

In the Supreme Court of Ontario

Between

ASSOCIATION OF METIS AND NON-STATUS INDIANS
OF SASKATCHEWAN,
METIS ASSOCIATION OF ALBERTA, and
MANITOBA METIS FEDERATION INC.

PLAINTIFFS

and

PIERRE ELLIOTT TRUDEAU, Prime Minister of Canada

DEFENDANT

Elizabeth the Second, by the Grace of God of the United Kingdom, Canada and Her other Realms
and Territories Queen, Head of the Commonwealth, Defender of the Faith.

To

Pierre Elliott Trudeau
24 Sussex Drive
Ottawa, Ontario

at Defendant's
Name and Address

We Command that, if you wish to defend this action, either you or your lawyer shall file an Appearance in the office of this Court at Osgoode Hall, Toronto within ten days after the day this Writ was served upon you;

And Take Notice that, where a Statement of Claim is also served with this Writ, or is served upon you at some later date, and you fail to serve upon the plaintiff or his lawyer AND file your Statement of Defence in the same Court office within twenty days after the Statement of Claim has been filed and served upon you, pleadings may be noted closed against you and you may not be permitted to deliver your Statement of Defence;

And Further Take Notice that where pleadings have been noted closed against you, you may be deemed to have admitted the plaintiff's claim and you may not be entitled to notice of any motion for judgment or notice of trial, AND JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE.

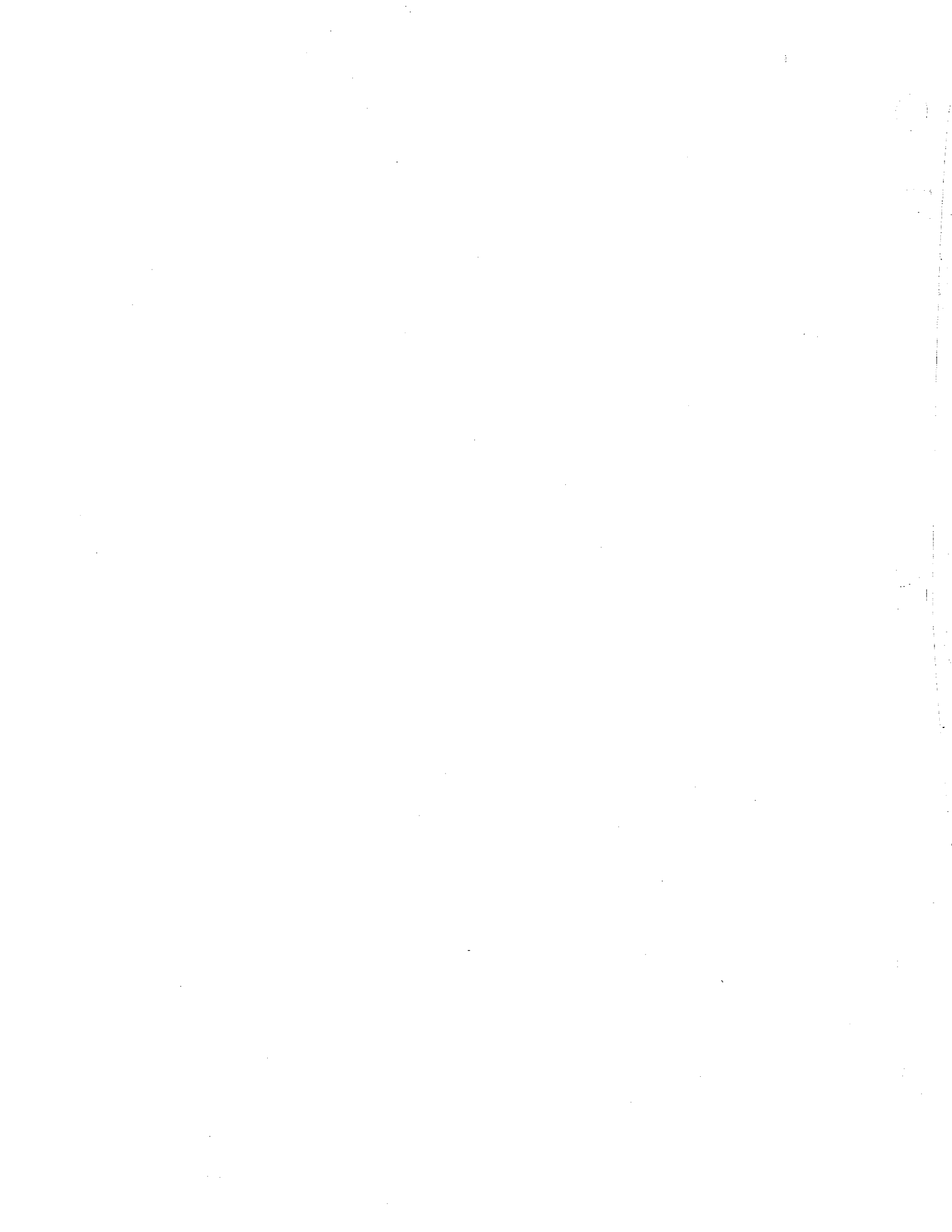
In Witness Whereof this writ is signed for the Supreme Court of Ontario

