



Robinson Huron Treaty LITIGATION FUND



Help us spread the message:

» The RHTLF further urges the Premier to put the appeal into abeyance to allow the parties to negotiate a settlement of the longstanding case.





» Our Purpose

The 21 Lake Huron First Nations formed the Robinson Huron Treaty Litigation Fund (RHTLF) in 2010 to assist the First Nations to bring an action against Canada and Ontario for failing to increase annuities payments since 1875.

The RHTLF was created to undertake and pursue litigation or negotiations related to the Robinson Huron Treaty Annuities Claim on behalf of the Settlers of the RHTLF and their members who receive or are entitled to receive annuities under the Robinson Huron Treaty of 1850, as well as others who receive or are entitled to receive annuities under the said Treaty.

Right: Beaded RHT 1850 medallion.



“Signed in 1850, the Robinson Huron Treaty outlines an agreement for sharing land, waters, and resources. Our First Nations did not surrender their land, but agreed to share it in exchange for an annual payment from any resource revenue in the territory.”
– Chief Dean Sayers



» Our People and Communities

The RHTLF comprises 21 Trustees appointed by the First Nations Councils, each mandated to represent their respective First Nations. Two Trustees from each Sub-Region, as set out below, are appointed to the Litigation Management Committee (LMC) which guide and work with the Legal Team at Nahwegahbow Corbiere, the Chiefs, and Trustees.

The current members of the LMC are: Mike Restoule, Chief Patsy Corbiere, Ogimaa Duke Peltier, Peter Recollet, Chief Dean Sayers, and Angus Toulouse.

Manitoulin Island Sub-Region: Aundeck Omni Kaning, M'Chigeeng, Shequindah, Sheshegwaning, Whitefish River, Wiikwemikoong Unceded Territory, Zhiibaahaasing.

North Shore Sub Region: Atikameksheng Anishnawbek, Batchewana, Garden River, Mississauga #8, Sagamok, Serpent River, Thessalon.

Highway 69 Corridor Sub-Region: Dokis, Henvy Inlet, Magnetawan, Nipissing, Shawanaga, Wahnapiatae, Wasauksing.

» Our History

The Royal Proclamation of 1763 was issued by King George III. It sets out the principles for sovereign relations, including European settlement of Indigenous territories in parts of North America. The Royal Proclamation affirmed Aboriginal Title and Sovereignty of First Nations' lands. The Royal Proclamation was clear that lands did not become available for European settlement until an agreement for sharing with the Indigenous Peoples of the area was secured.

The Robinson Huron Treaty was signed on September 9, 1850 in Baawating, on the mainland in close proximity to Whitefish Island (Sault Ste. Marie, Ontario). Lake Huron Anishinabek leaders, Chiefs and Principle Men entered into treaty with the British Crown. The Treaty's implementation and maintenance now rests with Canada and Ontario.

Treaties are the foundation of this country. They are recognized and affirmed in the Canadian Constitution and form part of the supreme law of the land. Because all citizens benefit from the Robinson Huron Treaty, it is important for all citizens to know about the Treaty and its principles, intentions, and content, both in the written and oral context.



» Treaty Annuities

The Robinson Huron Treaty outlines an agreement for sharing land, waters, and resources. It affirms the inherent rights of the Robinson Huron Anishinabek to use the unoccupied territory for harvesting and other cultural pursuits. First Nations did not surrender their land, but agreed to share it.

To compensate for the sharing of lands and resources and to share in the wealth created in First Nations territories, the Robinson Huron Treaty contains an augmentation clause for the annuities to the Treaty beneficiaries based on the revenue generated from the territory without loss to the Crown.

This annual payment ensures the enduring nature of the agreement between our First Nations ancestors and the Crown to share the territory.

The annuity increased only once, rising from \$1.60 to \$4 in 1875. It has not changed since. It seems unlikely that revenues from resources such as lumber, hydro and mining on this land have not grown in the last 147 years. This breach of the Treaty, breach of honour of the Crown and breach of fiduciary obligations by the Crown led to legal proceedings beginning in 2012.



Above: Bank of Upper Canada
Copper Penny: Face and Obverse

Prior to the signing of the Treaty, copper was an important metal to Anishnawbek since time immemorial for trade, weapons and utilitarian purposes. It was the conflict over copper which led to the signing of Robinson Huron Treaty—discoveries of ancient Anishnawbek copper mines by settlers north of Sault Ste. Marie (Mica Bay).



