

# Fast Track

## COURT OF APPEAL OF ALBERTA

Form AP-5

[Rule 14.87]

COURT OF APPEAL FILE NO.: 1703-0239AC

TRIAL COURT FILE NO.: 1103 14112

REGISTRY OFFICE: Edmonton

IN THE MATTER OF THE TRUSTEE ACT,  
RSA 2000, C T-8, AS AMENDED, and

IN THE MATTER OF THE SAWRIDGE  
BAND, INTER VIVOS SETTLEMENT,  
CREATED BY CHIEF WALTER PATRICK  
TWINN, OF THE SAWRIDGE INDIAN  
BAND, NO. 19, now known as SAWRIDGE  
FIRST NATION, ON APRIL 15, 1985 (the  
"1985 Sawridge Trust")

APPLICANT: MAURICE FELIX STONEY AND HIS  
BROTHERS AND SISTERS

STATUS ON APPEAL: Interested Party

RESPONDENTS (ORIGINAL  
APPLICANTS): ROLAND TWINN, CATHERINE TWINN,  
WALTER FELIX TWIN, BERTHA  
L'HIRONDELLE AND CLARA MIDBO, AS  
TRUSTEES FOR THE 1985 SAWRIDGE  
TRUST (the "Sawridge Trustees")

STATUS ON APPEAL: Respondents

RESPONDENTS: PUBLIC TRUSTEE OF ALBERTA

STATUS ON APPEAL: Not a Party to the Appeal

INTERVENOR: SAWRIDGE FIRST NATION

STATUS ON APPEAL: Respondent

INTERESTED PARTY PRISCILLA KENNEDY, Counsel for Maurice  
Felix Stoney and His Brothers And Sisters

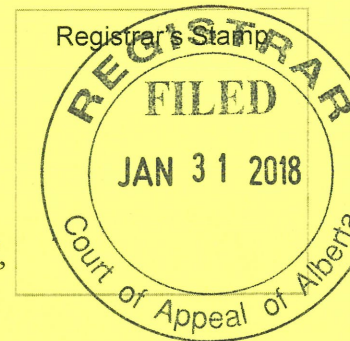
STATUS ON APPEAL: Appellant

DOCUMENT: **EXTRACTS OF KEY EVIDENCE**

---

Appeal from the Decision of  
The Honourable Mr. Justice D.R.G. Thomas  
Dated the 31<sup>st</sup> day of August, 2017  
Filed the 31<sup>st</sup> day of January, 2018

---



**EXTRACTS OF KEY EVIDENCE  
OF THE APPELLANT PRISCILLA KENNEDY**

---

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File: 65063-1  
FOR THE APPELLANT – Priscilla  
Kennedy

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Trustees

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Fax: 780 849 3128  
INTERESTED PARTY

---

Prepared by Field LLP, 2500, 10175-101 Street, Edmonton, Alberta T5J 0H3  
Phone: 780 423 3003 Fax: 780 428 9329

**COURT OF APPEAL OF ALBERTA**

Form AP-5  
[Rule 14.87]

COURT OF APPEAL FILE NO.: 1703-0239AC

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REGISTRY OFFICE: Edmonton

Registrar's Stamp

IN THE MATTER OF THE TRUSTEE ACT,  
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STATUS ON APPEAL: Respondent

INTERESTED PARTY PRISCILLA KENNEDY, Counsel for Maurice  
Felix Stoney and His Brothers And Sisters

STATUS ON APPEAL: Appellant

DOCUMENT: **EXTRACTS OF KEY EVIDENCE**

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Nation

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Phone: 780 516 1143  
Fax: 780 849 3128  
INTERESTED PARTY

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Prepared by Field LLP, 2500, 10175-101 Street, Edmonton, Alberta T5J 0H3  
Phone: 780 423 3003 Fax: 780 428 9329



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# Tab 1

ORIGINAL

COURT FILE NUMBER: 1103 14112

COURT: COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE: EDMONTON

IN THE MATTER OF THE TRUSTEE ACT, RSA 2000, c. T-8, as am.

IN THE MATTER OF THE SAWRIDGE BAND INTER VIVOS  
SETTLEMENT CREATED BY CHIEF WALTER PATRICK TWINN,  
OF THE SAWRIDGE INDIAN BAND NO. 19

QUESTIONING ON AFFIDAVIT

OF

MAURICE STONEY

P. E. Kennedy, Ms.

For Maurice Stoney

D. C. Bonora, Ms.  
E. M. Lafuente, Ms.For the Trustees of the  
Sawridge Band Inter Vivos  
Settlement

C. C. Osualdini, Ms.

For Cathrine Twinn

Joanne Lawrence, CSR(A)

Court Reporter

Edmonton, Alberta  
September 23, 2016A.C.R. Reporting Services Inc.  
Certified Court Reporters

SCANNED

1 would be automatically thrown out anyways. Their  
2 point of view would be, what is the use?

3 MS. LAFUENTE: Sir, I probably only have a  
4 few more questions for you, so I'm going to suggest  
5 we just take a 10-minute break, if that's okay with  
6 you, and then we'll reconvene and hopefully finish  
7 up quite quickly. Okay?

8 (ADJOURNMENT)

9 Q MS. LAFUENTE: Sir, earlier, you had  
10 indicated that you were bringing this application  
11 and representing your brothers and sisters in doing  
12 so. Can you tell me, are any of them incapacitated  
13 and unable to represent themselves in this  
14 litigation, in this application?

15 A I won't answer that.

16 MS. KENNEDY: I'm going to tell you that I  
17 have done a number of actions in QB and in the  
18 Federal Court as representative actions where one  
19 brother or sister acts for the entire family, and  
20 that is the standard method of proceeding, and that  
21 is the method of proceeding that's been used since  
22 1997.

23 MS. LAFUENTE: So is the answer that they are  
24 incapacitated or this is the choice?

25 MS. KENNEDY: This is the choice.

26 MS. LAFUENTE: And this is a representative  
27 action?



1 MS. KENNEDY: Yes. On behalf of a family,  
2 yes. That's the way you go. Each of them have  
3 exactly the same characteristics. They're all  
4 members of the same family. They all have the same  
5 interest.

6 MS. LAFUENTE: Okay. In going through what  
7 we've asked and what's been answered and what has  
8 been objected to today, it's clear that we have a  
9 very different view as to what's relevant and what  
10 ought to be answered, and so, today, we're going to  
11 adjourn --

12 MS. KENNEDY: Sure.

13 MS. LAFUENTE: -- this questioning, and  
14 we'll proceed after we deal with the application --  
15 sorry, the objections --

16 MS. KENNEDY: Sure.

17 MS. LAFUENTE: -- and get some further court  
18 direction as to that.

19 MS. KENNEDY: Yeah. Okay. Good.

20  
21 PROCEEDINGS ADJOURNED SUBJECT TO UNDERTAKINGS 2:47 P.M.

22

23

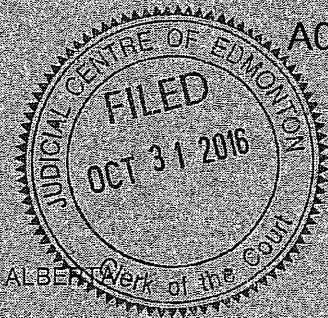
24

25

26

27

# Tab 2



A004

Clerk's stamp:

COURT FILE NUMBER

1103 14112

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

EDMONTON

IN THE MATTER OF THE TRUSTEE ACT  
R.S.A. 2000, c. T-8, AS AMENDED

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SETTLEMENT CREATED BY CHIEF WALTER PATRICK  
TWINN, OF THE SAWRIDGE INDIAN BAND, NO. 19 now  
known as SAWRIDGE FIRST NATION ON APRIL 15, 1985

APPLICANTS

ROLAND TWINN,  
WALTER FELIX TWIN,  
BERTHA L'HIRONDELLE, and  
CLARA MIDBO,  
CATHERINE TWINN, as Trustees for the 1985 Sawridge  
Trust

DOCUMENT

**WRITTEN SUBMISSIONS OF THE TRUSTEES  
ON THE APPLICATION BY MAURICE STONEY  
AND HIS SIBLINGS TO BE ADDED AS A  
PARTY OR INTERVENOR AND DECLARE  
THEM TO BE BENEFICIARIES AND ON THE  
APPLICATION BY THE SAWRIDGE FIRST  
NATION TO BE ADDED AS INTERVENOR**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT

Dentons Canada LLP  
2900 Manulife Place  
10180 - 101 Street  
Edmonton, AB T5J 3V5

Attention: Doris C.E. Bonora  
Telephone: (780) 423-7100  
Fax: (780) 423-7276  
File No: 551860-001-DCEB

29. In light of the decision of Justice Barnes, it is hard to characterize the statements and submissions made by Stoney as anything but a mischaracterization of the facts. The Trustees specifically note the following occasions in which Stoney asserted facts to the direct contrary of Justice Barnes' conclusions:

- The Application at para. 3 (e);
- The Maurice Stoney Affidavit at para. 9;
- The cross-examination of Maurice Stoney at pages 22 and 23; and
- The Written Submissions of the Stoney Applicants at paras. 14, 15, 20, and 21.

