

**Publisher's Note**  
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Woodward  
**Native Law**

**Indexation and Augmentation of Annuities under Treaties** — The Ontario Superior Court of Justice delivered an important decision dealing with whether monetary amounts in historic treaties should be adjusted for inflation. The Court noted the distinction between treaties which had an “augmentation” clause, such as the Robinson treaties, and other treaties where the annuity might more appropriately be subject to indexation: *Restoule v. Canada (Attorney General)*, 2018 ONSC 7701. See Chapter 21, pages 410, 416.8 and 416.9.

**Individual Possession of Reserve Land** — The importance of a Certificate of Possession is emphasized in a case where the Ontario Superior Court of Justice refused to grant the remedy of specific performance, even where there was a clear breach of the agreement for sale. The Court said that until there is a Certificate of Possession the land remains subject to the discretion of the Nation. One of the authorities relied upon by the court was *Native Law: Kwandibens v. Whitesand First Nation*, 2018 ONSC 2318, at paragraph 92. See paragraph 10§46.

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