by Warren John Dunlop
at Toronto

Registrar of the said Court
March, 19 83 .

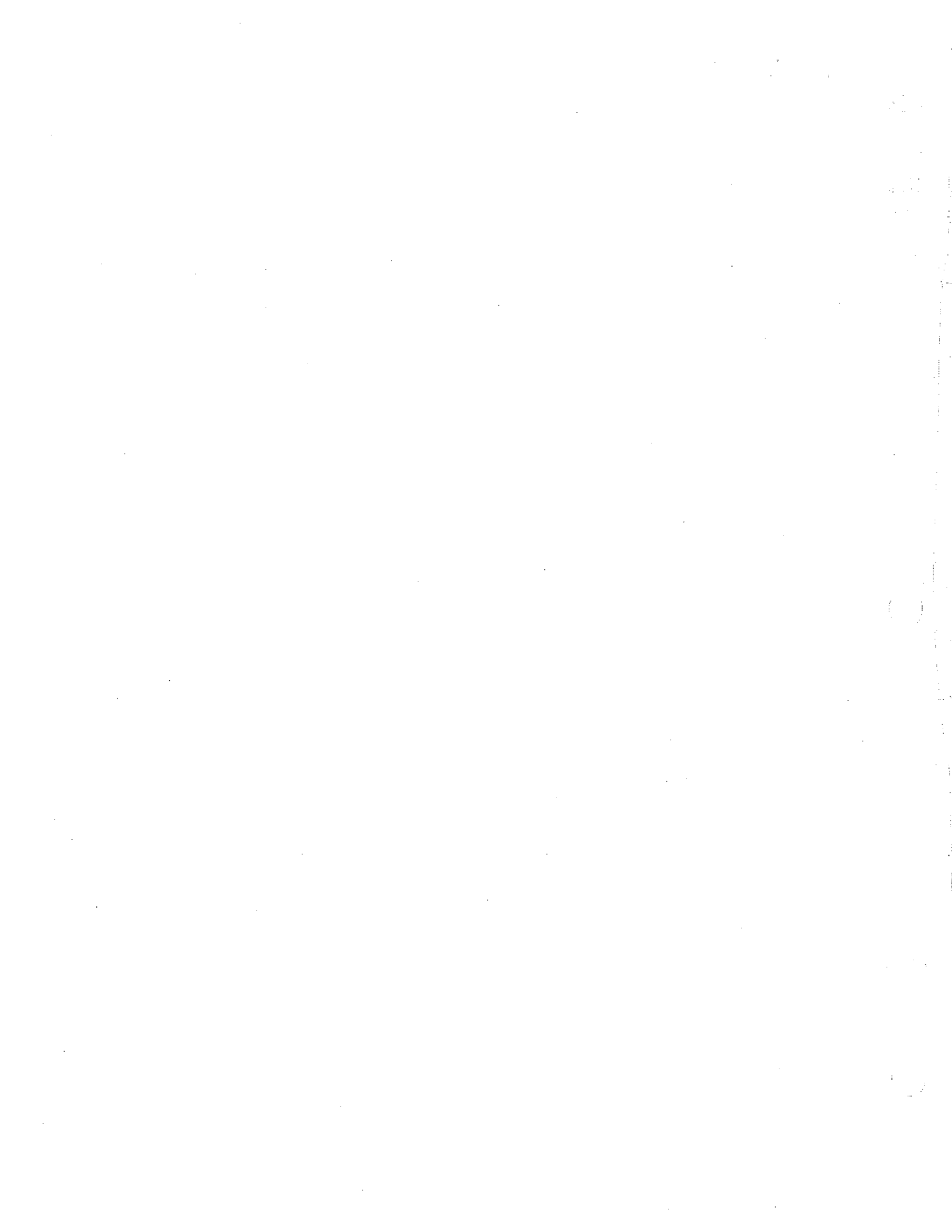
this 9th day of

Local Registrar, S.C.O.



The Plaintiff's claim is for

- (1) a Declaration that representatives of the Métis peoples of Canada are entitled to participate at the Constitutional Conference convened by the Prime Minister of Canada pursuant to sub-section 37(1) of the Constitution Act, 1982 to be held in Ottawa on March 15 and 16, 1983 in the discussion of constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of these peoples to be included in the Constitution of Canada;
- (2) a Declaration that the Prime Minister of Canada has acted contrary to section 37 of the Constitution Act, 1982, having failed to invite representatives of the Métis peoples of Canada to participate at the Constitutional Conference in the discussion of constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of these peoples to be included in the Constitution of Canada;
- (3) a mandatory injunction requiring the Prime Minister of Canada to invite representatives of the Métis peoples of Canada to participate at the Constitutional Conference in the discussion of constitutional matters that directly affect the aboriginal peoples of Canada including the identification and definition of the rights of these peoples to be included in the Constitution of Canada at the Constitutional Conference convened by the Prime Minister of Canada to be held in Ottawa on March 15 and 16, 1983; and
- (4) an injunction restraining the Prime Minister of Canada from convening a Constitutional Conference pursuant to sub-section 37(1) of the Constitution Act, 1982 at which there is included in its agenda an item respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada, until such time as the Prime Minister of Canada has invited representatives of the Métis peoples of Canada to participate in the discussion of that item.
