Court File No. T-1804-10

FEDERAL COURT

BETWEEN:

ANGEL SUE LARKMAN

Applicant

-and-

ATTORNEY GENERAL OF CANADA

Respondent

APPLICANT'S MEMORANDUM OF FACT AND LAW

August 26, 2011

FALCONER CHARNEY LLP
Barristers-at-Law
8 Prince Arthur Avenue
Toronto, Ontario
M5R 1A9

Julian N. Falconer
(L.S.U.C. #29465 R)

Sunil S. Mathai
(L.S.U.C. # 49616 O)

Tel: (416) 964-3408
Fax: (416) 929-8179

Solicitors for the Applicant

DEPARTMENT OF JUSTICE, ONTARIO REGIONAL OFFICE
130 King Street West
The Exchange Tower
Suite 3400, Box 36
Toronto, Ontario
M5X 1K6

Michael Beggs

Tel: (416) 952-4758
Fax: (416) 973-2319

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PART I - OVERVIEW

The concept of voluntary enfranchisement was given its first legislative expression in the Gradual Civilization Act of 1857 and remained virtually unchanged through successive versions of the Indian Act until relatively recently. It was not a realistic or popular policy among Indians, most of whom had no intention of renouncing their personal and group identity by assimilating into non-Aboriginal society.

Looking Forward, Looking Backward, Report of the Royal Commission on Aboriginal Peoples, 1996 Volume 1, Chapter 9, section 9 at p. 287.

1. This case is about correcting the errors of the past. It is about a family who has suffered the impact of a previous government's errors, and who continues to suffer from the current government's refusal to apply the *Indian Act*, 1985 in a manner that is both legal and in keeping with its duty to act honourably. It is about a woman reclaiming her Indian identity - an identity that she had no intention of renouncing.

2. Laura Flood (née Batisse) was "enfranchised" by an Order-in-Council dated December 4, 1952. Enfranchisement was the surrender of one's legal recognition as an Indian and one's membership in a Band in exchange for Canadian citizenship and the right to hold land in fee simple. Not only did enfranchisement surrender the individual's legal recognition and band membership, but that of their future descendants. Canada's enfranchisement policy was a cornerstone of the Federal government's assimilation policy and was characterized by the Royal Commission on Aboriginal Peoples (the "RCAP") as being amongst the most "oppressive amendments and practices" in the history of the *Indian Act*.

> *Looking Forward, Looking Backward*, Report of the Royal Commission on Aboriginal Peoples, 1996 Volume 1 Chapter 9, section 9 and at p. 271.

3. Laura Flood did sign an Application for Enfranchisement; but she did so because she was asked to by the Indian Agent and the Chief of the Matachewan First Nation. At the time that Laura Flood signed the Application, she was unable to read or write. She was neither aware of what she was signing, nor was she informed of the effect of signing the Application. Regardless of this, as a result of signing the Application she lost her entitlement to be recognized as an Indian, and thus, lost access to all of the benefits that flowed from such recognition. The loss of entitlement not only affected Laura Flood's status, but it also affected the status of her children and grandchildren.

> Applicant's Record: Affidavit of Laura Flood, sworn April 28, 1998, Tab 3E at para 16.

4. The Applicant submits that the Order-in-Council was obtained unlawfully and without statutory authority. Pursuant to the relevant provisions of the *Indian Act*, an Order-in-Council enfranchising an Indian can only be issued when an Indian applies for enfranchisement. In the case at bar, Laura Flood did not voluntarily apply for enfranchisement. As a result, the Order-in-

Council enfranchising her is invalid as it was issued without statutory authority or because it was issued on the basis of a fraudulent Application for enfranchisement.

5. Laura Flood, now deceased, did eventually regain her registration through Bill C-31. Bill C-31, amended the *Indian Act* to restore registration to those who lost it through enfranchisement. However, the Applicant still suffers the effects of Laura Flood's invalid enfranchisement. The *Indian Act* sets out various categories of Indian registration. Because Laura Flood is considered to be a Bill C-31 registrant, the Registrar has taken the view that Laura's granddaughter, Angel Larkman (née Etches) is not entitled to be registered as an Indian. Had Laura Flood not been enfranchised, Angel Larkman would be entitled to be registered as an Indian.

PART II – FACTS

A. The History of Enfranchisement and the *Indian Act*

6. The loss of an Aboriginal person's recognition as an Indian through enfranchisement began with the passage in 1857 of *An Act to Encourage the gradual Civilization of Indian Tribes in the Province and to amend the Laws respecting Indians*, S. Prov. C. 1857, 20 Vict., c. 26 (the "*Gradual Civilization Act*"). The preamble of the *Gradual Civilization Act* identifies the assimilation of the Indian people as the purpose of the enactment:

> WHEREAS it is desirable to encourage the progress of Civilization among the Indian Tribes in this Province, and the gradual removal of all legal distinctions between then and Her Majesty's other Canadian Subjects, and to facilitate the acquisition of property and of the rights accompanying it, by such Individual Members of the said Tribes as shall be found to desire such encouragement and to have deserved it.

7. The enfranchisement policy was based on the premise that by removing all legal distinctions between Indians and non-Indians, it would be possible to absorb Indian people fully into colonial society. As previously noted, the RCAP described the enfranchisement provisions

to the *Indian Act* as amongst the most "oppressive amendments and practices" in the *Act*, the goal of which was the assimilation of Aboriginal people.

> *Looking Forward, Looking Backward*, Report of the Royal Commission on Aboriginal People, 1996 Volume 1, Chapter 9, section 9 at p. 271.

8. Those subject to enfranchisement were no longer considered "Indians" and they lost their right to be a member of and to reside in their Aboriginal community.

> *Corbiere v. Canada (Minister of Indian and Northern Affairs)*, [1999] 2 S.C.R. 203 at pp. 268-269.

9. The Federal government's enfranchisement policy was carried forward from the *Gradual Enfranchisement Act* to the enactment of the first *Indian Act* and remained in place, in various forms, until it was abolished in 1985.

10. The various incarnations of the *Indian Act* set out processes for both voluntary and involuntary enfranchisement of Aboriginal people. Amongst the most infamous of the involuntary provisions (and one which the Appellants suggest Justice Forrestell should have applied in her review of this case) were those that stripped Aboriginal women who married non-Aboriginal men of their entitlement to be considered Indian.

> *Indian Act*, S.C. 1951, c. 2, ss. 108-109.

11. In the current case before this Honourable Court, as described below, Laura Flood is alleged to have been enfranchised pursuant to the *Indian Act*, 1951. This *Act* provided for voluntary enfranchisement, whereby Indians that were considered "fit" could apply to become enfranchised. The Minister of Citizenship and Immigration ("Minister") had the sole discretion to request that the Governor in Council order the "enfranchising" of an Indian.

