

This research guide on Aboriginal law references mainly federal information as laws regarding Aboriginals and Aboriginal lands are legislated by the federal government under the constitution. Treaties provide the historical background and framework.

## legislation

*Annotated Indian Act and Aboriginal constitutional provisions.* Carswell, 1992-  
[KF 8203 H38](#)

This publication is updated annually.

*Consolidated Native law statutes, regulations and treaties.* Carswell, 1993-  
[KF 8205 C66](#)

This publication is updated annually.

Indian and Northern Affairs Canada

### [Acts, Bills and Regulations](#)

Provides links to the acts, regulations and bills for which the department is responsible.

### [Land Claims](#)

Contains information on comprehensive and specific claims including maps, fact sheets, speeches, announcements, background information and more.

### [Historic Treaties](#)

Provides information from the Treaty Policy Directorate, including the text to historic treaties.

Isaac, Thomas F. *Pre-1868 legislation concerning Indians : a selected and indexed collection.* University of Saskatchewan. Native Law Centre, 1993.

[KF 8203 P922 1993](#)

Salembier, Paul et al. *Modern First Nations legislation annotated.* LexisNexis Butterworths, 2009.

[KF 8205 S25 2010](#)

University of Saskatchewan. Native Law Centre. *The Indian acts and amendments, 1970-1993 : an indexed collection.* The Centre, 1993.

[KF 8203 C37 1993](#)

Venne, Sharon Helen. *Indian acts and amendments, 1868-1975, an indexed collection.* University of Saskatchewan, Native Law Centre, 1981.

[KF 8203 C36](#)

## case law

*Canadian abridgment.* 3<sup>rd</sup> ed. Carswell, 2003-  
"Aboriginal law"

Digests of Canadian cases are organised under this classification in vol. 1 in print and are also available electronically through Westlaw Canada *LawSource*.

For further assistance, call 1.866.448.6148 (Calgary) or 1.866.230.8068 (Edmonton) or contact your [local ALL branch](#).

For inquiries by email, visit the [Ask Us](#) page on our website.

[CanLII \(Canadian Legal Information Institute\)](#)

CanLII provides searchable full-text access to Canadian case law. The scope of coverage varies by jurisdiction and court. Boolean operators, proximity connectors, phrases and date restrictions can be incorporated into your query. Using the [Advanced Search] feature, you can select one or more jurisdictions to be searched, limit your search to appellate decisions, and restrict your search by type of tribunal. You can also use CanLII to retrieve cases by citation or name.

[Canadian Native law cases](#) : with comprehensive subject index. University of Saskatchewan, Native Law Centre, 1980-1991.

The nine volumes collect cases from 1763 to 1978.

*Canadian Native law reporter*. University of Saskatchewan, Native Law Centre, 1979-

Reports significant Canadian cases. Preceded by Canadian Native Law Bulletin, 1977-1978.

Westlaw Canada *LawSource*, LexisNexis *Quicklaw* and Maritime Law Book provide electronic subject search access to legislation, case law and topical material. LexisNexis *Quicklaw* groups topical information under the source [Aboriginal Law Cases - Topical]. Maritime Law Book classifies case law under the topical heading "Indians, Inuit and Metis".

## encyclopedia

*Canadian encyclopedic digest (Western)*. 4<sup>th</sup> ed. Carswell, 2009-

Discussion of this area of law with annotations to legislation and cases is located under various topical headings throughout the *Canadian encyclopedic digest*. The information is available in print and available electronically through Westlaw Canada *LawSource*.

*Halsbury's laws of Canada*. 1<sup>st</sup> ed. LexisNexis, 2006-

Discussion of this area of law with annotations to legislation and cases is located under various topical headings throughout the volumes. The information is available in print and available electronically through LexisNexis *Quicklaw*.

[KE 205 H35 Copy 2](#)

## texts

### treaties

Asch, Michael ed. *Aboriginal and treaty rights in Canada : essays on law, equity and respect for difference*. UBC Press, 1997.

[KF 8205 A2 A316 1997](#)

Henderson, James Youngblood. *Treaty rights in the Constitution of Canada*. Carswell, 2007.

