

Sentencing delayed in native logging case

BATHURST, N.B. (CP) - A New Brunswick native logger whose actions triggered the dispute over aboriginal cutting rights on Crown land in the province had his sentencing delayed Wednesday until November.

Thomas Peter Paul, a resident of the Pabineau Reserve in northern New Brunswick, was to be sentenced in provincial court for stealing logs from Crown land in 1995.

But lawyer Cleveland Allaby asked to have sentencing delayed for a year, enough time to learn if Canadas highest court would agree to hear an appeal of Peter Pauls conviction.

Prosecutor Keith McCormick objected to Allabys request, saying the high court generally makes such decisions within 100 days.

Provincial court Judge Frederic

Arseneult, who originally acquitted Peter Paul of the charges, agreed to delay sentencing until Nov. 20.

Peter Pauls lawyer was pleased with the delay.

"Theyre all small victories," Allaby said outside court.

I am pleased because there is no necessity (for) Thomas Peter Paul to be sentenced.

The Supreme Court of Canada is expected to say sometime this fall if it will hear the case. Earlier, the court rejected Allabys request for a stay of proceedings.

Two lower courts in New Brunswick found Peter Paul, a Mikmaq, not guilty on the grounds he has a treaty right to harvest and sell timber taken from Crown land.

One of the courts, Court of

Queens Bench, said New Brunswick aboriginals own the Crown lands and have first right to the timber. The ruling was

based on 18th-century treaties.

The ruling sent shockwaves through the provincial government and the forestry industry,

which is worth about \$3 billion a year to the New Brunswick economy, employing more than 14,000 people.