> *Indian Act*, S.C. 1951, c. 29, s. 108(1).

12. The Minister could only request that the Governor in Council declare an Indian to be enfranchised if the Minister was of the opinion that the Indian requesting enfranchisement was twenty-one years or older, was capable of assuming the duties and responsibilities of citizenship and was able to support herself and her dependents:

> 108(1). On a Report of the Minister that an Indian has applied for enfranchisement and that in his opinion the Indian,
>
> (1) is of full age of twenty-one years,
> (2) is capable of assuming the duties and responsibilities of citizenship, and
> (3) when enfranchised, will be capable of supporting himself and his dependents
>
> The Governor in Council may by order declare that the Indian his wife and minor unmarried children are enfranchised.
>
> *Indian Act*, S.C. 1951, c.29, s. 108 (1).

13. Thus, an Indian who did not apply for enfranchisement could not be involuntarily enfranchised. The Application itself had to be made on a voluntary and informed basis. The Applicant for enfranchisement had to themself be the Indian, not the Indian agent or Chief.

14. Registration as an Indian was lost upon an order of enfranchisement declared by the Governor in Council.

> *Indian Act*, S.C. 1951, c.29, s. 108(4).

15. In 1985, the Federal government attempted to eliminate and redress some of the more explicit assimilation policies of the past. Bill C-31 amended the *Indian Act* and removed the voluntary and involuntary enfranchisement provisions. Section 6(1)(d) of the amended *Indian Act* sought to remedy the problem of enfranchisement by registering Aboriginal people that had been voluntarily enfranchised prior to the passing of Bill C-31.

16. Pursuant to Bill C-31, section 6(1)(a) confirmed the registration of Indians and their descendents who, prior to 1985, fell within the definition of 'Indian' pursuant to previous *Indian Acts*.

17. If an Aboriginal woman was registered pursuant to section 6(1)(a) (i.e. the Aboriginal woman was entitled to be registered prior to April 17, 1985), then any children born prior to April 17, 1985 that were illegitimate or fathered by an Indian would also be registered pursuant to section 6(1)(a) of the *Indian Act*.

18. However, for children born to an Aboriginal woman who had been voluntarily enfranchised, Bill C-31 only permits their registration pursuant to section 6(2) of the *Act*. An Aboriginal child with one parent registered pursuant to section 6(2) and whose other parent is not registered, is not entitled to be registered under the *Indian Act*. This is commonly referred to as the "second generation cut-off rule".

19. Thus, while Bill C-31 returned registration to those who were enfranchised, the impact of enfranchisement is now visited on subsequent generations.

McIvor v The Registrar, Indian and Northern Affairs Canada (2007) BCSC 827.

B. The Enfranchisement of Laura Flood

20. Laura Flood was born on March 1, 1926[1], in Matachewan, Ontario. Laura Flood's parents were Harry and Anne Batisse, both of whom were Indians as defined by the *Indian Act* in force at this time. Laura Flood was registered as "Laura Batisse" under the *Indian Act*, 1951. She was a member of the Matachewan First Nation.

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[1] Various government records have Laura Flood's birthday as March 1, 1926; however, her family maintained that she was born on February 1, 1926, Examination of Angel Larkman, at pg. 72-73

Application Record: Affidavit of Laura Flood, sworn April 28, 1998, Tab 3E at para. 16; Letter from DIAND (25 March 1987), Tab 3AA.

21. In 1952, Laura Flood was unable to read or write. The only words she was capable of writing were her first and last name.

Applicant's Record: Affidavit of Laura Flood, sworn April 28, 1998, Tab 1E at para. 4.

22. On July 14, 1952, J. Marleau, Indian Agent for Sturgeon Falls, received a typed letter purporting to be from Laura Batisse, requesting that she be forwarded the "necessary papers to release her from treaty". The author of the letter misspelled the names of both J. Marleau and Laura Batisse. Laura Flood did not prepare the letter or request that a letter be prepared on her behalf asking that she be released from treaty.

Applicant's Record: Letter alleged to be from Laura Flood (14 July 1952), 3F.
Applicant's Record: Affidavit of Laura Flood, sworn April 28, 1998, Tab 1E, at para. 44

23. In response to the July 14, 1952 letter, J. Marleau requested that Laura Flood supply the Department of Citizenship and Immigration with several pieces of information, including her length of residence away from the Reserve, a list of property owned on the Reserve, her present means of livelihood and annual income. The answers to these questions would determine whether or not Laura Flood could be enfranchised, as the legislation at the time only permitted enfranchisement for adults who were considered capable of supporting themselves financially.

Applicant's Record: Letter from J.A. Marleau (18 July 1952), Tab 3G

24. The answers to the Indian Agent's questions were written on the letter by hand. At least one of the answers is erroneous. The document states that Laura Flood lived away from the Reserve for 13 years. However, Laura Flood did not leave the Reserve in 1939 at the age of 13, as is alleged on the document. Laura Flood actually left the Reserve when she was approximately

19 years old (i.e. 1945). Laura Flood and her entire family left the Reserve because, at the time, "the agent had told [the family] that the younger children needed to attend school, or they would move them and put them in residential school." As a result, Laura Flood's father moved the whole family off-reserve to the town of Matachewan.

Applicant's Record: Letter from J.A. Marleau (18 July 1952), Tab3G
Applicant's Record: Affidavit of Laura Flood, sworn April 28, 1998, Tab 3E, at para. 5.
Applicant's Record: Vol. II: Examination of Angel Larkman, pg. 29-30.

25. A review of the Treaty Pay List documents for the Reserve from 1938 to 1954 provides circumstantial evidence of the fact that Laura Flood, along with her entire family, left the Matachewan First Nation reserve in 1945 at the age of 19. Prior to moving off the reserve in 1945, the entire family's treaty payments were paid directly to Harry Batisse, as head of the family. After 1945, the family member receiving the treaty payments on behalf of the family ranged from Harry Batisse to Laura Flood's brothers, George or Larry Batisse. This change reflects the fact that the Batisse family was now living off the Reserve and it would not always be practical for Harry Batisse to attend on the Reserve to receive the treaty payments.

Applicant's Record: Examination of Angel Larkman, pg. 73-76

26. On July 18, 1952, the Indian Agent wrote to the Department of Citizenship and Immigration requesting the necessary application forms for enfranchisement. The letter repeated the error concerning Laura Flood having lived away from the Reserve since the age of 13 years.

Applicant's Record: Letter from J.A. Marleau (18 July 1952), Tab3G, pg. 55.

