

COURT OF QUEEN'S BENCH OF NEW BRUNSWICK

TRIAL DIVISION

JUDICIAL DISTRICT OF WOODSTOCK

BETWEEN :

**WOLASTOQEY NATION AT WELAMUKOTUK  
(OROMOCTO FIRST NATION), WOLASTOQEY  
NATION AT SITANSISK (SAINT MARY'S FIRST  
NATION), WOLASTOQEY NATION AT PILICK  
(KINGSCLEAR FIRST NATION), WOLASTOQEY  
NATION AT WOTSTAK (WOODSTOCK FIRST  
NATION), WOLASTOQEY NATION AT NEQOTKUK  
(TOBIQUE FIRST NATION) AND WOLASTOQEY  
NATION AT MATAWASKIYE (MADAWASKA  
MALISEET FIRST NATION), ON BEHALF OF  
WOLASTOQEY NATION**

Intended Plaintiffs,

- and -

**THE PROVINCE OF NEW BRUNSWICK, and, THE  
ATTORNEY GENERAL OF CANADA**

Intended Defendant

**NOTICE OF INTENT PURSUANT TO THE PROCEEDINGS  
AGAINST THE CROWN ACT, R.S.N.B. 1973, c. P-18**

**TO: THE PROVINCE OF NEW BRUNSWICK**  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE  
Chancery Place  
675 King Street  
P. O. Box 6000  
Fredericton, NB  
E3B 5H1

**Notice of Intent Pursuant to the *Proceedings*  
Against the Crown Act, R.S.N.B. 1973 c. P-18**

**TAKE NOTICE THAT** the Intended Plaintiffs, being all the First Nations of the Wolastoqey Nation in the Province of New Brunswick, intend to bring an action against the Province of New Brunswick in the Trial Division of the Court of Queen's Bench of New Brunswick for a declaration that Wolastoqey Nation has Aboriginal title to the lands, including the land, airspace, land covered by water, offshore and inshore water bodies, foreshore, rivers, lakes and streams set out in Schedule "A" to this Notice, and for an interim injunction restraining the defendants from transferring or otherwise alienating any interests in such lands. The Intended Plaintiffs intend to plead and rely upon their historical possession of the traditional lands of the Wolastoqey Nation at the time of the assertion of British Sovereignty, the Peace and Friendship Treaties, the *Constitution Act, 1867* and in particular section 91(24) of the *Constitution Act, 1867*, and the *Constitution Act, 1982* and in particular sections 25, 35 and 52 of the *Constitution Act, 1982*, and such further and other grounds as may be advised.

**DATED** at Toronto, Ontario, this 5<sup>th</sup> day of October, 2020.



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**Renée Pelletier**  
Olthuis, Kleer, Townshend LLP  
Solicitors for the Intended Plaintiffs

**OLTHUIS, KLEER, TOWNSHEND LLP**

Counsel for the Plaintiffs  
250 University Avenue, 8th Floor  
Toronto, ON M5H 3E5  
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**SERVICE** of the within Notice pursuant to the *Proceedings Against the Crown Act* is hereby acknowledged and accepted this \_\_\_\_ day of \_\_\_\_\_, 2020 on behalf of the Province of New Brunswick.

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Solicitor  
Office of the Attorney General  
Department of Justice  
Province of New Brunswick

**SCHEDULE "A" TO NOTICE OF INTENT DATED OCTOBER 5, 2020**

