

November 6, 2025

Susie Thorsley

Ottawa, ON

1

SCT File No.: SCT - 5005-25

**SPECIFIC CLAIMS TRIBUNAL**

B E T W E E N:

COTE FIRST NATION

Claimant

v.

HIS MAJESTY THE KING IN RIGHT OF CANADA  
As represented by the Minister of Crown-Indigenous Relations

Respondent

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**DECLARATION OF CLAIM**  
**Pursuant to Rule 41 of the**  
***Specific Claims Tribunal Rules of Practice and Procedure***

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This Declaration of Claim is filed under the provisions of the *Specific Claims Tribunal Act* and the *Specific Claims Tribunal Rules of Practice and Procedure*.

November 6, 2025

Date

Susie Thorsley

Registry Officer

TO: Assistant Deputy Attorney General, Litigation, Justice Canada  
Bank of Canada Building, 234 Wellington Street East Tower  
Ottawa, Ontario K1A 0H8  
Fax Number: (613) 954-1920

**I. Claimant (R. 41(a))**

1. The Claimant, the Cote First Nation (“First Nation” or “Band”) confirms that it is a First Nation within the meaning of s. 2(a) of the *Specific Claims Tribunal Act*, by virtue of being a “band” within the meaning of the *Indian Act*, R.S.C. 1985, c. I-5, as amended, and within the meaning of *Treaty No. 4* (“Treaty 4”). The First Nation lies east of the Assiniboine River in southeastern Saskatchewan.

**II. Conditions Precedent (R. 41(c))**

2. The following conditions precedent as set out in s. 16(1) of the *Specific Claims Tribunal Act*, have been fulfilled:

16(1) A First Nation may file a claim with the Tribunal only if the claim has been previously filed with the Minister and

...

(b) three years have elapsed after the day on which the claim was filed with the Minister and the Minister has not notified the First Nation in writing of his or her decision on whether to negotiate the claim;...

3. The First Nation filed the *Cote First Nation Reserve Land Allotments to War Veterans Specific Claim* with the Minister of Crown-Indigenous Relations and Northern Affairs Canada (hereinafter “Canada” or the “Crown”) on October 11, 2022, asserting the Crown breached its Treaty, trust, fiduciary and honourable obligations to the First Nation by granting Cote reserve lands to returning war veterans without consultation, without band consent and without compensation, and then later requiring the Band to expend its trust funds to regain its interest in its own reserve lands (the “Claim”).

**III. Claim Limit (Act, s. 20(1)(b))**

4. The First Nation does not seek compensation in excess of \$150 million for the Claim.

**IV. Grounds (Act, s. 14(1))**

5. The following are the grounds for the Claim, as provided for in s. 14 of the *Specific Claims Tribunal Act*:

14(1) Subject to sections 15 and 16, a First Nation may file with the Tribunal a claim based on any of the following grounds, for compensation for its losses arising from those grounds:

(a) a failure to fulfil a legal obligation of the Crown to provide lands or other assets under a treaty or another agreement between the First Nation and the Crown;

(b) a breach of a legal obligation of the Crown under the *Indian Act* or any other legislation — pertaining to Indians or lands reserved for Indians — of Canada or of a colony of Great Britain of which at least some portion now forms part of Canada;

(c) a breach of a legal obligation arising from the Crown’s provision or non-provision of reserve lands, including unilateral undertakings that give rise to a fiduciary obligation at law, or its administration of reserve lands, Indian moneys or other assets of the First Nation;

(d) an illegal lease or disposition by the Crown of reserve lands;

(e) a failure to provide adequate compensation for reserve lands taken or damaged by the Crown or any of its agencies under legal authority;...

...

## V. Allegations of Fact (R. 41(e))

### Treaty 4 and the Survey of Cote Indian Reserve No. 64

6. Chief Gabriel Cote, also known as Mee-May, signed Treaty 4 at Qu’Appelle on September 15, 1874, on behalf of the Cote Indian Band. Pursuant to the terms of Treaty 4, Indian Reserve No. 64 (“IR 64”) was surveyed and set apart in 1877 for the use and benefit of the Cote First Nation and was 36,160 acres in size located east of the Assiniboine River near the Manitoba-Saskatchewan border.
7. Soon after signing Treaty 4, the Cote Band began adapting to an agricultural-based economy. By the 1890s, the Cote Band continued to devote time and effort to farming and made significant advances. By 1903, approximately 170 acres were under crop on IR 64, with approximately 20 families engaged in farming full time.

### Surrenders of Cote Reserve Land

8. From 1896 to 1911 numerous land surrenders were taken from prairie Indian reserves.
9. A series of land surrenders greatly reduced the size of Cote IR 64 and therefore hindered the Band’s ability to convert to an agricultural-based economy. By 1904, around the same time as the first surrender of its reserve land, the Band’s agricultural progress slowed, and their economic situation declined.
10. Following several land surrenders and exchanges between 1904 and 1917, Cote IR 64 was reduced to one-third of its original size by the end of the First World War.