27. On August 16, 1952, a second typed letter purporting to be prepared by Laura Flood was sent to the Indian Agent requesting that he inform her if he had received the requested

information. Laura Flood did not prepare this letter, nor did she instruct anyone else to write the letter on her behalf.

Applicant's Record: Letter alleged to be from Laura Batisse (16 August 1952), Tab 3I
Applicant's Record: Affidavit of Laura Flood, sworn April 28, 1998, Tab 3E, at para. 14.

28. On October 10, 1952, Laura Flood, at the request of the Chief of Matachewan First Nation and the Indian Agent, signed an Application for Enfranchisement. She did not know what she was signing. She deposed that, "I trusted my Chief and always obeyed instructions from the Indian Agent. I signed whatever documentation I was asked to sign. I was not informed that by signing the documentation I was giving up my status as an Indian." She further deposed that, "If I had known, I would never have signed the documentation. At no time did I intend to forfeit my registration under the *Indian Act*."

Applicant's Record: Application for Enfranchisement, Tab 3N
Applicant's Record: Affidavit of Laura Flood, sworn April 28, 1998, 3E at para. 16.
Applicant's Record: Affidavit of Laura Flood, sworn February 26, 1996, Tab 3C, at para. 4.

29. The Application itself contains several significant errors, including the omission of the names of Laura Flood's sons, both of whom were born before the Application was signed. Her first daughter, Laura Jean, was born four days after the Application was purportedly signed.

Applicant's Record: Application for Enfranchisement, Tab 3N
Applicant's Record: Affidavit of Laura Flood, sworn April 28, 1998, 3E, at para. 18.

30. On October 18, 1952, the Indian Agent sent a letter to Laura Flood acknowledging receipt of the Application and informing her that she would not receive any timber royalty if she continued with the enfranchisement Application.

Applicant's Record: Letter from J.A. Marleau (18 October 1952), Tab 3O

31. On October 31, 1952, a typed letter purporting to be from Laura Flood was sent to the Indian Agent requesting that her Application be sent to the "Department" despite her loss of any timber royalty. Laura Flood did not prepare or request that this letter be prepared on her behalf. She did not know what a "timber royalty" was. The Indian Agent then forwarded the Application for Enfranchisement to the Department of Citizenship and Immigration.

Applicant's Record: Letter allegedly from Laura Batisse (31 October 1952), Tab 3P
Applicant's Record:: Letter from J.A. Marleau (5 November 1952), Tab 3Q

32. By Order-in-Council P.C. 4582, dated December 4, 1952, Laura Flood was declared enfranchised. Although she acknowledges that her signature appears on the Enfranchisement Card, dated December 22, 1952, she did not know that she was signing a document that would strip her of her status as an Indian. She deposed: "I was born an 'Indian' and I have always considered myself to be an 'Indian.'" According to the Applicant, Laura Flood signed the documents believing that she was confirming the fact that she was married to a non-Indian.

Applicant's Record: Order-in-Council 4582, Tab 3R
Applicant's Record: Affidavit of Laura Flood, sworn April 28, 1998, 3E
Applicant's Record: Examination of Angel Larkman, pg. 58

33. At the time, upon enfranchisement a person was entitled to: 1) one per capita share of the capital and revenue monies held on behalf of the Band; and 2) an amount equal to the amount they would have received during the next 20 years under any treaty in existence at the time if they had continued to be a member of the Band. The Minister calculated that Laura Flood was entitled to $82.23 upon enfranchisement. Nonetheless, Laura Flood did not receive the $82.23 that was owed to her under the enfranchisement. Laura Flood recalls receiving $500.00 from the Chief for compensation for the "stumpage" that was occurring on the First Nations' land at the time, but she never received the $82.23.

Applicant's Record: Affidavit of Laura Flood, Sworn 26 February 1996, Tab 3C, at para. 4.
Applicant's Record: Affidavit of Laura Flood, sworn April 28, 1998, Tab 3E, at para. 17.

Applicant's Record: Requisition for a Cheque (12 December 1952), Tab 3U.
Indian Act, S.C. 1951, c. 29. s. 15(1)(a).

34. The letter from the Indian Agent, purporting to send Laura Flood a cheque in the amount of $82.23 is dated December 22, 1952 and is unexecuted. The letter was sent from Sturgeon Falls, Ontario to Matachewan. This unexecuted letter also purports to send Laura Flood her enfranchisement card which she was to execute upon receipt and return to the Indian Agent.

Applicant's Record: Affidavit of Angel Larkman, Tab 3V
Applicant's Record: Affidavit of Laura Flood, April 28, 1998 at para. 58

35. Sturgeon Falls is approximately 250 miles away from Matachewan. Strangely, Laura Flood's enfranchisement card was executed on December 22, 1952, on the same day that the letter purporting to send her the enfranchisement card was sent. Through answers to undertakings, the Respondent has confirmed that the Indian Agent did not drive the letter down to Matachewan. No explanation is provided for how Laura Flood would have received the enfranchisement card on the same day the letter was drafted and purportedly sent. In light of this discrepancy, it is clear, at minimum, that the certificate was sent prior to December 22, 1952, and that the unexecuted letter, dated December 22, 1952, is not accurate.

Applicant's Record: Examination of Mr. Penner, pgs. 20-29
Applicant's Record: Affidavit of Angel Larkman, Tab 3V
Applicant's Record: Affidavit of Laura Flood, April 28, 1998, at para. 53

36. As a result of the enfranchisement, Laura Flood lost her interest in the Reserve land, and lost all legislative benefits that flow to Indians, such as the right to reside on the Reserve, tax exemptions and the right to vote in Band elections.

C. The Reinstatement of Indian Status to Laura Flood

37. Pursuant to the passing of Bill C-31, Laura Flood regained her status as an Indian under subsection 6(1)(d) of the *Indian Act*.

Bill C-31, *An Act to Amend the Indian Act*, S.C. 1985, c. 27 ("Bill C-31").

38. Laura Flood had four children: Clarence Lorne, born on March 22, 1946; Lorne David born on October 6, 1948; Laura Jean, born on October 14, 1952; and Dorothy Ann, born on February 25, 1954. All of these children were born outside of wedlock.

Applicant's Record: Affidavit of Laura Flood, sworn February 26, 1996, Tab 3C, at para. 7, 58.

