

S.N. takes Canada to court

by Paul Barnsley

SIX NATIONS - Band council's lawyers will bring suit in Ontario Court's General Division in an attempt to force the government to account for money and lands it has held in trust for Six Nations.

Land Research Director Phil Monture, announced yesterday that Six Nations of the Grand River gave formal notice to the federal and provincial governments in December of 1994,

that council will initiate legal proceedings regarding the Crown's handling of Six Nations property both before and after Confederation.

Council suit will demand a comprehensive general accounting for all its money, real property and other assets which were or should have been held in trust for the benefit of Six Nations.

"We're asking Canada as a trustee - they are holding our lands and monies in trust for us - what did you do with it?" said Monture as he explained the intention of the impending lawsuit.

Monture says the Crown has refused to provide a compre-

hensive account of money and property held in trust or of the manner in which the Crown may have disposed of those assets. He said the legal action is necessary to prompt the governments to respond to specific claims made by Six Nations.

"All across Canada, the headache with the specific claims process is that Canada can just walk away at any time with no accountability," Monture added.

The intention of the lawsuit is to force the Crown to recognize Six Nations right to receive a proper accounting.

The provisions of the Proceedings Against the Crown Act allows the Crown time to

respond to Six Nations notice of its intention to sue. Therefore, lawyers from the Toronto law firm of Blake, Cassels and Graydon, which will represent council in this matter, cannot start litigation until 60 days after they informed the government of their intentions.

The claim will be filed against the Attorney General of Canada and Ontario in late February or early March.

Monture said it's important for council to start the litigation process before the passage into law of Bill 199 which will place a 2 year statute of limitations on claims against the Crown. The bill is ready for its 3rd reading.