



TEME-AUGAMA ANISHNABAI

(The Deep Water People)

BEAR ISLAND — LAKE TEMAGAMI, ONTARIO

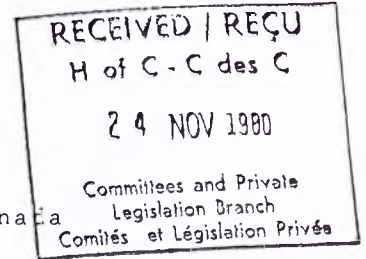
POH 1CO

Telephone (705) 569-3743



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November 21, 1980



Joint Clerks
Special Joint Committee on the Constitution of Canada
Postal Box 1044
South Block
Parliament Buildings
OTTAWA, Ontario
K1A 0A7

Dear Honourable Chairpersons:

Enclosures indicate the area of Government land robbery of our Indigenous Native lands and the length of time we, the Temagami Indian Band have been pursuing a resolution to this outstanding matter.

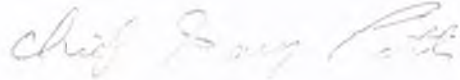
"Ownership" of our Tribal homeland of 3,823 square miles is the question presently before the the Supreme Court of Ontario, as we are being sued by the Government of Ontario for a decision stating that we have no interests in our tribal homeland. Our defence in this case is Section 109 of the B.N.A. Act, which previous court decisions have said, the Crown holds subject to the Indian Title under this section. Also the Royal Proclamation of 1763 is important to us, which courts also say is still a valid statute, as well as previous legislature decisions of the Governments of Upper and Lower Canada.

My concerns, given the present Governments ignorance of Indian Title is this country, is that by the time our court case reaches the Supreme Court of Canada, the present laws which are supportive to us, will disappear in the New Canada Act, completing the Cultural, Ethnocide and physical spiritual Genocide of the Indigenous Native Population of this country by the settler Governments.

I therefore request that the Constitutional Committee hear my concerns on behalf of the people I serve, and receive a proposed Charter of Indigenous Native Rights for entrenchment in the Canada Act. It should also be noted that we are not, nor have ever been a party to any treaty, or any of the present Indian Political Associations across the Country.

We are an Independent Indigenous Native Tribe within the Colonial boundaries of Canada whose very existence as a distinct tribe with a distinct homeland is being threatened,