39. Because Laura Flood's children were born prior to the Order-in-Council, Clarence Lorne, Lorne David, and Laura Jean are all registered or entitled to be registered as Indians, pursuant to section 6(1)(a) of the *Indian Act*, 1985. However, because Dorothy Ann Flood was born after the enfranchisement, she is registered pursuant to section 6(2) of the *Indian Act*. Persons are registered pursuant to this section if they did not have entitlement immediately prior to April 17, 1985 and they have one Indian parent registered, pursuant to section 6(1) of the *Act*. At the time of Dorothy Flood's birth, Laura Flood was not considered to be an Indian due to the invalid enfranchisement. If Laura Flood had not been involuntary enfranchised, Dorothy Flood would, like her siblings, be registered, pursuant to section 6(1)(a), as she was born; out of wedlock; before April 17, 1985; and would have been entitled, under the 1951 *Indian Act*, to be registered. *Indian Act* S.C. 1951, c.29, sections 11(1)(e) and 12(2).

Applicant's Record: Letter from DIAND (3 February 1988), Tab 3CC

40. As a result of Dorothy Flood being registered pursuant to section 6(2) of the *Indian Act*, Angel Larkman, Dorothy Flood's daughter and Laura Flood's granddaughter, has been denied registration as an Indian. But for Laura Flood's enfranchisement, Angel Larkman's entitlement

would be pursuant to section 11(1)(e) and section 12(2) of the *Indian Act*, 1970, and pursuant to section 6(1)(a) of the *Indian Act,* 1985.

Applicant's Record: Letter from DIAND (13 September 1995), Tab 3EE

41. The loss of status has affected the Applicant, Angel Larkman, in a profound manner. Despite being a member of the Matachewan First Nation she is not entitled to vote in Council elections and it not entitled to live on the reserve. Without status, the Applicant was not entitled to obtain funding for post secondary education as other status Indian are entitled to receive. The Order-in-Council at issue in this judicial review has affected many generations of the Flood family, including Angel Larkman.

Applicant's Record: Examination of Angel Larkman, pgs. 80-80

D. Procedural Steps Taken by Laura Flood and the Applicant to invalidate the Enfranchisement Order

(i) Application to the Registrar

42. On August 20, 1986, Dorothy Flood, the Applicant's mother, applied to be added to the Indian Register. Dorothy Flood included the Applicant's information as part of the Application for "Indian" Status.

Applicant's Record: Affidavit of Angel Sue Larkman, August 25, 2010, Tab 4, at paragraph 15.

43. In a letter dated February 3, 1988, the Registrar advised Dorothy Ann Flood that she was registered under section 6(2) of the *Indian Act*; however, the Applicant was not entitled to be registered.

Applicant's Record: Affidavit of Angel Sue Larkman, August 25, 2010, Tab 4, at paragraph 16.

44. On April 7, 1995, the Applicant submitted an Application for registration. By letter dated September 13, 1995, the Registrar advised that there was no basis to revisit the earlier decision of February 3, 1988, indicating that the Applicant was not entitled to registration.

Applicant's Record: Affidavit of Angel Sue Larkman, August 25, 2010, Tab 4, at paragraph 19.

45. In 1952, when the Order-in-Council was made, Laura Flood was unable to read or write. She did not understand what enfranchisement was, or that she was giving up her rights as an Indian. Even if she understood what enfranchisement meant, she did not know how to hire a lawyer nor did she have the financial means to hire a lawyer in order to appeal the enfranchisement.

Applicant's Record: Affidavit of Angel Sue Larkman, August 25, 2010, Tab 4, at paragraph 31 and 32.

46. By the passing of Bill C-31, Laura Flood regained her status as an "Indian". It was not until the Applicant applied in 1995 that the ramifications of the enfranchisement order were understood. By letter dated November 26, 1997, the Applicant requested that the Registrar review the validity of Laura Flood's enfranchisement. The Registrar, in a letter dated April 21, 1999, found the enfranchisement to be valid.

47. The Applicant protested the Registrar's decision in a Notice of Protest, dated August 17, 1998. The Acting Registrar of the Department of Indian Affairs and Northern Development, in a letter dated July 21, 2000, upheld the decision of the Registrar. The Applicant, upon receiving the Registrar's decision, requested that the Registrar hold an oral hearing pursuant to section 14.2(6) of the *Indian Act* and thus allowing Laura Flood to present oral evidence under oath. The Applicant made this request in writing on November 13, 2000. The Applicant was advised that the Registrar declined to hold such a hearing on July 8, 2004.

(ii) Ontario Superior Court Proceeding – section 14.3(4) Appeal

48. On January 19, 2001, the Applicant and Laura Flood initiated a statutory appeal, pursuant to section 14.3(4) of the *Indian Act*, of the Registrar's July 21, 2000, decision

Applicant's Record: Affidavit of Angel Sue Larkman, August 25, 2010, Tab 4 at paras. 23 and 24.

49. On March 5, 2008, Justice Forestell of the Ontario Superior Court of Justice held that the 1952 Order-in-Council was void and ordered that the Applicant, Dorothy Flood and Laura Flood be registered pursuant to section 6(1)(a) of the *Indian Act*.

Applicant's Record: Affidavit of Angel Sue Larkman, August 25, 2010 at para. 25

50. The Respondent appealed the Order of Justice Forestell to the Court of Appeal. The Court of Appeal set aside the decision on the basis of jurisdictional issues and stated that jurisdiction resides with this Honourable Court. The Respondent and Laura Flood then sought leave to appeal to the Supreme Court of Canada. On October 1, 2009, the Supreme Court of Canada dismissed the Application for leave without reasons.

Applicant's Record: Affidavit of Angel Sue Larkman, August 25, 2010, Tab 4, at para. 27.

51. On September 10, 2010, the Applicant commenced a motion, pursuant to Rule 369 of the *Federal Court Rules*, requesting an order for an extension of time to file a Notice of Application for Judicial Review. On October 18, 2010, Justice Hughes granted the Applicant's motion and provided the Applicant with 15 days to file a Notice of Application for Judicial Review. On November 1, 2010, the Applicant filed a Notice of Application for Judicial Review. The Appellant commenced an appeal of Justice Hughes's October 18, 2010 Order on October 27, 2010. No date has been set for the appeal of Justice Hughes' order.

PART III - ISSUES

52. The sole issue to be determined on this Application for Judicial Review is whether the Order-in-Council that purports to enfranchise Laura Flood is invalid.

PART IV - SUBMISSIONS

A. The Order-in-Council is *ultra vires*

53. It is well settled law that when exercising a legislative power given to it by statute, the Governor in Council must stay within the boundary of the enabling statute, both as to empowerment and purpose. The Governor in Council is otherwise free to exercise its statutory power without interference by the Court, except in an egregious case or where there is proof of an absence of good faith.

