division of territory existed across *n'dakimenan* and that the families of each parcel of land had their own governing and social structures. Speck’s acknowledgement predates the creation of the Temagami Indian Band

or TFN, and its adherence to the *Robinson Treaty*. The Friday family's vested interest in the reclamation and restitution of our traditional territories and title to the land is directly linked to our inherently non-negotiable obligation to protect and preserve our ancestral lands and waters.

### 4.3 Attempting to uncomplicate complicated matters

The Bear Island case, as presented here, is a drop in the water of its overall complexity. My *kookum's* position remains that there has never been a treaty in the *Teme-augaming*, and TFN has been wrongfully adhered to the *Robinson Treaty*. This Treaty was signed between Canadian officials and First Nations residents of territories along the shores of Georgian Bay, the north channel of Lake Huron, and Lake Superior (Hodgins and Benidickson 1978). At that time, "the Temagami Indians were overlooked and not invited" (Hodgins and Benidickson 1978, 151). In exchange for ceding their First Nations' title to the lands, the signatories of the Treaty received annuities, for which, in 1880, the Ministry of Indian Affairs noted that the people of the *Teme-augaming* were never a party to (Ontario v. Bear Island Foundation 1991).

Between 1883 and 1979, the people of the *Teme-augaming* began to receive treaty annuities, despite never having been a signatory of any treaty (Clark 1999; Ontario v. Bear Island Foundation 1991). When the land cautions were filed by the Bear Island Foundation on behalf of the Temagami Indian Band, they were filed against Ontario over tracts of unceded land. The response from Ontario was to sue the foundation in a counterclaim that the people of the *Teme-augaming* had no right to the land, or if they had, it had been extinguished "either by treaty or unilateral act of the sovereign" (Ontario v. Bear Island Foundation 1991; Clark 1999).

Between 1989 and 1995 various trials and attempts to appeal the decisions were made by the Bear Island Foundation (Bear Island Foundation et al. v. Attorney General for the Province of Ontario). Unfortunately, the courts deemed the land cautions irrelevant because they had pre-determined that the people of the *Teme-augaming* had already extinguished their rights. Ontario provided several reasons as to why the people of the *Teme-augaming* had no right to the land, including denying that the *Teme-augaming* had been a "continuous tribe since 1763" (Holmes 1991, 78). In one sense, the Ojibwe families in the region who formed TAA and TFN were not a "continuous tribe since 1763" (Holmes 1991, 78). However, the Friday family's position counters the definition of a "continuous tribe," which was defined through the colonial gaze and fails to recognize the distinctive governance structures of the Algonkian hereditary families who resided in the region and passed on their territorial stewardship responsibilities through kinship relations, since time immemorial. The stories and memories of which have been passed down through the families and from the spirit world. As we have discussed at length, the original Algonkian hereditary family structures across the *Teme-augaming* are not organized or defined by Canada's standards. Therefore, as sovereign family units, the rules set out within the *Royal Proclamation* should take



precedence.

While the position taken by the Bear Island Foundation during the court proceedings provided some evidence of the existence of the people of the *Teme-augaming* inhabiting *n'dakimenan* for millennia, its charge was led by the non-hereditary members of *n'dakimenan*. In their efforts, they provided historical accounts that detailed sacred and ceremonial sites and locations, shared folk tales, stories, and more. These pieces of traditional knowledge provide some context on the historical existence of the Algonkian families, the transmission of story through generations, and the ongoing existence and resistance of our people. Ancient petroglyphs are hidden amongst these sacred sites that prove our Algonkian ancestors' existence as stewards of the lands for thousands of years (Zawadzka 2013). The pictographs were painted by our Algonkian ancestors and relatives prior to the arrival of the Ojibwe families.