Sincerely,



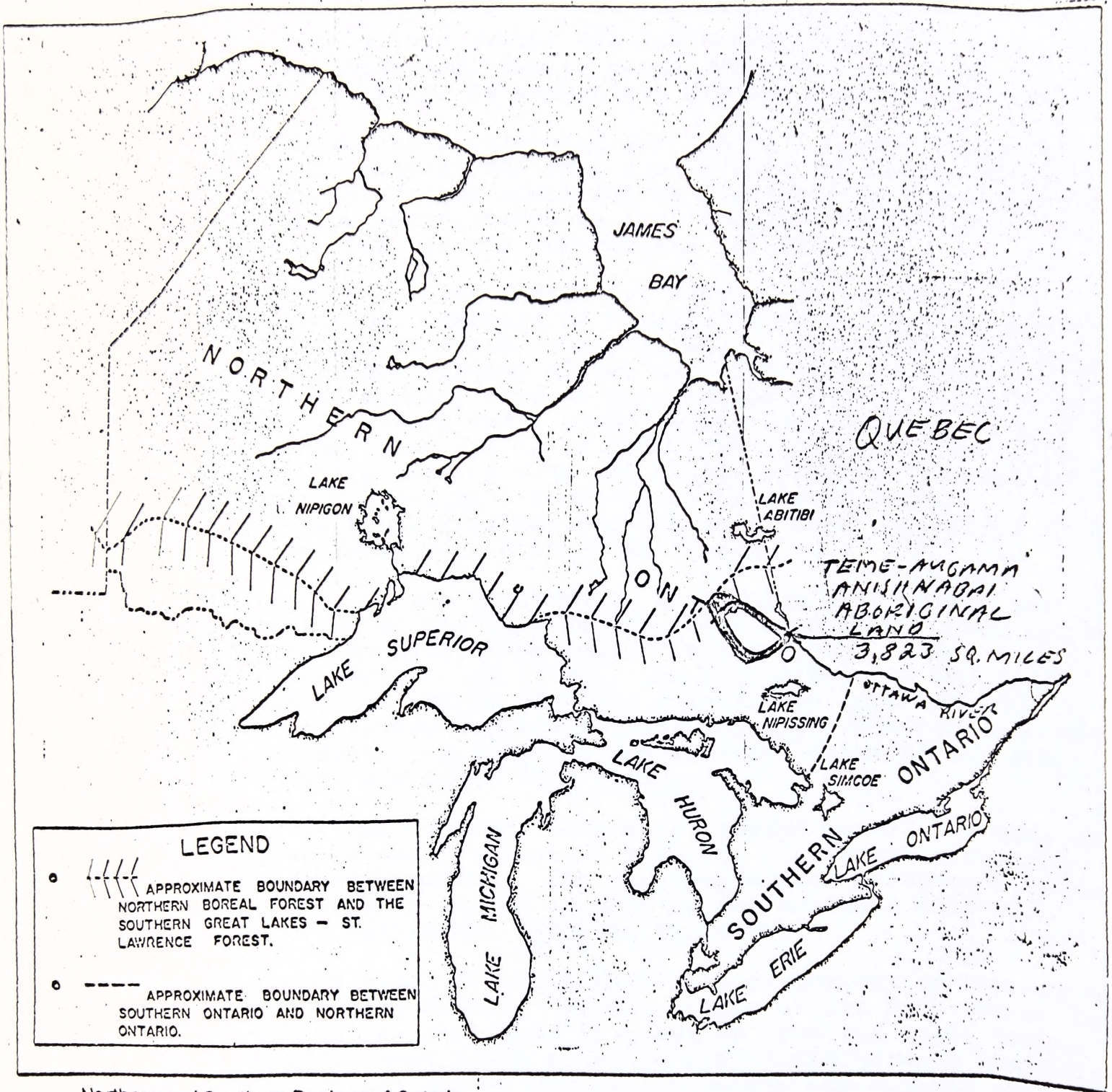
Chief Gary Potts

Enclosures
GP/bt

C.C. to: Mr. Bruce Lonsdale M.P. Liberal, Temiskaming Riding

Mr. James Manly M.P. New Democratic Party, Cowichan-Malahat-The Islands, Southern Vancouver Island, British Columbia.

Map



Northern and Southern Regions of Ontario.

*ndabi-menon outlined in red
approximate location*

CHRONOLOGY SUMMARY OF EVENTS AFFECTING THE LAND RIGHTS
OF THE TEME-AUGAMA ANISHNABAI

1620. A.D. French interpreter and fur trader Jean Nicollet winters on Lake Nipissing, twelve years after the founding of Québec. Among the groups he encounters are the Teme-augama Anishnabai.
1760. The English have conquered New France. Formal Capitulation of French army at Montreal states that the Indian allies of the King of France shall not be disturbed in the lands they occupy for having taken up arms against the English. Among these allies are the Teme-augama Anishnabai.
- 1763, October 7th. King George III of England issues a Royal Proclamation. Because of "Great Frauds and Abuses" committed by European settlers, these settlers are warned to get off Indian lands. Native tribes are confirmed as *OWNERS* of all lands not already sold or surrendered by them to the Crown. If at any future date, these tribes are inclined to part with any lands, they are to be bought in the King's name only, at a public meeting with the Chiefs and principal men of the tribes in question. Ndaki-menan is Indian land.
The Royal Proclamation has never been repealed. It still has the force of a Statute in Canada.
1774. The lands of the Teme-augama Anishnabai fall within the boundaries of the enlarged Province of Quebec. But, not being sold to the King, they remain Indian lands. After the American Revolution (1783), the King offers to buy lands on the north shores of Lakes Ontario and Erie from the resident Indian nations so that loyalist refugees from the United States of America can settle. These offers are accepted, and sales take place.
1791. The Province of Upper Canada is created out of the western portion of the Province of Quebec. Its formal boundaries include Ndaki-menan. But the Teme-augama Anishnabai do not sell. Several tribes in what is now southern Ontario, however, sell their lands to the Crown.
- 1850, September 9th. Minerals have been discovered on the north shore of Lake Huron. The Government of the Province of Canada offers to buy the lands in question from the local tribes. A Council takes place at Sault Ste. Marie between the Chiefs and Principal men of the Indian people and William B. Robinson, the Queen's representative. By the "Robinson-Huron" Treaty, the Queen acquires full title to the northern and eastern shores of Lake Huron, plus a considerable distance inland.
The eastern boundary of the Treaty is not defined. If it could be made to apply to Ndaki-menan territorially it would not effect a surrender since, although the Teme-augama Anishnabai were known to the Government, before 1850, as a distinct tribe, their Chief was not invited to the Treaty

