

April 26, 1985

Our File: C0224

Harvey L. Gansner, Esq.
Barrister and Solicitor
233, 1119 Baker Street
Cranbrook, B.C.
V1C 1A7

Dear Mr. Gansner:

Re: Lower Kootenay Indian Band v.
Her Majesty the Queen,
Your File: 2406

Thank you for your letter of March 26th, 1985. This is to advise that I will not take any steps to strike out your action without giving you appropriate notice.

I am forwarding a copy of your letter to Mr. Robert Exell who will advise whether British Columbia wishes to join in the negotiations you refer to.

Sincerely,

JOSEPH J. ARVAY
Barrister and Solicitor

JJA/dpv

H.L. GANSNER
BARRISTER & SOLICITOR

233, 1119 BAKER STREET
CRANBROOK, BRITISH COLUMBIA
VIC 1A7

TELEPHONE 489-5331
AREA CODE 604

March 26, 1985

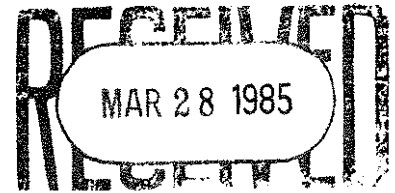
Ministry of Attorney General
Legal Services to Government
609 Broughton Street
Victoria, British Columbia
V8V 1X4

FILE: 2406

Attention: Joseph Arvay

Dear Sir:

Re: Lower Kootenay Indian Band vs.
Her Majesty the Queen



Enclosed for your convenience is a copy of my letter to you of August 31st, 1983.

We have now been informed that the Office of Native Claims has recommended to the Minister of Indian and Northern Development that the cut-off claim be accepted for negotiation, on the basis that the 2365 acres were promised to the Band in an agreement or treaty made between Indian Reserve Commissioner Vowell, on behalf of the Government of Canada and Chief Alexander on behalf of Lower Kootenay, on or about September 25th, 1908.

We expect the Government of Canada to commence negotiations within the next few months as to quantum for the loss of 2365 acres. The Band is confident that a partial resolution of the claim will be forthcoming in the near future. If British Columbia wishes to join in these negotiations to arrange a full and complete settlement, please advise Manfred Klein at the Office of Native Claims office in Vancouver.

In any event, we will not proceed with the above mentioned action without giving you at least one month's notice in writing. I assume you will take no steps to strike out the action without giving us equivalent notice. If this is not satisfactory, please inform me at your earliest convenience.

Yours very truly,

A handwritten signature in dark ink, appearing to be "H. L. Gansner".

HARVEY L. GANSNER

H.L. GANSNER
BARRISTER & SOLICITOR

233, 1119 BAKER STREET
CRANBROOK, BRITISH COLUMBIA
VIC 1A7

TELEPHONE 489-5331
AREA CODE 604

August 31, 1983

FILE: 2406

Ministry of the Attorney General
5th Floor
609 Broughton Street
Victoria, British Columbia
V8V 1X4

Attention: Joseph J. Arvay

Dear Sirs:

RE: LOWER KUTENAI INDIAN BAND

Thank you for your letter of August 22nd, 1983. We shall be serving you in the very near future with a Demand for Discovery of Documents.

At present, our plans, subject to change, are to discontinue the present action with regard to the land cut-off by the McKenna/McBride Commission if a satisfactory settlement can be reached with the Federal Office of Native Claims. We have been corresponding with the Office of Native Claims for some time in relation to the cut-off lands and should be meeting with lawyers from the Department of Justice on September 22nd, at Creston. If that meeting proves fruitful, we may well discontinue the present action entirely and issue a fresh Writ solely for declaration of Aboriginal Title to the traditional tribal territory of the Lower Kutenai Band.

As the Band councillors have recently changed, you may expect a change in the style of cause in any event. We shall contact you after our meeting with Justice and inform you of the course of action we shall pursue.

Yours very truly,

HARVEY L. GANSNER
HLG/hj