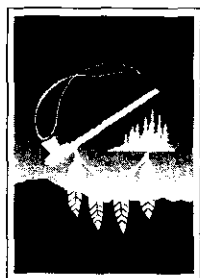

INDIAN CLAIMS COMMISSION PROCEEDINGS

A PUBLICATION OF
THE INDIAN CLAIMS COMMISSION



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Co-CHAIRS

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

COMMISSIONERS

Roger J. Augustine
Carole T. Corcoran
Aurélien Gill

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FROM THE CO-CHAIRS

On behalf of the Commissioners and staff of the Indian Claims Commission, we are pleased to present volume eight of the *Indian Claims Commission Proceedings*. This volume of the *Proceedings* includes four reports of inquiry, all related to the surrender of Indian reserve land. Also included are letters from the Minister of Indian Affairs and Northern Development responding to the recommendations set out in five reports released by the Commission.

The first report published in this volume deals with the 1907 reserve land surrender claim of the Kahkewistahaw First Nation. In this inquiry, the Commissioners examined whether the Crown was in breach of its statutory and fiduciary obligations to the First Nation when it obtained a surrender in 1907 of approximately three-quarters of the Kahkewistahaw Indian Reserve located adjacent to the banks of the Qu'Appelle River in southern Saskatchewan.

The report into the 1909 reserve land surrender claim of the Moosomin First Nation in central Saskatchewan addressed whether the Crown breached its statutory and fiduciary obligations as a result of the surrender of 23 square miles of rich agricultural land and the subsequent relocation of the Moosomin Band to a more remote and northern location.

The third report addressed alleged improprieties in relation to the 1927 surrender of Indian reserve land set aside for the Chippewas of Kettle and Stony Point First Nation in southwestern Ontario. This claim, which was also the subject of litigation before the courts, raises fundamental issues about whether the involvement of Crown officials and third parties in the surrender process invalidated the sale of the land or otherwise resulted in a breach of fiduciary obligation on the part of the federal government.

The final report in this volume of the *Proceedings* deals with the Sumas Indian Band Inquiry into the 1919 surrender of Sumas Indian Reserve (IR) No. 7. The claim relates to an alleged wrongful surrender of 153.46 acres of the Sumas IR 7 for sale to the Soldier Settlement Board.

In the section entitled Responses, the Commission has reproduced five letters from the Minister of Indian Affairs and Northern Development responding to the findings and recommendations made by the Indian Claims Commission into five separate claims. The letters respond to reports of inquiry into the following claims: (1) the Treaty Land Entitlement of the Lucky Man Cree Nation; (2) the Kahkewistahaw First Nation 1907 Reserve Land Surrender; (3) the Moosomin First Nation 1909 Reserve Land Surrender.

FROM THE CO-CHAIRS

der; (4) the Homalco First Nation claim relating to Aupe Indian Reserve No. 6 and No. 6A; and (5) the Sumas Indian Band 1919 Surrender of Indian Reserve No. 7.

Daniel J. Bellegarde
Co-Chair

P.E. James Prentice, QC
Co-Chair

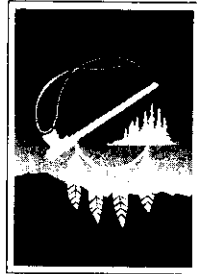
ABBREVIATIONS

BCCA	British Columbia Court of Appeal
BCR	Band Council Resolution
BCSC	British Columbia Supreme Court
CA	Court of Appeal
CNLR	Canadian Native Law Reporter
CPR	Canadian Patent Reporter
DIAND	Department of Indian Affairs and Northern Development
DLR	Dominion Law Reports
DLS	Dominion Land Surveyor
DSGIA	Deputy Superintendent General of Indian Affairs
DVLA	Director, Veterans' Land Act
FC	Canada Federal Court Reports
FCA	Federal Court Appeal Division
FCTD	Federal Court Trial Division
FTR	Federal Trial Reports
IAB	Indian Affairs Branch
ICC	Indian Claims Commission
ICCP	Indian Claims Commission Proceedings
IR	Indian Reserve
NA	National Archives of Canada
NR	National Reporter
ONC	Office of Native Claims
OR	Ontario Reports
RSBC	Revised Statutes of British Columbia
RSC	Revised Statutes of Canada
RSUC	Revised Statutes of Upper Canada

ABBREVIATIONS

SC	Statutes of Canada
SCC	Supreme Court of Canada
SCR	Canada Supreme Court Reports
SGIA	Superintendent General of Indian Affairs
SSB	Soldier Settlement Board
TD	Trial Division
WWR	Western Weekly Reports

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