

ONTARIO  
SUPERIOR COURT OF JUSTICE

**MATRIARCH JACQUELINE SARAZIN, AND GRANDMOTHER JANE CHARTRAND**  
**on their own behalf and on behalf of the KOKOMISAG TIJI PIKWAKANAGAN**  
**(TRADITIONAL GRANDMOTHERS OF PIKWAKANAGAN – list attached as Schedule**  
**“A” and on behalf of all the members of the Algonquin Anishinabe Nation**

Plaintiffs

- and -

**CHIEF AND BAND COUNCIL OF THE ALGONQUINS OF PIKWAKANAGAN**  
**including CHIEF KIRBY WHITEDUCK and Councilors: JIM MENESE, SHERRYLYN**  
**SARAZIN, CLIFF MENESE, H. JERROW LAVALLEY, DAN KOHOKO, RONALD L.**  
**BERNARD, and the ALGONQUINS OF ONTARIO, and ATTORNEY GENERAL OF**  
**CANADA**

Defendants

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**AMMEDNED STATEMENT OF CLAIM AS AT APRIL 3, 2017**

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TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.


IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff’s lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date ..... **MAR 02 2017** ..... Issued by .....  .....  
Local registrar

Address of court office ..... **161 Elgin Street, Ottawa, ON K2P 2K1** .....

TO: Attorney General of Canada  
Office of the Deputy Attorney General of Canada  
284 Wellington Street  
Ottawa, Ontario, K1A 0H8

TO: Colin Beddard LLP  
Suite 700, 220 Laurier Avenue West  
Ottawa, Ontario, K1P 5Z9  
Attention: Mr. Ben Mills

TO: Blaney McMurtry  
2 Queen Street East, Suite 1500  
Toronto, Ontario, M5C 3G5  
Attention: Mr. Robert Potts

## CLAIM

### ORDERS SOUGHT

1. The plaintiffs claim on behalf of themselves, the Kokomisag Tiji Pikwakanagan and all the other members of the Algonquin Anishinabe Nation as follows
  - a. An order of the Court appointing Matriarch Jacqueline Sarazin and Grandmother Jane Chartrand as the representative Plaintiffs of the Tiji Pikwakanagan and all other members of the Algonquin Anishinabe Nation, pursuant to the Rules of Civil Procedure;
  - b. Injunctive relief to stop negotiations by Chief and Band Council of Pikwakanagan and the Algonquins of Ontario pursuant to the Agreement-in-Principle dated **May 29<sup>th</sup>, 2015** until the litigation is finalized;
  - c. Funding by Ontario and Canada as an advanced costs award for the Plaintiffs to pursue their litigation;
  - d. An order declaring Chief and Band Council of Pikwakanagan are without proper authority to negotiate Section 25 and 35(1) of the *Constitution Act* indigenous rights with Ontario and Canada on behalf of the Algonquins of Pikwakanagan and the Algonquin Anishinabe Nation;
  - e. An order declaring that the Algonquins of Ontario without proper authority to negotiate Section 25 and Section 35(1) of the *Constitution Act*, indigenous rights on behalf of the Algonquins of Pikwakanagan First Nation **and the Algonquin Anishinabe Nation**;
  - f. An order that Canada and Ontario fulfill their legal obligation to consult and

accommodate the Plaintiffs herein on the assertion of indigenous title for the lands set out in the Agreement-in-Principle of **May 29<sup>th</sup>, 2015** and the territory set out in the Statement of Claim Court File No. 16-70862;

- g. An order declaring the Plaintiffs herein as the rightful stewards of the Algonquin sacred site at Chaudiere Falls, Chaudiere, Albert and Victoria Islands based on the Plaintiffs Section 2(a) and Section 7 rights under the *Charter of Rights and Freedoms*;
- h. Injunctive relief to stop the development between Canada and Windmill at Chaudiere and Albert Island **and the alienation of all Algonquin lands in Ontario.**
- i. A declaration that the Algonquin Anishinabe Nation have indigenous title to the lands set out in the Agreement-in-Principle dated **May 29<sup>th</sup>, 2015** and the lands outlined in Schedule “A” and “B” of the Court File No. 16-70862;
- j. A declaration that Canada and Ontario has wrongfully infringed the indigenous title on the above lands, entitling the Plaintiffs to redress and compensation for the lands and resources since 1701;
- k. Costs on a substantial indemnity basis;
- l. Such further, equitable and other relief that this Honourable Court deems just.