> *Thorn's Hardware Ltd. v. The Queen*, [1983] 1 S.C.R. 106, p. 111.
> *Attorney General of Canada v. Inuit Tapirisat et al.*, [1980] 2 S.C.R. 735, p. 752.

54. The mere fact that a statutory power is vested in the Governor in Council does not mean that it is beyond review. If the Governor in Council has failed to observe a condition precedent to the exercise of that power, this Honourable Court can declare that such purported exercise is a nullity.

> *Attorney General of Canada v. Inuit Tapirisat et al.*, [1980] 2 S.C.R. 735 at 752.
> *Canada (Canadian Wheat Board) v. Canada (Attorney General)* [2009] F.C.J. No. 695 (C.A).

55. The Appellants respectfully submit that the Order-in-Council purporting to enfranchise Laura Flood is *ultra vires* or was issued in bad faith as a result of the fraud that was perpetrated on Laura Flood. The Order-in-Council was issued without an actual application from Laura Flood. As a result, the Order-in-Council was issued without statutory authority.

B. Process of Enfranchisement in 1952

56. In 1952, section 108 of the *Indian Act* provided the Governor in Council with the power to make an Order-in-Council enfranchising an Indian when various condition precedents had been established. As detailed above, section 108(1) of the *Indian Act* permitted an order for enfranchisement under the following conditions:

> (1) An Indian applied for enfranchisement;
>
> (2) Upon Application from an Indian, the Minister was of the opinion that the Indian who applied (a) is of full age of twenty-one years; (b) is capable of assuming the duties and responsibilities of citizenship, and (c) when enfranchised, will be capable of supporting himself and his dependents.

57. If the above noted condition precedents were not satisfied, then the Governor in Council could not issue an Order-in-Council enfranchising an Indian. If an Order-in-Council was granted without the condition precedents being established, then the Order-in-Council would be *ultra vires* and should be set aside.

58. An Indian who did not apply for enfranchisement could not be "voluntarily" enfranchised. The Application itself had to be made on a voluntary and informed basis. The Applicant for enfranchisement must be the Indian, not the Indian Agent or Chief.

C. Laura Flood did not apply for enfranchisement

59. Fundamentally, a party to a contract must consent to its contents. A contract which a person was not capable of both reading and understanding, and whose contents they fundamentally misunderstood, is void. Canadian courts have relied on the principle of *non est factum* to declare contracts void *ab initio* when they have been signed by a party who is illiterate.

Saunders v. Anglia Building Society [1971] A.C. 1039 (H.L.).
Marvco Colour Research v. Harris et al (1982), 141 D.L.R. (3d) 577 (S.C.C).
Trans Canada Credit v. Judson, [2002] P.E.I. No. 74.
Royal Bank of Canada v. Wood, [1989] B.C.J. No. 1273 (B.C.S.C)

60. There is ample evidence before this Honourable Court that establishes, on a balance of probabilities, that Laura Flood did not knowingly or voluntarily apply for enfranchisement. Laura Flood was illiterate and did not have the capacity to either complete the Application or type the various letters alleged to have been written by her. There is no evidence that suggests that the Indian agent or the Chief read the contents of the Application in the presence of Laura Flood, that she understood it, or that she signed the Application in the agent's presence. The Application and exchange of correspondence contains significant errors concerning Laura Flood's residence on the Reserve and the births of her children. Mistakes that would not have been made if the letter was prepared by or on behalf of Laura Flood. Laura Flood deposed that she has never intended to give up her right to be recognized as an Indian. As result, Laura Flood did not, under her own free will and consent, apply for enfranchisement and thus was unlawfully and involuntarily enfranchised.

61. In addition, the Applicant submits that while the Pay Lists are not conclusive of residence they support Laura Flood's direct evidence that she did not leave the Reserve until the age of 19. In the absence of evidence to the contrary, Laura Flood's evidence concerning her residency must be accepted. This error, in combination with the error relating to the number of children she had at the time of the Application, further confirms that that she was not involved in the preparation of the Application.

62. Laura Flood's experience of being manipulated by the Indian agent is not unusual. Indian agents historically wielded great power and influence on Reserves, and often acted

contrary to the interests of the Aboriginal people they were tasked with assisting. The RCAP described the Indian agents as follows:

> Over the years the superintendent general acquired an increasingly vast array of powers to intervene in almost all areas of daily reserve life. Most of these powers were available to the agents. With their control of local administrative, financial and judicial matters, it is easy to understand how they came to be regarded as all- powerful and as persons of enormous influence in community life on most reserves.
>
> ...some Indian agents were petty despots who seemed to enjoy wielding enormous power over the remnants of once powerful Aboriginal nations. While much of the apparent disrespect can be attributed to the profound cultural differences between them and the Indian nations they were supervising, it is nonetheless clear that the Indian affairs branch often seemed to attract persons particularly imbued with the zeal associated with the strict morality and social Darwinism exhibited by deputy superintendents general Hayter Reed and Duncan Campbell Scott.
>
> Royal Commission on Aboriginal Peoples, *Looking Forward, Looking Back* (Volume I) (1996) at p. 297- 298.

63. This view is consistent with Laura Flood's description of the role of the Indian agent as passed down to the Applicant:

> Q. Did your grandmother ever tell you that she had conversations with an Indian agent?
>
> A. Yes.
>
> Q. In relation to this event?
>
> A. I remember her talking about when the Agent comes to visit you you were just supposed to listen, and you were supposed to do as you were directed. That's the details I can remember about any conversation with the Indian Agent.
>
> Q. So nothing, in particular?
>
> A. No.
>
> Q. But based on her advice, it sounds like, about listening to what the agent says, what did you take from that?
>
> A. Did I take from what she believed?
>
> Q. Yes?
>
> A. She wasn't supposed to dispute anything.
>
> Applicant's Record: Examination of Angel Etches, at pg. 78

64. When this matter was originally heard by the Superior Court of Justice, Justice Forestall reviewed the evidence provided on this judicial review and held, amongst other things, that the evidence established the following:

a. In 1952, at the time of the enfranchisement application, Laura Flood was not able to either read or write. The only words she was capable of writing were her first and last name.

b. On July 14, 1952, J. Marleau, Indian Agent for Sturgeon Falls, received a typed letter purporting to be from Laura Batisse (as Laura Flood was then named), requesting that she be forwarded the "necessary papers to release her from treaty". The author of the letter misspelled both J. Marleau and Laura Batisse. Laura Flood stated that she did not prepare the letter or request that a letter be prepared on her behalf asking that she be released from treaty.