Various Materials filed by Stoney Applicants [TAB 6]

30. The Trustees submit that the attempts made by the Stoney Applicants in the written submissions to frame and raise constitutional arguments in the characterization of a private trust does nothing but complicate an action that needs no further complication and is indicative of the complication that the Stoney Applicants will bring to this matter without any useful or helpful purpose.

The same is true for the Stoney Applicants asking this court to regulate the operations of First Nations, which are "bands" within the meaning of the Indian Act. The Federal Court is the only forum for such an issue and since the Federal Court has commented on the Sawridge membership process in previous decisions, there is no need, nor is it appropriate, for this Court to address this subject. If there are outstanding disputes on whether or not a particular person should be admitted or excluded from Band membership, then that should be reviewed in the Federal Court, and not in this 1985 Trust application for modification and distribution process.

1985 *Sawridge Trust v Alberta (Public Trustee)* 2015 ABQB 799 at para. 35 [TAB 7]

31. That Stoney framed his application as a representative action and filed his Affidavit "on behalf of" his siblings also, demonstrates the confusion that the Stoney Applicants will bring to this action. While representative actions may be appropriate in some circumstances, Stoney has not demonstrated that he can reliably "represent" his siblings in this matter as not all siblings share the same facts on their application for membership.

Questioning on Affidavit Transcript of Maurice Stoney, filed October 21, 2016, at pages 63 line 13  
to page 66 line 2.

[Tab 8]

32. The evidence of Chief Twinn at paras. 30 – 36 of his Affidavit filed September 28, 2016 clarifies that William C. Stoney applied and his membership application was denied, that Sawridge



# Tab 3

COURT FILE NO.:

1103 14112

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE:

EDMONTON



IN THE MATTER OF THE TRUSTEE ACT, RSA 2000, c. T-8, as am.

IN THE MATTER OF THE SAWRIDGE BAND INTER VIVOS SETTLEMENT CREATED BY  
CHIEF WALTER PATRICK TWINN, OF THE SAWRIDGE INDIAN BAND NO. 19

DOCUMENT:

AFFIDAVIT OF Maurice Felix Stoney

ADDRESS FOR  
SERVICE AND  
CONTACT INFORMATION  
OF PARTY FILING THIS  
DOCUMENTDLA PIPER (CANADA) LLP  
1201 Scotia 2 Tower  
10060 Jasper Avenue NW  
Edmonton, AB, T5J 4E5  
Attn: Priscilla Kennedy  
Tel: 780.429.6830  
Fax: 780.702.4383Sworn May 17, 2016.

I, Maurice Stoney, of Slave Lake in the Province of Alberta MAKE OATH AND SAY:

1. All of my brothers and sisters were born to our parents William and Margaret Stoney who were both members of the Sawridge First Nation, and as such I have knowledge of the matters deposed to in this Affidavit unless stated to be made on information and belief, in which case, I do verily believe them to be true.
2. Aline Huzar and June Kolowsky are my cousins. Our grandfather, Johnny Stoney was born in January 1872 (aka John Stephens and Johnny Assiniboitis), and was a member of the Alexander Band under *Treaty No. 6*. He married Henrietta (aka Harriett Calder) Sinclair born January 1882 who was a member of the Lesser Slave Lake Band, and he became a member of the Lesser Slave Lake Band with Chief Kinodayoo in or about 1895, attached as Exhibit "A" is the list of Kinodayoo's Band, Sawridge showing Johnny Stony as number 18. Chief Kinodayoo signed *Treaty No. 8* in 1899 on behalf of the Lesser Slave Lake Band.

3. Johnny Stoney possessed Lands on the banks of the Lesser Slave River where he operated a stopping place from 1895 on. These Lands were initially considered to be held by him in severalty under *Treaty No. 8* and attached as **Exhibit "B"** are letters dated April 6, 1903 and April 15, 1903 to the Deputy Superintendent General of Indian Affairs; attached as **Exhibit "C"** is a letter dated April 16, 1903 from Indian Affairs; attached as **Exhibit "D"** is a letter dated April 17, 1903 from Indian Affairs; attached as **Exhibit "E"** is a letter dated December 9, 1911 from the Assistant Indian Agent; attached as **Exhibit "F"** is a copy of a letter dated April 18, 1913; attached as **Exhibit "G"** is a copy of a letter dated September 9, 1912; and as **Exhibit "H"** is a copy of a letter dated August 19, 1920.
4. In or about 1912, Johnny Stoney and his family were recognized on the first payroll for the Sawridge Band. He was a member of Sawridge, on the payroll until his death in 1956. In 1920, Johnny Stoney was advised by Indian Affairs that his lands would be taken as part of the Sawridge Reserve, this appears to be contrary to the provisions of *Treaty No. 8* where lands could be held in severalty and were held in severalty by Johnny Stoney until 1920. It does not appear that Johnny Stoney agreed to this.
6. My father was William Stoney, was the son of Johnny Stoney, and he and my mother were members of the Sawridge Band. William Stoney lived in Slave Lake, Alberta on the edge of the Sawridge Reserve. The Sawridge Indian Reserve is located on the northeast boundary of the Town of Slave Lake, Alberta.
7. In 1944, my father William Stoney and all of his family including me, along with other members of Sawridge Band, were enfranchised because he was working and attached as **Exhibit "I"** is a copy of enfranchisement documents.
8. My parents had 15 children, 10 are still alive today: Billy born in 1940; myself born in 1941, Angeline born in 1944, Linda born in 1948, Bernie born in 1952, Betty Jean born in 1954, Gail born in 1956, Alma and Alva (twins) born in 1958 and Bryan born in 1959. I have been involved with the Sawridge First Nation all of my life.
9. I applied to Sawridge in 1985 for recognition of my membership because I had been removed from membership by Canada after the enfranchisement of my father. I remained

a descendant of the signatories to *Treaty No. 8* throughout all of the years when Canada treated me as "enfranchised". In 1982 when section 35 was passed as part of the *Constitution*, all of our family's *treaty rights* were recognized. I believe I am an acquired rights member recognized as an Registered Indian in 1985 when Sawridge's membership was governed by Indian Affairs. The Sawridge Membership Rules did not become effective until September 26, 1985 when the Minister of Indian Affairs and Northern Development wrote to Chief Walter Twinn reminding him that he must comply with recognition of all "acquired rights" members.

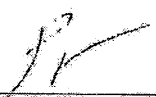
10. In March 1993, the Lesser Slave Lake Indian Regional Council, which included Sawridge Band, passed a Band Council Resolution, attached as Exhibit "J" to require Canada to provide lands in severalty as provided in *Treaty No. 8*, attached as Exhibit "K", to all persons reinstated as Indians under Bill C-31.
11. In July, 1995, my cousins Aline Huzar and June Kolowsky, myself, and a number of other persons filed a Federal Court proceeding against Canada and Chief Walter Twinn *Huzar v. Canada*, Federal Court File No. T-1529-95, seeking to have our membership in the Sawridge Band be recognized and seeking a declaration that the membership application and rules of Sawridge were discriminatory and exclusionary. In *Huzar v. Canada*, [1997] F.C.J. 1556, Prothonotary Hargrave found that Sawridge had only accepted two individuals into band membership, both sisters of the Chief Walter Twinn, although there had been more than 200 applications. In June 2000, the Federal Court of Appeal (2000 CanLII 15589) struck this action as a claim for judicial review improperly brought as an action.
12. All of our applications for membership in Sawridge were ignored. On June 22, 2010 we submitted new applications and I called Sawridge many times thereafter to find out what was happening on my application. Finally in December, 2011 I was advised that the Council of Sawridge First Nation had denied my application for membership and attached as Exhibit "L" is the Registered letter from Sawridge. On December 19, 2011, I appealed this decision.
13. The Appeal Committee heard the appeal for my membership on April 21, 2012 with the appeal brought by my cousins Aline and June and provided their decision on May 7, 2012



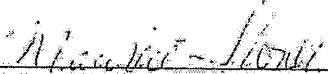
upholding the decision of Chief and Council denying our membership. We filed a judicial review of this appeal decision in the Federal Court on May 11, 2012. This judicial review was denied.