- (5) an interim injunction;
- (6) damages;
- (7) such further and other relief that this Honourable Court deems just;
- (8) costs.





ACTIO

19

Association of Métis
and ~~XXXXXX~~ Non-
Status Indians of
Saskatchewan, et al

erre Elliott Trudeau
(Defendant)

In the Supreme Court
of Ontario

(show short style of cause)

ACTION COMMENCED IN THE

Judicial District of York

Writ of Summons
GENERAL

Newsome and Gilbert, Limited — Form 432

This writ was issued by
Messrs. Gowling & Henderson
Barristers & Solicitors
160 Elgin Street
Ottawa, Ontario K1N 8S3

of the City of Ottawa

in the Province of Ontario

solicitors for the said plaintiffs

who reside at Saskatchewan,
Alberta and Manitoba

Plaintiff's Solicitor

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

ASSOCIATION OF METIS AND NON-STATUS INDIANS
OF SASKATCHEWAN,
METIS ASSOCIATION OF ALBERTA, and
MANITOBA METIS FEDERATION INC.

Plaintiffs

AND:

PIERRE ELLIOTT TRUDEAU, Prime Minister of Canada,
Defendant

STATEMENT OF CLAIM

(Writ Issued on the _____ day of March, 1983)

1. The plaintiff, Association of Métis and Non-Status Indians of Saskatchewan (hereinafter referred to as "AMNSIS" is a body corporate created under The Non-Profit Corporations Act of Saskatchewan with the principal head office in the City of Regina, Province of Saskatchewan.
2. The Plaintiff, Métis Association of Alberta, (hereinafter referred to as "MAA"), is a body corporate created under the laws of the Province of Alberta with principal head office in the City of Edmonton, Province of Alberta.
3. The Plaintiff, Manitoba Métis Federation Inc., (hereinafter referred to as "MMF"), is a body corporate created under the laws of the Province of Manitoba, with its principal office in the City of Winnipeg, in the Province of Manitoba.
4. Pierre Elliott Trudeau is and at all material times has been the Prime Minister of Canada.