c. J. Marleau requested that Laura Flood supply the Department of Citizenship and Immigration with several pieces of information, including her length of residence away from the Reserve, a list of property on the Reserve, her present means of livelihood and annual income. The answers to these questions would determine whether or not Laura Flood could be enfranchised, as the legislation at the time only permitted enfranchisement for adults who were considered capable of supporting themselves financially. The answers provided stated that Laura Flood had lived away from the reserve for 13 years. Laura Flood stated that this was incorrect as she had lived off the reserve for approximately seven years.

d. The Indian Agent subsequently wrote to the Department of Citizenship and Immigration requesting the necessary application forms for enfranchisement. The letter repeated the error concerning Laura Flood having lived away from the reserve for 13 years.

e. On August 16, 1962, a second typed letter purporting to be prepared by Laura Batisse was sent to the Indian Agent requesting that he inform her if he had received the requested information. Laura Flood stated that she did not prepare this letter, nor did she instruct anyone else to write the letter on her behalf.

f. On October 10, 1952, at the request of the Chief and Indian Agent, Laura Flood signed an application for enfranchisement. She stated that she did not know what she was signing. The application contains several significant errors, including the omission of the names of Laura Flood's sons. Her daughter, Laura Jean, was born four days after the application was purportedly signed.

g. On October 18, 1952, the Indian Agent sent a letter to Laura Batisse acknowledging receipt of the Application and informing her that she would not receive any timber royalty if she continued with the enfranchisement application.

h. On October 31, 1952, a typed letter purporting to be from Laura Batisse was sent to the Indian Agent requesting that her application be sent to the "Department" despite her loss of any timber royalty. Laura Flood stated that she did not prepare or request that this letter be prepared on her behalf. She did not know what "timber royalty" was. The Indian Agent forwarded the application to the Department of Citizenship and Immigration.

i. In December 1952, the Chief of the Matachewan First Nation and the Indian Agent requested that Laura Flood sign some papers. She trusted the Chief and always obeyed instructions from the Indian Agent. As such, she signed the documentation although she did not know what she was signing.

j. Laura Flood later discovered that she had signed an Application for Enfranchisement. At the time of signing, she did not know what enfranchisement was, or what its consequences were. If she had known, she would never have signed the documentation. At no time did she intend to forfeit her registration under the *Indian Act*.

k. Although she would have been entitled to monies as a result of the enfranchisement, Laura Flood stated that she did not receive such a payment.

l. Although Laura Flood had three children at the time of the enfranchisement, the confirmation of the enfranchisement order states that she has no children.

Etches v. Canada, 2008 CanLII 8610 (Sup. Ct.) at paras. 22-29

65. In sum, there is no evidence that suggests that the Indian Agent or the Chief read the contents of the Application in the presence of Laura Flood, that she understood it, or that she signed the Application in the Indian Agent's presence. The Application itself contained several significant errors. It is submitted that there is overwhelming evidence before this Honourable Court to suggest that Laura Flood did not, under her own free will and consent, apply for enfranchisement. In respect of these facts, the Superior Court of Ontario concluded that, "I am satisfied that the Appellants met the onus upon them to prove on the balance of probabilities that the enfranchisement of Laura Flood was not valid and that Laura Flood and her descendants are entitled to registration under s. 6(1)(a) of the *Indian Act*." While the Ontario Court of Appeal ultimately overturned this decision, they did so on the basis that the Ontario courts lacked

jurisdiction to determine the issue and that judicial review before the Federal Court was the appropriate venue to challenge the Order-in-Council.

Etches v. Canada, 2008 CanLII 8610 (Sup. Ct.) at para. 82

D. Respondent's Attacks on the Credibility of Laura Flood

66. The Respondent has not provided this Honourable Court with any direct evidence that contradicts the recollection of events detailed in Laura Flood's three affidavits as well as the affidavit of the Applicant. The Respondent challenges the credibility of Laura Flood's recollection of events based on five arguments:

> (i) Laura Flood inaccurately identified the Chief in 1952 as Alfred Batisse when, in fact, the Chief was George Batisse, Laura Flood's brother (para. 7-12 of the Penner Affidavit);
>
> (ii) Treaty Pay Lists do not reflect the fact that Laura Flood left the reserve in 1945 at the age of 19 (para. 14 to 19 of the Penner Affidavit);
>
> (iii) Laura Flood did not receive $500.00 in "stumpage fee" (para. 25 to 31 of the Penner Affidavit);
>
> (iv) Laura Flood did receive a cheque for $82.23 (para. 32 -37 of the Penner Affidavit); and
>
> (v) That Laura Flood did not raise concerns about her voluntary enfranchisement until 1996 after receiving her status back in 1985.

(i) The Chief was George Batisse

67. The Applicant concedes that the Chief in 1952 was not Alfred Batisse, as reflected in only one of Laura Flood's affidavits (April 28, 1998). From reviewing the documents provided by the Respondent, it is clear that the Chief was Laura Flood's brother, George Batisse. In cross-examination, the Applicant provided an explanation for the confusion. Firstly, Alfred Batisse was a Chief of the Matachewan First Nation in the 1960's. Secondly, the Applicant was of the following explanation for the confusion:

> I know that because my aunt Elsie was my grandmother's sister who told me. To give a bit of an explanation. She was talking about Alfred being Chief when we asked for correction on why grandma would think it was Alfred who initially had her sign the documents, and Elsie said: It's because Alfred made us not allowed on the Reserve anymore. He's the one who actually told all of us who didn't have our status anymore that that's the reason why. So that is the reason why grandma believed it was him who had enfranchised her.
>
> Applicant's Record: Examination of Angel Larkman, pg. 71

68. The only affidavit prepared by Laura Flood that refers to the Chief being Alfred Batisse is the affidavit dated April 28, 1998. The affidavit was executed 46 years after the events at issue in this judicial review. In light of the passing of time, it is understandable that Laura Flood would be confused as to who the Chief was at the relevant time. Furthermore, the confusion is also explained by the role Alfred Batisse played in excluding non-status Indians from the Reserve. Given the length of time and the role Alfred Batisse played in excluding non-status Indians from the Reserve it is understandable that Laura Flood made this simple error.

(ii) Treaty Pay Lists

69. At paragraph 15 of the affidavit of Gary Penner, the affiant states that he was advised that annuities were paid to the head of each family for all members under the age of 21 irrespective of whether the individual lived with the head of the family on reserve. According to Mr. Penner, band members only received their own line item in a Treaty Pay List when they were 21 years of age. As such, Harry Batisse, as head of the family, would have received the treaty payments from 1939 to 1946 irrespective of whether Laura Flood was living on reserve because she was under the age of 21.