14. For thirty years, I have been seeking to have my membership in Sawridge be recognized. I was born on the Sawridge Reserve and was a member until at least 1944 when my father was enfranchised. All aboriginal and treaty rights were recognized and affirmed in 1982 and enfranchisement was removed in 1985 in Bill C-31 in order to have the *Indian Act* comply with the *Constitution Act, 1982*. I have lived beside the Sawridge Reserve all of my life. My grandfather's lands are now part of the Reserve.

SWORN BEFORE ME at the City )  
of Edmonton, in the Province of Alberta )  
this 17 day of May, 2016 )

  
\_\_\_\_\_  
A Commissioner for Oaths in and for the  
Province of Alberta

Patricia E.S.J. Kennedy  
Minister of Solicitor

  
\_\_\_\_\_  
Maurice Stoney

## EXHIBIT "A"

MAURICE STONEY,  
MAY 17th 1944  
at and for the Government of the United States of America

WILLIAM L. J. RICHARDS  
Attorney at Law



## EXHIBIT "B"

his exhibit is B returned to the  
Belton  
MAURICE STONEY  
warranted as my son 17 16  
d MAY 16  
Secretary of the  
and for the Province of Alberta

Francis B. J. Kennedy  
Attorney & Solicitor



Memo to Mr. [unclear]

No. 164027 /31.

Ottawa, 6th April, 1903.

The Deputy Supt. General,-

Referring to Mr. McKenna's letter of the 12th November, 1901, and to John Stephens mentioned therein, I beg to inform you that this man, generally known as Johnny Story, asked me last season to survey a reserve for him at a point on Lesser Slave Lake River, about ten miles below the head of the River. The location he has selected, and built upon, is suitable in every respect for a reserve, the land being first class, and plenty of hay and timber is available. This Indian was formerly a member of Chief Alexander's band of Riviere qui Barre Reserve, No. 134, but now receives his Treaty money with Chief Kinsosayoo's band. As land has already been provided for this man at Riviere qui Barre the question arises has he the right to take up land elsewhere.

This man is an enterprising character, and is entirely self supporting, and his house is said to be the best winter stopping place between Athabasca Landing and Lesser Slave Lake. I would recommend that his wish to have a separate claim for himself and family should be favourably considered by the Department.

*A. W. Ponton*

No. 164027/S1.

Memo.

Ottawa, 15th April, 1905.

The Deputy Supt. General,-

With reference to Mr. Ponton's memorandum hereunder of the 8th inst., I beg to state that John Stephens being a member of Chief Alexander's band is already provided with land in the reserve of that band, No. 154, at Riviere qui Barre, and holds his land in common with the other members of the band.

It is shown, however, that he has located himself at Lesser Slave Lake, where he has shown considerable energy, is entirely self-supporting, and is filling a necessary public need by providing a good winter stopping place between Athabasca Landing and Lesser Slave Lake. It would appear desirable that he should be encouraged,

is  
If the land on which he, now located is not secured to him as an Indian Reserve it will run continual risk of being taken possession of by white men. There appears to be no objection why the said land should not be surveyed and confirmed as an Indian Reserve with the view of allowing John Stephens to continue in possession of it, or to give him eventually a possession ticket covering the said land.

I think, however, that an equal area (2500 acres) should be surrendered from the said reserve No. 154 and relinquished to the Crown in exchange for the proposed reserve at Lesser Slave Lake for John Stephens, and would recommend that the Indian Agent be instructed to lay the matter before the Indians of the said reserve, in order to obtain from them their consent to give a surrender of the portion for the purpose mentioned.

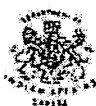
*Sam L. May*  
Chief Clerk

## EXHIBIT "C"

This Exhibit "C" is a true and correct copy of the  
AFFIDAVIT  
MAURICE STONEY  
to the effect that on 1-7-68  
MAY 16  
K  
is true and correct copy of the  
affidavit for the purpose of all other

Triscilla E.S.J. Kennedy  
Attorney at Law

164,027/21



Ottawa, 16th April, 1903.

MEMORANDUM:

Mr. Fordey, -

*A. W. V.*  
 I spoke to Mr. Conroy about the matter referred to in Mr. Bray's memo. of the 15th instant. He does not know anything about the location occupied by Stephens, but says that he cannot of course be disturbed in his holding so long as he is in occupation, and that if he is granted a reserve in Treaty 8 he should relinquish his claim to land in reserve No. 134.

*Fordey*  
 Secretary.

## EXHIBIT "D"

MAURICE STONEY  
MAY 16

Trigilla J. A. L. Gennaro  
Minister 2 Gennaro

184, 02-11  
 Exd.

Ottawa, 17th April, 1900.

Sir :-

I am directed to inform you that John Stephens, who is a member of Chief Alexander's Band, No. 124, at Ojivien and Barra, and who holds land in common with other members of that Band, has located himself at Lesser Slave Lake and is desirous of securing the land he is located upon. Under the terms of Treaty 8 covering this territory he is provided in Article 10 to the extent of 160 acres to each Indian to be conveyed with the proviso as to non-alienation without the consent of the Governor in Council.

I am to request that you will be good enough to advise whether there will be any objection to the land located to him to the extent of 160 acres being set aside for him under the terms of the Treaty.

Your obedient servant,

J. D. McLean

Secretary.

The Secretary,

Dept. of the Interior,

Ottawa.

**EXHIBIT "E"**

This is Exhibit "E" referred to in the  
Affidavit of  
MAURICE STONEY.  
 sworn to before me this 17th day of  
 MAY 1916  
 at Victoria, British Columbia  
 and for the Province of Alberta  
 Frisella E.S.J. Kennedy  
 Barrister & Solicitor



16 pages

393506  
JAN 11 1912  
INDIAN AGENT'S OFFICE,

Lesser Slave Lake Agency -

Grouard, 9th December, 1911

IN WHICH OFFICE REFERRED TO

No.

1911

TO DATE OF THIS ACTION

402512

\*

I beg to call your attention to the case of Johnny Stony, formerly of Alexander's Band, Edmonton Agency, and transferred to this Agency in 1910 and paid under No. 18, Sawridge Band.

Stony came to this district in the year of 1895. In 1895 he married an Indian woman from the Lesser Slave Lake Band and settled on the Lesser Slave River. ~~Now from the Sawridge Band.~~ He has built houses and stables and has been keeping a "stopping place" for freighters for a number of years. He is an ~~industrious man~~ and has been making a good living, ~~receiving assistance from the Government~~ chiefly from the stopping place referred to.

The land on which he settled, has since been surveyed and, as he has no title of any kind, he is afraid that some one will locate on it and he will be forced to move, and thus ~~lose~~ his chief source of livelihood.

He requests therefore that the NE  $\frac{1}{4}$  of Section 8, Township No. 73, Range 4, on which he has been residing; and the NW  $\frac{1}{4}$  of Section 1, Township No. 73, Range 5, which he wishes for hay land, be ~~given him for a reserve for himself and family.~~

The Secretary,

Department of Indian Affairs,

Ottawa

Indian Affairs, 1, 1911, 11-12 (10-1)

401612

family, which now consists of himself, wife, 1 boy and 4 girls.

If Section 11, Township No. 73, Range 2, west of the 5th Meridian, is granted to the Sawridge Band as part of their Reserve (as referred to in my letter of the 8th inst.) Henry could cut hay there and it would be unnecessary to give him the latter quarter section No. 31 E. 2.

Your obedient servant,

Wm. H. H. H.

Asst. Indian Agent

Indian Affairs (S. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)

## EXHIBIT "F"

this regulation. C of the mean use

MAURICE STONEY

17th

DATE MAY 16

and for the favour of all men

Priscilla E.S.J. Kennedy  
Barrister & Solicitor

I. 27131-6

EXD.

Ottawa, April 18, 1913.

Sir:-

With further reference to letter from your Department dated May 9th last No. 226,4255 and to letter from this Department to the Secretary of the Department of the Interior dated September 27th last, transmitting your plans under separate cover showing the lands selected last season by Mr. J. K. McKean "D. L. S. for the Seaside Band of Indians on Messier Slave Lake in Treaty No. 8."

