

Registrar's stamp:



COURT OF APPEAL FILE NUMBER: 1603-0033AC

TRAIL COURT FILE NUMBER: 1103 14112

REGISTRY OFFICE: 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 WALTER PATRICK TWINN, OF THE SAWRIDGE INDIAN BAND NO. 19, now known as the SAWRIDGE FIRST NATION, ON APRIL 15, 1985 (the "1985 Sawridge Trust")

INTERESTED PARTY/APPLICANT: MAURICE STONEY

STATUS ON APPEAL: APPELLANT

DEFENDANT/RESPONDENT: ROLAND TWINN, CATHERINE TWINN, WALTER FELIX TWINN, BERTHA L'HIRONDELLE, and CLARA MIDBO, as Trustees for the 1985 Sawridge Trust.

STATUS ON APPEAL: RESPONDENTS

DOCUMENT: AFFIDAVIT OF DANA CAMPBELL

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT: DLA Piper (Canada) LPP
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AFFIDAVIT OF DANA CAMPBELL

Affirmed February 1, 2016.

I, Dana Campbell, of the City of Edmonton in the Province of Alberta, do SOLEMNLY AFFIRM:

1. I am a legal assistant at DLA Piper (Canada) LLP. and as such I have knowledge of the matters hereinafter deposed to except where stated to be on information and belief in which case I do verily believe them to be true.

2. In June 2015 our office was served with briefs for an application before Mr. Justice Thomas on June 30, 2015 at 2:00 p.m.. Mr. Justice Thomas issued directions for certain matters involving the Public Trustee to be dealt with at a case management application on September 1 and 2, 2015 and attached as Exhibit "A" is a copy of the first pages of the Public Trustee's Brief showing that our office was served with this material and that the issues on September 1 and 2 involved the Public Trustee.

3. I am informed by Priscilla Kennedy, Associate Counsel at DLA Piper, and do verily believe that she attended part of the applications on September 1 and 2, 2015.

4. On October 27, 2015, Maurice Stoney swore an Affidavit in our office for use in Q.B. Action No. 1103 14112 and this Affidavit was filed on November 4, 2015 and attached as Exhibit "B" is a copy of that Affidavit. I am informed by Priscilla Kennedy that this Affidavit was prepared in anticipation of a future application in Q.B. Action No. 1103 14112. This Affidavit was served on all counsel on January 21, 2016.

3. Our office became aware of the judgment of Mr. Justice Thomas on or about January 11, 2016 when we received a letter from Doris Bonora addressed to Mr. Justice Thomas which referred to the judgment of December 17, 2015. Mr. Justice Thomas responded to this letter and we received his letter to all counsel attached as Exhibit "C".

4. Our office was served with the Appeal (C.A. Appeal No. 1603-0029AC attached as Exhibit "D") by the Public Trustee of Mr. Justice Thomas's December 17, 2015

judgment on or about January 18, 2016 and received a copy of the Appeal (C.A. Appeal No. 1603-0026AC attached as Exhibit "E") by Catherine Twinn.

5. I am informed by Priscilla Kennedy that Maurice Stoney is the cousin of Aline and June who are sisters and they are all senior citizens of very limited means. Aline Huzar and June Kolosky live in northern British Columbia and are difficult to contact.

6. As soon as contact was made with Maurice Stoney, Aline Huzar and June Kolosky, they instructed DLA Piper to appeal Mr. Justice Thomas' decision of December 17, 2015.

7. Our office filed this Appeal for Maurice Stoney on January 25, 2016.

8. I am informed by Priscilla Kennedy and do verily believe that there is no serious prejudice to the respondents to permit this appeal to proceed particularly since two other parties, the Public Trustee and Catherine Twinn have also appealed this judgment of Mr. Justice Thomas.

SWORN before me at the
City of Edmonton, in the Province
of Alberta, this 1st day of February, 2016


A COMMISSIONER FOR OATHS IN
AND FOR THE PROVINCE OF ALBERTA

Desirae Jasmine Magas
A Commissioner for Oaths
in and for Alberta
Expiry Date July 5, 2018

)
)
)
) 
DANA CAMPBELL

Clerk's Stamp:

COURT FILE NUMBER:

COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE

APPLICANTS

DOCUMENT

ADDRESS FOR SERVICES AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

1103 14112

EDMONTON

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

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")

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

**REPLY BRIEF OF THE PUBLIC
TRUSTEE OF ALBERTA TO THE REPLY
BRIEF OF THE TRUSTEES FILED ON
AUGUST 21, 2015**

Hutchison Law
#155, 10403 – 122 Street
Edmonton, AB T5N 4C1

Attention: **Janet L. Hutchison**
Telephone: (780) 423-3661
Fax: (780) 426-1293
File: 51433 JLH

This Exhibit "A" referred to in the
Affidavit of
DANA CAMPBELL
Sworn before me this 15 day
of FEB A.D. 2016.
Desirae Jasmine Magas
A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta
in and for Alberta
Expiry Date July 5, 2018

Reynolds Mirth Richards & Farmer LLP
Suite 3200 Manulife Place
10180 - 101 Street
Edmonton, Alberta T5J 3W8

Attention: Marco Poretti

Solicitors for the Sawridge Trustees

Dentons LLP
2900 Manulife Place
10180 - 101 Street
Edmonton Alberta T5J 3V5

Attention: Doris Bonora

Solicitors for the Sawridge Trustees

McLennan Ross LLP
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12220 Stony Plain Road
Edmonton, Alberta
T5N 3Y4

Attention: Karen Platten, Q.C.

Solicitors for Catherine Twinn

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T5J 4E5

Attention: Priscilla Kennedy

Solicitors for June Kolosky and Aline Huzar

Bryan & Company
#2600 Manulife Place
10180 - 101 Street
Edmonton, Alberta
T5J 3Y2

Attention: Nancy Cumming, Q.C.

Solicitors for the Sawridge Trustees

Parlee McLaws LLP
1500 Manulife Place
10180-101 Street
Edmonton, Alberta
T5J 4K1

Attention: Edward Molstad, Q.C.

Solicitors for Sawridge First Nation

Clerk's Stamp:

COURT FILE NUMBER:

1103 14112

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

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")

APPLICANTS

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

DOCUMENT

**REPLY BRIEF OF THE PUBLIC
TRUSTEE OF ALBERTA TO THE REPLY
BRIEF OF THE TRUSTEES FILED ON
AUGUST 21, 2015**

ADDRESS FOR SERVICES AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

Hutchison Law
#155, 10403 - 122 Street
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Attention: **Janet L. Hutchison**
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File: 51433 JLH

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AUTHORITIES **List of Authorities**

This is Exhibit "B" to the Affidavit of Maurice Stoney.

DANA CAMPBELL
Sworn to before me this 1st day of FEB 2016 by Maurice Stoney

COURT FILE NO: 1103 14112
A Notary Public, A Commissioner for Oaths

COURT Desirae Jasmine Magas COURT OF QUEEN'S BENCH OF ALBERTA
A Commissioner for Oaths
JUDICIAL CENTRE: in and for Alberta EDMONTON
Expiry Date July 5, 2016

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
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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

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

1. My brother and I were born to members of the Sawridge First Nation, William and Margaret Stoney, 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.

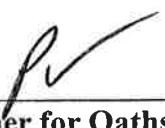
4. In or about 1912, Johnny Stoney and his family were recognized on the first payroll for the Sawridge Band. He was a member of Sawridge, on the payroll until his death in 1956. In 1920, Johnny Stoney was advised by Indian Affairs that his lands would be taken as part of the Sawridge Reserve, this appears 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, 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. This meant that I did not have to attend Residential School and we lived in the Town of Slave Lake. I have been involved with the Sawridge First Nation all of my life.
8. I applied to Sawridge in 1985 for recognition of my membership which was automatic as a result of Bill C-31 on April 17, 1985 with the removal of section 109 of the *Indian Act* on enfranchisement because I had been removed from membership by enfranchisement of my father. I believe I am an acquired rights member recognized as an Registered Indian in 1985. 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.

9. 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.
10. 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.
11. 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.
12. 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.