## PARTIES

### *Plaintiffs and Represented Group*

- 2. The Kokomisag Tiji Pikwakanagan (Traditional Grandmothers of Pikwakanagan – list at

Schedule “A”) are traditional indigenous Elders, recognized in the traditions, law and customs of the Algonquin Peoples as Grandmother and Grandfathers, as the protectors of the laws, traditions, customs and culture of the Algonquin Peoples. They present themselves as the traditional title-holders, pursuant to Algonquin law and the group which has its origins in the laws, traditions and customs of the Algonquins Anishinabe Nation. They flow from the laws, traditions and customs of the Algonquin Anishinabe Nation. They are not appointed by the *Indian Act* of Canada and are not supervised by the superintendent general of Indian Affairs pursuant to the *Indian Act*.

3. Matriarch Jacqueline Sarazin is the recognized matriarch of the Kokomisag Tiji Pikwakanagan and Grandmother Jane Chartrand is a member of the Kokomisag Tiji Pikwakanagan, keeper of the Thunderbird Pipe, keeper of the Eagle Staff and along with all the other Grandmothers listed at Schedule “A” protectors of the spiritual culture of the Algonquin Anishinabe Nation and the seven generations to come.
4. The Algonquin Anishinabe Nation is an historic and present day people and group. Its members are the represented group in this proceeding and specifically:
  - a. The Kokomisag Tiji Pikwakanagan are members of that group and the proper title-holders of indigenous title of the group according to the laws, traditions and customs of the Algonquin Anishinabe Nation,
  - b. The Kokomisag Tiji Pikwakanagan are not created by the *Indian Act* of Canada, nor supervised by the superintendent general of Indian Affairs and derive their authority from the laws, traditions and customs of the Algonquin Anishinabe Nation;

- c. The Kokomisag Tiji Pikwakanagan by virtue of the filing of a Notice of Constitutional Question, dated October 20, 2016, in Federal Court judicial review application, Court File No. T-522-16, asserted indigenous title to the land claimed by the Algonquins of Ontario in their purported land claim negotiations with Ontario and Canada;
- d. The Kokomisag Tiji Pikwakanagan bring this action on their behalf and as representatives on behalf of all other members of the Algonquin Anishinabe Nation.

*Defendants*

5. The defendant Attorney General of Canada is the representative of Her Majesty in the Right of Canada (“Canada”) and is named in these proceedings pursuant to s. 23(1) of the *Crown Liability and Proceedings Act*.
6. The Algonquins of Ontario are comprised of the Chief and Band Council of Pikwakanagan, along with representatives of 9 other communities which are Mattawa, Bancroft, Ottawa, Whitney, Sharbot Lake, Greater Golden Lake, Antoine, Ardoch and Bonnechere. Eventually, each entity put forward an Algonquin Nation Representative (ANR’s) with the Algonquins of Pikwakanagan having 7 ANRs, consisting of Chief and Band Council and each of the other communities having one each, for a total of 16 Algonquin Nation Representatives. The quorum for the ANR’s is 12.
7. It is the intention of the Kokomisag Tiji Pikwakanagan to add as a defendant Her Majesty the Queen in the right of Ontario (“Ontario”), after the ninety day notice period expires, after service, pursuant to the *Proceedings Against the Crown Act*, R.S.O. 1990, c. P.27.

## OVERVIEW

8. The Plaintiffs commenced a judicial review application pursuant to Section 18.1 of the Federal Court Rules on March 30<sup>th</sup>, 2016, which was amended on June 30<sup>th</sup>, 2016. Subsequently, the Plaintiffs filed a Notice Constitutional Question, dated October 20<sup>th</sup>, 2016, wherein the Plaintiffs asserted indigenous title to the territory the subject matter of the purported negotiations of the Algonquins of Ontario on a land claim with Ontario and Canada.
9. The Plaintiffs herein contest the purported representation of them by the Quebec Indian Act reserve of Kitigan Zibi, and Chief Jean-Guy Whiteduck in the Superior Court Action File No. 16-70862 issued December 7<sup>th</sup>, 2016 and will seek a court order to have this action and Court File No. 16-70862 joined together for the purposes of a fair adjudication of the contentious issues between these Plaintiffs and the Plaintiffs in Court File No. 16-70862. The Plaintiffs herein assert a right to the declaration of indigenous title for the same lands outlined in Court File No. 16-70892. The Plaintiffs will outline more fully on this issue later in the statement of claim.
10. The Plaintiffs herein seek to continue the judicial review application filed in the Federal Court of Canada on March 30<sup>th</sup>, 2016 and amended on June 30<sup>th</sup>, 2016, as Court File No. T-55-16, by changing the judicial review application into a statement of claim in the Superior Court of Ontario. The Plaintiffs state that by asserting indigenous title through the Notice of Constitutional Question dated October 20<sup>th</sup>, 2016, in the Federal Court judicial review application, that this changed the core issues between itself and the Chief and Band Council

