

Court File No: 406/95

ONTARIO COURT OF JUSTICE
(GENERAL DIVISION)

BETWEEN:

SIX NATIONS OF THE GRAND RIVER BAND OF INDIANS

Plaintiff

- and -

THE ATTORNEY GENERAL OF CANADA
and
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendants

DEMAND FOR PARTICULARS

The Defendant, the Attorney General of Canada, hereby requests full particulars of the allegations contained in the Statement of Claim as follows:

1. With respect to the allegations in subparagraph 3(b), specify the section of the Constitution Act, 1867 relied on.
2. With respect to the allegations in paragraphs 6 and 7, specify the treaties referred to in these paragraphs.

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3. With respect to the allegations in paragraph 11, specify which of the Six Nations occupied, possessed or used territory in Ontario from time immemorial [we are particularly interested in the area around the Grand River and would be satisfied with particulars relating to that area].
4. With respect to the allegations in paragraph 12, provide particulars on the invitation of the Crown to the Six Nations to settle in what is now Canada: who made the invitation, when was the invitation made, and if the invitation was in writing, provide a copy.
5. With respect to the allegations in paragraph 15, specify how and when the Haldimand Proclamation was accepted by the Six Nations, and if the acceptance was in writing, provide a copy.
6. With respect to the allegations in paragraph 20, specify the section of each Act referred to in subparagraphs 20(a) to (g) which recognizes the fiduciary obligation of the Crown to the Six Nations.
7. With respect to the allegations in paragraph 22, provide (a) the dates of each grant, sale, lease, permit and other disposition that the Crown made or permitted to be made, (b) to whom was each grant, sale, lease, permit and other disposition made, and if these documents are in writing, provide a copy of each, and (c) specify which laws were not complied with by each grant, sale, lease, permit and other disposition.
8. With respect to the allegations in paragraph 23, provide particulars linking each breach of fiduciary obligation and treaty obligation with each of subparagraphs (a) to (g).
9. With respect to the allegations in paragraph 33, provide particulars of the misappropriation of monies by Colonel William Claus, including the dates and circumstances of the misappropriation.

10. With respect to the allegations in paragraph 39, provide particulars of each sale, including the date of sale and the purchaser of the lands referred to, and provide a copy of each sale.
11. With respect to the allegations in paragraph 47, provide particulars of the assurances: the dates on which the assurances were made, to whom and by whom, and if the assurances are in writing, provide copies.
12. With respect to the allegations in paragraph 53, provide particulars of the circumstances relied on as showing or raising an inference of knowledge of the Crown for each of the matters referred to in subparagraphs 53(a) to (c).
13. With respect to the allegations in paragraph 56, provide particulars of (a) each conveyance referred to, including the date of conveyancing and to whom the lands were conveyed, and provide a copy of each conveyance, and (b) the "valuations and sale conditions" of the Six Nations referred to in paragraph 56 for each conveyance.
14. With respect to the allegations in paragraph 59, provide particulars of (a) each letters patent, including the date of the patents and the name of the patentee, and provide a copy of each patent, and (b) the wish of the Six Nations to lease these lands: when were the wishes made, to whom, and if the wishes was reduced to writing, provide a copy.
15. With respect to the allegations in paragraph 61, specify how the Crown took possession of lands comprising lots 25 and 26, and if the possession was obtained by expropriation, provide a copy of the expropriating document.

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16. With respect to the allegations in paragraph 71, provide particulars of (a) the decision of the Governor in Council that it would lease the lands referred to, and if the decision was in writing, provide a copy, and (b) each letters patent, including the date of the patent and the name of the patentees, and provide a copy of each patent.
17. With respect to the allegations in paragraph 76, specify the dates and circumstances surrounding each failure of the Crown to protect the interest of the Six Nations and to provide proper compensation to the Six Nations.
18. With respect to the allegations in paragraph 80, provide the dates when POG drilled wells and extracted natural gas, where specifically the wells were drilled, and the prices obtained for all natural gas extracted.
19. With respect to the allegations in paragraph 82, specify the treaty obligations referred to, the assets which ought to have been held, and the monies which ought to have been earned or derived.
20. With respect to the allegations in subparagraph 83(b), specify how the Crown in Right of Canada "directed" the representatives of the Six Nations, and if the direction is in writing, provide a copy.

In addition, we have in our possession copies of a number of documents which we believe are the documents referred to in the Statement of Claim. To ensure that we are working from the same documents, we request that you provide us with copies of the following documents at this time. We shall pay for photocopy and courier costs.

- a) in paragraph 25, the letters patent to Selkirk of November 18, 1807:


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- b) in paragraph 27, the Selkirk Mortgage;
- c) in subparagraph 32(d), the Crown's acknowledgement reduced to writing in 1803, 1830 and 1843;
- d) in paragraph 50, the documents of January 25, 1878, August 5, 1882, and May 6, 1884;
- e) in paragraph 54, the letters patent to the GRNC of November 18, 1837;
- f) in paragraph 56, Surrender no. 30 of April 19, 1830 and Surrender No. 40 of April 2, 1835;
- g) in paragraph 57, Surrender no. 31 of April 19, 1831 and Surrender No. 38 of February 8, 1834;
- h) in paragraph 63, the document of January 18, 1841;
- i) in paragraph 64, the letters by Jarvis of January 5 and 15, 1841;
- j) in paragraph 69, the petitions of February 4, 1841, July 7, 1841 and June 24, 1843 and submission of January 28, 1843;
- k) in paragraph 70, the decision of the Governor General of Canada in Council of October 4, 1843;
- l) in paragraph 73, the 1845 Commission of Inquiry report;
- m) in paragraph 74, the report of the Crown in Right of Canada respecting the Six Nations trust monies;

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- n) in paragraph 77, the document of May 20, 1925 surrendering oil and gas rights;
- o) in paragraph 78, the agreement of December 31, 1928;
- p) in paragraph 79, the letter of July 18, 1947; and
- q) in paragraph 83, the letters of October 25, 1979 and October 23, 1992.

Date: October 10, 1995


John Meaney, Counsel
Department of Justice
Box 36, Suite 3400
The Exchange Tower
2 First Canadian Place
Toronto, Ontario
M5X 1K6

Tel: (416) 973-9271
Fax: (416) 973-5004

Solicitor for the Defendant,
The Attorney General of Canada

TO: Blake, Cassels & Graydon
Barristers & Solicitors
Box 25, Commerce Court West
Toronto, Ontario
M5L 1A9

Burton H. Kellock, Q.C.
(416) 863-2691

Ben A. Jetten
(416) 863-2938

Solicitors for the Plaintiff,
The Six Nations of the Grand River

**SIX NATIONS OF THE GRAND RIVER
BAND OF INDIANS**

Plaintiff

and

**AG CANADA and
H.M.Q. IN RIGHT OF ONTARIO**

Defendants

**ONTARIO COURT OF JUSTICE
(GENERAL DIVISION)**

**Proceedings commenced at
Brantford**

DEMAND FOR PARTICULARS

**John Meaney, Counsel
Department of Justice
Box 36, Suite 3400
The Exchange Tower
2 First Canadian Place
Toronto, Ontario
M5X 1K6**

**Tel: (416) 973-9271
Fax: (416) 973-5004
File: TO.216788**

**Solicitor for the Defendant,
The Attorney General of Canada**