2.

5. Section 25 of the Constitution Act, 1982 provides:

"25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal people of Canada including:

(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7th, 1763; and

(b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claim settlement.

6. Section 35 of the Constitution Act, 1982, proclaimed in force April 17, 1982, provides:

"35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed;

(2) In this Act 'aboriginal peoples of Canada' includes the Indian, Inuit and Métis peoples of Canada."

7. Part IV of the Constitution Act, 1982, provides:

"PART IV
CONSTITUTIONAL CONFERENCE

37. (1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada within one year after this Part comes into force.

(2) The conference convened under sub-section (1) shall have included in its agenda an item respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada, and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on that item.

(3) The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of the conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affect the Yukon Territory and the Northwest Territories."

8. Section 54 of the Constitution Act, 1982 provides:

"54. Part IV is repealed on the day that is one year after this Part comes into force and this section may be repealed and this Act renumbered, consequentially upon the repeal of Part IV and this section, by proclamation issued by the Governor General under the Great Seal of Canada."

9. Pursuant to sub-section 37(1) of the Constitution Act, 1982, the Prime Minister of Canada has convened a Constitutional Conference to be held in Ottawa on March 15 and 16, 1983, involving the First Ministers of the provinces.

10. Pursuant to sub-section 37(2) of the Constitution Act, 1982, the Prime Minister of Canada has issued an invitation to the Assembly of First Nations to attend the Constitutional Conference as representatives of the Indian peoples of Canada. The Assembly of First Nations will occupy two seats at the table with the First Ministers and participate in the discussions relative to sub-section 37(2) of the Constitution Act, 1982.

11. Pursuant to sub-section 37(2) of the Constitution Act, 1982, the Prime Minister of Canada has also issued an invitation to the Inuit Committee on National Issues to attend the Constitutional Conference as representatives of the Inuit

Peoples of Canada. The Inuit Committee on National Issues will occupy two seats at the table with the First Ministers and participate in the discussions relative to sub-section 37(2) of the Constitution Act, 1982.

12. Pursuant to sub-section 37(2) of the Constitution Act, 1982, the Prime Minister of Canada has also issued an invitation to the Native Council of Canada to attend the Constitutional Conference. The Native Council of Canada will occupy two seats at the table with the First Ministers and participate in the discussions relative to sub-section 37(2) of the Constitution Act, 1982.

13. Neither the Assembly of First Nations nor the Inuit Committee on National Issues represent the Métis people of Canada.

14. The Native Council of Canada does not represent the Métis people of Canada.

15. No invitation has been made by the Prime Minister of Canada to any representative of the Métis people of Canada to participate in the Constitutional Conference as required by sub-section 37(2) of the Constitution Act, 1982.

16. Provincially, Métis people in the three Prairie Provinces of Manitoba, Saskatchewan and Alberta are represented respectively by the Manitoba Métis Association Inc., Association of Métis and Non-Status Indians of Saskatchewan, and the Métis Association of Alberta.

17. As a result of the failure of the Prime Minister of Canada to invite representatives of the Métis people to participate in the Constitutional Conference as required by sub-section 37(2) of the Constitution Act, 1982, the Métis people of Canada will suffer irreparable damage and harm in that the views of Métis people affecting constitutional matters that directly affect them as an aboriginal people of Canada will not be part of the agenda or the deliberations of the Constitutional Conference and the views of Métis people will not be placed before the Constitutional Conference.