The said lands are in two reserves,  
 No. 1800 consists of Section 6 Tp. 73, R. 4, W of 5th N.  
 N.W.  $\frac{1}{4}$  Sec. 1, East  $\frac{1}{2}$  Sec. 2, S.E.  $\frac{1}{4}$  Sec. 2, S.E.  $\frac{1}{4}$  Sec. 4, and the S. E.  $\frac{1}{4}$  Sec. 6, all in Tp. 73, R. 5 W. 5th N. and the N.W.  $\frac{1}{4}$  Sec. 32, East  $\frac{1}{2}$  of Sec. 35, S. W.  $\frac{1}{4}$  and N.E.  $\frac{1}{4}$  Sec. 34, all in Tp. 72, R. 5, W. 5th N.  
 No. 1801 is in Tp. 73, R. 6, W. 5th N. unsurveyed and consists of the N.  $\frac{1}{4}$  Sec. 3, N.  $\frac{1}{4}$  Sec. 4, N.  $\frac{1}{4}$  Sec. 5, Sec. 6, Prac. Sec. 9, Prac. Sec. 10, Prac. Sec. 15, Prac. Sec. 17.

\* The above were surveyed, and as these Indians are still at Seaside application is also made for the N.  $\frac{1}{4}$  of Sec. 18 and Prac. Sec. 19 in the same township.

I shall feel obliged if you will have the necessary

E. Deville, Esq.,

Surveyor General,

Indian Affairs, 1st Fl., Volume 776, File 27131-6)



## EXHIBIT "G"

This is to certify that 6 copies of the  
affidavit of  
MAURICE STONEY  
were in before me on 17th day  
of MAY 1966  
R  
A Notary Public, as named in Act 1-4 of 1966.  
In and for the Province of Alberta  
Priscilla B.S.J. Kennedy  
Barrister & Solicitor

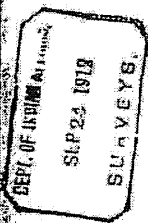


39.506

395506

F 27131-6020204

To *Surveyor* *Sawridge* *Alb.*  
 9th Sept 1912



With reference to the lands near  
 the Sawridge Band at the East End of Keweenaw  
 Slave Lake I beg to state that out of the surveyed  
 townships the following  $\frac{1}{4}$  sections have been  
 selected. Tp 72 R 5 W of 5<sup>th</sup> M. (Sec 32 NW  $\frac{1}{4}$ )  
 (Sec 33 East  $\frac{1}{2}$ ) (Sec 34, SW  $\frac{1}{4}$  and NE  $\frac{1}{4}$ )  
 Tp 73 R 5 W of 5<sup>th</sup> M. (Sec 1 NW  $\frac{1}{4}$ ) (Sec 2 NE  $\frac{1}{2}$ )  
 (Sec 3, SE  $\frac{1}{4}$ ) (Sec 4 SE  $\frac{1}{4}$ ) (Sec 6 SE  $\frac{1}{4}$ )  
 Tp 73 R 4 W of 5<sup>th</sup> M. whole of Sec 6.

As some homeowners wish to locate and examine  
 these lands reserved for the Indians but not taken  
 it might be well to notify the Department of the  
 Interior what quarters sections have been selected.  
 I enclose two plans showing the lands reserved  
 and those selected and marked with a cross  
 covering the  $\frac{1}{4}$  section. The other marked  $\frac{1}{4}$  section  
 were selected but after examination declined.

I am at present surveying the triangular  
 block in Tp 73 R 6 W of 5<sup>th</sup> M. north of and adjoining  
 the N  $\frac{1}{2}$  of Sec 3, 4, and 5. A plan will be sent when  
 completed as it is unsurveyed Territory.  
 This Band also want about 5 sections near  
 Swan River to be chosen when I reach there  
 with my surveyor.

With reference to Sec 6 Tp 73 R 4 I may  
 say that ~~the~~ a member of the Sawridge  
 Band has lived on this section near the  $\frac{1}{4}$  Sec 6  
 on the East limit for about ~~20~~ years and that  
 he keeps a stopping place which is very well

2

620254

~~There is a hard working man~~ ~~the best and most~~ ~~in this section of the country.~~  
 is spoken of as the best and most ~~in this section of the country.~~

Shortly after Stony located here a half breed named Michel Contrai also located near where I am in fact both are on legal subdivisions nine in sec 6, the one being on the west half and the other on the East.

Contrai has 3 log houses and two stables with a small garden and hay field, both fenced.

He values his improvements at \$250<sup>00</sup> which I consider fair and reasonable.

If he can not be paid for his improvements I do not think he should get more land.

He has the west 1/2 of the legal subdivision.

He has another house and barn he states on ~~the~~ River where he lives he has

a fine garden as soon as it is irrigated and has no intention of applying for a ~~free~~ grant.

on this he is. I do not think he is entitled to more

than recompense for his improvements.

Regarding the North West 1/4 of Sec one Tp 73 N 57 E

named ~~Joseph Contrai~~ a white man, French, and who speaks no English

located the half of Sec 12 immediately North

by Scrip. and has broken about 20 acres at the North West corner of Sec 8 and legal subdivisions

13, Sec one. The land is irrigated and only fit for hay

and this legal but the soil is high and suitable for crop. It requires considerable work to break this

20 acres as there much have been quite a lot of willow scrub on it in the state that it took 2 years

and 3 men full crews, but I do not think they could have ~~any other~~ ~~any other~~ ~~any other~~

3

now I think \$750 an acre or \$150<sup>00</sup> would be a good price for this Breathing. It will not be of much benefit to the Indians unless they form it. He objected to giving it up. The Joseph Bouchard has no legal claim as he did not file, but states that he went in and broke on being told by former Land agent Tomkins, at Grond that he would be allowed to purchase the first corner west north of the Green River. However he made no attempt to purchase a share in any way and now that the land is set apart for Indian Reserve purposes offers to purchase the Breathing as the best legal subdivision at ~~the~~ for more or less, including the 5<sup>00</sup> - L.S. 12. I did not set the date of the Breathing but it looks as though it was done during the past season.

Yours obedient servant

Joseph Bouchard  
Secretary

Department of Indian Affairs

Alawa  
Canada

## EXHIBIT "H"

this exhibit is H a true and correct  
copy of the  
MAURICE STONEY  
written in the presence of 170  
on MAY 1 196  
at PR  
a Notary Public, a Commissioner of the Court  
in and for the Province of Alberta  
Priscilla E.S.J. Kennedy  
Barrister & Solicitor

393506

Ottawa, 19th August 1922.

Sir,-

With reference to your letter of the 14th August No. 1735121, I have to say that Mr. John Stoney (Johnnie Stoney) is a Treaty Indian, No. 18 of the Sawridge band. He can continue to occupy the land referred to in the N.E. 1/4 6-73-4-1/2 S.W., which is a part of the Sawridge Indian reserve.

Your obedient servant,

*C. M. Macdonald**for* Assistant Deputy and Secretary.

The Secretary,

Department of the Interior,

Ottawa, Ont.

*L.B.**W.F. 207*

Indian Affairs. (N.S., Volume 7775, File 27131-4)

PUBLIC ARCHIVES  
ARCHIVES PUBLIQUES  
CANADA

## EXHIBIT "I"

This is Exhibit "I" referred to in the  
 production of  
MAURICE STONEY  
 completed by the firm 17th in  
 of MAY dated 1st  
 A Notary Public, a Commissioner for Oaths:  
 in and for the Province of Alberta

Priscilla E.S.J. Kennedy  
 Barrister & Solicitor



FILE NO. 8131-38 DORMANT

VOLUME

## INDIAN AFFAIRS BRANCH

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

SUBJECT ENFRANCHISEMENT

WM. J. STONEY Treaty # 59

(NAME)

DORMANT

(BAND NUMBER)

(BAND) SAW Ridge

LESSER SLAVE LAKE

(AGENCY)

REFERENCE

DISPOSAL

REFERRED TO	BY	REMARKS	DATE	PA OR BY	BY	DATE	For Record
21/2	f	046129	29/6/60	PA	SA2	29/6/60	
T1	SA2	046129	29/6/60	PA	T-1	21-7-60	
SA2	f	021539	22/7/60	PA	SA2	22/7/60	
T1	f	1 PER BE 21/9	22/7/60	PA	T-1	23-9-60	

7791

Dormant Certificate

PUBLIC ARCHIVES  
RECORDS CENTER

2189

DO NOT WRITE BELOW THIS LINE



Slave Lake, Alberta  
July 2nd 1943

Department of Indian Affairs,  
Ottawa, Canada.