13. 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. 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 27th day of October, 2015 .)
)
)
)
)



A Commissioner for Oaths in and for the
Province of Alberta

Priscilla E.S.J. Kennedy
Barrister & Solicitor



Maurice Stoney

EXHIBIT "A"

This is Exhibit " A " referred to in the

Affidavit of

MAURICE STONEY

Sworn before me this 27th day

of OCTOBER A.D., 2015

A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Priscilla E.S.J. Kennedy
Barrister & Solicitor

401810
- Lesser Slave Lake Agency -

- Kinnesago's Band, Sawridge -

Band No.	Name	Men	Women	Boys	Girls	Total
1	Francois Mescootasis	1	1	5	3	10
2	Isabelle Mescootasis		1		1	2
3	Lafrance Ward	1	1	5		7
4	Jean Baptiste Ward	1	1	4	2	8
5	John Ward	1	1			2
6	Benjamin Courtenaille	1	1	2	3	7
7	Lion Ward	1	1	1		3
8	Louis Ward	1	1	1	1	4
9	Susan		1			1
10	Albert Mescootasis	1				1
11	Jean Baptiste Hamlin				2	3
12	Peggy Ward Powder		1			1
13	Mary Ward Potter		1			1
14	Edward Mescootasis	1	1	3	2	7
15	St. Germain Mescootasis		1			1
16	St. Pierre Mescootasis	1				1
17	St. Paul Mescootasis	1				1
18	Johnny Stony	1	1	1	4	7
19	Benjamin Petarin	1	1		2	4
20	Mrs. Wenipoc's widow		1		1	2
21	Mustace Ward	1	1	1		3
22	Pierre Giroux	1	1	1		3

EXHIBIT "B"

This is Exhibit " B " referred to in the
Affidavit of

MAURICE STONEY
Sworn before me this 27th day
of OCTOBER A.D. 2015

A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Priscilla E.S.J. Kennedy
Barrister & Solicitor

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 Stony, 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 Kinooosayoo'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. 184027/51.

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. 134, 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.

If the land on which he ^{is} 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 location ticket covering the said land.

I think, however, that an equal area (100 acres) should be surrendered from the said reserve No. 134 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 Bray
Chief

EXHIBIT "C"

This is Exhibit " C " referred to in the
Affidavit of

MAURICE STONEY

Sworn before me this 27th day
of OCTOBER A.D., 20 15

PK
A Notary Public. A Commissioner for Oaths
in and for the Province of Alberta

Priscilla E.S.J. Kennedy
Barrister & Solicitor

184,087/31



Ottawa, 16th April, 1903.

MEMORANDUM:

Mr. Farley, -

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.

John L. ...
Secretary.

EXHIBIT "D"

This is Exhibit " D. " referred to in the

Affidavit of

MAURICE STONEY

Sworn before me this 27th day

of OCTOBER A.D., 20 15

[Signature]
A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Priscilla E.S.J. Kennedy
Barrister & Solicitor

154,087-21

Exd.

Ottawa, 17th April, 1903.

For D. G. McLean

Sir :-

I am directed to inform you that John Stephens, who is a member of Chief Alexander's Band, No. 134, at Riviere aux Barres, 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 severalty 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 state whether there will be any objection to the land located to ^{*John Stephens*} to the extent of 160 acres being set aside for him under the terms of the Treaty.

Your obedient servant,

J. D. McLean

Secretary.

Anti
The Secretary,

Dept. of the Interior,

Ottawa.

EXHIBIT "E"

This is Exhibit " E " referred to in the

Affidavit of

MAURICE STONEY

Sworn before me this 27th day

of OCTOBER A.D., 20 15

P
A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Priscilla E.S.J. Kennedy
Barrister & Solicitor

393506

RECEIVED
DEC 28 1911
D.F.

INDIAN AGENT'S OFFICE,

Lesser Slave Lake Agency -

Grouard, 9th December, 1911

401612

IN YOUR HANDS
TO DATE OF THIS LETTER

*

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 fall of 1895. In 1896 he married an Indian woman from the Lesser Slave Lake Band and settled on the Lesser Slave River, not far from Sawridge. 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, without any 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 1/4 of Section 6, Township No. 73, Range 4, on which he has been residing; and the NW 1/4 of Section 1, Township No. 73, Range 6, 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
DEPARTMENT OF INDIAN AFFAIRS

401612

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

If Section 11, Township No. 73, Range 6, 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. I think could not pay there and it would be unnecessary to give him the latter quarter section of 360 acres.

Your obedient servant,

Wm. H. H. H.

Asst. Secy. of War

EXHIBIT "F"

This is Exhibit " F " referred to in the
Affidavit of
MAURICE STONEY
Sworn before me this 27th day
of OCTOBER A.D., 20 15
[Signature]

A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Priscilla E.S.J. Kennedy
Barrister & Solicitor

222,504

1. 21131-6

EXD

Ottawa, April 18, 1915.

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, I am sending you plans under separate cover showing the lands selected last season by Mr. J. K. McLean D. L. S. for the Sarridge Band of Indians on Lesser 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 M.

N.W. $\frac{1}{4}$ Sec. 1, West $\frac{1}{4}$ Sec. 2, S.E. $\frac{1}{4}$ Sec. 3, S.E. $\frac{1}{4}$ Sec. 4, and the S. E. $\frac{1}{4}$ Sec. 6, all in Tp. 73, R. 5 W. 5th M. and the N.W. $\frac{1}{4}$ Sec. 32, East $\frac{1}{4}$ of Sec. 33, S. W. $\frac{1}{4}$ and N.E. $\frac{1}{4}$ Sec. 34, all in Tp. 72, R. 5, W. 5th M.

No. 1801 is in Tp. 73, R. 6, W. 5th M. 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, Frac. Sec. 9, Frac. Sec. 10, Frac. Sec. 16, Frac. Sec. 17.

* The above were surveyed, and as these Indians are still 500 acres short, application is also made for the N. $\frac{1}{4}$ of Sec. 18 and Frac. Sec. 19 in the same township.

I shall feel obliged if you will have the necessary

E. Daville, Esq.,

Surveyor General,

-2-

necessary action taken to have an Order-in-Council passed
confirming these Reserves.

Your obedient servant,

W. D. B. [Signature]

Assistant Deputy and Secretary.

EXHIBIT "G"

This is Exhibit " G " referred to in the

Affidavit of

MAURICE STONEY

Sworn before me this 27th day

of OCTOBER A.D., 20 15

Pr
A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Priscilla E.S.J. Kennedy
Barrister & Solicitor

39506

39506

F. 27131.61.20234

To *Lawrence Albert* 9th Sept 1912

DEPT. OF INDIAN AFFAIRS
SEP 24 1912
SURVEYS

With reference to the lands reserved for
the Sawridge Band at the East End of Lac Seul
Lake I beg to state that out of the surveyed
Townships the following $\frac{1}{4}$ Sections have been
selected, Tp 72 R 5 N of 5th M. - (See 32 N.W. $\frac{1}{4}$)
(See 33 East $\frac{1}{4}$) (See 34, S.W. $\frac{1}{4}$ and N.E. $\frac{1}{4}$)
Tp 73 R 5 N of 5th M. - (See one N.W. $\frac{1}{4}$) (See 2 N.E. $\frac{1}{4}$)
(See 3, S.E. $\frac{1}{4}$) (See 4 S.E. $\frac{1}{4}$) (See 6 S.E. $\frac{1}{4}$)
Tp 73 R 4 N of 5th M. whole of Sec 6.

As some Commissioners 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 particular sections have been selected.
I enclose two plans showing the lands reserved
and those selected are 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 5th M. North of and including
the N.E. 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
Bwan River to be chosen when I reach there
with my surveyors.

With reference to Sec 6 Tp 73 R 4 I may
say that *Johnny Stony* a member of the Sawridge
Band has lived on this section near the $\frac{1}{4}$ Sec 6
on the East limit for about 12 years and that
he keeps a chopping place which is very well

This is a hard working industrious and energetic
is spoken of as the best and most prosperous
Indian in this section of the country.

Shortly after Henry located here a half breed
named Michel Contrai also located near at
hand in fact both are on legal subdivisions
nine in the 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 \$250⁰⁰ which
I consider fair and reasonable.

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

than the west 1/2 of the legal subdivision.