18. Section 54 of the Constitution Act, 1982, repeals Part IV of that Act on April 17, 1983, and from that date forward there ceases to be any requirement that there be a Constitutional Conference of the Prime Minister of Canada, the First Ministers of the provinces and representatives of the aboriginal peoples, including the Métis, to discuss constitutional matters that directly affect the aboriginal peoples of Canada. If the representatives of the Métis people of Canada as an aboriginal people of Canada are not invited to participate in the Constitutional Conference, they will have been denied their constitutional right to participate in such a Conference. Because the constitutional right to participate in any such Conference will be repealed April 17, 1983 the Plaintiffs will suffer irreparable damage and harm.

19. As a result of the failure to invite representatives of the Métis people of Canada to the Constitutional Conference, agreements could be reached with respect to the rights of Métis people, including matters such as claims in respect to land and resources, without the representatives of the Métis people participating in such discussions and the Métis people will suffer damages as a result of any agreement reached.

20. The Defendant has been requested to issue an invitation to representatives of the Plaintiffs to attend the Constitutional Conference for the purposes of sub-section 37(2) of the Constitution Act, 1982. The Defendant has refused or failed to invite representatives of the Plaintiffs to the Constitutional Conference.

21. The Plaintiffs therefore claim as follows:

- (1) a Declaration that representatives of the Métis peoples of Canada are entitled to participate at the Constitutional Conference convened by the Prime Minister of Canada pursuant to sub-section 37(1) of the Constitution Act, 1982 to be held in Ottawa on March 15 and 16, 1983 in the discussion of constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of these peoples to be included in the Constitution of Canada;
- (2) a Declaration that the Prime Minister of Canada has acted contrary to section 37 of the Constitution Act, 1982, having failed to invite representatives of the Métis peoples of Canada to participate at the Constitutional Conference in the discussion of constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of these peoples to be included in the Constitution of Canada;

- (3) a mandatory injunction requiring the Prime Minister of Canada to invite representatives of the Métis peoples of Canada to participate at the Constitutional Conference in the discussion of constitutional matters that directly affect the aboriginal peoples of Canada including the identification and definition of the rights of these peoples to be included in the Constitution of Canada at the Constitutional Conference convened by the Prime Minister of Canada to be held in Ottawa on March 15 and 16, 1983; and
- (4) an injunction restraining the Prime Minister of Canada from convening a Constitutional Conference pursuant to sub-section 37(1) of the Constitution Act, 1982 at which there is included in its agenda an item respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada, until such time as the Prime Minister of Canada has invited representatives of the Métis peoples of Canada to participate in the discussion of that item.
- (5) an interim injunction;
- (6) damages;
- (7) such further and other relief that this Honourable Court deems just;
- (8) costs.

Delivered at Toronto, Ontario, this day of March,
1983 by Gowling & Henderson, Barristers and Solicitors, 160
Elgin Street, Ottawa, Ontario, Solicitors for the Plaintiffs.



IN THE SUPREME COURT OF ONTARIO

BETWEEN:

ASSOCIATION OF METIS AND NON-STATUS
INDIANS OF SASKATCHEWAN,
METIS ASSOCIATION OF ALBERTA; and
MANITOBA METIS FEDERATION, INC.

Plaintiffs

- and -

PIERRE ELLIOTT TRUDEAU,
Prime Minister of Canada

Defendant

STATEMENT OF CLAIM

MESSRS. GOWLING & HENDERSON
Barristers & Solicitors
160 Elgin Street
Ottawa, Ontario
K1N 8S3

Solicitors for the Plaintiffs
(JDR)

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

ASSOCIATION OF METIS AND NON-STATUS INDIANS
OF SASKATCHEWAN,
METIS ASSOCIATION OF ALBERTA, and
MANITOBA METIS FEDERATION INC.

Plaintiffs

PIERRE ELLIOTT TRUDEAU, Prime Minister
of Canada

Defendant

NOTICE OF MOTION

TAKE NOTICE that the Court will be moved on behalf of the Plaintiffs at Osgoode Hall, Toronto, on the 10th day of March, 1983 at 10:30 o'clock in the forenoon for an Order for an Interim Injunction restraining the Defendant from convening a Constitutional Conference pursuant to sub-section 37(1) of the Constitution Act, 1982 at which there is included in its agenda an item respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada, until such time as the Prime Minister of Canada has invited representatives of the Métis peoples of Canada to participate in the discussion of that item.