Dear Sir:

For the last six months I have applied to the Agent at Driftoile ~~and have not received any answer~~

I have working steadily and have a job on the Northern Alberta Railway as section man, so that I am fully able to support my wife and two children as I have proved during the last two years since I have been married. Indeed for a long time before that I supported myself.

I don't intend to ask the Department for anything at any time in the way of help, and ~~therefore I am not asking for anything~~

~~I am not asking for anything~~  
~~I am not asking for anything~~  
~~I am not asking for anything~~

William J. Stoney

William J. Stoney  
No. 59  
Sawridge Band

Notes

There was never any mention of Residential school, the reason he gave up his treaty rights, was that he did not want to send his children there. This is the way his family was forced off of the Sawridge Reserve.

8131-33

Ottawa, August 10, 1943.

RECD  
A

M. F. L'Heureux, Esq., Indian Agent, Driftpile, Alberta.

An application for enfranchisement has been received from William J. Stoney, No. 59 of the Samidge Band of Indians, presently residing in Slave Lake, Alberta.

? —> If you consider this man possesses the necessary qualifications for release from band membership, please have the enclosed documents completed and return them to this Branch with your report and recommendation.



D. J. Allen,  
Superintendent,  
Reserves and Trusts.



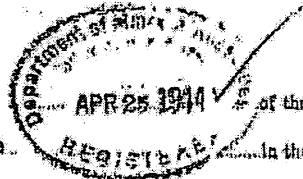
Encs.

8/31 - 38

# APPLICATION FOR ENFRANCHISEMENT

UNDER THE PROVISIONS OF SECTION 114 OF THE INDIAN ACT BEING CHAPTER  
98, R.S.C., 1927

I, William J. Stoney,



of the Slave Lake in the  
Province of Alberta,

hereby make application to the Superintendent General of Indian Affairs for enfranchisement under  
the provisions of section 114, Chap. 98, R.S.C., 1927, and I hereby declare as follows:

1. That I am a member of the Sauvages Band of  
Indians in the County of Slave Lake in the Province  
of Alberta.

2. That I hold no land on any Indian Reserve, do not reside on any Indian Reserve and do  
not follow the Indian mode of life;

3. That I am at present employed at Mississauga  
Northern Alberta Railways.

~~and that I am not a member of any other band of Indians~~  
~~and that I am not a member of any other band of Indians~~ — ?

4. That I am prepared to comply with all the requirements for enfranchisement as provided by  
said Section 114: (?)

5. That attached hereto is a certificate under oath as to my fitness for enfranchisement;

6. That my wife and unmarried minor children consist of the following persons, namely:

Mr wife

Margaret Stoney

(Name in full)

(over)

My sons

(Names in full)

Dates of birth

Alvin Joseph Stoney May 7th 1943

Maurice Felix Stoney Sept 24th 1941

My daughters

(Names in full)

Dates of birth

DATED at Slave Lake Alberta this nineteenth day  
of April 1944

WITNESS:

*W. Matthews* } *William J. Stoney*  
SIGNATURE OF APPLICANT

## APPROVAL OF APPLICANT'S WIFE

I, Margaret Stoney do certify that I am the wife  
of William J. Stoney the above named applicant and that  
I approve of this application for enfranchisement.

WITNESS:

*W. Matthews* } X *Margaret M. Stoney*  
SIGNATURE OF WIFE

## CERTIFICATE OF INDIAN AGENT

I certify that I know William J. Stoney  
the above applicant and that his statement of facts is true, to the best of my knowledge and belief,  
and that I consider him a fit and proper person to become enfranchised, and hereby recommend that  
the application be granted.

*P. J. Demers*  
INDIAN AGENT

C151-38

Ottawa, April 29, 1944.

EX'D.

P. J. Demers, Esq., Indian Agent, Driftpile, Alberta.

The enfranchisement documents completed by William J. Stoney of the Slave Lake Band have been received.

In order that we may reach a decision on his application, we must have a further report from you indicating if Stoney is the owner of any land or improvements on the Reserve and also if he has resided off the Reserve for a period of at least one year and demonstrated during that time that he is capable of supporting his family in a ~~white community~~.

*J. H. Allen*  
J. H. Allen,  
Superintendent,  
Reserves and Trusts.

# CERTIFICATE AS TO FITNESS FOR ENFRANCHISEMENT

(Note.—This Certificate must be given by a Clergyman, Justice of the Peace or other well known and responsible person.)

County of { I, Bertram Watkins of the  
Hamlet of Slave Lake in the  
County of in the  
Province of Alberta  
To wit Make oath and say

1. That I am a ~~Slave Lake~~ residing in the  
Hamlet of Slave Lake in the County of  
in the Province of Alberta

2. That I have known William Stoney  
an Indian of the Sawridge Reserve in the Province of  
Alberta for at least five years;

3. That during the said time I have personally known him, or her, to be a person of good moral character, temperate in habits and of sufficient intelligence to be qualified to exercise all the rights and privileges of citizenship, and to the best of my knowledge and belief, self-supporting;

4. That my opportunities for knowing the said William Stoney have been as follows: (State what business, social or other relations you have had with the said person to enable you to give this certificate.)

I have done business with William Stoney for the last eight years

SWORN before me at the Hamlet

of Slave Lake  
the County of Alberta

18th day of April

1974

in  
this

*Bertram Watkins*

*E. J. Inkpatich J.P.*

A Commissioner for taking Affidavits, or  
other person authorized to take the Affidavit.

# RELEASE AND SURRENDER

By an Indian belonging to a Band  
having funds at its credit

(FOR ENFRANCHISEMENT UNDER SECTION 114 OF THE INDIAN ACT BEING CHAPTER 98, R.S.C., 1927)

Know all men by these presents that I, William J. Stoney, 759 Band 4  
a member of the Sawridge Band  
of Indians, whose reserve is located in the County of  
in the Province of Alberta, for and in consideration of the sum of  
Ninety-four dollars and twenty-seven cents (\$94.27)  
each for self, wife and two minor unmarried children, being my share of the funds  
at the credit of the said band, including the principal of the annuities of the said band, which I  
hereby accept and in pursuance of my application for enfranchisement under the provisions of  
section 114, Chapter 98, R.S.C., 1927, do hereby surrender all claims whatsoever to any interest in  
the lands or property of the said band, and do hereby remise, release and forever discharge the said  
band and His Majesty, as represented by the Superintendent General of Indian Affairs, and his  
successors of and from all and all manner of action and actions, cause and causes of actions, suits  
debts, dues, sums of money, claims and demands whatsoever which I ever had or now have or  
can, shall or may have by reason of any matter, cause or thing whatsoever in respect to the said  
band.

My wife and unmarried minor children consist of the following persons, namely:

My Wife

Margaret Stoney

(Name in full)

(OTHER SIDE)

214



Mr SONS

(Names in full)

Dates of birth

Alvin Joseph Stoney

May 7th 1943

Maurice Felix Stoney

Sept 24th 1941

Mr DAUGHTERS

(Names in full)

Dates of birth

Slave Lake Alta.

DATED at ~~Slave Lake Alta.~~ this 19th day of April 1944

SIGNED, SEALED AND DELIVERED after  
having been read over and interpreted  
to the Releasor who appeared to fully  
understand the contents and effects  
of the Instruments in the presence of

*William J. Stoney*

*W. J. Stoney*  
Comm. for Oaths for Prov. Alberta

Ottawa, July 7, 1944.

PRECIS.

# 59

Enfranchisement of William J. Stoney, a member of  
the Sawridge Band of Indians in the Lesser Slave Lake Agency,  
Province of Alberta.

~~The applicant is married and has two minor, unmarried  
children.~~

6131-38

*(2) Miss Russell.*

Ottawa, August 24, 1944.

P. J. Demers, Esq., Indian Agent, Driftville, Alberta.

With reference to the application of William J. Stony of the Sawridge Band of Indians for enfranchisement, I wish to inform you that by Order in Council dated August 1, 1944, this man was declared enfranchised in pursuance of the provisions of Section 114 of the Indian Act. ← ← (7)

Under separate cover you will receive cheque for the sum of \$777.08, payable to William J. Stony, being his share of the band funds which you will be good enough to forward to him together with certified copy of the Order in Council above referred to and enfranchisement card, which are herewith enclosed. You should advise Stony to sign the card.