to elevate it to an action and not a judicial review as contemplated by Section 18.1 of the Federal Court Rules. Furthermore, the Province of Ontario must be added as a party defendant in an indigenous title claim, requiring that this action be filed in the Superior Court of Ontario.

## ISSUES BETWEEN THE PLAINTIFF AND CHIEF AND BAND COUNCIL OF PIKWAKANAGAN

### *Background*

11. The Algonquins of Pikwakanagan comprise approximately 2000 Algonquins registered on the band List for the reserve at Golden Lake, Ontario. Approximately 350 Algonquins of voting age reside at the reserve, with the balance of Algonquins living off the reserve. Pursuant to the Algonquins of Pikwakanagan Custom Election Code, only Algonquins ordinarily resident on the reserve can stand as candidates for the position of chief or the position of Councillor. Chief and band Council are created by the Indian Act, which is administered by the Minister, who shall be superintendent general of Indian Affairs. (Section 3 Indian Act).
12. In approximately 2002 discussions began with Ontario and Canada regarding Section 35(1) Constitution Act 1982 indigenous rights, with certain Algonquins of Ontario and soon became the Algonquins of Ontario, comprised of the Algonquins of Pikwakanagan and 9 other communities. These 9 other communities are: Mattawa, Bancroft, Ottawa, Whitney, Sharbot Lake, Greater Golden Lake, Antoine, Ardoch and Bonnechere. Eventually, each entity put forward an Algonquin Nation Representative (ANR's) with the Algonquins of



Pikwakanagan having 7 ANR's consisting of Chief and Band Council, and each of the other communities having one each, for a total of 16 Algonquin Nation Representatives. The quorum for the ANR's is 14.

13. On May 29<sup>th</sup>, 2015 the Algonquins of Ontario, through their Principal Negotiator and Senior Legal Counsel, Robert Potts, Ontario and Canada signed a Proposed Agreement-in-Principle, which is declared to have no legal status and shall not create legal obligations. The parties thereto state that the Agreement-in-principle shall form the basis of negotiations towards a Final Agreement that will clarify the rights of the Algonquins that will be recognized and affirmed by Section 35 of the Constitution Act, 1982. Furthermore, the parties thereto state that the Algonquins, Canada and Ontario have agreed to negotiate in order to clarify the rights. Algonquins are nowhere defined in the Agreement-in-Principle. An Algonquin Negotiation Representative is defined as a representative of the Algonquins who was elected by his or her Algonquin Collective to negotiate the Agreement-in-Principle and, subject to ratification of the Agreement-in-Principle, the Final Agreement
14. The Chief and Band Council of the Algonquins of Pikwakanagan have never been elected by the membership to negotiate an Agreement-in-Principle.
15. The Chief and band Council, derive all their powers to act pursuant to the Indian Act. Section 35(1) of the Constitution Act, 1982 indigenous rights fall outside the Indian Act. The Algonquins of Pikwakanagan Custom Election Code provides that the duly elected Council, May by quorum of Council, make laws in relation to Section 81, 82, 83, 84, 85.1, 86 and 88 of the Indian Act. The Custom Election Code does not provide authority to negotiate Section 35(1) Constitution Act, 1982 indigenous rights.

### *Ratification of Agreement-in-Principle*

16. In the month of February 2016, a series of newsletters issued to the residents of the Algonquins of Pikwakanagan, announced that a Pikwakanagan First Nations Referendum was to be held on March 5<sup>th</sup>, 2016 to vote on the Proposed Agreement-in-Principle.
17. On February 28<sup>th</sup>, 2016, the Kokomisag Tiji Pikwakanagan (Grandmothers of Pikwakanagan), the proper title-holders as to Section 35(1) indigenous rights, according to customs, laws and traditions of the Algonquin Law, put the Chief and Band Council on notice and directed them to remove themselves from the negotiation table for an unspecified time until a proper agreement-in-principle could be established. On March 2<sup>nd</sup>, 2016, the Kokomisag Tiji Pikwakanagan (Grandmothers of Pikwakanagan) again put the Chief and Band Council on notice and asked that the Chief and Band Council recuse themselves immediately from talks at the negotiating table.
18. On March 5, 2016, 330 Algonquins of Pikwakanagan cast eligible ballots in Pikwakanagan First Nations Referendum. 243 voted down the Agreement-in-Principle and 87 voted in favour. Although Chief and Band Council of the Algonquins of Pikwakanagan have never had a mandate to negotiate and have never been elected to negotiate S 35(1) Constitution Act, 1982, indigenous rights, this referendum vote also negates any perceived mandate to negotiate.