He has another house and some patches
on Martin River where he wishes to have

a full grant of even 100 acres and
has no intention of applying for a full grant
on this side. I do not think he is entitled to more
than recompense for his improvements.

Regarding the birth date of See one Sp 73 R 57 p 5
a white man ^{named Joseph Contrai} and who speaks no English
located the half of See 12 under the North
by Scrip. and has broken about 20 acres at
the North west corner of the legal subdivision
13, See one. The land is stripped and only fit for
and this legal land is so high and desirable
for crop. It requires considerable work to break this
20 acres as there must have been quite a lot of
willow scrub on it. He states that it took 2 teams
and 3 men five weeks, but I do not think they
could have worked very hard from the above.

now I think \$750 an acre or \$150⁰⁰ would be a good price for this Breakup. It will not be of much benefit to the Indians unless it only forms 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 fractional area North of the L'Anse-au-Loup 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 Breakup as the last legal subdivision at \$250⁰⁰ per acre including the 5⁰⁰ in L.S. 12. I did not get the date of the Breakup but it looks as though it was done during the last summer.

Yours obedient servant

Respectfully
 Secretary

Department of Indian Affairs

Ottawa

Edwards

EXHIBIT "H"

This is Exhibit " H " referred to in the
Affidavit of
MAURIE STONEY
Sworn before me this 27th day
of OCTOBER A.D. 20 15
[Signature]

A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Priscilla E.S.J. Kennedy
Barrister & Solicitor

Ottawa, 19th August 1920.

Sir,-

With reference to your letter of the 14th August No. 1735121, I have to say that Mr. John Stoney (Johanne Stoney) is a Treaty Indian, No. 12 of the Sawridge Band. He can continue to occupy the land referred to in the N.E. 4 6-73-4-4.5.4., which is a part of the Sawridge Indian reserve.

Your obedient servant,

E. M. H. H. C.

for Assistant Deputy and Secretary.

S.B.
The Secretary,

W. H. 207
Department of the Interior,
Ottawa, Ont.

Indian Affairs. (10 10, Volume 777, File 1131-4)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

EXHIBIT "I"

This is Exhibit " I " referred to in the
Affidavit of

MAURICE STONEY
Sworn before me this 2nd day
of OCTOBER A.D. 20 15

[Signature]
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

(NAME)

Treaty # 59

DORMANT

(BAND NUMBER)

LESSER SLAVE LAKE

(AGENCY)

(BAND) SAW 8129

REFERENCE

DISPOSAL

REFERRED TO	BY	REMARKS	DATE	PA OR BP	BY	DATE	For Record
21/2	f	046129	29/6/62	PA	SA2	21/6/62	
T1	SA2	046129	29/6/62	PA	T-1	21-7-60	
SA2	4	001539	22/9/60	PA	SA2	22/9/60	
T1	4	(PER BE 21/9)	22/9/60	PA	T-1	23-9-60	

7791

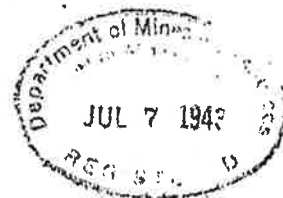
Marriage Certificate ?
in filePUBLIC ARCHIVES
RECORDS CENTRE

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 Mr. L. Heureux
the Agent at Griffoile for permission to become a full citizen
and stop taking treaty altogether.

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 I do not see any reason why I should
not have full citizen rights.

If you will send me an application form I should be glad
to fill it out immediately and return it to you. The sooner I
can complete all arrangements and get out of treaty the better
it would please me.

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.

w/s

Ottawa, August 10, 1943.

END.

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

An application for enfranchisement has been received from William J. Stoney, No. 59 of the Sawridge 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. Allan,
Superintendent,
Reserves and Trusts.



Encls.

8131 - 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 Slave Lake
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 Sawridge Band of Indians situated in the County of _____ 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 Witase
Northern Alberta Railways;

and that I am self supporting and consider that I am fit to be enfranchised and to exercise all the rights and privileges of citizenship; — ?

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:

My 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:

B. 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:

B. 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

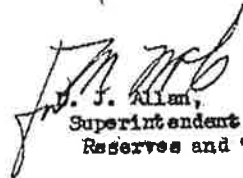
Ottawa, April 29, 1944.

EX'D.
A

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. J. Allan,
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, Bertran 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 British Subject, Merchant. 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

1944

in
this

Bertran Watkins

H. H. Patrick 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 T. Stoney, # 59

Band # ?

....., 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:

Mr WIFE

Margaret Stoney
(Name in full)

(OTHER SIDE)



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

Slave Lake Alta.

DATED at ~~#####~~ this 19th day of April ~~1944~~ 1944

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

William J. Stoney

Boatman

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.

(2) Miss Ruppel

Ottawa, August 24, 1944.

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

With reference to the application of William J. Stoney 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. Stoney, 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 Stoney 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.

response in house
[Handwritten signature]

NO. 8131-38

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

LESSER SLAVE LAKE

ENFRANCHISEMENT

WM. J. STONEY

EXHIBIT "J"

This is Exhibit "J" referred to in the
Affidavit of

MAURIE STONEY

Sworn before me this 27th day

of OCTOBER A.D., 20 15

P
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

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 March AD 19 93 DAY - JOUR MONTH - MOIS 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 Halson
(Councillor - conseiller)
[Signature]

[Signature]
(Chief - Chef)
[Signature]
(Councillor - conseiller)
[Signature]
(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

EXHIBIT "K"

This is Exhibit " K " referred to in the
Affidavit of

MAURICE STONEY
Sworn before me this 27 day
of OCTOBER A.D., 20 15
PK

A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Priscilla E.S.J. Kennedy
Barrister & Solicitor

TREATY No. 8

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

	Chiefs	Headmen	Other Indians	Cash Paid each Band	Total Cash Paid.
FORT McMURRAY.				\$ etc.	\$ etc.
<i>Cree and Chipewyan Bands—</i>					
Headmen		2		44 00	
Other Indians			130	1,560 00	1,604 00
WABISCOW.					
<i>Cree Band—</i>					
Chief	1	0		32 00	
Headmen			191	88 00	
Other Indians				2,392 00	2,412 00
Total	7	23	2,187		26,974 00

SUMMARY.

7 Chiefs at \$32	\$ 224 00
23 Headmen at \$22	506 00
2,187 Other Indians at \$12	26,224 00
2,217	\$ 26,974 00

Certified correct,

DAVID LAIRD,

J. H. ROSS,

J. A. J. 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 is Exhibit " L " referred to in the

Affidavit of

MAURICE STONEY

Sworn before me this 27th day

of OCTOBER A.D., 2015

[Signature]
A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Priscilla E.S.J. Kennedy
Barrister & Solicitor



Rec'd
Dec 12/11

3

50-17/4

REGISTERED MAIL

December 7, 2011

Mr. Maurice Stoney
500-4th 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

THE HONOURABLE MR. JUSTICE
DENNIS R. THOMAS



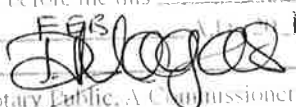
THE LAW COURTS
EDMONTON, ALBERTA
T5J 0R2
TEL: (780) 422-2200
FAX: (780) 427-0334

COURT OF QUEEN'S BENCH OF ALBERTA

January 14, 2016

SENT VIA E-MAIL

Ms. Doris Bonora
Dentons Canada LLP
2900 Manulife Place
10180 - 101 St. N.W.
Edmonton, Alberta T5J 3V5
Phone: 780-423-7188
Fax: 780-423-7276
Email: doris.bonora@dentons.com

This is Exhibit "C" referred to in the
Affidavit of
DANA CAMPOELL
Sworn before me this 12 day
of FEB 2016

A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Desirae Jasmine Magas
A Commissioner for Oaths
in and for Alberta
Expiry Date July 5, 2018

Dear Ms. Bonora:

**Re: 1985 Sawridge Trust – Action No. 1103 14112
December 17, 2015 – Reasons for Judgment Clarification**

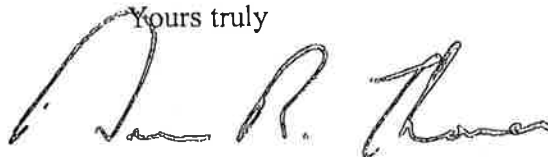
I acknowledge receipt of your letter of January 11, 2016 requesting a "clarification" of my decision in *1985 Sawridge Trust v Alberta (Public Trustee)*, 2015 ABQB 799 (the "2015 Decision").