[KF 8205 H465 2007](#)

Macaulay, Mary Locke. *Aboriginal & treaty rights practice*. Carswell, 2000-

[KF 8203 M32 2000](#)

Mainville, Robert. *An overview of Aboriginal and treaty rights and compensation for their breach*. Purich, 2001.

[KF 8205 M33 2001](#)

Use our online [catalogue](#) to search for additional titles or titles recently received.

McCabe, J. Timothy S. *The law of treaties between the crown and aboriginal peoples*. LexisNexis, 2010.

[KF 8205 M346 2010](#)

Reiter, Robert Alan. *The law of Canadian Indian treaties*. Juris Analytica, 1995.

[KF 8205 R442](#)

White, Jerry P. et al. *Permission to develop : Aboriginal treaties, case law and regulations*. Thompson Educational, 2004.

[KF 8205 W44 2004](#)

### general

Bartlett, Richard H. *Indian reserves and Aboriginal lands in Canada : a homeland : a study in law and history*. University of Saskatchewan, Native Law Centre, 1990.

[KF 8224 L2 B37](#)

Belanger, Yale D. ed. *Aboriginal self-government in Canada : current trends and issues*. Purich, 2008.

[E92 A26 2008](#)

Borrows, John. *Indigenous legal traditions in Canada : report for the Law Commission of Canada*. Law Commission of Canada, 2006.

[KF 8220 I56 2007](#)

Borrows, John J. and Rotman, Leonard I. *Aboriginal legal issues: cases, materials and commentary*. 3<sup>rd</sup> ed. LexisNexis Butterworths, 2007.

[KF 8205 B67 2007](#)

Bryant, Michael J. and Sossin, Lorne Mitchell. *Public law : an overview of Aboriginal, administrative, constitutional and international law in Canada*. Carswell, 2002.

[KF 5402 B796 2002](#)

Chartrand, Paul L. A. H. ed. *Who are Canada's Aboriginal peoples? : recognition, definition and jurisdiction*. Purich, 2002.

[KF 8210 C5 W46 2002](#)

Clark, Bruce A. *Indian title in Canada*. Carswell, 1987.

[KF 8208 C57](#)

Crane, Brian A. et al. *First Nations governance law*. 2<sup>nd</sup> ed. LexisNexis, 2008.

[KF 8210 S4 C73 2008](#)

Dickson-Gilmore, Jane and LaPrairie, Carol. *Will the circle be unbroken? : Aboriginal communities, restorative justice and the challenges of conflict and change*. University of Toronto Press, 2005.

[KF 8210 C7 D54 2005](#)

Dorey, Dwight A. and Magnet, Joseph Eliot eds. *Aboriginal rights litigation*. LexisNexis Butterworths, 2003.

[KF 8205 A7648 2003](#)

Elliott, David W. *Law and Aboriginal peoples in Canada*. 5<sup>th</sup> ed. Captus Press, 2005.

[KF 8210 C5 E44 2005](#)

Foster, Hamar et al. eds. *Let right be done : aboriginal title, the Calder Case, and the future of the Indigenous rights*. UBC Press, 2007.

[KF 8205 L48 2007](#)

Gilbert, Larry. *Entitlement to Indian status and membership codes in Canada*. Carswell, 1996.

[KF 8205 G54 1996](#)

*Gladue decision* [video recording]. Bearpaw Media Productions, Native Counselling Services of Alberta, 2009.

[KF 8210 S56 B4376 2009](#)

Henderson, James (Sa'ke'j) Youngblood et al. *Aboriginal tenure in the constitution of Canada*. Carswell, 2000.

[KF 5660 H43 2000](#)

Henderson, James Youngblood. *First Nations jurisprudence and Aboriginal rights : defining the just society*. University of Saskatchewan, Native Law Centre, 2006.

[KF 8205 H46 2006](#)

Hylton, John H. ed. *Aboriginal self-government in Canada : current trends and issues*. 2<sup>nd</sup> ed. Purich, 1999.