### Cote Band Members Enlist in the Military

11. The Cote First Nation sent most of their able-bodied male members of military age into battle in the First World War, the Second World War, and the Korean War. Their enlistment was voluntary as they were exempt from the *Military Services Act*.
12. At least 57 Cote Band members fought in the three wars and returned after the wars.

### **Legislative Framework for War Veterans**

13. Following the First and Second World Wars, Canada enacted legislation – the *Soldier Settlement Act, 1917* (amended in 1919) and the *Veterans' Land Act, 1942* – intended to provide returning war veterans access to good quality, well-located agricultural lands, and to loans and grants for agricultural purposes.
14. For Indian war veterans, however, Canada applied the provisions of the *Soldier Settlement Act* and the *Veterans' Land Act* such that Indian war veterans were located on their band's reserve, rather than being provided land and benefits elsewhere.
15. The issuance of location tickets, certificates of occupation or certificates of possession to returning Indian war veterans was the existing mechanism in the *Indian Act* by which the *Soldier Settlement Act* benefits were administered to Indian veterans. Under the *Indian Act*, reserve land could be divided into lots, and with the Superintendent's approval, individual band members were issued location tickets on that land.
16. In 1943, the Superintendent of Reserves and Trusts, Indian Affairs Branch, suggested that a special *Indian Veterans' Land Act* or an amendment to the *Indian Act* be made to provide benefits for Indian veterans comparable to those available to all other veterans. In 1945, section 35A was added to the *Veterans' Land Act* to allow for benefits offered to non-Indian war veterans to be available to Indian veterans on reserve lands.
17. In and around April 1947, the use of location tickets for Indian war veterans was confirmed under the *Indian Agent's References and Regulations*.
18. Cote reserve lands were used to fulfil the Crown's obligations under the *Soldier Settlement Act* and the *Veterans' Land Act* to provide agricultural lands to Cote war veterans. In some cases, the Crown failed to provide Cote veterans other benefits to which they were entitled under the legislation, including loans and/or grants for agricultural and other purposes. The Cote Band was required to provide these benefits.

### **Post-World War I Events**

19. The Crown sought surrenders of Indian reserve lands to provide agriculturally suited lands for returning war veterans. In Saskatchewan alone, approximately 60,000 acres of reserve lands were surrendered for the purposes of the *Soldier Settlement Act*.
20. Between 1903 and 1918, over 23,400 acres of Cote reserve lands were surrendered. The Cote Band's reserve was highly sought after, due to the quality of the lands and its primary location. The acreage of Cote IR 64 after World War I was approximately 12,760.44 acres.
21. The 1919 Department of Indian Affairs Annual Report made special mention of the Cote Band reporting 22 men from the Band enlisted to serve in World War I. After World War I, five quarter sections of lands on IR 64 were granted to Cote war veterans.

22. In 1954, the Cote Band made a complaint regarding over-population and insufficient reserve lands for all its members to the Indian Affairs Branch. Crown officials acknowledged that the Cote reserve was over-populated and there was insufficient land for Band members to make a living.
23. At this time, there were approximately 29 war veterans who held location tickets (and some war veterans had certificates of occupation, certificates of possession and custom allotments) on the reserve, very few were farming, and the others were leasing their lands and receiving leasing income.
24. By 1957, the Department of Indian Affairs determined that location tickets on IR 64 should be reacquired for the Cote Band. The *Indian Act* did not provide a mechanism for the cancellation of location tickets. Thus, the only option available to the Cote Band was to buy back the location tickets and lands from its own members. In April 1957, a BCR was passed, stipulating that the purchase moneys for the location tickets would be paid from the Band's Revenue Account.
25. Cote war veterans who received land grants under the war veterans' legislative scheme were paid by the Cote Band to relinquish their land grants. More than 4,000 acres of IR 64 were granted to Cote war veterans.

**VI. The Basis in Law on which the Crown is Said to Have Failed to Meet or Otherwise Breached a Lawful Obligation**

26. The Crown failed to fulfill its legal obligations to the Cote First Nation arising from the issuance of location tickets, certificates of occupation, band custom grants of Cote reserve lands and loans and/or grants to veterans returning from World War I, World War II, and the Korean War. The Claim is brought on the following grounds in law:
  - (a) The Crown breached its Treaty obligations under Treaty 4 by granting Cote reserve lands to returning war veterans without consultation, without band consent and without compensation to the Cote Band;
  - (b) The Crown breached its fiduciary obligations by requiring the Cote Band to expend its trust funds to repurchase Cote reserve lands from the returning war veterans or their descendants, as well as provide Cote veterans loans and/or grants; and
  - (c) The use of Cote Band trust funds to meet the Crown's obligations to returning war veterans is inconsistent with the honour of the Crown.

**(a) Breach of Treaty Obligations**

27. The Cote Band's interest in its reserve, established under Treaty 4, constitutes a Treaty right that can only be extinguished with the consent of the First Nation to whom the Treaty right is owed. By unilaterally granting Cote reserve lands to individual Cote war veterans, the Crown effectively extinguished Cote Band's communal land interest.