~~Please remove the names of this man and his wife and minor children from the membership and paylists of the Band.~~



D. J. Allan,  
Superintendent,  
Reserves and Trusts.

Encls.

*sign response to letter*  
*[Handwritten initials]*

DEPARTMENT

NO. 8131-38

INDIAN AFFAIRS BRANCH  
DEPARTMENT OF MINES AND RESOURCES

LESSER SLAVE LAKE

ENFRANCHISEMENT

WM. J. STONEY

B. 201

**EXHIBIT "J"**

This I did on J [illegible] to be in the  
presence of  
MAURIE STONEY  
Sworn before me on the 17th day  
of MAY 1916  
A Notary Public, a Commissioner for Oaths  
in and for the Province of Alberta

Priscilla E.S.J. Kennedy  
Barrister & Solicitor



Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

Indian and Inuit Affairs

Affaires indiennes et inuit

A045

Chronological No. - Numéro consécutif

File Reference - N° de réf. du dossier

BAND COUNCIL RESOLUTION  
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" "Capital" or "Revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.

NOTA: Les mots "des fonds de notre bande" "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	Current Capital Balance Solde de capital	\$
AGENCY DISTRICT Lesser Slave Lake Indian Regional Council	Committed - Engagé	\$
PROVINCE Alberta	Current Revenue balance Solde de revenu	\$
PLACE NOM DE L'ENDROIT High Prairie	Committed - Engagé	\$
DATE 1st DAY - JOUR March MONTH - MOIS AD 19 93 YEAR - ANNÉE		

DO HEREDY RESOLVE;

DÉCIDE, PAR LES PRÉSENTES:

WHEREAS pursuant to Bill C-31 (1985) the Government of Canada has entitled certain individuals to be reinstated to Indian Status; and

WHEREAS these individuals represent a significant and substantial increase in the Indian population in Canada; and

WHEREAS these individuals are seeking land; and

NOW THEREFORE BE IT RESOLVED that the Lesser Slave Lake Indian Regional Council supports the requests by persons who have legitimately and lawfully been reinstated to Indian Status pursuant to Bill C-31 (1985) for lands. Provided that:

1. Any lands given to such individuals shall be set apart by the Government of Canada out of government owned lands and not out of any lands reserved for Indians;
2. Such lands must be separate and apart from any lands reserved for Indians and not connected or attached in any way to any reserve now in existence.
3. The persons taking such lands are prohibited from taking the names of any Bands now in existence in Cree or English.

A quorum for this Bande  
Pour cette bande le quorum est

consists of  
fixé à

Council Members  
Membres du Conseil

Frank Halcyon  
(Councillor - conseiller)

Alfred Chisholm  
(Councillor - conseiller)

(Chief - Chef)

Joe Badger  
(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

# EXHIBIT "K"

this Exhibit "K" referred to in the  
Affidavit of  
MAURICE STONEY  
Sworn before me this 17<sup>th</sup> day  
of MAY A.D. 2016  
R  
A Notary Public, A Commissioner for Oaths  
in and for the Province of Alberta  
Priscilla B.S.J. Kennedy  
Barrister & Solicitor



## TREATY No. 8

STATEMENT of Indians paid Annuity and Gratuity, &c.—*Continued.*

	Chiefs	Headmen	Other Indians	Cash Paid each Band	Total Cash Paid
<b>FORT MANITOUBAY.</b>				\$ 00	\$ 00
<i>Cree and Chipewyan Bands—</i>					
Headmen .....		2		44 00	
Other Indians .....			130	1,560 00	1,604 00
<b>WABISCOO.</b>					
<i>Cree Band—</i>					
Chief .....	1	4		32 00	
Headmen .....			191	2,292 00	
Other Indians .....					2,412 00
<b>Total .....</b>	<b>1</b>	<b>25</b>	<b>2,187</b>		<b>26,974 00</b>

## SUMMARY.

7 Chiefs at \$32 .....	\$ 224 00
25 Headmen at \$22 .....	505 00
2,187 Other Indians at \$12 .....	26,224 00
<b>2,217</b>	<b>\$ 26,974 00</b>

Certified correct,

DAVID LAIRD,

J. H. ROSS,

J. A. I. McKenna,

Indian Treaty Commissioners.

## Treaty No. 8

ARTICLES OF A TREATY made and concluded at the several dates mentioned therein, in the year of Our Lord one thousand eight hundred and ninety-nine, between Her most Gracious Majesty the Queen of Great Britain and Ireland, by Her Commissioners the Honourable David Laird, of Winnipeg, Manitoba, Indian Commissioner for the said Province and the Northwest Territories; James Andrew Joseph McKenna, of Ottawa, Ontario, Esquire, and the Honourable James Hamilton Ross, of Regina, in the Northwest Territories, of the one part; and the Cree, Beaver, Chipewyan and other Indians, inhabitants of the territory within the limits hereinafter defined and described, by their Chiefs and Headmen, hereunto subscribed, of the other part:

WHEREAS, the Indians inhabiting the territory hereinafter defined have, pursuant to notice given by the Honourable Superintendent General of Indian Affairs in the year 1898, been convened to meet a Commission representing Her Majesty's Government of the Dominion of Canada at certain places in the said territory in this present year 1899, to deliberate upon certain matters of interest of Her Most Gracious Majesty, of the one part, and the said Indians of the other.

AND WHEREAS, the said Indians have been notified and informed by Her Majesty's said Commission that it is Her desire to open for settlement, immigration, trade, travel, mining, lumbering and such other purposes as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of Her Indian subjects inhabiting the said tract, and to make a treaty, and arrange with them, so that

there may be peace and good will between them and Her Majesty's other subjects, and that Her Indian people may know and be assured of what allowances they are to count upon and receive from Her Majesty's bounty and benevolence.

AND WHEREAS, the Indians of the said tract, duly convened in council at the respective points named hereunder, and being requested by Her Majesty's Commissioners to name certain Chiefs and Headmen who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have therefore acknowledged for that purpose the several Chiefs and Headmen who have subscribed hereto.

AND WHEREAS, the said Commissioners have proceeded to negotiate a treaty with the Cree, Beaver, Chipewyan and other Indians, inhabiting the district hereinafter defined and described, and the same has been agreed upon and concluded by the respective bands at the dates mentioned hereunder, the said Indians DO HEREBY CEDE, RELEASE, SURRENDER AND YIELD UP to the Government of the Dominion of Canada, for Her Majesty the Queen and Her successors for ever, all their rights, titles and privileges whatsoever, to the lands included within the following limits, that is to say:

Commencing at the source of the main branch of the Red Deer River in Alberta, thence due west to the central range of the Rocky Mountains, thence northwesterly along the said range to the point where it intersects the 60th parallel of north latitude, thence east along said parallel to the point where it intersects Hay River, thence northeasterly down said river to the south shore of Great Slave Lake, thence along the said shore northeasterly (and including such rights to the islands in said lakes as the Indians mentioned in the treaty may possess), and thence easterly and northeasterly along the south shores of Christie's Bay and McLeod's Bay to old Fort Reliance near the mouth of Lockhart's River, thence southeasterly in a straight line to and including Black Lake, thence southwesterly up the stream from Cree Lake, thence including said lake southwesterly along the height of land between the Athabasca and Churchill Rivers to where it intersects the northern boundary of Treaty Six, and along the said boundary easterly, northerly and southwesterly, to the place of commencement.

AND ALSO the said Indian rights, titles and privileges whatsoever to all other lands wherever situated in the Northwest Territories, British Columbia, or in any other portion of the Dominion of Canada.

TO HAVE AND TO HOLD the same to Her Majesty the Queen and Her successors for ever.

And Her Majesty the Queen HEREBY AGREES with the said Indians that they shall have right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the Government of the country, acting under the authority of Her Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes.

And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for such bands as desire reserves, the same not to exceed in all one square mile for each family of five for such number of families as may elect to reside on reserves, or in that proportion for larger or smaller families; and for such families or individual Indians as may prefer to live apart from band reserves, Her Majesty undertakes to provide land in severalty to the extent of 160 acres to each Indian, the land to be conveyed with a proviso as to non-alienation without the consent of the Governor General in Council of Canada, the selection of such reserves, and lands in severalty, to be made in the manner following, namely, the Superintendent General of Indian Affairs shall depute and send a suitable person to determine and set apart such reserves and lands, after consulting with the Indians concerned as to the locality which may be found suitable and open for selection.

