

LOCAL NEWS



JUDGEMENT BEWILDERS INDIANS

Six Nations Reserve - A judgement released Thursday, July 12, 1973 by Mr. Justice Osler has left the people of the Six Nations in a state of bewilderment and uncertainty.

The judgement was the outcome of the case heard at Brantford, September 6th and 7th, 1972, after an injunction was issued on July 15, 1970 by the Six Nations Elected Council to Ackland Davey, Elwood Green, Wilma Hill, Charles Jamieson, Joseph Logan, Ruth Longboat, Lawrence Nanticoke, Clara Powless and Coleman Powless, to restrain them from:

- (a) watching, besetting or attempting to watch or beset at or adjacent to the Council House in the Village of Ohsweken on the Six Nations Reserve in the County of Brant in the Province of Ontario.
- (b) obstructing or interfering with the plaintiffs, their servants, agents, employees or any other persons seeking entrance to or exit from the Council House in the Village of Ohsweken on the Six Nations Reserve in the County of Brant in the Province of Ontario.
- (c) obstructing or interfering with the lawful use by the plaintiffs, their servants, agents, employees or any other person of the said Council House.
- (d) ordering, aiding, abetting, counselling or encouraging in any manner whatsoever, either directly or indirectly, any person to commit the acts mentioned in paragraphs (b) and (c) above or any of them.

The injunction was the result of a difference of opinion on ownership of the Council House, between the Six Nations Elected Council and the Six Nations Confederacy, after the Confederacy Warriors claiming to represent the Six Nations Hereditary Chiefs, on Wednesday, June 24, 1970, forced the lock from the Council House door and replaced it with

a lock of their own.

Now after nine months of deliberation Mr. Justice Osler of the Ontario Supreme Court has reached a decision which could affect approximately 220,000 Indians across Canada.

JUDGEMENT FOR THE DEFENDANTS

Parts of Mr. Justice Osler's 24-page judgement state that: "The defendants are adherents of a group of Indians, members of the Six Nations Band, who advocate a form of government other than that obtaining under the Indian Act and in particular, a return of the former system of government by persons referred to as "Hereditary Chiefs"."

"The defendants raised two issues of some constitutional importance, the first being that the plaintiffs have no status to maintain an action, as they act under the provisions of the Indian Act which was unlawfully imposed upon the inhabitants of the Six Nations lands by the Government of Canada and the second being that virtually all provisions of the Indian Act have been rendered inoperative by the Canadian Bill of Rights. Accordingly, counsel for the Attorney General of Canada appeared and asked to be heard as contemplated by the provisions of Section 36(4) of the Judicature Act and permission was, of course, given."

"Accordingly, what has been referred to as the Simcoe patent of the Grand River lands to the Six Nations was executed by Governor Simcoe on January 14, 1793. This document in the name of George III did "give and grant to the Chiefs, warriors, women and people of the said Six Nations and their heirs forever, all that district or territory of land being parcel of a certain district lately purchased by us of the Mississague Nation" as described in the grant.." to them the Chiefs, warriors, women and people of the Six Nations and to and for the sole use and behoof of them and their heirs forever freely and clearly of and from all and all manner of rents, fines and services whatever to be rendered by them or any of them to us or our successors.. to be held and enjoyed by them in the most free and ample manner and according to the several customs and usages of them... provided always and be it understood to be the true intent and meaning of these