2.

AND TAKE NOTICE that in support of such motion will be read the Affidavits of John James Sinclair and John Weinstein and such further and other material as counsel may advise.

DATED at Toronto this 9th day of March, 1983.

MESSRS. GOWLING & HENDERSON
Barristers & Solicitors
160 Elgin Street
Ottawa, Ontario
K1N 8S3

Solicitors for the Plaintiffs


per JOHN D. RICHARD, Q.C.



IN THE SUPREME COURT OF ONTARIO

BETWEEN:

ASSOCIATION OF METIS AND NON-STATUS
INDIANS OF SASKATCHEWAN,
METIS ASSOCIATION OF ALBERTA; and
MANITOBA METIS FEDERATION, INC.

Plaintiffs

- and -

PIERRE ELLIOTT TRUDEAU, Prime
Minister of Canada

NOTICE OF MOTION

MESSRS. GOWLING & HENDERSON
Barristers & Solicitors
160 Elgin Street
Ottawa, Ontario
K1N 8S3

Solicitors for the Plaintiffs
(JDR)

IN THE SUPREME COURT OF ONTARIO

IN THE MATTER OF the Judicial Review Procedure Act, R.S.O., 1980, c.229;

AND IN THE MATTER OF an Application regarding section 37 of the Constitution Act, 1982

BETWEEN:

ASSOCIATION OF METIS AND NON-STATUS INDIANS
OF SASKATCHEWAN,
METIS ASSOCIATION OF ALBERTA, and
MANITOBA METIS FEDERATION INC.

Applicants

PIERRE ELLIOTT TRUDEAU, Prime Minister
of Canada

Respondent

NOTICE OF APPLICATION FOR JUDICIAL REVIEW

TAKE NOTICE that the Applicants herein will make application to a Judge of the High Court of Justice of the Supreme Court of Ontario, at Osgoode Hall, Toronto, Ontario Courtroom Number 20, on Thursday, March 10, 1983, at 10:30 o'clock in the forenoon, for an Order granting the following relief:

- (1) a Declaration that representatives of the Métis people of Canada are entitled to participate at the Constitutional Conference convened by the Prime Minister of Canada pursuant to sub-section 37(1) of

the Constitution Act, 1982 to be held in Ottawa on March 15 and 16, 1983 in the discussion of constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of these peoples to be included in the Constitution of Canada;

- (2) a Declaration that the Prime Minister of Canada has acted contrary to section 37 of the Constitution Act, 1982, having failed to invite representatives of the Métis people of Canada to participate at the Constitutional Conference in the discussion of constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of these peoples to be included in the Constitution of Canada;
- (3) a writ of mandamus compelling the Prime Minister of Canada to invite representatives of the Métis people of Canada to participate in the discussion of constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of these peoples to be included in the Constitution of Canada, at the Constitutional Conference convened by the Prime

3.

Minister of Canada to be held in Ottawa on March 15 and 16, 1983; and

- (4) an injunction restraining the Prime Minister of Canada from convening a Constitutional Conference pursuant to sub-section 37(1) of the Constitution Act, 1982 at which there is included in its agenda an item respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada, until such time as the Prime Minister of Canada has invited representatives of the Métis people of Canada to participate in the discussion of that item.

The Applicants grounds for the relief sought herein are as follows:

- (1) Pursuant to sub-sections 37(2) and 35(2) of the Constitution Act, 1982 the Prime Minister of Canada has a constitutional duty and obligation to invite representatives of the Métis people of Canada to the Constitutional Conference convened pursuant to sub-section 37(1) of the Constitution Act, 1982 at which there is included in its agenda an item

4.

respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada.