I am not prepared to start interpreting my judgment, but I will say that I am prepared to consider any reasonable distribution proposal which the Trustees may wish to submit in accordance with the directions contained in my 2015 Decision.

I am copying all counsel involved by e-mail, so that they will be aware of my position.

In reviewing this file, I note that I have not yet received a Formal Order documenting my 2015 Decision and request that this task be attended to as soon as possible.

Yours truly



D.R.G. Thomas

ds

cc Ms. Janet Hutchison, (Hutchison Law) (via e-mail)
Mr. Eugene Meehan, (Supreme Advocacy LLP – Ontario) (via e-mail)
Mr. E. Molstad, QC (Parlee McLaws LLP) (via e-mail)
Ms. Priscilla E.S. Kennedy, (DLA Piper (Canada) LLP) (via e-mail)
Ms. Karen Platten, QC (McLennan Ross LLP) (via e-mail)
Ms. Nancy Cumming, (Bryan and Co.) (via e-mail)
Mr. Joseph Kueber, QC (Bryan and Co.) (via e-mail)

COURT OF APPEAL OF ALBERTA

Form AP-1

[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER:

1603-0029 AC

TRIAL COURT FILE NUMBER:

1103 14112

REGISTRY OFFICE:

EDMONTON



This is Exhibit "D" referred to in the
Affidavit of
DANA CAMPBELL
Sworn before me this 1st day
of FEB. 11, 2016
A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Desirae Jasmine Magas
A Commissioner for Oaths
in and for Alberta
Expiry Date July 5, 2018

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

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:

PUBLIC TRUSTEE OF ALBERTA

STATUS ON APPEAL:

Appellant

RESPONDENTS:

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

STATUS ON APPEAL:

Respondents

RESPONDENT:

SAWRIDGE INDIAN BAND NO. 19, NOW KNOWN AS
THE SAWRDIGE FIRST NATION

STATUS ON APPEAL:

Respondent

RESPONDENT:

CATHERINE TWINN, As a Trustee of the 1985 Trust

STATUS ON APPEAL:

Respondent

DOCUMENT:

CIVIL NOTICE OF APPEAL

**APPELLANT'S ADDRESS FOR
SERVICE AND CONTACT
INFORMATION:**

Hutchison Law
#190 Broadway Business Square
130 Broadway Boulevard
Sherwood Park, AB T8H 2A3

Attention: Janet L. Hutchison
Telephone: (780) 417-7871
Fax: (780) 417-7872
Email: jhutchison@jlhlaw.ca
File: 51433 JLH

WARNING

To the Respondent: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

1. Particulars of Judgment, Order or Decision Appealed From:

Date pronounced: December 17, 2015

Date entered: December 17, 2015

Date served: December 17, 2015

Official neutral citation of reasons for decision, if any:

(do not attach copy) 1985 Sawridge Trust v. Alberta (Public Trustee), 2015 ABQB 799

(Attach a copy of order or judgment: Rule 14.12(3). If a copy is not attached, indicate under item 14 and file a copy as soon as possible: Rule 14.18(2).)

2. Indicate where the matter originated:

Alberta Court of Queen's Bench

Judicial Centre: Edmonton

Justice: Honourable Mr. Justice D.R.G. Thomas

On appeal from a Queen's Bench Master or Provincial Court Judge?:

☐ Yes ☒ No

Official neutral citation of reasons for decision, if any, of the Master or Provincial Court Judge:
(do not attach copy) n/a

(If originating from an order of a Queen's Bench Master or Provincial Court Judge, a copy of that order is also required: Rule 14.18(1)(c).)

3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)).

☒ Permission not required, or ☐ Granted:

Date:

Justice:

(Attach a copy of order, but not reasons for decision.)

4. Portion being appealed (Rule 14.12(2)(c)):

☒ Whole, or

Only specific parts (if specific part, indicate which part):

(Where parts only of a family law order are appealed, describe the issues being appealed, e.g. property, child support, parenting, etc.)

The issues to be addressed on appeal include:

1.) Did the Case Management Justice err, and exceed his jurisdiction, by varying the terms of the Public Trustee's appointment as litigation representative in the within proceeding:

- i.) contrary to s. 6 of the *Public Trustee Act*;
- ii.) contrary to the June 19, 2013 Alberta Court of Appeal order; and
- iii.) without providing the Office of the Public Trustee with a reasonable opportunity to make submissions on the proposed variations, as required by s. 6(3) of the *Public Trustee Act*.

2.) Such further and other grounds as Counsel may advise and this Court may permit.

6. Provide a brief description of the relief claimed:

1.) Set aside the December 17, 2015 decision, confirm the terms of the appointment of the Office of the Public Trustee and clarify the role the Office of the Public Trustee on the application for final relief in this proceeding; and

2.) Such further and other relief as this Court deems appropriate.

7. Is this appeal required to be dealt with as a fast track appeal? (Rule 14.14)

☐ Yes ☒ No

8. Does this appeal involve the custody, access, parenting or support of a child? (Rule 14.14(2)(b))

☐ Yes ☒ No

9. Will an application be made to expedite this appeal?

☐ Yes ☒ No

10. Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate? (Rule 14.60)

☐ Yes ☒ No

11. Could this matter be decided without oral argument? (Rule 14.32(2))

☐ Yes ☒ No

12. Are there any restricted access orders or statutory provisions that affect the privacy of this file? (Rules 6.29, 14.12(2)(e), 14.83)

☐ Yes ☒ No

If yes, provide details:
(Attach a copy of any order.)

13. List respondent(s) or counsel for the respondent(s), with contact information:

<p>Reynolds Mirth Richards & Farmer LLP Suite 3200 Manulife Place 10180 - 101 Street Edmonton, Alberta T5J 3W8</p> <p>Attention: Marco Poretti Counsel for the Sawridge Trustees</p> <p>Phone: 780-425-9510 Fax: 780-429-3044 Email: mporetti@rmrf.com</p>	<p>Dentons LLP Suite 2900 Manulife Place 10180 - 101 Street Edmonton, Alberta T5J 3W8</p> <p>Attention: Doris Bonora Counsel for the Sawridge Trustees</p> <p>Phone: 780-423-7100 Fax: 780-423-7276 Email: doris.bonora@dentons.com</p>
<p>Bryan & Company 2600 Manulife Place 10180 - 101 Street Edmonton, Alberta T5J 3Y2</p> <p>Attention: Nancy Cumming, Q.C. Solicitor for the Sawridge Trustees</p> <p>Phone: 780-423 5730 Fax: 780-428 6324 Email: necumming@bryanco.com</p>	<p>McLennan Ross LLP 600 McLennan Ross Building 12220 Stony Plain Road Edmonton, Alberta T5N 3Y4</p> <p>Attention: Karen Platten, Q.C. Solicitor for Catherine Twinn</p> <p>Phone: 780-482-9200 Fax: 780-482-9100 Email: kplatten@mross.com</p>

Parlee McLaws Suite 1500 Manulife Place 10180 – 101 Street Edmonton, Alberta T5J 3W8 Attention: Edward Molstad, Q.C. Counsel for the Sawridge First Nation Phone: 780-423-8500 Fax: 780-423-2870 Email: emolstad@parlee.com	DLA Piper 1201 Scotia Tower 2 10060 Jasper Avenue Edmonton, Alberta T5J 4E5 Attention: Priscilla Kennedy Solicitors for June Kolosky and Aline Huzar Phone: 780-426-5330 Fax: 780-428-1066 Email: priscilla.kennedy@dlapiper.ca
---	---

If specified constitutional issues are raised, service on the Attorney General is required under s. 24 of the Judicature Act: Rule 14.18(1)(c)(viii).

14. Attachments (check as applicable)

Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))

Earlier order of Master, etc. (Rule 14.18(1)(c))

Order granting permission to appeal (Rule 14.12(3)(a))

Copy of any restricted access order (Rule 14.12(2)(e))

If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.