> Affidavit of Gary Penner, at para. 15

70. Under cross-examination, Mr. Penner fairly conceded that the Treaty Pay-Lists did not actually reflect the fact that the head of the family would received the payments for all family members under the age of 21. For example, George Batisse only started receiving his own line item when he was 23 years old (in 1947). As a result, it is impossible to ascertain when or why an individual received their own line in the Treaty Pay List.

Applicant's Record: Examination of Gary Penner, at pgs 50 to 57.

71. The pattern of who picked up the treaty payments does provide circumstantial support for Laura Flood's assertion that she only left the reserve in 1945 when she was 19 years old. As detailed above, Harry Batisse received all treaty payments for his family from 1939 to 1944 when the whole family resided on the reserve. From 1945 forward, the individual receiving the treaty payments for the various family members differs. This reflects the fact that the family was no longer living on reserve and that either Harry or his eldest sons would travel from the town of Matachewan to the Reserve to obtain the treaty payments.

(iii) Laura Flood did not receive $500.00 in "stumpage fee" (para. 25 to 31 of the Penner Affidavit)

72. The Respondent takes the position that Laura Flood never received a $500.00 stumpage fee as detailed in her affidavit sworn February 26, 1996. The Respondent argues that the lists of "timber right" payments reveal that Laura Flood did not receive any payments. The Respondent's argument rests on an assumption that Laura Flood's use of the term "stumpage" in her February 26, 1996, affidavit refers to the "timber right" payments referred to at paragraph 30 of Mr. Penner's affidavit.

73. The Respondent makes this assumption for three reasons: (1) in Laura Flood's application for enfranchisement inquiries were made about her entitlement to these timber rights;

(2) a letter from the Indian Agent, dated October 18, 1952, to Laura Flood states that if she is enfranchised she will not receive timber rights; and (3) a letter purporting to be from Laura Flood, dated October 31, 1952, confirming the advice received from the Indian Agent regarding timber rights.

74. The Respondent's argument fails to address the fact that Laura Flood's uncontested evidence is that that she did not prepare the application, she did not receive the letter from the Indian Agent dated October 18, 1952, and that she did not write the October 31, 1952, letter or instruct anyone else to write the letter on her behalf. It is clear that the author of the application form and the October 31, 1952, letter understood what "timber rights" were but the uncontested evidence is that Laura Flood was not the author of the application or the October 31, 1952 letter.

(iv) Laura Flood did receive a cheque for $82.23 (para. 32 -37 of the Penner Affidavit)

75. The only evidence that the Respondent relies upon for stating that the Laura Flood received the enfranchisement cheque of $82.23 is an unexecuted letter from the Indian Agent dated December 22, 1952. As detailed above, the unexecuted letter also purported to send Laura Flood her enfranchisement card for execution and return to the Indian Agent. The enfranchisement card was executed on December 22, 1952, the same day it was purportedly sent from Sturgeon Falls to Matachewan (nearly 250 miles apart). With respect, the idea that both the cheque and the enfranchisement card were received on December 22, 1952, is simply untenable. This discrepancy demonstrates that the registration card was sent to Laura Flood prior to December 22, 1952, and that the December 22, 1952, unexecuted letter was not actually sent.

(v) Laura Flood did not raise concerns about her voluntary enfranchisement until 1996 after receiving her status back in 1985.

76. Finally, the Respondent questions Laura Flood's credibility on the basis that she first raised the issue of her voluntary enfranchisement in 1996 when the Applicant and her mother first attempted to obtain their status. This argument, however, fails to appreciate the reason for why Laura Flood believed she was enfranchised. As explained by the Applicant, Laura Flood believed she was enfranchised because she lived with a non-native:

> Our whole family believed because, and I know the correct terminology is non Native or non Aboriginal but back then even now my grandmother would have referred to as the "white man" she was living with. And that was always the belief that she was living with a "white man" that she didn't have status, or that was what the enfranchisement was about her living with a white man. And that was right up to the end we all believed that until we got the documents in 1996 when we received the documents, that's when we started to see that there was something else happening other than the white man situation who she was living with.
>
> Applicant's Record: Examination of Laura Flood, at pg.55

77. On September 12, 1985, Laura Flood applied for "Indian" status as she believed she had lost her status as a result of her living with a non-native man. On March 25, 1987, Laura Flood was advised by INAC that she had obtained "Indian" status but made no reference to how she was enfranchised. In fact, this confusion was shared by Indian and Eskimo Affairs. In Indian and Eskimo Affair's documents, the reason for Laura Flood's enfranchisement is stated as "marriage to non-Indian". The Respondent provides no explanation for this.

> Applicant's Record: Exhibit AA
> Affidavit of Gary Penner, Exhibit AA

78. When Laura Flood executed the certificate of enfranchisement she believed that she was confirming the fact that she was living with a white man.

> Applicant's Record: Examination of Angel Larkman, at pg.58

79. In August 1986, the Applicant's mother, Dorothy Flood, applied for enfranchisement for her and the Applicant. INAC granted "Indian" status to Dorothy Flood but advised that the Applicant could not be registered. The February 3, 1988, letter from INAC states: "In reference to the registration of your children, there is no provision in the Indian Act for the registration of a person, one of whose parents is entitled to be registered under subsection 6(2) and whose other parent is not entitled to be registered as an Indian". The February 3, 1988, letter does not state that the Applicant could not be registered because of Laura Flood's voluntary enfranchisement in 1952.

80. On April 7, 1995, the Applicant attempted to obtain "Indian" status by filing an "Indian" status application form. On September 13, 1995, INAC, for the first time, advised the Respondent that Laura Flood had been enfranchised in 1952 as a result of her application. This was the first time that the Applicant or her family was advised that Laura Flood was enfranchised by application and not by living with or being married to a non-Indian.

81. On March 8, 1996, counsel for the Respondent wrote INAC and advised INAC that the enfranchisement was obtained by fraud. On October 18, 1996, a more fulsome explanation was provided by INAC regarding the circumstances of Laura Flood's enfranchisement but the Registrar maintained that he could not "comment on the circumstances surrounding the enfranchisement".

82. Prior to September 13, 1995, the Applicant and her family had no idea that Laura Flood was enfranchised as a result of a voluntarily application for enfranchisement. Prior to that time, Laura Flood, as reflected in the documents from Indian and Eskimo Affairs, erroneously believed that she had been enfranchised because she was living with a white man.

E. Honour of the Crown

83. The Applicant submits that this Honourable Court, in examining whether Laura Flood actually intended to apply for enfranchisement, should be cognizant of the Honour of the Crown which is the lens with which this evidence should be examined. The Applicant submits that the circumstances giving rise to the fraud are of a particularly serious nature given that the Honour of the Crown is engaged.

