

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20140417**

**Docket: A-49-13**

**Ottawa, Ontario, April 17, 2014**

**CORAM: NOËL J.A.  
DAWSON J.A.  
TRUDEL J.A.**

**BETWEEN:**

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

**Appellants**

**and**

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

**Respondents**

**and**

**ATTORNEY GENERAL OF ALBERTA,  
MÉTIS SETTLEMENTS GENERAL COUNCIL,  
GIFT LAKE MÉTIS SETTLEMENT,  
MÉTIS NATIONAL COUNCIL,  
MANITOBA MÉTIS FEDERATION, and  
MÉTIS NATION OF ONTARIO**

**Interveners**

**JUDGMENT**

The appeal is allowed in part. The declaration made by the Federal Court is set aside and is restated by deleting reference in the declaration to non-status Indians. The Court declares that the Métis are included as “Indians” within the meaning of section 91(24) of the *Constitution Act, 1867*. In all other respects the appeal is dismissed.

The cross-appeal is dismissed.

The issue of the costs of the appeal and the cross-appeal between the appellants and the respondents is reserved.

“Marc Noël”

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J.A.