### *Custom Election Code and Related Instruments*

19. There are certain provisions of the Algonquins of Pikwakanagan Custom Election Code which are pertinent to this background. The provisions are as follows:  
  
PRINCIPLE: Wherever our Members live, we have a duty and an obligation to acknowledge

their voting rights and always to act accordingly in their interest in applying the highest ethical standards at our disposal.

PREAMBLE: Whereas, the Algonquins of Pikwàkanagàn assert our inherent sovereignty which emanates from our people, our culture and our Aboriginal rights, and as a natural corollary, hereby exercise our powers of self-government and self-determination as recognized and affirmed by Section 35 of the Constitution Act, 1983;

And Whereas, the Algonquins of Pikwàkanagàn have come to a community decision and desire to set out our customary leadership selection rules, and to then modify them to ensure that they continue to honour our traditions and serve the interests of our First Nation

Also, the Community Vision Statement of the Algonquins of Pikwakanagan, Council Policy and Procedures Manual states, as follows

“We will achieve our “Vision” through wisdom, unity, respect, living according to our traditional values”

“Ours is a First Nation where the People enjoy full security, jurisdiction and control over their Algonquin Lands and Rights.”

“Our Government is a capable, fair and Algonquin government, fully accountable to the Algonquin people and our Algonquin Constitution.”

In the Mission Statement, dealing with the roles and responsibilities of the Chief and Council, the following appears:

**“Mission of the Council**

6. Representing the best interests of the Algonquins of Pikwakanagan in all external dealings and relationships.

7. To seek to ensure that all members of the Algonquins of Pikwakanagan are treated in a fair and just manner with regard to Algonquin laws, regulations and policies.”

**“Accountability**

The Council is accountable in all respects to the Algonquins of Pikwakanagan and the members of Council are accountable to each other.”

“Taking all reasonable steps necessary to prevent the Council from being in a conflict of interest situation or in a situation where there may be a perceived conflict of interest.”

20. At the present time, the Algonquins of Ontario process to negotiate S 35(1) Constitution Act,

1982 indigenous rights has never been mandated or ratified by the Algonquin Nation, in Ontario and Quebec, by vote, referendum or consensus. The Algonquins of Pikwakanagan have never mandated the Chief and Band Council to negotiate S 35(1) indigenous rights, and have never elected the Chief and Band Council to do so **and is further substantiated by the Referendum results of a majority NO vote.**

*Algonquin Laws, Traditions and Customs*

21. The Algonquin Nation consists of Algonquins on both sides of the Ottawa River, in both Ontario and Quebec. Algonquins live on a reserve and off-reserve, and maintain their laws, traditions and customs through their Elders. Elders are referred to as Grandmothers and Grandfathers as a term of respect for the protective role that they play in preserving the culture, laws and traditions that they have maintained for hundreds of years. In particular the Grandmothers of Pikwakanagan assert that they are the traditional title-holders of the land and must be consulted in any discussions regarding indigenous title or right. In the Algonquin tradition, the Grandmothers are the guardians of the community and approve of the leadership when it is serving the people and remove the leadership when it is not serving the people. In directing Chief and Council to recuse themselves from the present negotiations discussed herein, they are acting on behalf of the People by virtue of traditional Algonquin law. The Grandmothers are the protectors of the children and are mindful that decisions made by Algonquin people must be for the benefit of seven generations. In Algonquin law, they must be consulted when there is any discussion regarding the land of the Algonquin People. The present negotiation process offends Algonquin law.

a. The Chief and Band Council and the Algonquins of Ontario, breach the Section

25 and 35 indigenous rights of the membership of the Algonquins of Pikwakanagan by going beyond the powers given to them under the Indian Act which does not authorize Chief and Band Council to negotiate Section 25 and 35 Constitution Act 1982, indigenous rights