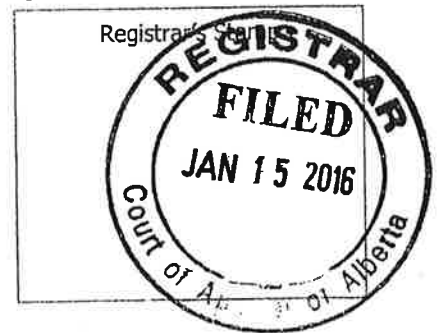
COURT OF APPEAL OF ALBERTA

Form AP-1
[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER: 1603-0026AC

TRIAL COURT FILE NUMBER: 1103 14112

REGISTRY OFFICE: Edmonton



This is Exhibit " E " referred to in the

DANA CAMPBELL

Sworn before me this 15 day

of February A.D. 2016

A Notary Public, A Commissioner for Oaths

Desirae Jasmine Magas

A Commissioner for Oaths

in and for Alberta

Expiry Date July 5, 2018

IN THE MATTER OF THE TRUSTEE ACT,
R.S.A. 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 Trust"),

APPLICANT: PUBLIC TRUSTEE OF ALBERTA

STATUS ON APPEAL: Respondent

RESPONDENTS: ROLAND TWINN, CATHERINE TWINN, WALTER FELIX TWIN,
BERTHA L'HIRONDELLE and CLARA MIDBO, As Trustees for the
1985 Trust

STATUS ON APPEAL Respondents

RESPONDENT: SAWRIDGE INDIAN BAND NO. 19, NOW KNOWN AS THE SAWRIDGE
FIRST NATION

STATUS ON APPEAL Respondent

RESPONDENT: CATHERINE TWINN, As a Trustee of the 1985 Trust

STATUS ON APPEAL: Appellant

DOCUMENT **CIVIL NOTICE OF
APPEAL**

APPELLANT'S ADDRESS
FOR SERVICE AND
CONTACT INFORMATION:

McLENNAN ROSS LLP
#600 McLennan Ross Building
12220 Stony Plain Road
Edmonton, AB T5N 3Y4

Lawyer: Karen A. Platten, Q.C.
Telephone: (780) 482-9278
Fax: (780) 482-9101
Email: cosualdini@mross.com
File No.: 144194

WARNING

To the Respondents: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

1. Particulars of Judgment, Order or Decision Appealed From:

Date pronounced: December 17, 2015

Date entered: December 17, 2015

Date served: December 17, 2015

Official neutral citation of reasons for decision, if any: 2015 ABQB 799

2. Indicate where the matter originated:

☒ **Court of Queen's Bench**

Judicial Centre: Edmonton

Justice: D.R.G. Thomas

On appeal from a Queen's Bench Master or Provincial Court Judge?: ☐ Yes ☒ No

Official neutral citation of reasons for decision, if any, of the Master or Provincial Court Judge:
(do not attach copy) _____

(If originating from an order of a Queen's Bench Master or Provincial Court Judge, a copy of that order is also required: Rule 14.18(1)(c).)

☐ **Board, Tribunal or Professional Discipline Body**

Specify Body: _____

3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)).

☒ Permission not required, or ☐ Granted:

Date: _____

Justice: _____
(Attach a copy of order, but not reasons for decision.)

4. Portion being appealed (Rule 14.12(2)(c)):

☒ Whole, or

☐ Only specific parts (if specific part, indicate which part):

(Where parts only of a family law order are appealed, describe the issues being appealed, e.g. property, child support, parenting, etc.).

8. Does this appeal involve the custody, access, parenting or support of a child? (Rule 14.14(2)(b))

☐ Yes ☒ No

9. Will an application be made to expedite this appeal?

☐ Yes ☒ No

10. Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate? (Rule 14.60)

☐ Yes ☒ No

11. Could this matter be decided without oral argument? (Rule 14.32(2))

☐ Yes ☒ No

12. Are there any restricted access orders or statutory provisions that affect the privacy of this file? (Rules 6.29, 14.12(2)(e), 14.83)

☐ Yes ☒ No

If yes, provide details: _____
(Attach a copy of any order.)

13. List Respondent or counsel for the Respondent, with contact information:

Counsel for the Respondent, Public Trustee of Alberta:

Hutchison Law
#190 Broadway Business Square
130 Broadway Boulevard
Sherwood Park AB Canada T8H 2A3
Attn: Janet L. Hutchison

Tel: (780) 417-7871
Fax: (780) 417-7872
Email: jhutchison@jhlaw.ca

and

Supreme Advocacy LLP
340 Gilmour Street, Suite 100
Ottawa ON Canada K2P 0R3
Attention: Eugene Meehan, Q.C.

Tel: (613) 695-8855
Fax: (613) 695-8580
Email: emeehan@supremeadvocacy.ca

Counsel for the Respondents, Roland Twinn, Catherine Twinn, Everett Justin Twin, Bertha L'Hirondelle and Margaret Ward, As Trustees for the 1985 Trust:

Dentons Canada LLP
2900 Manulife Place
10180-101 St NW
Edmonton AB Canada T5J 3V5
Attention: Doris Bonora

Tel: (780) 423-7188
Fax: (780) 423-7276
Email: doris.bonora@dentons.com

and

Reynolds Mirth Richards & Farmer LLP
3200 Manulife Place
10180 - 101 St. NW
Edmonton AB Canada T5J 3W8
Attention: Marco Poretti

Tel: (780) 497-3325
Fax: (780) 429-3044
Email: mporetti@rmrf.com

Counsel for Sawridge Indian Band No. 19 now known as the Sawridge First Nation:

Parlee McLaws LLP
1500 Manulife Place
10180 - 101 St. NW
Edmonton AB Canada T5J 4K1
Attention: Ed H. Molstad, Q.C.

Tel: (780) 423-8506
Fax: (780) 423-2870
Email: emolstad@parlee.com

14. Attachments (check as applicable)

☒ Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))
Not yet available, will provide when available

- ☐ Earlier order of Master, etc. (Rule 14.18(1)(c))
- ☐ Order granting permission to appeal (Rule 14.12(3)(a))
- ☐ Copy of any restricted access order (Rule 14.12(2)(e))

If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.



Court of Queen's Bench of Alberta

Citation: 1985 Sawridge Trust v Alberta (Public Trustee), 2015 ABQB 799

Date: 20151217
Docket: 1103 14112
Registry: Edmonton

In the Matter of the *Trustees 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
the Sawridge Indian Band, on April 15, 1985 (the "1985 Sawridge Trust")

Between:

**Ronald Twinn, Catherine Twinn, Walter Felix Twin, Bertha L'Hoirondelle and
Clara Midbo, As Trustees for the 1985 Sawridge Trust**

Respondents

- and -

Public Trustee of Alberta

Applicant

**Reasons for Judgment
of the
Honourable Mr. Justice D.R.G. Thomas**

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I Introduction

[1] This is a decision on a production application made by the Public Trustee and also contains other directions. Before moving to the substance of the decision and directions, I review the steps that have led up to this point and the roles of the parties involved. Much of the relevant information is collected in an earlier and related decision, *1985 Sawridge Trust v Alberta (Public Trustee)*, 2012 ABQB 365 [*"Sawridge #1"*], 543 AR 90 affirmed 2013 ABCA 226, 553 AR 324 [*"Sawridge #2"*]. The terms defined in *Sawridge #1* are used in this decision.

II. Background

[2] On April 15, 1985, the Sawridge Indian Band, No. 19, now known as the Sawridge First Nation [sometimes referred to as the "Band", "Sawridge Band", or "SFN"], set up the 1985 Sawridge Trust [sometimes referred to as the "Trust" or the "Sawridge Trust"] to hold some Band assets on behalf of its then members. The 1985 Sawridge Trust and other related trusts were created in the expectation that persons who had previously been excluded from Band membership by gender (or the gender of their parents) would be entitled to join the Band as a consequence of amendments to the *Indian Act*, RSC 1985, c I-5, which were being proposed to make that legislation compliant with the *Canadian Charter of Rights and Freedoms*, Part 1, *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11 [the "Charter"].