The Prime Minister of Canada has announced that such a Constitutional Conference will be convened pursuant to sub-section 37(1) of the Constitution Act, 1982 in Ottawa on March 15 and 16, 1983. The Prime Minister of Canada has extended an invitation to the Constitutional Conference to the following aboriginal groups to occupy two seats at the table with the First Ministers and participate in the discussions at the Constitutional Conference: the Assembly of First Nations as representatives of the Indian peoples of Canada; the Inuit Committee on National Issues as representatives of the Inuit people of Canada and the Native Council of Canada. To date no invitation to the Constitutional Conference has been extended by the Prime Minister of Canada to the representatives of the Métis people of Canada to participate in the said discussions.

Sub-section 37(2) of the Constitution Act, 1982 makes it mandatory for the Constitutional Conference agenda

5.

to include an item respecting constitutional matters that directly affect the aboriginal peoples of Canada and requires the representatives of those peoples be invited by the Prime Minister to participate in discussions on that agenda item.

Sub-section 35(2) of the Constitution Act, 1982 defines aboriginal peoples of Canada as including "the Indian, Inuit and Métis peoples of Canada".

AND TAKE NOTICE that in support of this Application will be read the Affidavits of John James Sinclair and John Weinstein, and such further and other material as counsel may advise.

AND TAKE NOTICE that if you wish to oppose this Application you shall file an appearance on or before the date upon which this Application is returnable.

AND TAKE NOTICE that in default of filing an

appearance you are not entitled to file any material on this Application.

DATED at Toronto, this 9th day of March, 1983.

MESSRS. GOWLING & HENDERSON
Barristers & Solicitors
160 Elgin Street
Ottawa, Ontario
K1N 8S3

Solicitors for the Applicants

per JOHN D. RICHARD, Q.C.



IN THE SUPREME COURT OF ONTARIO

BETWEEN:

ASSOCIATION OF MÉTIS AND NON-STATUS
INDIANS OF SASKATCHEWAN,
MÉTIS ASSOCIATION OF ALBERTA; and
MANITOBA MÉTIS FEDERATION, INC.

Plaintiffs

- and -

PIERRE ELLIOTT TRUDEAU,
Prime Minister of Canada

Defendant

NOTICE OF APPLICATION FOR
JUDICIAL REVIEW

MESSRS. GOWLING & HENDERSON
Barristers & Solicitors
160 Elgin Street
Ottawa, Ontario
K1N 8S3

Solicitors for the Applicants
(JDR)

IN THE SUPREME COURT OF ONTARIO
IN THE DIVISIONAL COURT OF THE HIGH COURT
OF JUSTICE FOR ONTARIO

BETWEEN:

ASSOCIATION OF METIS AND NON-STATUS INDIANS
OF SASKATCHEWAN,
METIS ASSOCIATION OF ALBERTA, and
MANITOBA METIS FEDERATION INC.

Plaintiffs

PIERRE ELLIOTT TRUDEAU, Prime Minister
of Canada

Defendant

NOTICE OF DISCONTINUANCE

TAKE NOTICE that the Plaintiffs herein wholly discontinue
the within action.

DATED at Ottawa this 14th day of March, 1983.

MESSRS. GOWLING & HENDERSON
Barristers & Solicitors
160 Elgin Street
Ottawa, Ontario
K1N 8S3

Solicitors for the Plaintiffs

per: JOHN D. RICHARD, Q.C.

TO: Department of Justice
W. I. C. Binnie, Q.C.
Justice Building
Kent and Wellington Streets
Ottawa, Ontario
K1A 0H8



IN THE SUPREME COURT OF ONTARIO
IN THE DIVISIONAL COURT OF THE HIGH COURT
OF JUSTICE FOR ONTARIO

BETWEEN:

ASSOCIATION OF METIS AND NON-STATUS
INDIANS OF SASKATCHEWAN,
METIS ASSOCIATION OF ALBERTA, and
MANITOBA METIS FEDERATION INC.

Plaintiffs

PIERRE ELLIOTT TRUDEAU, Prime Minister
of Canada

Defendant

NOTICE OF DISCONTINUANCE

MESSRS. GOWLING & HENDERSON
Barristers & Solicitors
160 Elgin Street
Ottawa, Ontario
K1N 8S3

Solicitors for the Plaintiffs
(JDR)