

Supreme court hears land claim ruling based on 'isolated' history

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OTTAWA (CP) — A 1984 court ruling against the Temagami Indian land claim in Northern Ontario was based on a "remote and isolated" view of history, a lawyer for the Union of Ontario Indians told the Supreme Court of Canada on Tuesday.

William Henderson said the Ontario court accepted a government contention that an Indian not associated with the Temagami band signed a treaty on their behalf in 1850. That claim had never been raised before, he said. The Ontario government used it to argue successfully that the Temagami Indians gave up native rights, Henderson said. "It is that kind of remote and isolated view of a past event . . . that is particularly dangerous in this case."

Henderson asked the five justices hearing the case to throw out the finding so that similar theories won't be proposed by governments in other native land claims cases.

The Supreme Court is hearing an appeal of a ruling that rejected the Temagami band's claim to about 10,000 square kilometres of mineral and forest-

rich territory in northeastern Ontario. The area, 100 kilometres north of North Bay, is about twice the size of Prince Edward Island.

The lower court ruling, upheld by the Ontario Court of Appeal, found that if the band ever had land rights they were extinguished, either by the 1850 treaty or subsequent Ontario legislation allowing development of the area.