28. The First Nation submits the Crown's grant of Cote reserve lands to Cote war veterans fulfilled statutory obligations the Crown assumed for itself in the *Soldier Settlement Act* and the *Veterans' Land Act*.
29. Under Treaty 4, the Crown committed to protecting reserve lands from settlement and required the Band's consent for any sale, lease or other disposition of reserve land.
30. The *Soldier Settlement Act, 1919* and the corresponding amendments to the *Indian Act* allowed the Crown to grant irrevocable reserve lands to individual war veteran Band members. These changes breached the Treaty 4 provision that reserve lands would not be otherwise disposed of and provided land to Indian war veterans to which they were already entitled to as part of the collective membership of the Band.
31. Further, the Crown breached its obligation to seek and obtain the informed consent of the Cote Band prior to granting reserve lands to returning war veterans. The First Nation submits the obligation is not diminished by the fact that the war veterans were members of the Cote Band.

**(b) Breach Fiduciary Obligations**

32. The Crown breached its obligation to administer the 1906 and 1927 *Indian Acts*, the *Soldier Settlement Act, 1919*, and the *Veterans' Land Act, 1942* in a manner consistent with its fiduciary duty to the Cote Band.
33. The First Nation submits the legislative scheme set out in the *Soldier Settlement Act, 1919*, the *Veterans' Land Act, 1942* and the *Indian Act* relating to Indian war veterans does not preclude or eliminate the Crown's fiduciary duty regarding the Cote Band's reserve lands, nor does it absolve the Crown conduct that is inconsistent with its fiduciary duties in relation to those reserve lands.
34. The Crown's fiduciary duty owed to the First Nation was separate and apart from any fiduciary duty that may have been owed to the war veterans to administer the *Soldier Settlement Act, 1919*, the *Veterans' Land Act, 1942* for their individual benefit.
35. The Crown breached its fiduciary duty when it required the Cote Band to spend its Capital or Revenue monies to purchase the interest in its reserve lands which had been granted to war veterans, as well as provide Cote veterans loans and/or grants.
36. The First Nation submits the policy decision by the Crown to locate returning war veterans on the reserve was a unilateral decision, made without consultation or compensation to the Cote First Nation, and without the consent of the Band.
37. The Crown failed to provide the First Nation with replacement reserve lands or compensation for the reserve land allotments granted to returning veterans. The surrender of over 4,000 acres of Cote reserve lands to war veterans effectively removed these lands from the Cote reserve.

38. By the 1950s, more than half the lands granted to war veterans were being leased to non-Band members and earning income for the individual veterans. These lease revenues represent a tangible loss of income for the Cote Band among other lost opportunities as a result of these unlawful takings.
39. The First Nation claims it was not until 1956 that the Cote Band was able to repurchase these lands, restoring them for the collective use and benefit of the Band.
40. The Crown failed to provide some returning war veterans the benefits to which they were entitled, instead, requiring the Cote Band to deplete its own resources to support Canada's veterans.

**(c) Breach of the Honour of the Crown**

41. The First Nation submits it is contrary to the honour of the Crown to interpret Treaty 4 to allow for the grant of reserve lands to war veterans who were otherwise entitled to receive a grant of Crown lands for farming purposes.
42. The First Nation submits the Band's consent was required before the Crown could sell, lease or otherwise dispose of reserve land, regardless of the recipient. Granting exclusive use and control over reserve land to an individual Band member effectively took the collective reserve lands from the Band and reduced the size of its reserve.
43. The Crown's failure to extend the same benefits to Indigenous veterans as to their non-Indigenous counterparts fails to uphold the honour of the Crown and integrity of its commitments. This was particularly egregious, given Indigenous people were excluded from involuntary conscription and volunteered for service. The veteran benefits provided to Cote members were at the expense of the Band.

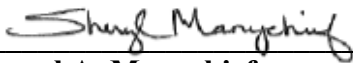
**VII. Relief Sought**

44. In light of the foregoing, the First Nation seeks the following remedies:
  - (a) Equitable compensation for Canada's breach of its Treaty, trust, fiduciary and honourable duties for failure to provide Cote war veterans with veterans' benefits under the veterans' legislation, consequently requiring the Cote First Nation to expend its own resources to provide such benefits, including:
    - i. The return of any lands still held pursuant to war veteran land grants, or damages equal to the current unimproved market value of those lands;
    - ii. Damages for the loss of use of war veteran land grants from the date of taking to the date when the lands were returned to communal reserve lands brought forward to present day value;

- iii. Damages for the expenditure of Cote Band funds, trust funds or otherwise, to repurchase its reserve lands brought forward to present day value;
  - iv. Damages for any lands or benefits pursuant to the *Soldier Settlement Act* or *Veteran's Land Act* that were not provided to returning war veterans and were granted or paid by the Cote First Nation;
- (b) An award of solicitor-client costs pursuant to the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119, section 110(2) in relation to the specific claim and this proceeding; and
  - (c) Such other damages or compensation as this Honourable Tribunal deems just.

Dated this 6<sup>th</sup> day of November, 2025 at the City of Calgary in the Province of Alberta.

**MAURICE LAW**



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