Provided, however, that Her Majesty reserves the right to deal with any settlers within the bounds of any lands reserved for any band as She may see fit; and also that the aforesaid

reserves of land, or any interest therein, may be sold or otherwise disposed of by Her Majesty's Government for the use and benefit of the said Indians entitled thereto, with their consent first had and obtained.

It is further agreed between Her Majesty and Her said Indian subjects that such portions of the reserves and lands above indicated as may at any time be required for public works, buildings, railways, or roads of whatsoever nature may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made to the Indians for the value of any improvements thereon, and an equivalent in land, money or other consideration for the area of the reserve so appropriated.

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of Her Indians, and in extinguishment of all their past claims, She hereby, through Her Commissioners, agrees to make each Chief a present of thirty-two dollars in cash, to each Headman twenty-two dollars, and to every other Indian of whatever age, of the families represented at the time and place of payment, twelve dollars.

Her Majesty also agrees that next year, and annually afterwards for ever, She will cause to be paid to the said Indians in cash, at suitable places and dates, of which the said Indians shall be duly notified, to each Chief twenty-five dollars, each Headman, not to exceed four to a large Band and two to a small Band, fifteen dollars, and to every other Indian, of whatever age, five dollars, the same, unless there be some exceptional reason, to be paid only to heads of families for those belonging thereto.

FURTHER, Her Majesty agrees that each Chief, after signing the treaty, shall receive a silver medal and a suitable flag, and next year, and every third year thereafter, each Chief and Headman shall receive a suitable suit of clothing.

FURTHER, Her Majesty agrees to pay the salaries of such teachers to instruct the children of said Indians as to Her Majesty's Government of Canada may seem advisable.

FURTHER, Her Majesty agrees to supply each Chief of a Band that selects a reserve, for the use of that Band, ten axes, five hand-saws, five augers, one grindstone, and the necessary files and whetstones.

FURTHER, Her Majesty agrees that each Band that elects to take a reserve and cultivate the soil, shall, as soon as convenient after such reserve is set aside and settled upon, and the Band has signified its choice and is prepared to break up the soil, receive two hoes, one spade, one scythe and two hay forks for every family so settled, and for every three families one plough and one harrow, and to the Chief, for the use of his Band, two horses or a yoke of oxen, and for each Band potatoes, barley, oats and wheat (if such seed be suited to the locality of the reserve), to plant the land actually broken up, and provisions for one month in the spring for several years while planting such seeds; and to every family one cow, and every Chief one bull, and one mowing-machine and one reaper for the use of his Band when it is ready for them; for such families as prefer to raise stock instead of cultivating the soil, every family of five persons, two cows, and every Chief two bulls and two mowing-machines when ready for their use, and a like proportion for smaller or larger families. The aforesaid articles, machines and cattle to be given one for all for the encouragement of agriculture and stock raising; and for such Bands as prefer to continue hunting and fishing, as much ammunition and twine for making nets annually as will amount in value to one dollar per head of the families so engaged in hunting and fishing.

And the undersigned Cree, Beaver, Chipewyan and other Indian Chiefs and Headmen, on their own behalf and on behalf of all the Indians whom they represent, DO HEREBY SOLEMNLY PROMISE and engage to strictly observe this Treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen.

THEY PROMISE AND ENGAGE that they will, in all respects, obey and abide by the law; that they will maintain peace between each other, and between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians, half-breeds or whites, this year inhabiting and hereafter to inhabit any part of the said ceded

territory; and that they will not molest the person or property of any inhabitant of such ceded tract, or of any other district or country, or interfere with or trouble any person passing or travelling through the said tract or any part thereof, and that they will assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty or infringing the law in force in the country so ceded.

IN WITNESS WHEREOF Her Majesty's said Commissioners and the Cree Chief and Headmen of Lesser Slave Lake and the adjacent territory, HAVE HEREUNTO SET THEIR HANDS at Lesser Slave Lake on the twenty-first day of June, in the year herein first above written.

Signed by the parties  
hereto, in the  
presence of the  
undersigned wit-  
nesses, the same having  
been first  
explained to the Indians  
by  
Albert Tate and Samuel  
Cun-  
ningham, Interpreters.

Father A. LACOMBE,  
GEO. HOLMES,  
E. GROUARD, O.M.I.  
W. G. WHITE,  
JAMES WALKER,  
J. ARTHUR COTÉ,  
A. E. SNYDER, Insp.  
N.W.M.P.,  
H. B. ROUND,  
HARRISON S. YOUNG,  
J. F. PRUD'HOMME,  
J. W. MARTIN,  
C. MAIR,  
H. A. CONROY  
PIERRE  
DESCHAMBEAULT,  
J. H. PICARD,  
RICHARD SECORD,  
M. MCCAULEY,

DAVID LAIRD, Treaty  
Commissioner,  
J.A.J. McKENNA, Treaty  
Commissioner,  
J. H. ROSS, Treaty  
Commissioner,  
his  
KEE NOO SHAY OO x  
Chief,  
mark  
his  
MOOSTOOS x  
Headman,  
mark  
his  
FELIX GIROUX x  
Headman,  
mark  
his  
WEE CHEE WAY SIS x  
Headman,  
mark  
his  
CHARLES NEE SUE TA  
SIS x Headman,  
mark  
his  
CAPTAIN x Headman,  
from Sturgeon  
mark Lake.

In witness whereof the Chairman of Her Majesty's Commissioners and the Headman of the Indians of Peace River Landing and the adjacent territory, in behalf of himself and the Indians whom he represents, have hereunto set their hands at the said Peace River Landing on the first day of July in the year of Our Lord one thousand eight hundred and ninety-nine.

Signed by the parties  
hereto, in the  
presence of the  
undersigned wit-  
nesses, the same having  
been first

DAVID LAIRD, *Chairman  
of Indian  
Treaty Commissioners,*  
his  
DUNCAN x TASTAOOSTS,

explained to the Indians  
by  
Father A. Lacombe and  
John  
Boucher, Interpreters.

*Headman of  
mark Crees*

Father A. LACOMBE,  
E. GROUARD, O.M.I., Ev.  
d'Ibora,  
GEO. HOLMES,  
HENRY MCCORRISTER,  
K. F. ANDERSON, SGT.,  
N.W.M.P.,  
PIERRE  
DESCHAMBEAULT,  
H. A. CONROY  
T.A. BRICK,  
HARRISON S. YOUNG,  
J. W. MARTIN,  
DAVID CURRY.

In witness whereof the Chairman of Her Majesty's Commissioners and the Chief and Headmen of the Beaver and Headman of the Crees and other Indians of Vermillion and the adjacent territory, in behalf of themselves and the Indians whom they represent, have hereunto set their hands at Vermillion on the eighth day of July, in the year of our Lord one thousand eight hundred and ninety-nine.

Signed by the parties  
hereto, in the  
presence of the  
undersigned wit-  
nesses, the same having  
been first  
explained to the Indians  
by  
Father A. Lacombe and  
John  
Boucher, Interpreters.

Father A. LACOMBE,  
E. GROUARD, O.M.I., Ev.  
d'Ibora,  
MALCOLM SCOTT,  
F.D. WILSON, H.B. Co.,  
H. A. CONROY  
PIERRE  
DESCHAMBEAULT,  
HARRISON S. YOUNG,  
J. W. MARTIN,  
K. F. ANDERSON, SGT.,  
N.W.M.P.,  
A.P. CLARKE,  
CHAS. H. STUART WADE,  
K. F. ANDERSON, SGT.,  
N.W.M.P.

DAVID LAIRD, *Chairman of  
Indian Treaty Coms.,*  
his  
AMBROSE x TETE NOIRE,  
*Chief Beaver*  
*mark Indians.*  
his  
PIERROT x FOURNIER,  
*Headman Beaver*  
*mark Indians.*  
his *Headman*  
KUIS KUIS KOW CA  
POOHOO x Cree  
*mark Indians.*

# EXHIBIT "L"

This Exhibit "L" is filed to the  
Court in the  
Maurice Stoney  
Sworn before me on the 17th day  
at MAY 1964  
A Notary Public, A Commissioner for Oaths  
in and for the Province of Alberta

Eriscilla B.S.J. Kennedy  
Barrister & Solicitor



A053  
Dec 12/11

(3)

50-17/4

REGISTERED MAIL

December 7, 2011

Mr. Maurice Stoney  
500-4<sup>th</sup> Street NW  
Slave Lake, Alberta  
T0G 2A1

Dear Sir:

**RE: Membership Application**

Your application for membership in the Sawridge First Nation has been reviewed by the Council. Please take notice that the Council has denied your application for Membership in the Sawridge First Nation. This decision was made pursuant to the Membership Rules.