While reading through the court proceedings, it became clear that the government was going to take whatever position necessary to fortify the extinguishment of the land rights of the *Teme-augaming*, and set a precedent using the Bear Island Foundation, despite the (continued) assertion that the lands were unceded: "Ontario alleges that any rights which the band had in the Land Claim Area were surrendered by the Robinson-Huron Treaty of 1850, or by Treaty 9 of 1905 and 1906, or were taken away or lost by virtue of legislation and administrative acts authorized by such legislation of the Province of Canada (prior to 1867) and Ontario, or by operation of limitation periods or the doctrine of estoppel" (Ontario v. Bear Island Foundation et al. 1984).

Ontario won the case on these grounds, despite oral and written history to the contrary (Clark 1999). Holmes (1991) explains that the province ruled that (emphasis added): "Aboriginal rights are personal and usufructory [sic] and dependent upon the *pleasure of the Crown*," further finding that the Crown in Right of Ontario "has the right to extinguish aboriginal rights by legislation, administrative action or treaty." Justice Steele determined the "defendants [sic] ancestors were either parties to the Treaty in 1850 or adhered to it in 1883."

Clark (1999, 59) explains:

Between 1850, when that *Robinson Treaty* was made, and 1971, when the Bear Island Reserve was created by a unilateral order-in-council of the Canadian government, the Temagamis never deviated from their stance that they had not sold their lands. The federal government agreed with their position, and in the 1880s the Temagamis started agitating for a treaty of their own. But, from the first, the Ontario government stated it was free to deal with the Temagami lands as it wished. Ontario was not concerned to justify the legal basis for that conclusion. When pressed, it answered that, whether the Temagamis were parties to any treaty or not, their aboriginal rights had been extinguished by Ontario's course of dealing with their lands. Ultimately, Ontario was of the view that it was sovereign and therefore free to ignore aboriginal rights.

Whether through coercion, cooperation, corruption, or complicity in the case of the family territories across *n'dakimenan*, the assertion of the Algonkian inherent rights, self-determination, and the memory of hereditary family structures has – for many – fallen victim to history. The standing of the Supreme Court of Canada exists even still.

## 5 CONCLUSIONS

Prior to colonialism, the hereditary Algonkian families in the region were self-determining entities who lived by a different collective code of ethics than the one understood by Eurocentric ideals. Arguably, the collective code of ethics was different than that of the dozen or so Ojibwe families who had migrated to the area and settled on the Algonkian territories which led to the formation of TAA and TFN. Oral traditions and customary forms of governance meant that everyone knew who the land stewards were of the different regions across *n'dakimenan*. Although today we are all kin, decisions continue to be made in ways that do not necessarily align with the customs of the traditional Algonkian families. Self-determination and sovereignty are necessary to activate genuine reconciliation and must be rooted in truth. A meaningful (and honest) acknowledgement that the self-determining Algonkian hereditary families and their kin had their own governance systems, their own languages, customs, values, and stories, which are vastly different from colonial understandings associated with traditional and territorial family identity. Meaningfully respecting the sovereignty and autonomy of the hereditary families would necessitate, despite its complexity, the official consent from each of the traditional families. Without which, any signatory would not have had the authority to sign on behalf of any other traditional family across *n'dakimenan*.

Policies and processes that include land and resource extraction and development within First Nations territories must better align with Nation-defined territorial jurisdictions. This alignment should be reflective of the appropriate and authorized traditional peoples within those jurisdictions. Different territories will have different forms of customary governance protocols that should be reflected to achieve outcomes that respect and reflect Indigenous values and priorities. Not doing so will inevitably continue to perpetuate the cycle of colonial failure that do not reflect genuine assertions of First Nations-defined self-determination. All levels of government are encouraged to address the long-term impacts of territorial displacement and dispossession on the health and wellness of First Nations people and implications of exploitation and extraction on the health and wellness of the land, waters, and all of creation. Further, governments are encouraged to address the diverse and customary forms of hereditary tribal-defined identity. *Kookum's* story highlights that by our very existence as First Nations people, we create disruption. As such, the terms of sovereignty in all its forms cannot continue to be defined by dominant society; rather, they must be determined by the people who have the inherent right to assert it.

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