- b. The Chief and Band Council place themselves in a conflict of interest by accepting an annual salary to negotiate Section 25 and 35 Constitution Act 1982, indigenous rights, from funds advanced by Canada and Ontario. The Chief and Band Council were elected to provide services to the membership, as defined by the Indian Act, and not elected to negotiate Section 25 and 35 Constitution Act 1982, indigenous rights. The annual salary, provided to them through the Algonquins of Ontario, puts them in a conflict of interest as regards their duties as a Chief and Band Council under the Indian Act. They are therefore compelled to continue the negotiations regardless of its potential outcome in order to continue to receive the annual salary.
- c. The Chief and Band Council of the Algonquins of Pikwakanagan are created by the Indian Act, supervised by the superintendent general of Indian Affairs, thus creating a situation in the negotiations where Canada is negotiating with itself. The Chief and Band Council cannot be independent of the government of Canada while supervised by the superintendent general of Indian Affairs under the Indian Act. This results in a further breach of the Section 25 and 35 Constitution Act 1982, indigenous rights of the membership of the Algonquins of Pikwakanagan
- d. The Chief and Band Council of Pikwakanagan breach the Section 25 and 35

Constitution Act 1982, indigenous rights of the membership of the Algonquins of Pikwakanagan, by engaging in negotiations with Canada and Ontario without first obtaining a proper mandate from the membership of the Algonquins of Pikwakanagan

22. Impact of the Chief and Band Council continue to negotiate S 35(1) indigenous rights:

- a. It undermines the customs, laws and traditions of the Algonquins of Pikwakanagan and indeed the Algonquin Nation and threatens their survival as a distinct society;
- b. It undermines the authority of the Elders and particularly the Grandmothers of Pikwakanagan as they are the indigenous title-holders pursuant to Algonquin law;
- c. It creates serious problems in negotiations with Canada and Ontario as they Chief and Band Council do not have a proper mandate to negotiate Section 35(1) indigenous rights with Canada and Ontario;
- d. It undermines the ability of the Algonquins of Pikwakanagan and indeed the Algonquin Nation to ensure that its asserted Aboriginal and treaty rights to lands and resources are respected and protected from outsiders;
- e. It creates serious problems in that provincial government and federal government who are required to engage in consultations and accommodations with the Algonquin Nation will not know why they ought to be engaged with; and
- f. Negotiations on S 35(1) indigenous rights must be informed by membership of the Algonquins of Pikwakanagan, the Grandmothers of Pikwakanagan and not dictated by the Chief and Band Council who possess no mandate to negotiate.

*Breaches of Section 25 and Section 35(1) Constitutional rights*

23. The Plaintiffs state that the aforementioned breaches of Section 25 and Section 35(1) indigenous rights impacts the membership of Pikwakanagan and in fact all Algonquins Anishinabe Nation. The only way in which the Plaintiffs can protect themselves from the breach of their indigenous rights is to assert title based on their inherent rights pursuant to the laws, traditions and customs of the Algonquin Anishinabe Nation. The authority of the Plaintiffs to act on behalf all the members of the Algonquin Anishinabe Nation derive from the laws, traditions and customs of the Algonquin Peoples.

24. The breaches by Chief and Band Council are as follows:

- a. The Chief and Band Council are acting without jurisdiction to continue to negotiate S 35(1) indigenous rights on behalf of the Algonquins of Pikwakanagan without a proper mandate from the membership of the Algonquins of Pikwakanagan;
- b. The Chief and Band Council can only act pursuant to the provisions of the Indian Act which does not provide a mandate to negotiate S 35(1) inherent indigenous rights to lands and resources;
- c. The Chief and Band Council are offending Algonquin law in continuing to negotiate S 35(1) inherent indigenous rights without a proper mandate from the people;
- d. The Chief and Band Council are not a proper Algonquin Nation Representative, referenced in the Agreement-in-Principle of May 29<sup>th</sup>, 2015, in that they have not been elected by the collective to negotiate S 35(1) indigenous rights to lands and

resources;

- e. The Chief and Band Council fail to observe principles of natural justice and/or procedural fairness in continuing to negotiate S 35(1) indigenous rights without a proper mandate;
- f. The Chief and Band Council have violated and/or refused to abide by their policies, including its policies on Custom Election Code and Process and Procedure Manual.