Based on your application it was determined that:

- 1) You did not have any specific "right" to have your name entered in the Membership List of the Sawridge First Nation.
- 2) The Council was not compelled to exercise its discretion to add your name to the Membership List as it did not feel, in its judgment, that your admission into Membership of the First Nation would be in the best interests and welfare of the First Nation.

Pursuant to Section 12 of the Membership Rules, you are entitled to appeal this decision to the Electors of the First Nation by delivering a Notice in Writing to the Council at the First Nation Office within 15 days of receipt by you of this letter.

Yours truly,

**SAWRIDGE FIRST NATION**

Per:

Michael R. McKinney  
Executive Director



# Tab 4



A054

DLA Piper (Canada) LLP  
Suite 1201, Scotia Tower 2  
10060 Jasper Ave  
Edmonton AB T5J 4E5  
www.dlapiper.com

Donald J. Wilson  
donald.wilson@dlapiper.com  
T +1 780.429.6817  
F +1 780.702.4366

July 27, 2017

File: 84021-00001

**DELIVERED BY FAX 780 427 0334**

Court of Queen's Bench of Alberta  
6th Floor Law Courts Building  
1A Sir Winston Churchill Square  
Edmonton, AB T5J 0R2

**Attention: The Honourable Justice D.R.G. Thomas**

Dear Mr. Justice Thomas:

**Re: 1985 Sawridge Trust - Action No. 1103 14112 Response Brief of Maurice Stoney et al. to  
1985 Sawridge Trustees Brief**

---

Enclosed please find the sworn and filed on July 27, 2017 Affidavits of:

1. Bill Stoney,
2. Gail Stoney, and
3. Shelley Stoney.

Sincerely,  
**DLA Piper (Canada) LLP**  
Per:

Donald J. Wilson

/ek  
Enclosures  
cc Parlee McLaws LLP - Edward Molstad via email  
cc Dentons Canada LLP - Doris Bonora via email  
cc Hutchison Law - Janet Hutchison via email  
cc McLennan Ross - Karen Platten via email  
cc Department of Justice Canada - Linda Maj via email  
cc Alberta Minister of Justice and Solicitor General - Honorable Kathleen Ganley via email



COURT FILE NO.:

1103 14112

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE:

EDMONTON

IN THE MATTER OF THE TRUSTEE ACT, RSA 2000, c. T-8, as am.

IN THE MATTER OF THE SAWRIDGE BAND INTER VIVOS SETTLEMENT CREATED BY  
CHIEF WALTER PATRICK TWINN, OF THE SAWRIDGE INDIAN BAND NO. 19

DOCUMENT:

AFFIDAVIT OF Bill (aka Billy) Stoney

ADDRESS FOR  
SERVICE AND  
CONTACT INFORMATION  
OF PARTY FILING THIS  
DOCUMENT

DLA PIPER (CANADA) LLP  
1201 Scotia 2 Tower  
10060 Jasper Avenue NW  
Edmonton, AB, T5J 4E5  
Attn: Priscilla Kennedy  
Tel: 780.429.6830  
Fax: 780.702.4383

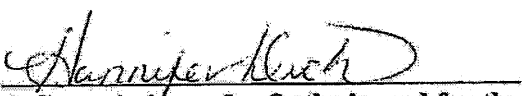


Sworn July 20th, 2017.

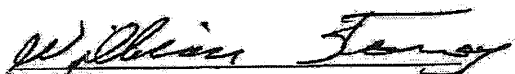
I, Bill Stoney, of Edmonton, Alberta MAKE OATH AND SAY:

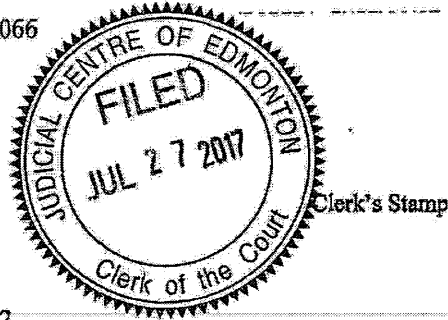
1. I am the eldest brother of Maurice Stoney. I authorized Maurice Stoney in the spring of 2016 to represent me with my brothers and sisters in bringing an application to be recognized as a beneficiary in the Sawridge 1985 Trust.

SWORN BEFORE ME at the City )  
of Edmonton, in the Province of Alberta )  
this 20th day of July, 2017 )

  
A Commissioner for Oaths in and for the  
Province of Alberta

Hannifer Dick  
A Commissioner for Oaths  
in and for Alberta  
My Commission Expires April 26, 2019

  
Bill Stoney



COURT FILE NO.: 1103 14112  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE: EDMONTON

IN THE MATTER OF THE TRUSTEE ACT, RSA 2000, c. T-8, as am.

IN THE MATTER OF THE SAWRIDGE BAND INTER VIVOS SETTLEMENT CREATED BY  
CHIEF WALTER PATRICK TWINN, OF THE SAWRIDGE INDIAN BAND NO. 19

DOCUMENT: AFFIDAVIT OF Gail Stoney

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION  
OF PARTY FILING THIS  
DOCUMENT

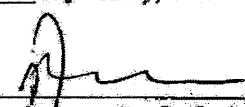
DLA PIPER (CANADA) LLP  
1201 Scotia 2 Tower  
10060 Jasper Avenue NW  
Edmonton, AB, T5J 4E5  
Attn: Priscilla Kennedy  
Tel: 780.429.6830  
Fax: 780.702.4383

Sworn July 20, 2017.

I, Gail Stoney, of Slave Lake in the Province of Alberta MAKE OATH AND SAY:

1. I am the sister of Maurice Stoney. I authorized Maurice Stoney in the spring of 2016 to represent me with my brothers and sisters in bringing an application to be recognized as a beneficiary in the Sawridge 1985 Trust..

SWORN BEFORE ME at the Town )  
of Slave Lake, in the Province of Alberta )  
this 20 day of July, 2017 . )

  
A Commissioner for Oaths in and for the  
Province of Alberta

# 073 2276 exp Sept 9/17

  
Gail Stoney

(180) 805-8387 (home)

Clerk's Stamp

COURT FILE NO.:

1103 14112

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE:

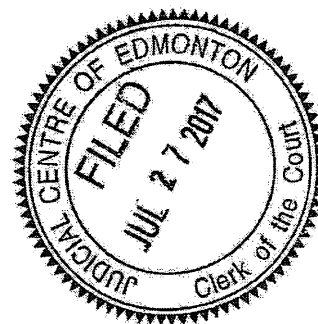
EDMONTON

IN THE MATTER OF THE TRUSTEE ACT, RSA 2000, c. T-8, as am.

IN THE MATTER OF THE SAWRIDGE BAND INTER VIVOS SETTLEMENT CREATED BY  
CHIEF WALTER PATRICK TWINN, OF THE SAWRIDGE INDIAN BAND NO. 19

DOCUMENT:

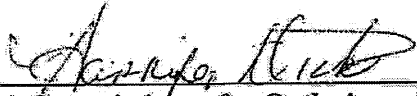
AFFIDAVIT OF Shelley Stoney


ADDRESS FOR  
SERVICE AND  
CONTACT INFORMATION  
OF PARTY FILING THIS  
DOCUMENTDLA PIPER (CANADA) LLP  
1201 Scotia 2 Tower  
10060 Jasper Avenue NW  
Edmonton, AB, T5J 4E5  
Attn: Priscilla Kennedy  
Tel: 780.429.6830  
Fax: 780.702.4383Sworn July 20/11 2017.

I, Shelley Stoney, of Edmonton, Alberta MAKE OATH AND SAY:

1. I am the Daughter of Bill Stoney and the niece of Maurice Stoney.
2. I am responsible for driving my father and uncles and aunts who are all suffering health problems and elderly.
3. I know from discussions among my father and his brothers and sisters in the spring of 2016 that Maurice was authorized by to represent my father and his brothers and sisters in bringing an application to be recognized as beneficiaries in the Sawridge 1985 Trust.

 SWORN BEFORE ME at the City )  
 of Edmonton, in the Province of Alberta )  
 this 20 day of July, 2017 )

  
 A Commissioner for Oaths in and for the  
 Province of Alberta

 Hannifer Dick  
 A Commissioner for Oaths  
 in and for Alberta
My Commission Expires April 26, 2019
  
 Shelley Stoney