
INDIAN CLAIMS COMMISSION PROCEEDINGS

A PUBLICATION OF
THE INDIAN CLAIMS COMMISSION



(2001) 14 ICCP

Co-CHAIRS

Daniel J. Bellegarde
P.E. James Prentice, QC

COMMISSIONERS

Roger J. Augustine
Carole T. Corcoran
Renée Dupuis
Alan Holman
Sheila G. Purdy

© Minister of Public Works and Government Services Canada 2001

Available in Canada through

your local bookseller

or by mail from

Canadian Government Publishing

Ottawa, Canada K1A 0S9

Catalogue No. RC12-1-2001-14E

ISSN 1195-3586

ISBN 0-662-30803-4

The Indian Claims Commission Proceedings is a continuing series of official reports, background documents, articles, and comment published by the Indian Claims Commission (Canada).

For information about subscriptions and extra copies or to request the French edition, *Actes de la Commission des Revendications des Indiens*, please contact

Indian Claims Commission

427 Laurier Avenue West, Suite 400

Ottawa, Canada K1P 1A2

(613) 943-2737

Fax (613) 943-0157

Web site: www.indianclaims.ca

CONTENTS

Letter from the Co-Chairs

v

Abbreviations

vii

REPORTS

Roseau River Anishinabe First Nation Inquiry
Medical Aid Claim

3

Peguis First Nation Inquiry
Treaty Land Entitlement Claim

183

Cowessess First Nation Inquiry
1907 Surrender Claim

223

RESPONSES

Re: Moose Deer Point First Nation Pottawatomi Rights Inquiry
Robert D. Nault, Minister of Indian Affairs and
Northern Development, to Daniel J. Bellegarde
and James Prentice, Indian Claims Commission,
March 29, 2001

277

Re: Athabasca Chipewyan First Nation Inquiry
WAC Bennett Dam and Damage to Indian Reserve No. 201 Claim
Robert D. Nault, Minister of Indian Affairs
and Northern Development, to
James Prentice, Indian Claims Commission,

April 2, 2001

279

Re: 'Namgis First Nation Cormorant Island Inquiry
Robert D. Nault, Minister of Indian Affairs
and Northern Development, to
Daniel J. Bellegarde and James Prentice,
Indian Claims Commission,
May 11, 2001
281

Re: Duncan's First Nation 1928 Surrender Inquiry
Robert D. Nault, Minister of Indian Affairs
and Northern Development, to
Daniel J. Bellegarde, James Prentice, Roger J. Augustine,
Indian Claims Commission,
June 13, 2001
285

THE COMMISSIONERS

287

FROM THE CO-CHAIRS

We are pleased to present this the 14th volume of the *Indian Claims Commission Proceedings* on behalf of the Commissioners of the Indian Claims Commission. The volume includes three reports of inquiries; it also reproduces letters from the Minister of Indian Affairs and Northern Development responding to the Commission's recommendations in four inquiries.

The first report is the Commission's inquiry into the Roseau River Anishinabe First Nation medical aid claim. For the first time since its inception, the Commission was asked to review whether medical aid was part of promises made by the Government of Canada under the terms of Treaty 1, and, therefore, was the Government of Canada obligated to compensate the Roseau River Anishinabe First Nation for moneys deducted from its trust account for medical aid between 1909 and 1934? The results of this inquiry can be found at page 3.

The second report recounts the events in the Peguis First Nation treaty land entitlement inquiry. A total of five planning conferences were organized by the Commission. At the first one, representatives for the Government of Canada asked the First Nation to submit its claim with respect to the 1907 surrender of St Peter's reserve, since Canada felt that both the surrender and TLE claims should be reviewed together. After the claim was submitted by the First Nation and reviewed by Canada, an offer to negotiate the surrender claim was made. At the fifth planning conference, the government representative requested additional research into the impact of the surrender on the TLE. Following its review of this additional research, and a report prepared by Mr Jim Gallo of the Department of Indian Affairs and Northern Development (DIAND), the Government of Canada offered to negotiate the Peguis First Nation's TLE claim.

The third report includes the results of the Commission's inquiry into the Cowessess First Nation 1907 surrender claim. Near the beginning of this inquiry, the parties agreed to place before the panel of Commissioners one legal issue: the interpretation of section 49(1) of the *Indian Act*; and two factual issues: 1) the number of eligible voters in attendance at the surrender meeting, and 2) the number of valid votes cast in favour of the surrender.

Also included in this volume are four responses from the Minister of Indian Affairs and Northern Development. In his letters, the Minister writes that the Government of Canada has rejected the Commission's recommendations regarding the claims of the Moose Deer Point First Nation, the

Athabasca Chipewyan First Nation, the 'Namgis First Nation, and the Duncan's First Nation.

Daniel J. Bellegarde
Co-Chair

P.E. James Prentice, QC
Co-Chair

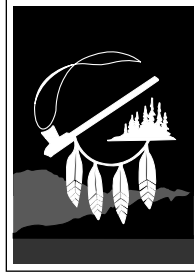
ABBREVIATIONS

AC	Appeal Cases
BCR	Band Council Resolution
CA	Court of Appeal
CCC	Canadian Criminal Cases
CNLC	Canadian Native Law Cases
CNLR	Canadian Native Law Reporter
CR	Criminal Reports
DIAND	Department of Indian Affairs and Northern Development
DLR	Dominion Law Reports
DSGIA	Deputy Superintendent General of Indian Affairs
Ex. CR	Exchequer Court of Canada Reports
Ex. Ct	Exchequer Court
FCTD	Federal Court Trial Division
ICC	Indian Claims Commission
ICCP	Indian Claims Commission Proceedings
IR	Indian Reserve
Man. R	Manitoba Reports
NA	National Archives of Canada
NSCA	Nova Scotia Court of Appeal
OR	Ontario Reports
PAM	Provincial Archives of Manitoba
PC	Privy Council
QB	Court of Queen's Bench
RSC	Revised Statutes of Canada
SC	Statutes of Canada
SC	Supreme Court (provincial)

ABBREVIATIONS

SCC	Supreme Court of Canada
SCR	Canada Supreme Court Reports
SCW	Specific Claims West
SGIA	Superintendent General of Indian Affairs
TARR	Treaty and Aboriginal Rights Research
TD	Trial Division
TLE	treaty land entitlement
WWR	Western Weekly Reports

REPORTS



Roseau River Anishinabe First Nation Inquiry
Medical Aid Claim
3

Peguis First Nation Inquiry
Treaty Land Entitlement Claim
183

Cowessess First Nation Inquiry
1907 Surrender Claim
223