*Statement of Claim Court File No. 16-70862*

25. The Plaintiffs herein deny that they are represented by Kitigan Zibi and Chief Jean-Guy Whiteduck in their statement of claim Court File No. 16-70862. Furthermore, the Plaintiffs state that they assert indigenous title to the same kichi sibi lands as outlined in Schedule “A” and “B” of Court File No. 16-70862.
26. The Plaintiffs herein will move to join this action together with statement of claim 16-70862 in order to insure a fair disposition of the contentious issues between the two claims. The Plaintiffs herein state that by virtue of the law, traditions and customs of the Algonquin Anishinabe Nation, they are the proper title-holders of indigenous title on behalf of the member of the Algonquin Anishinabe Nation. Additionally, the Plaintiffs herein asserted indigenous title to the territory on October 20<sup>th</sup>, 2016, before the issuance of the statement of claim on December 7<sup>th</sup>, 2016 as Court File No. 16-70862.

*Canada and Ontario*

27. The Plaintiffs herein agree and adopt paragraphs 7, 8, 9, 10, 11, 12, 13, 14 and 15 and the outline at II, legal basis, 1, 2, and 3 of the statement of claim File No. 16-70862.



28. The Plaintiffs herein state that as at the deliverance of the Notice of Constitutional Question dated October 20<sup>th</sup>, 2016, that both Canada and Ontario had a legal duty to consult and accommodate the Plaintiffs. Canada and Ontario have failed to do so and as at this date are in breach of their legal obligation to consult and accommodate the Plaintiffs herein.
29. The Plaintiffs herein state that Canada and Ontario have an obligation to reconcile the Plaintiffs' indigenous title, including returning the stewardship of sacred sites, including Chaudiere Falls, Albert and Victoria Islands in the Ottawa River, to the traditional Algonquin Grandmothers, in accordance with the laws, traditions and customs of the Algonquin Peoples.
30. The Plaintiffs herein state that Canada and Ontario have an obligation to reconcile the Plaintiffs indigenous title in the territory outlined in the negotiations between the Algonquins of Ontario and Canada and the territory outlined in Schedule "A" and "B" in Court File No. 16-70862. Also, Canada and Ontario must provide an accounting of resources taken in the territory and provide compensation to the Plaintiffs for the use of their resources.
31. The Plaintiffs state that the Treaty of Friendship in 1701 concluded between the French, the English and the Algonquin Anishinabe Nation, called for an equal sharing of the territory, which has been breached by successor governments. The Plaintiffs state that the three figure Wampum Belt held by Elder William Commanda should be declared a constitutional document which bears on the issues of indigenous title and right and must be considered by the Court as evidence of promises made and promises broken. This Treaty of Friendship of 1701, if properly followed, would form the basis for a proper resolution of the conflicts

between governments and the Algonquin Anishinabe Nation.

*Algonquins of Ontario*

32. The Algonquins of Ontario have no proper mandate from the Algonquin Anishinabe Nation to negotiate Section 25 and Section 35(1) *Constitution Act* indigenous rights and by signing the Agreement-on-Principle aforesaid, breached the Section 25 and Section 35(1) rights of the members of the Algonquin Anishinabe Nation.

STATUTES AND REGULATIONS RELIED UPON

- i. *Constitution Act*, 1982;
- ii. *Indian Act*, R.S.C. 1985, c. I-5;
- iii. *Crown Liability and Proceedings Act*, R.S.C. 1985, c. C. 50;
- iv. *Proceedings Against the Crown Act*, R.S.O. 1990, c. P. 27;
- v. *Rules of Civil Procedure*, R.R.O. 1990, Reg. 1994;
- vi. *Charter of Rights and Freedoms*, Section 2 and 7;
- vii. *United Nations Declaration on the Rights of Indigenous Peoples*

Dated March 2, 2017

Issued by 

ELDERS WITHOUT BORDERS  
237 Argyle Ave.  
Ottawa, ON  
K2P 1B8  
T: (613) 563-7474  
F: (613) 563-9179  
E: spiritualelders@hotmail.com  
per Michael Swinwood  
LSUC# 14587R

## **SCHEDULE A**

### **KOKOMSAG TIJI PIKWAKANAGAN** (Grandmothers of Pikwakanagan)

1. Jaqueline Sarazin – Matriarch
2. Dale Benoit-Zohr
3. Karen Whalen
4. Pauline Wilcox
5. Linda Paquette
6. Jane Chartrand
7. Michele Gaudry
8. Cynthia Commanda-Tennisco
9. Valerie Smith
10. Theresa Kutschke
11. Angela Commanda
12. Sally Towns
13. Sandra Goodwin