[3] The 1985 Sawridge Trust is administered by the Trustees [the "Sawridge Trustees" or the "Trustees"]. The Trustees had sought advice and direction from this Court in respect to proposed amendments to the definition of the term "Beneficiaries" in the 1985 Sawridge Trust (the "Trust Amendments") and confirmation of the transfer of assets into that Trust.

[4] One consequence of the proposed amendments to the 1985 Sawridge Trust would be to affect the entitlement of certain dependent children to share in Trust assets. There is some question as to the exact nature of the effects, although it seems to be accepted by all of those involved on this application that some children presently entitled to a share in the benefits of the 1985 Sawridge Trust would be excluded if the proposed changes are approved and implemented. Another concern is that the proposed revisions would mean that certain dependent children of proposed members of the Trust would become beneficiaries and be entitled to shares in the Trust, while other dependent children would be excluded.

[5] Representation of the minor dependent children potentially affected by the Trust Amendments emerged as an issue in 2011. At the time of confirming the scope of notices to be given in respect to the application for advice and directions, it was observed that children who might be affected by the Trust Amendments were not represented by independent legal counsel. This led to a number of events:

August 31, 2011 - I directed that the Office of the Public Trustee of Alberta [the "Public Trustee"] be notified of the proceedings and invited to comment on whether it should act in respect of any existing or potential minor beneficiaries of the Sawridge Trust.

February 14, 2012 - The Public Trustee applied:

1. to be appointed as the litigation representative of minors interested in this proceeding;
2. for the payment of advance costs on a solicitor and own client basis and exemption from liability for the costs of others; and
3. for an advance ruling that information and evidence relating to the membership criteria and processes of the Sawridge Band is relevant material.

April 5, 2012 - the Sawridge Trustees and the SFN resisted the Public Trustee's application.

June 12, 2012 - I concluded that a litigation representative was necessary to represent the interests of the minor beneficiaries and potential beneficiaries of the 1985 Sawridge Trust, and appointed the Public Trustee in that role: *Sawridge #1*, at paras 28-29, 33. I ordered that Public Trustee, as a neutral and independent party, should receive full and advance indemnification for its activities in relation to the Sawridge Trust (*Sawridge #1*, at para 42), and permitted steps to investigate "... the Sawridge Band membership criteria and processes because such information may be relevant and material ..." (*Sawridge #1*, at para 55).

June 19, 2013 - the Alberta Court of Appeal confirmed the award of solicitor and own client costs to the Public Trustee, as well as the exemption from unfavourable cost awards (*Sawridge #2*).

April 30, 2014 - the Trustees and the Public Trustee agreed to a consent order related to questioning of Paul Bujold and Elizabeth Poitras.

June 24, 2015 - the Public Trustee's application directed to the SFN was stayed and the Public Trustee was ordered to provide the SFN with the particulars of and the basis for the relief it claimed. A further hearing was scheduled for June 30, 2015.

June 30, 2015 - after hearing submissions, I ordered that:

- the Trustee's application to settle the Trust was adjourned;
- the Public Trustee file an amended application for production from the SFN with argument to be heard on September 2, 2015; and
- the Trustees identify issues concerning calculation and reimbursement of the accounts of the Public Trustee for legal services.

September 2/3, 2015 - after a chambers hearing, I ordered that:

- within 60 days the Trustees prepare and serve an affidavit of records, per the *Alberta Rules of Court*, Alta Reg 124/2010 [the "Rules", or individually a "Rule"],
- the Trustees may withdraw their proposed settlement agreement and litigation plan, and

[11] At least four of the five Sawridge Trustees are beneficiaries of the Sawridge Trust. There is overlap between the Sawridge Trustees and the Sawridge Band Chief and Council. Trustee Bertha L'Hirondelle has acted as Chief; Walter Felix Twinn is a former Band Councillor. Trustee Roland Twinn is currently the Chief of the Sawridge Band.

[12] The Sawridge Trustees have now concluded that the definition of "Beneficiaries" contained in the 1985 Sawridge Trust is "potentially discriminatory". They seek to redefine the class of beneficiaries as the present members of the Sawridge Band, which is consistent with the definition of "Beneficiaries" in another trust known as the 1986 Trust.

[13] This proposed revision to the definition of the defined term "Beneficiaries" is a precursor to a proposed distribution of the assets of the 1985 Sawridge Trust. The Sawridge Trustees indicate that they have retained a consultant to identify social and health programs and services to be provided by the Sawridge Trust to the beneficiaries and their minor children. Effectively they say that whether a minor is or is not a Band member will not matter: see the Trustee's written brief at para. 26. The Trustees report that they have taken steps to notify current and potential beneficiaries of the 1985 Sawridge Trust and I accept that they have been diligent in implementing that part of my August 31 Order.

IV. The Current Situation

[9] This decision and the June 30 and September 2/3, 2015 hearings generally involve the extent to which the Public Trustee should be able to obtain documentary materials which the Public Trustee asserts are potentially relevant to its representation of the identified minor beneficiaries and the potential minor beneficiaries. Following those hearings, some of the disagreements between the Public Trustee and the 1985 Sawridge Trustees were resolved by the Sawridge Trustees agreeing to provide a *Rules* Part V affidavit of records within 60 days of the September 2/3 Order.

[10] The primary remaining issue relates to the disclosure of information in documentary form sought by the Public Trustee from the SFN and there are also a number of additional ancillary issues. The Public Trustee seeks information concerning:

1. membership in the SFN,
2. candidates who have or are seeking membership with the SFN,
3. the processes involved to determine whether individuals may become part of the SFN,
4. records of the application processes and certain associated litigation, and
5. how assets ended up in the 1985 Sawridge Trust.

[11] The SFN resists the application of the Public Trustee, arguing it is not a party to this proceeding and that the Public Trustee's application falls outside the *Rules*. Beyond that, the SFN questions the relevance of the information sought.

V. Submissions and Argument

A. The Public Trustee

[12] The Public Trustee takes the position that it has not been able to complete the responsibilities assigned to it by me in *Sawridge #1* because it has not received enough information on potential, incomplete and filed applications to join the SFN. It also needs information on the membership process, including historical membership litigation scenarios, as well as data concerning movement of assets into the 1985 Sawridge Trust.

[13] It also says that, without full information, the Public Trustee cannot discharge its role in representing affected minors.

[14] The Public Trustee's position is that the Sawridge Band is a party to this proceeding, or is at least so closely linked to the 1985 Sawridge Trustees that the Band should be required to produce documents/information. It says that the Court can add the Sawridge Band as a party. In the alternative, the Public Trustee argues that *Rules* 5.13 and 9.19 provide a basis to order production of all relevant and material records.

B. The SFN

[15] The SFN takes the position that it is not a party to the Trustee's proceedings in this Court and it has been careful not to be added as a party. The SFN and the Sawridge Trustees are distinct and separate entities. It says that since the SFN has not been made a party to this proceeding, the *Rules* Part V procedures to compel documents do not apply to it. This is a stringent test: *Trimay Wear Plate Ltd. v Way*, 2008 ABQB 601, 456 AR 371; *Wasylyshen v Canadian Broadcasting Corp.*, [2006] AJ No 1169 (Alta QB).

[16] The only mechanism provided for in the *Rules* to compel a non-party such as the SFN to provide documents is *Rule* 5.13, and its function is to permit access to specific identified items held by the third party. That process is not intended to facilitate a 'fishing expedition' (*Ed Miller Sales & Rentals Ltd v Caterpillar Tractor Co* (1988), 94 AR 17, 63 Alta LR (2d) 189 (Alta QB)) or compel disclosure (*Gainers Inc. v Pocklington Holdings Inc.* (1995), 169 AR 288, 30 Alta LR (3d) 273 (Alta CA)). Items sought must be particularized, and this process is not a form of discovery: *Esso Resources Canada Ltd. v Stearns Catalytic Ltd.* (1989), 98 AR 374, 16 ACWS (3d) 286 (Alta CA).

[17] The SFN notes the information sought is voluminous, confidential and involves third parties. It says that the Public Trustee's application is document discovery camouflaged under a different name. In any case, a document is only producible if it is relevant and material to the arguments pled: *Rule* 5.2; *Weatherill (Estate) v Weatherill*, 2003 ABQB 69, 337 AR 180.

