

Federal Court



Cour fédérale

Date: 20130108

Docket: T-2172-99

Ottawa, Ontario, January 8, 2013

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

**HARRY DANIELS, GABRIEL DANIELS,
LEAH GARDNER, TERRY JOUDREY and
THE CONGRESS OF ABORIGINAL PEOPLES**

Plaintiffs

and

**HER MAJESTY THE QUEEN, as represented
by THE MINISTER OF INDIAN AFFAIRS AND
NORTHERN DEVELOPMENT and
THE ATTORNEY GENERAL OF CANADA**

Defendants

JUDGMENT

THIS COURT'S JUDGMENT is that:

- (a) the Court declares those persons who are Métis and those who are non-status Indians as set forth in the Reasons for Judgment are “Indians” within the meaning of the expression “Indians and Lands reserved for the Indians” contained in s 91(24) of the *Constitution Act, 1867*.
- (b) the request for other declaratory relief is denied.

(c) the Plaintiffs shall have their costs as provided for in the Reasons for Judgment.

“Michael L. Phelan”

Judge