» Litigation

Stage One: In Stage One of the litigation, Justice Patricia Hennessy, of the Ontario Superior Court of Justice, ruled in favour of the Robinson Huron Treaty First Nations and beneficiaries, finding that the Crown had a mandatory and reviewable obligation to increase the annuity payments when the economic circumstances warrant. Ontario appealed this decision, but Canada did not. The appeal was heard at the Ontario Court of Appeal in the Spring of 2021. The Ontario Court of Appeal upheld Justice Hennessy's interpretation of the augmentation clause.

Stage Two: In Stage Two of the litigation, Justice Patricia Hennessy again ruled in favour of the Robinson Huron Treaty First Nations and beneficiaries and rejected the technical defences relating to Crown immunity and statutes of limitations. Ontario appealed this decision, but Canada did not. The appeal was heard at the Ontario Court of Appeal in the Spring of 2021. The Ontario Court of Appeal unanimously upheld Justice Hennessy's decision.

Stage Three: Stage Three of the litigation is set to begin in January 2023 and will deal with the remaining issues, including compensation.

» Latest Update

On June 23, 2022, the Supreme Court of Canada released its decision to proceed with hearing Ontario's appeal of the Robinson Treaties annuity case. Now, the Robinson Huron Treaty Litigation Fund (RHTLF) call on Premier Ford to honour the promise he made during his election campaign to negotiate a settlement of the Robinson Treaties Annuity case. The RHTLF further urges the Premier to put the appeal into abeyance to allow the parties to negotiate a settlement of the longstanding case.

The Supreme Court of Canada has granted Ontario the opportunity to argue its appeal despite the findings of the trial judge that the best outcome for the annuity case is for the parties to negotiate a settlement of the claim, a decision which was supported by the Ontario Court of Appeal.

Canada did not appeal and has committed to negotiate a settlement of the case.

The case is scheduled to proceed to Stage Three in January 2023 with the focus being on determining the value of the compensation owed and the respective liabilities of Canada and Ontario.

» Litigation Timeline

Decisions Key Dates

January 2023
The Stage Three Trial dates are currently set to begin in January 2023. The Stage Three Trial will consider all remaining issues, including the amount of compensation, if any, is owed to the First Nations plaintiffs.

Fall 2023
Stage One and Two Appeal to be heard at the Supreme Court of Canada

January 4, 2022
Ontario brings an Application for Leave to Appeal to the Supreme Court of Canada. The Supreme Court has not yet decided if it will hear Ontario's Appeal.

June 23, 2022
The Supreme Court of Canada releases its decision to proceed with hearing Ontario's appeal of the Robinson Treaties annuity case.

June 1-3, 2021
The Ontario Court of Appeal heard Ontario's appeal of the Stage Two decision. Canada has not appealed.

November 5, 2021
Ontario Court of Appeal releases its decision on the Stage One and Two appeals. The Ontario Court of Appeal upheld Justice Hennessy's interpretation of the augmentation clause and rejected Ontario's technical defences.

June 26, 2020
Stage Two Trial Decision: Justice Hennessy, again, ruled in favour of the RHT and RST First Nations, finding the plaintiffs' claims are not barred by Ontario's limitations legislation and that Ontario does not benefit from the doctrine of Crown immunity.

April 13-28, 2021
The Ontario Court of Appeal heard Ontario's appeal of the Stage One decision. Canada did not appeal.

September 25, 2017
Stage 1 begins with opening statement of RHT plaintiffs.

December 21, 2018
Stage One Trial Decision: The Court rules that the Crown has a mandatory and reviewable constitutional obligation to increase the annuity to reflect the economic value the Crown receives from the Treaty Territory.

2010
Formation of the RHT Litigation Fund.

2012
Notice of claim filed.

July 1764
Council of Niagara, 1700 Indigenous inhabitants gathered, a diplomatic exercise where the British sought to renew and strengthen the Covenant Chain.

September 9, 1850
Signing of the Robinson Huron Treaty.

February 10, 1763
Signing of Treaty of Paris.

October 7, 1763
Royal Proclamation set out the principles for Treaty making, Declaration of the Crown, affirmed Aboriginal title and ownership of lands.

**Respect.
Reciprocity.
Responsibility.
Renewal.**



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