[18] The SFN takes the position that *Sawridge #1* ordered the Public Trustee to investigate two points: 1) identifying the beneficiaries of the 1985 Sawridge Trust; and 2) scrutiny of transfer of assets into the 1985 Sawridge Trust. They say that what the decision in *Sawridge #1* did not do was authorize interference or duplication in the SFN's membership process and its results. Much of what the Public Trustee seeks is not relevant to either issue, and so falls outside the scope of what properly may be sought under *Rule* 5.13.

[19] Privacy interests and privacy legislation are also factors: *Royal Bank of Canada v Trang*, 2014 ONCA 883 at paras 97, 123 OR (3d) 401; *Personal Information Protection and Electronic Documents Act*, SC 2000, c 5. The Public Trustee should not have access to this information

that the ultimate recipients of the 1985 Sawridge Trust distribution be the appropriate beneficiaries.

VI. Analysis

[26] The Public Trustee's application for production of records/information from the SFN is denied. First, the Public Trustee has used a legally incorrect mechanism to seek materials from the SFN. Second, it is necessary to refocus these proceedings and provide a well-defined process to achieve a fair and just distribution of the assets of the 1985 Sawridge Trust. To that end, the Public Trustee may seek materials/information from the Sawridge Band, but only in relation to specific issues and subjects.

A. Rule 5.13

[27] I agree with the SFN that it is a third party to this litigation and is not therefore subject to the same disclosure procedures as the Sawridge Trustees who are a party. Alberta courts do not use proximal relationships as a bridge for disclosure obligations: *Trimay Wear Plate Ltd. v Way*, at para 17.

[28] If I were to compel document production by the Sawridge Band, it would be via Rule 5.13:

5.13(1) On application, and after notice of the application is served on the person affected by it, the Court may order a person who is not a party to produce a record at a specified date, time and place if

- (a) the record is under the control of that person,
- (b) there is reason to believe that the record is relevant and material, and
- (c) the person who has control of the record might be required to produce it at trial.

(2) The person requesting the record must pay the person producing the record an amount determined by the Court.

[29] The modern Rule 5.13 uses language that closely parallels that of its predecessor *Alberta Rules of Court*, Alta Reg 390/1968, s 209. Jurisprudence applying Rule 5.13 has referenced and used approaches developed in the application of that precursor provision: *Toronto Dominion Bank v Sawchuk*, 2011 ABQB 757, 530 AR 172; *H.Z. v Unger*, 2013 ABQB 639, 573 AR 391. I agree with this approach and conclude that the principles in the pre-Rule 5.13 jurisprudence identified by the SFN apply here: *Ed Miller Sales & Rentals Ltd v Caterpillar Tractor Co*; *Gainers Inc. v Pocklington Holdings Inc.*; *Esso Resources Canada Ltd. v Stearns Catalytic Ltd.*

[30] The requirement for potential disclosure is that "there is reason to believe" the information sought is "relevant and material". The SFN has argued relevance and materiality may be divided into "primary, secondary, and tertiary" relevance, however the Alberta Court of Appeal has rejected these categories as vague and not useful: *Royal Bank of Canada v Kaddoura*, 2015 ABCA 154 at para 15, 15 Alta LR (6th) 37.

[31] I conclude that the only documents which are potentially disclosable in the Public Trustee's application are those that are "relevant and material" to the issue before the court.

4. Supervising the distribution process itself.

[38] The Public Trustee's attention appears to have expanded beyond these four objectives. Rather than unnecessarily delay distribution of the 1985 Sawridge Trust assets, I instruct the Public Trustee and the 1985 Sawridge Trustees to immediately proceed to complete the first three tasks which I have outlined.

[39] I will comment on the fourth and final task in due course.

Task 1 - Arriving at a fair distribution scheme

[40] The first task for the 1985 Sawridge Trustees and the Public Trustee is to develop for my approval a proposed scheme for distribution of the 1985 Sawridge Trust that is fair in the manner in which it allocates trust assets between the potential beneficiaries, adults and children, previously vested or not. I believe this is a largely theoretical question and the exact numbers and personal characteristics of individuals in the various categories is generally irrelevant to the Sawridge Trustee's proposed scheme. What is critical is that the distribution plan can be critically tested by the Public Trustee to permit this Court to arrive at a fair outcome.

[41] I anticipate the critical question for the Public Trustee at this step will be to evaluate whether any differential treatment between adult beneficiaries and the children of adult beneficiaries is or is not fair to those children. I do not see that the particular identity of these individuals is relevant. This instead is a question of fair treatment of the two (or more) categories.

[42] On September 3, 2015, the 1985 Sawridge Trustees withdrew their proposed distribution arrangement. I direct the Trustees to submit a replacement distribution arrangement by January 29, 2016.

[43] The Public Trustee shall have until March 15, 2016 to prepare and serve a *Rule 5.13(1)* application on the SFN which identifies specific documents that it believes are relevant and material to test the fairness of the proposed distribution arrangement to minors who are children of beneficiaries or potential beneficiaries.

[44] If necessary, a case management meeting will be held before April 30, 2016 to decide any disputes concerning any *Rule 5.13(1)* application by the Public Trustee. In the event no *Rule 5.13(1)* application is made in relation to the distribution scheme the Public Trustee and 1985 Sawridge Band Trustees shall make their submissions on the distribution proposal at the pre-April 30 case management session.

Task 2 – Examining potential irregularities related to the settlement of assets to the Trust

[45] There have been questions raised as to what assets were settled in the 1985 Sawridge Trust. At this point it is not necessary for me to examine those potential issues. Rather, the first task is for the Public Trustee to complete its document request from the SFN which may relate to that issue.

[46] The Public Trustee shall by January 29, 2016 prepare and serve a *Rule 5.13(1)* application on the Sawridge Band that identifies specific types of documents which it believes are relevant and material to the issue of the assets settled in the 1985 Sawridge Trust.

[47] A case management hearing will be held before April 30, 2016 to decide any disputes concerning any such *Rule* 5.13(1) application by the Public Trustee.

Task 3 - Identification of the pool of potential beneficiaries

[48] The third task involving the Public Trustee is to assist in identifying potential minor beneficiaries of the 1985 Sawridge Trust. The assignment of this task recognizes that the Public Trustee operates within its Court-ordered role when it engages in inquiries to establish the pools of individuals who are minor beneficiaries and potential minor beneficiaries. I understand that the first category of minor beneficiaries is now identified. The second category of potential minor beneficiaries is an area of legitimate investigation for the Public Trustee and involves two scenarios:

1. an individual with an unresolved application to join the Sawridge Band and who has a child; and
2. an individual with an unsuccessful application to join the Sawridge Band and who has a child.

[49] I stress that the Public Trustee's role is limited to the representation of potential child beneficiaries of the 1985 Sawridge Trust only. That means litigation, procedures and history that relate to past and resolved membership disputes are not relevant to the proposed distribution of the 1985 Sawridge Trust. As an example, the Public Trustee has sought records relating to the disputed membership of Elizabeth Poitras. As noted, that issue has been resolved through litigation in the Federal Court, and that dispute has no relation to establishing the identity of potential minor beneficiaries. The same is true of any other adult Sawridge Band members.

[50] As Aalto, J. observed in *Poitras v Twinn*, 2013 FC 910, 438 FTR 264, "[M]any gallons of judicial ink have been spilt" in relation to the gender-based disputes concerning membership in the SFN. I do not believe it is necessary to return to this issue. The SFN's past practise of relentless resistance to admission into membership of aboriginal women who had married non-Indian men is well established.

[51] The Public Trustee has no relevant interest in the children of any parent who has an unresolved application for membership in the Sawridge Band. If that outstanding application results in the applicant being admitted to the SFN then that child will become another minor represented by the Public Trustee.

[52] While the Public Trustee has sought information relating to incomplete applications or other potential SFN candidates, I conclude that an open-ended 'fishing trip' for unidentified hypothetical future SFN members, who may also have children, is outside the scope of the Public Trustee's role in this proceeding. There needs to be minimum threshold proximity between the Public Trustee and any unknown and hypothetical minor beneficiary. As I will stress later, the Public Trustee's activities need to be reasonable and fair, and balance its objectives: cost-effective participation in this process (i.e., not unreasonably draining the Trust) and protecting the interests of minor children of SFN members. Every dollar spent in legal and research costs turning over stones and looking under bushes in an attempt to find an additional, hypothetical minor beneficiary reduces the funds held in trust for the known and existing minor children who are potential beneficiaries of the 1985 Sawridge Trust distribution and the clients of the Public Trustee. Therefore, I will only allow investigation and representation by the Public Trustee of

children of persons who have, at a minimum, completed a Sawridge Band membership application.

