

FILE NO.: SCT-5001-11

DATE: 20141008

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
BEARDY’S AND OKEMASIS BAND)
#96 AND #97) Ron Maurice and Steve Carey, for the
) Claimant
Claimant)
)
– and –)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA) Lauri Miller and David Smith, for the
As represented by the Minister of Indian) Respondent
Affairs and Northern Development)
Respondent)
)
– and –)
)
PREMIÈRE NATION DES)
ATIKAMEKW D’OPITCIWAN) No one appeared on behalf of the Première
Intervenor) Nation des Atikamekw d’Opitciwan
)
)
– and –)
)
JAMES SMITH CREE NATION ON)
BEHALF OF THE CHAKASTAYPASIN) Ron Maurice and Steve Carey, for the
BAND OF THE CREE NATION, LITTLE) Intervenor
PINE FIRST NATION, LUCKY MAN)
FIRST NATION, MOSQUITO GRIZZLY)
BEAR’S HEAD LEAN MAN FIRST)
NATION, MUSKEG LAKE CREE)
NATION, ONE ARROW FIRST)
NATION, ONION LAKE CREE)
NATION, POUNDMAKER CREE)
NATION, RED PHEASANT FIRST)
NATION, SWEETGRASS CREE)

NATION, YOUNG CHIPPEWAYAN)
 FIRST NATION, THUNDERCHILD)
 FIRST NATION)
)
 Intervenor)
)
) **HEARD:** September 16-19, 2014

ENDORSEMENT AND ORDER

Honourable Harry Slade, Chairperson

A Hearing was held in person on September 16-19, 2014, at 10:41 A.M., Central Time (Saskatoon) at Wanuskewin Heritage Centre, Saskatchewan.

[1] The Respondent shall provide the Lorden Reference to the Tribunal.

[2] The Respondent shall advise how many bands were in Treaty 6 in the timeframe at issue in this Claim.

[3] The Respondent shall provide the tab numbers from Dr. Evans' documents.

[4] The Respondent may file a Sur-Reply, not exceeding 15 pages in length, on or before October 20, 2014.

[5] Should the Respondent's further written submissions go beyond the scope listed by Justice Slade or beyond the page limit, the Parties shall address it in a CMC.

[6] The following parts of the Claimant's Reply, filed September 5, 2014, are struck for all purposes and shall no longer form part of the record:

a. **Part A. Introduction and Summary** (Page 3)

Treaty Annuities Claim Brought by First Nation for Damages Suffered By It

b. **Part B. The Evidence of Audrey Stewart** (Pages 3-6 and 14)

Audrey Stewart's Non-Opinion Evidence is Irrelevant

Audrey Stewart's Lay Opinion on a Question of Law Should be Given No Weight

The Evidence of Audrey Stewart vs. the Evidence of Bryan Schwartz

A Note about Inaccurate and Misleading Terminology in the Crown's Memorandum

c. **Part C. Statutory Interpretation** (Page 14-16)

The Specific Claims Tribunal Act

1. Thinking in Triads

2. Legislative History

d. **Part D. The Interpretation of the Annual Treaty Payment Provisions of Treaty 6**
(Pages 22-25)

Evidence of Robert Metcs and Alexander Von Gernet

Evidence of Robert Metcs

The Application to Strike Memorandum

The Evidence of Dr. Von Gernet

e. **Part F. The Crown's Arguments Regarding Historical Evidence** (Pages 52-58)

Competing Views of History by Dr. Waiser and Dr. Evans

(a) Crown Argument: Chief Beardy Was Not the Driving Force of the Treaty Revision Movement

(b) Crown Argument: Chief Beardy's Erratic Behaviour and Request for a Reserve Two Miles Around Duck Lake (1876-1880)

(c) Crown Argument: Agricultural Success on Beardy's & Okemasis Reserve (1880-1884)

(d) Crown Argument: Participation of the Beardy's and Okemasis Bands in the 1885 Northwest Rebellion.

f. **Part G. Position of the Intervenor** (page 68)

[7] Upon the request of Counsel for the Intervenor, Moosomin First Nation by letter dated September 17, 2014, and on consent of the Claimant, it is hereby ordered that the Moosomin First Nation be removed from the list of intervenors in this Claim.

HARRY SLADE

Honourable Harry Slade, Chairperson