[E 92 A26 1999](#)

Imai, Shin et al. *Aboriginal law handbook*. 3<sup>rd</sup> ed. Carswell, 2008.

[KF 8205 Z9 I5 2008](#)

Isaac, Thomas. *Aboriginal title*. University of Saskatchewan, Native Law Centre, 2006.

[KF 8208 I87 2006](#)

Issac, Thomas. *Metis rights*. University of Saskatchewan, Native Law Centre, 2008.

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Law Commission of Canada. *In whom we trust : a forum on fiduciary relationships*. Irwin Law, 2002.

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Magnet, Joseph Eliot. *Litigating Aboriginal culture*. Juriliber, 2005.

[KF 8205 M324 2005](#)

McCabe, J. Timothy S. *The honour of the Crown and its fiduciary duties to Aboriginal peoples*. LexisNexis, 2008.

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McNeil, Kent. *Emerging justice? : essays on indigenous rights in Canada and Australia*. University of Saskatchewan, Native Law Centre, 2001.

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Newman, Dwight G. *The duty to consult : new relationships with Aboriginal peoples*. Purich, 2009.

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Passelac-Ross, Monique. *Access to forest lands and resources: the cases of Aboriginal peoples in Alberta*. Canadian Institute of Resources Law, 2008.

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Proulx, Craig. *Reclaiming Aboriginal justice, identity and community*. Purich, 2003.

[KF 8205 P78 2003](#)

Reiter, Robert A. *An examination of the evolving concept of band councils, their authorities and responsibilities, and their statutory instruments of power*. 2<sup>nd</sup> printing with updates. First Nations Resource Council, 1990.

[KF 8220 R45](#)

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Wilkins, Kerry ed. *Advancing Aboriginal claims : visions, strategies, directions*. Purich, 2004.

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Woodward, Jack. *Native law*. Carswell, 1989-

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### tax and finance

Brown, Robert A. and Strother, Robert C. *The taxation and financing of Aboriginal businesses in Canada*. Carswell, 1998-

[KF 8210 T3 B76 1998](#)

Magnet, Joseph Eliot and Dorey, Dwight A. eds. *Legal aspects of Aboriginal business development*. LexisNexis Butterworths, 2005.

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Reiter, Robert A. *Indian finance law : alternative mechanisms and strategies for financing reserve public and private ventures*. First Nations Resource Council, 1991.

[KF 8210 F5 R379](#)

Reiter, Robert A. *A legal guide to conducting business on Indian reserves*. 3<sup>rd</sup> printing with updates. First Nations Resource Council, 1990.

[KF 8210 C6 R44 1990](#)

Reiter, Robert A. *Tax manual for Canadian Indians*. 3<sup>rd</sup> printing with updates. First Nations Resource Council, 1990.

[KF 8210 T3 R45 1990](#)

### Australian law

Bartlett, Richard H. *Native title in Australia*. 2<sup>nd</sup> ed. LexisNexis Butterworths, 2004.

[KF 8208 B37 2004](#)

Perry, Melissa and Lloyd, Stephen. *Australian Native title law*. Lawbook, 2003.

[KF 8208 P47 2003](#)

## journals

Search the *Index to Canadian legal literature* in print or electronically on Westlaw Canada *LawSource* using the headings “Indians of North America”, “Indian Business Enterprises”, “Indian Title”, and similar or “Indigenous peoples” to identify subject-specific articles.

Additional full-text articles are available electronically through

- HeinOnline, a database providing full-text access to Canadian and international law reviews and legal journals which may be searched at no charge in ALL branches;
- Westlaw Canada *LawSource*, which contains a collection of Canadian journals and law reviews, as well as all articles and case comments appearing in Carswell law reports; and
- LexisNexis *Quicklaw*'s [Aboriginal Law Commentary - Topical], a collection of journal articles, research papers and newsletters.

## internet resources

### [Aboriginal Canada Portal](#)

The site is sponsored by the Government of Canada in conjunction with several Aboriginal organisations and contains a wide array of information.

### [Native Law Centre of Canada](#)

The Centre's site includes information on programs and projects; their publications; and a searchable database on pleadings.