

Judge validates land claim by Chippewas of Sarnia

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The Chippewa of Sarnia have been given a judicial green light to seek compensation from Canada and Ontario for the improper sale of more than 2,400 acres of reserve land in the mid-1800s. However, in a judgement rendered by Justice Archie Campbell on April 30, present landowners were released from responsibility from the class action lawsuit launched by the Chippewas in 1995.

The claim against the Attorney General of Canada and others in the case known as the Cameron Lands lawsuit was received with mixed reviews and is open to appeal until May 30.

The land claim involved 10 per cent of what is now the City of Sarnia. The decision ruled that the disputed lands were never surrendered by the Chippewas of Sarnia during a private land transaction between Malcolm Cameron and head chief Joshua Wawanosh and two other chiefs

of the Sarnia band in 1853 (the date letters patent were confirmed by Lord Elgin.)

"No one was in charge, no one was accountable and the question of surrender simply fell

Federal and provincial
"crowns" will remain
part of the lawsuit,
but all other defendants
~~have been released.~~

through the bureaucratic cracks in the dysfunctional Indian Department of those days," Justice Campbell ruled.

Native land must first be surrendered before it can be sold and the Indian Department officials anticipated there would be a surrender, and then their successors mistakenly assumed that there had been a surrender. "Sale of Indian land was strictly prohibited unless purchased by the Crown, in the name of the Crown, at some public meeting of the In-

dians assembled for that purpose by the Governor or his equivalent" which never happened, therefore the land title was never extinguished, Justice Campbell ruled. The Cameron transaction was ruled illegal from the beginning and Lord Elgin's patent to Cameron was "of no force or effect because no lawful surrender was made."

At the same time that the land title was never surrendered, "the decision ruled that the present landowners can deal with the lands as they please and as they require" and the City of Sarnia could not have hoped for a better decision, said Sarnia city solicitor Alex Palimaka. The court case commenced as a class action defendants lawsuit in 1995 with the City of Sarnia lumped in with the "other" landowners and the Chippewas of Sarnia as the plaintiffs.

The classes included the municipality of the City of Sarnia,

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