Council. Not being invited, and not being present, the treaty was never signed by the Teme-augama Anishnabai.

1867. Confederation. The new "federal" Government is given responsibility, under the British North American Act, for "Indians and lands reserved for the Indians". Although Ndaki-menan falls within the boundaries of the new Province of Ontario, it has never been sold or surrendered to the Crown, and therefore remains land "reserved for the Indian's."
1878. Lumbermen, licensed by the Ontario Government to cut on Lake Temiskaming, arrive on Temagami Lake exploring for timber. Chief Tonene of the Teme-augama Anishnabai immediately visits the federal Indian Agent in Parry Sound, protesting that white men are interfering with Indian lands that have never been surrendered by Treaty.
1883. The Federal Government acknowledges that the Teme-augama Anishnabai did not take part in the Robinson-Huron Treaty. Some of the Teme-augama Anishnabai (those of Native ancestry in the male, but not female, line) are identified by the federal Government as the "Temagami Indian Band." Although no formal sale or surrender of Ndaki-menan takes place, a small (100 square miles) tract at the south end of Lake Temagami is surveyed in 1885 by the Federal Government as a "Reserve" for the "Temagami Band of Indians".
- 1885 to 1978. The Government of the Province of Ontario refuses to recognize the 100-square mile tract on Lake Temagami as an Indian Reserve, claiming that all of Ndaki-menan has already been surrendered by the Robinson-Huron Treaty of 1850. Despite continuous protests by the Teme-augama Anishnabai, the Ontario Government allows exploitation of Ndaki-menan by European settlers to proceed.
1906. Lands immediately north of Ndaki-menan are sold by the resident Cree and Ojibwa Indian people to the Crown under the terms of the "James Bay Treaty (Treaty Number Nine)". Despite interferences by the Ontario Government, Ndaki-menan is still legally Indian land.
1943. The Ontario Government has been threatening for ten years to evict certain members of the Teme-augama Anishnabai from Bear Island, Lake Temagami, where they have homes, for failing to pay rent to the Province. To avoid further conflict, the Federal Government buys Bear Island from the Province. The Teme-augama Anishnabai, however, refuse to acknowledge this purchase as a settlement of their grievance, because no formal sale or surrender of Ndaki-menan has taken place.
1971. The Federal Government declares Bear Island to be an Indian Reserve.
- 1973, August. Chief Gary Potts of the Teme-augama Anishnabai files

a "Caution" against all unregistered "Crown" lands within Ndaki-menan, asserting that the area in question is still Indian Land within the meaning of the Royal Proclamation of 1763. The Province tries to have the Caution lifted. By April of 1978, after procedural difficulties have been eliminated, the case is before His Honour Judge Fernand Gratton of the Ontario District Court, North Bay.

- 1978, May. The Attorney-General for the Province of Ontario sues the Teme-augama Anishnabai in the Supreme Court of Ontario, seeking a number of declarations, among them that the Teme-augama Anishnabai have no interest whatsoever in Ndaki-menan.
- 1979, January. Trial pleadings exchanged and completed.
- 1979, August. Discoveries of Gary Potts representing the Teme-augama Anishnabai are adjourned until all documents to be relied on at Trial are produced by the Defendants.
- 1979, December. Bruce Clark, Lawyer for the Defendants Discovers the Provincial Representatives for three days, on what facts they rely, supporting their contention that their is no Indian Title to the Lands in question.
- 1980, January and February. Province Discovers Chief Gary Potts for seven days, investigating the facts we rely on supporting our Claim to the Lands in question.
- 1980, May 15. Pamour Porcupine Mines is added to the court case No. 25196/78 in the Supreme Court of Ontario, as a party defendant with the Crown Ontario to our counter-claim.