84. In *R. v. Badger*, the Supreme Court of Canada stated that the Honour of the Crown is always at stake when dealing with Aboriginal people and that it is always to be assumed that no appearance of "sharp dealing" will be sanctioned.

> *R. v. Badger*, [1996] 1 S.C.R. 771 at para. 41; *R. v. Marshall*, [1999] 3 S.C.R. 456 at para. 49 – 52. *Haida Nation v. British Columbia* [2004] 3 S.C.R. 511 at para. 16

85. The Supreme Court of Canada held in *Taku River Tlingit First Nation v. British Columbia* that the Honour of the Crown cannot be interpreted narrowly or technically, but must be given full effect in order to promote the process of reconciliation. In para. 24 of *Taku River*, Chief Justice McLachlin states:

> In all its dealings with Aboriginal peoples, the Crown must act honourably, in accordance with its historical and future relationship with the Aboriginal peoples in question. The Crown's honour cannot be interpreted narrowly or technically, but must be given full effect in order to promote the process of reconciliation mandated by s. 35(1).
>
> *Taku River Tlingit First Nation v. British Columbia,* [2004] 3 S.C.R 550 at para. 24.

86. *Taku River* emphasizes that while the process of reconciliation is mandated by the existence of s. 35(1) of the *Constitution Act, 1982*, it has application to all of the Crown's dealings with Aboriginal peoples.

87. Justice Binnie for the Supreme Court of Canada, in *Mikisew Cree First Nation v. Canada,* wrote:

> The fundamental objective of the modern law of Aboriginal and treaty rights is the reconciliation of Aboriginal peoples and non-Aboriginal peoples and their respective claims, interests and ambitions. The management of these relationships takes place in the shadow of a long history of grievances and misunderstanding. **The multitude of smaller grievances created by the indifference of some government officials to Aboriginal people's concerns, and the lack of respect inherent in that indifference has been as destructive of the process of reconciliation as some of the larger and more explosive controversies.** And so it is in this case. (Emphasis added)
>
> *Mikisew Cree First Nation v. Canada*, [2005] 3 S.C.R. 388 at para. 1.

88. David M. Arnot, Treaty Commissioner of Saskatchewan, in an address entitled, "The Honour of the Crown", presented at the Sixth Annual Poundmaker Memorial Lecture, Native Law Centre, University of Saskatchewan, March 27, 1997, addressed the concept of the Honour of the Crown as follows:

> ..."the honour of the Crown" refers to the same essential commitment that First Nations recall when they use the word "justice". In every action and decision, the women and men who represent the Crown in Canada should conduct themselves as if their own personal honour and family names depended on it...
>
> The "honour of the Crown" then, in historical light, is far more than a pretty idea or a principle of statutory construction. It is, in essence, the conscience of the country. Once, its measure was the personal status and dignity of the sovereign. Whose conscience is the conscience of Canada today? This, I perceive, is the root of the frustration that many aboriginal people have with our institutions.
>
> David M. Arnot, "The Honour of the Crown" (1996) 60 Sask. L. Rev. 339

89. The Applicant submits that the Honour of the Crown in this case is engaged as the "sharp dealings" and questionable circumstances relating to how Laura Flood was enfranchised amounting to allegations of fraud against the Crown. Furthermore, as *Mikisew Cree* makes clear, the Honour of the Crown arises out of the need for reconciliation between Aboriginal and non-Aboriginal people in a number of different contexts. The Applicant submits that in order to promote reconciliation between the Applicant and the Crown, the details of the circumstances which resulted in Laura Flood's enfranchisement must be brought to light. To do otherwise is to deny justice between the parties.

90. In light of the above, the Applicant submits that the Order-in-Council enfranchising Laura Flood is *ultra vires* as it was issued without the application being made by Laura Flood. The Applicant further submits that Order-in-Council enfranchising Laura Flood is invalid because it was obtained by a fraudulent application purporting to be from Laura Flood.

PART V - ORDER SOUGHT

91. The Applicant seeks an order:

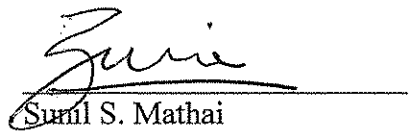
a. Setting aside the Order-in-Council enfranchising Laura Flood;

b. costs of proceedings on a partial indemnity basis; and

c. granting such further and other relief as counsel may advise and this Honourable Court may permit.

ALL OF WHICH IS RESPECTIVELY SUBMITTED

Dated: August 26, 2011



Sunil S. Mathai

Falconer Charney LLP
8 Prince Arthur Avenue
Toronto, Ontario
M5R 1A9

Julian N. Falconer
Sunil S. Mathai

Tel: 416-964-3408
Fax: 416-929-8179

Lawyers for Applicant

TO: Deputy Attorney General of Canada
Per: Michael Beggs
Department of Justice, Ontario Regional Office
The Exchange Tower, 130 King Street West
Suite 3400, Box 36
Toronto, Ontario M5X 1K6

Tel: (416) 952-4758
Fax: (416) 973-2319

Lawyer for the Respondent

SCHEDULE "A"
LIST OF AUTHORITIES CITED

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2. Bill C-31, *An Act to Amend the Indian Act*, S.C. 1985, c. 27 ("Bill C-31").
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4. *Corbiere v Canada (Minister of Indian and Northern Affairs)*, [1999] 2 S.C.R. 203
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12. *Marvco Colour Research v. Harris et al* (1982), 141 D.L.R. (3d) 577 (S.C.C).
13. *McIvor v The Registrar, Indian and Northern Affairs Canada* (2007) BCSC 827
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16. *R. v. Marshall*, [1999] 3 S.C.R. 456
17. *Royal Bank of Canada v. Wood,* [1989] B.C.J. No. 1273 (B.C.S.C)
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19. *Taku River Tlingit First Nation v. British Columbia,* [2004] 3 S.C.R 550
20. *Thorn's Hardware Ltd. v. The Queen*, [1983] 1 S.C.R. 106
21. *Trans Canada Credit v. Judson,* [2002] P.E.I. No. 74

SCHEDULE "B"

STATUTES CITED

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ANGEL SUE LARKMAN

Applicant

-and-

ATTORNEY GENERAL OF CANADA

Respondent

File No: T-1804-10

FEDERAL COURT

APPLICANT'S MEMORANDUM OF FACT AND LAW

FALCONER CHARNEY LLP
Barristers-at-Law
8 Prince Arthur Avenue
Toronto, Ontario
M5R 1A9

Julian N. Falconer (L.S.U.C.#29465 R)
Sunil S. Mathai (L.S.U.C. # 49616 O)
Tel: (416) 964-3408
Fax: (416) 929-8179

Lawyers for the Applicant