[53] The Public Trustee also has a potential interest in a child of a Sawridge Band candidate who has been rejected or is rejected after an unsuccessful application to join the SFN. In these instances the Public Trustee is entitled to inquire whether the rejected candidate intends to appeal the membership rejection or challenge the rejection through judicial review in the Federal Court. If so, then that child is also a potential candidate for representation by the Public Trustee.

[54] This Court's function is not to duplicate or review the manner in which the Sawridge Band receives and evaluates applications for Band membership. I mean by this that if the Public Trustee's inquiries determine that there are one or more outstanding applications for Band membership by a parent of a minor child then that is not a basis for the Public Trustee to intervene in or conduct a collateral attack on the manner in which that application is evaluated, or the result of that process.

[55] I direct that this shall be the full extent of the Public Trustee's participation in any disputed or outstanding applications for membership in the Sawridge Band. This Court and the Public Trustee have no right, as a third party, to challenge a crystalized result made by another tribunal or body, or to interfere in ongoing litigation processes. The Public Trustee has no right to bring up issues that are not yet necessary and relevant.

[56] In summary, what is pertinent at this point is to identify the potential recipients of a distribution of the 1985 Sawridge Trust, which include the following categories:

1. Adult members of the SFN;
2. Minors who are children of members of the SFN;
3. Adults who have unresolved applications to join the SFN;
4. Children of adults who have unresolved applications to join the SFN;
5. Adults who have applied for membership in the SFN but have had that application rejected and are challenging that rejection by appeal or judicial review; and
6. Children of persons in category 5 above.

[57] The Public Trustee represents members of category 2 and potentially members of categories 4 and 6. I believe the members of categories 1 and 2 are known, or capable of being identified in the near future. The information required to identify persons within categories 3 and 5 is relevant and necessary to the Public Trustee's participation in this proceeding. If this information has not already been disclosed, then I direct that the SFN shall provide to the Public Trustee by January 29, 2016 the information that is necessary to identify those groups:

1. The names of individuals who have:
 - a) made applications to join the SFN which are pending (category 3); and
 - b) had applications to join the SFN rejected and are subject to challenge (category 5); and
2. The contact information for those individuals where available.

[58] As noted, the Public Trustee's function is limited to *representing minors*. That means the Public Trustee:

1. shall inquire of the category 3 and 5 individuals to identify if they have any children; and
2. if an applicant has been rejected whether the applicant has challenged, or intends to challenge a rejection by appeal or by judicial proceedings in the Federal Court.

[59] This information should:

1. permit the Public Trustee to know the number and identity of the minors whom it represents (category 2) and additional minors who may in the future enter into category 2 and become potential minor recipients of the 1985 Sawridge Trust distribution;
2. allow timely identification of:
 - a) the maximum potential number of recipients of the 1985 Sawridge Trust distribution (the total number of persons in categories 1-6);
 - b) the number of adults and minors whose potential participation in the distribution has "crystalized" (categories 1 and 2); and
 - c) the number of adults and minors who are potential members of categories 1 and 2 at some time in the future (total of categories 3-6).

[60] These are declared to be the limits of the Public Trustee's participation in this proceeding and reflects the issues in respect to which the Public Trustee has an interest. Information that relates to these issues is potentially relevant.

[61] My understanding from the affidavit evidence and submissions of the SFN and the 1985 Sawridge Trustees is that the Public Trustee has already received much information about persons on the SFN's membership roll and prospective and rejected candidates. I believe that this will provide all the data that the Public Trustee requires to complete Task 3. Nevertheless, the Public Trustee is instructed that if it requires any additional documents from the SFN to assist it in identifying the current and possible members of category 2, then it is to file a *Rule 5.13* application by January 29, 2016. The Sawridge Band and Trustees will then have until March 15, 2016 to make written submissions in response to that application. I will hear any disputed *Rule 5.13* disclosure application at a case management hearing to be set before April 30, 2016.

Task 4 - General and residual distributions

[62] The Sawridge Trustees have concluded that the appropriate manner to manage the 1985 Sawridge Trust is that its property be distributed in a fair and equitable manner. Approval of that scheme is Task 1, above. I see no reason, once Tasks 1-3 are complete, that there is any reason to further delay distribution of the 1985 Sawridge Trust's property to its beneficiaries.

[63] Once Tasks 1-3 are complete the assets of the Trust may be divided into two pools:

Pool 1: trust property available for immediate distribution to the identified trust beneficiaries, who may be adults and/or children, depending on the outcome of Task 1; and

Pool 2: trust funds that are reserved at the present but that may at some point be distributed to:

- a) a potential future successful SFN membership applicant and/or child of a successful applicant, or
- b) an unsuccessful applicant and/or child of an unsuccessful applicant who successfully appeals/challenges the rejection of their membership application.

[64] As the status of the various outstanding potential members of the Sawridge Band is determined, including exhaustion of appeals, the second pool of 'holdback' funds will either:

1. be distributed to a successful applicant and/or child of the applicant as that result crystalizes; or
2. on a pro rata basis:
 - a) be distributed to the members of Pool 1, and
 - b) be reserved in Pool 2 for future potential Pool 2 recipients.

[65] A minor child of an outstanding applicant is a potential recipient of Trust property, depending on the outcome of Task 1. However, there is no broad requirement for the Public Trustee's direct or indirect participation in the Task 4 process, beyond a simple supervisory role to ensure that minor beneficiaries, if any, do receive their proper share.

C. Disagreement among the Sawridge Trustees

[66] At this point I will not comment on the divergence that has arisen amongst the 1985 Sawridge Trustees and which is the subject of a separate originating notice (Docket 1403 04885) initiated by Catherine Twinn. I note, however, that much the same as the Public Trustee, the 1985 Sawridge Trustees should also refocus on the four tasks which I have identified.

[67] First and foremost, the Trustees are to complete their part of Task 1: propose a distribution scheme that is fair to all potential members of the distribution pools. This is not a question of specific cases, or individuals, but a scheme that is fair to the adults in the SFN and their children, current and potential.

[68] Task 2 requires that the 1985 Sawridge Trustees share information with the Public Trustee to satisfy questions on potential irregularities in the settlement of property into the 1985 Sawridge Trust.

[69] As noted, I believe that the information necessary for Task 3 has been accumulated. I have already stated that the Public Trustee has no right to engage and shall not engage in collateral attacks on membership processes of the SFN. The 1985 Sawridge Trustees, or any of them, likewise have no right to engage in collateral attacks on the SFN's membership processes. Their fiduciary duty (and I mean all of them), is to the beneficiaries of the Trust, and not third parties.

D. Costs for the Public Trustee

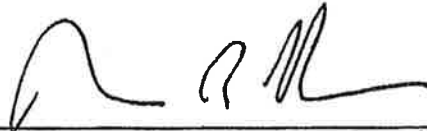
[70] I believe that the instructions given here will refocus the process on Tasks 1 – 3 and will restrict the Public Trustee's activities to those which warrant full indemnity costs paid from the 1985 Sawridge Trust. While in *Sawridge #1* I had directed that the Public Trustee may inquire into SFN Membership processes at para 54 of that judgment, the need for that investigation is now declared to be over because of the decision in *Stoney v Sawridge First Nation*. I repeat that

inquiries into the history and processes of the SFN membership are no longer necessary or relevant.

[71] As the Court of Appeal observed in *Sawridge #2* at para 29, the Public Trustee's activities are subject to scrutiny by this Court. In light of the four Task scheme set out above I will not respond to the SFN's cost argument at this point, but instead reserve on that request until I evaluate the *Rule* 5.13 applications which may arise from completion of Tasks 1-3.

Heard on the 2nd and 3rd days of September, 2015.

Dated at the City of Edmonton, Alberta this 17th day of December, 2015.


D.R.G. Thomas
J.C.Q.B.A. Thomas J

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